Talmud - Mas. Chullin 2a

C H A P T E R I

MISHNAH. ALL MAY SLAUGHTER,[1] AND THEIR SLAUGHTERING IS VALID, EXCEPT A DEAF — MUTE, AN IMBECILE OR A MINOR, LEST THEY INVALIDATE THEIR SLAUGHTERING; AND IF ANY OF THESE SLAUGHTERED WHILE OTHERS WERE STANDING OVER THEM, THEIR SLAUGHTERING IS VALID. STANDING OVER THEM, THEIR SLAUGHTERING IS VALID.

GEMARA. The expression ALL MAY SLAUGHTER [implies a right] in the first instance, yet the expression AND THEIR SLAUGHTERING IS VALID [implies merely a sanction] after the act![2] — R. Aha the son of Raba said to R. Ashi: Is it correct that the expression 'ALL MAY . . .' [implies a right] in the first instance? If so, [consider the Mishnah]: 'All may change.[3] whether man or woman'; is that also a right in the first instance? Is it not written: He shall not alter it, nor change it, a good for a bad, or a bad for a good?[4] — No,[5] for there the Mishnah goes on to explain: 'Not that a person is allowed to change, but only that, if he has changed, the change is effective and he receives forty stripes'.

Then, [consider this Mishnah]: 'All may vow another's valuation and their valuation may be vowed by others, and they may vow another's worth and their worth may be vowed by others';[6] is that also a right in the first instance? Is it not written: And if thou shalt forbear to vow, it shall be no sin in thee?[7] And it is further written: Better it is that thou shouldest not vow, than that thou shouldest vow and not pay.[8] And it has been taught: Better than both[9] is he who does not vow at all; this is the opinion of R. Meir. R. Judah says. Better than both[10] is he who vows and pays. Now, even R. Judah refers only to the case of one who says. 'Behold, let this be a sacrifice',

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(1) Sc. an animal or a bird according to the Jewish ritual.

(2) The expressions are apparently contradictory, for whereas in the former a direct permission is granted, in the latter it is only after the act that the slaughtering is considered valid. This contradiction is not attempted to be answered until p. 3 infra; meanwhile R. Aha questions the soundness of the implications.

(3) Sc. a consecrated beast for a common beast. Cf. Tem. 2a.

(4) Lev. XXVII, 10.

(5) The expression used, generally implying a right in the first instance, is in this particular case expressly limited.

(6) V. 'Arak. 2a. The reference is to Lev. XXVII, which deals with the law of one who vows to offer to the sanctuary the value of any human being, which may include himself. The difference between 'valuation' and 'worth' is that the former term is applied to vows in the formula of which the word ערך — 'valuation' — is used. The amount in cases of valuation is fixed by the Torah.

(7) Deut. XXIII, 23. This verse implies that it is sinful, or at least not praiseworthy, to vow, as the quotation from Eccl. V, 4, as explained by the Baraitha, clearly shows.

(8) Eccl. ibid.

(9) Sc. one who vows and pays and one who vows and does not pay.

(10) Sc. one who vows and does not pay and who does not vow at all.

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but not to the case of one who says. 'Behold, I take it upon me [to bring a sacrifice]'.[1]

Does then the expression 'ALL MAY . . . ' never imply a right in the first instance? What then of the statements: 'All must observe the law of Sukkah',[2] and, 'All must observe the law of Zizith'?[3] Do these not imply a duty in the first instance? — [No;] I do not say so of the expression 'All must'.[4]

Then take this case: 'All lay the hand [upon the head of the sacrifice], whether man or woman'. Does this not mean a duty in the first instance? Surely it is written: And he shall lay his hand . . . and it shall be accepted for him.[5] — The truth of the matter is: 'ALL MAY . . . ' sometimes implies a right in the first instance and sometimes implies a sanction after the act. This being so, in the case of our Mishnah, why should you say that it is a right in the first instance and consequently raise a difficulty? Say, rather, it is a sanction after the act and there will be no difficulty. — He[6] replied: My difficulty is the expression. AND THEIR SLAUGHTERING IS VALID. Since it states, AND THEIR SLAUGHTERING IS VALID, which is obviously a sanction after the act, ALL MAY SLAUGHTER must be a right in the first instance, for otherwise why is it necessary to state the sanction after the act twice?

Rabbah b. Ulla said: This is the interpretation of the Mishnah. ALL MAY SLAUGHTER: even an unclean person [may slaughter] a common beast.[7] An unclean person [may slaughter] a common beast! Surely this is obvious![8] — What is meant is this: [An unclean person may slaughter] a common beast in connection with which the cleanness proper to hallowed things has been observed; and the Tanna is of the opinion that common things kept in the cleanness proper to hallowed things are regarded as hallowed. How does he [the unclean person] proceed [in slaughtering]? — He fetches a long knife and slaughters therewith so as to avoid touching the flesh [of the beast]. But in the case of consecrated beasts he should not slaughter lest he touch the flesh.[9] Nevertheless, if he did slaughter and declared: 'I am certain that I did not touch the flesh', his slaughtering is valid. EXCEPT A DEAF-MUTE, AN IMBECILE OR A MINOR: whose slaughtering even in the case of common beasts, and even after the act is invalid, lest[10] they pause, press or thrust.[11]

[Now on this interpretation, when the Mishnah continues:] AND IF ANY OF THESE SLAUGHTERED, to which [persons] does this statement refer? If we were to say it refers to a deaf-mute, an imbecile or a minor, [in that case], having just now dealt with these, [the Tanna] should have said: 'And if they slaughtered'! And if it refers to an unclean person slaughtering a common beast,[12] surely you have said that he may slaughter even in the first instance! Or again, if it refers to an unclean person slaughtering a consecrated beast,[12] surely you have said that in his case it is sufficient if he said: 'I am certain [that i did not touch the flesh]'! — [It refers to the latter case] when he is not present to be questioned.[13]

But is the law concerning an unclean person slaughtering a consecrated beast derived from [our Mishnah] here? Is it not derived from [that other Mishnah] there[14] which reads: If any of those who are unfit [for service in the Temple] slaughtered [a consecrated beast], the slaughtering is valid, for slaughtering is valid even if performed by them that are not priests or by women or by slaves or by unclean persons, and even if the beast was intended for a sacrifice of the highest grade;[15] provided that the unclean person does not touch the flesh? — Here [our Mishnah] is the source of the law; [the other Mishnah] there mentions the unclean person slaughtering consecrated animals only because it mentions all others who are unfit. If you wish, however, I can say. There is the source of the law, seeing that it is in the tractate which deals with consecrated things; [our Mishnah] here mentions the unclean person slaughtering consecrated beasts only because it mentions the unclean person slaughtering common beasts.

This unclean person of whom we speak, how did he become unclean? If we were to say that he became unclean by touching a corpse, [there is this difficulty]. The Divine law says: One slain with a sword,[16]

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(1) In the former case one who so vows is not liable to replace the animal if it is stolen or lost or has died, therefore if he has set aside the animal there is little fear that he will not fulfil his obligation; in the latter case the one who vows must supply an animal and is liable to replace it in all events, and there is therefore the danger of his not fulfilling his obligation. All vows of 'valuation' and of 'worth' come under this latter head; consequently the Mishnah quoted cannot

possibly imply a right in the first instance.

(2) To dwell in booths during the feast of Tabernacles; v. Lev. XXIII, 42.

(3) The wearing of Fringes in accordance with Num. XV, 38ff.

(4) In these cases the Torah imposes a specific duty which can only mean in the first instance.

(5) Lev. I, 4.

(6) I.e., R. Ashi.

(7) Hullin, v. Glos.

(8) An Israelite was not required to observe the rules of levitical cleanness in connection with his ordinary food.

(9) This would make the beast unclean and unfit for a sacrifice.

(10) By doing any of the acts mentioned the slaughtering is invalid.

(11) V. p. 37, where the five rules to be observed with regard to slaughtering are enumerated and explained.

(12) And the Mishnah teaches that if others were standing over him his slaughtering is valid.

(13) As to whether he touched the flesh or not. The Mishnah therefore teaches that if others were standing over him while he slaughtered and saw that he did not touch the flesh his slaughtering is valid.

(14) Zeb. 31b.

(15) קדשי קדשים e.g. a burnt-offering.

(16) Num. XIX, 16.

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[signifying that] the sword has the same degree of uncleanness as the slain person.[1] The slaughterer therefore, being a primary source of uncleanness, would defile the knife, and the knife in turn would defile the flesh![2] — It must be that he became unclean through contact with a [dead] reptile.[3] If you wish, however, I can even say that he became unclean by touching a corpse, but he prepared[4] a reed haulm[5] and slaughtered therewith; for it has been taught: One may slaughter with any instrument, with a flint, with glass or with a reed haulm.[6]

Abaye said: This is the interpretation of the Mishnah. ALL MAY SLAUGHTER: even a Cuthean.[7] This applies only where an Israelite is standing over him; but if [an Israelite] is merely going in and out he may not slaughter. If, however, he did slaughter, one cuts off an olive's bulk[8] of the flesh and gives it to him; if he ate it, others may also eat of his slaughtering; if he did not eat it, others may not eat of his slaughtering.[9] EXCEPT A DEAF-MUTE, AN IMBECILE OR A MINOR: whose slaughtering, even after the act, is invalid, lest they pause, press or thrust.[10]

[Now on this interpretation, when the Mishnah continues:] AND IF ANY OF THESE SLAUGHTERED, to which persons does this statement refer? If we were to say it refers to a deaf-mute, an imbecile or a minor, [in that case], having just now dealt with these [the Tanna] should have said: 'And if they slaughtered'! And if it refers to a Cuthean, surely you have said that if an Israelite is standing over him he may slaughter in the first instance![11] — This is a difficulty.

Said Raba, [But is it correct to state that], if an Israelite is going in and out [the Cuthean] has not the right [to slaughter] in the first instance? Have we not learnt: If one left a heathen in one's wine shop and an Israelite was going in and out [of the shop], the wine is permitted?[12] — Does it teach there 'one may leave'? It says: 'if one left', which is only a sanction after the act. You can, however, derive it from this [Mishnah]: There is no need for the supervisor to sit and watch the whole time; even if he keeps going in and out, [the wine] is permitted![13]

Rather, said Raba, this is the interpretation of the Mishnah. ALL MAY SLAUGHTER: even a Cuthean. This applies only where an Israelite is going in and out [at the time]; but if [an Israelite] came and found that [the Cuthean] had slaughtered, one must cut off an olive's bulk of the flesh and give it to him; if he ate it, others may also eat of his slaughtering; if he did not eat it, others may not eat of his slaughtering. EXCEPT A DEAF-MUTE, AN IMBECILE OR A MINOR: whose

slaughtering, even after the act, is invalid, lest he pause, press or thrust.

[Now on this interpretation, when the Mishnah continues:] AND IF ANY OF THESE SLAUGHTERED, to which persons does this statement refer? If we were to say it refers to a deaf-mute, an imbecile or a minor, [in that case], having just now dealt with these, [the Tanna] should have said: 'And if they slaughtered'! And if it refers then to a Cuthean, surely you have said that though an Israelite is [merely] going in and out he may slaughter in the first instance![14] — This is a difficulty.

R. Ashi said: This is the interpretation of the Mishnah. ALL MAY SLAUGHTER: even an Israelite apostate.[15] In what respect is he an apostate? — In that he eats carrion[16] in order to satisfy his appetite.[17] [This holds good], provided the requirement of Raba is fulfilled; for Raba said: In the case of an Israelite apostate who eats carrion in order that he may satisfy his appetite,

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(1) The general principle is that unclean matter defiles anything which comes in contact with it, and that the thing so defiled becomes unclean in a lesser degree than that which defiled it. The interpretation of this verse, however establishes the exception that where a metal comes into contact with a corpse or with one who had touched a corpse the metal assumes the same degree of uncleanness as the corpse or the person who had touched the corpse, as the case may be.

(2) The knife would itself assume the same degree of uncleanness as the unclean person, and would thus be a primary source of uncleanness; the flesh touching the knife would then become unclean in the first degree.

(3) In this case the reptile is the primary source of uncleanness (אב הטומאה); the slaughterer by touching the reptile becomes unclean in the first degree (ראשון לטומאה) and cannot convey his uncleanness to the knife; for the rule is that anything which is unclean in the first degree can only defile foodstuffs or liquids but not other objects.

(4) Lit., 'examined', 'tested'.

(5) This neither contracts nor conveys uncleanness.

(6) V. infra 15b.

(7) The Cutheans, often called Samaritans, were one of the peoples that were settled in Samaria by the Assyrian king after the exile of the ten tribes. They adopted certain Jewish practices particularly those based on the written word of the Torah. V.II Kings XVII, 24ff.

(8) The legal minimum to constitute 'eating'.

(9) The argument is this: A Cuthean observes certain laws (including Shechitah) for himself but does not mind if he is the cause of others transgressing the laws, because he does not accept the prohibition: Thou shalt not put a stumbling block before the blind, Lev. XIX, 14, in its figurative sense but only in its literal meaning.

(10) V. supra p. 3, n. 6.

(11) Whereas the Mishnah declares the slaughtering valid only after the act.

(12) Cf. A.Z. 69a. There is no fear that the heathen handled the wine with an idolatrous intent or at all, and the wine is therefore permitted for use. It would follow therefore that in the case of Shechitah the Cuthean is to be trusted to slaughter in the first instance if there is an Israelite going in and out, in contradiction to Abaye's interpretation of our Mishnah.

(13) Cf. A.Z. 61a. This Mishnah clearly teaches that going in and out is sufficient supervision even in the first instance, which contradicts Abaye. V. previous note.

(14) Whereas our Mishnah on the latest interpretation demands for the valid slaughtering that an Israelite be standing over him the whole time, and even then it is valid only after the act.

(15) Mumar 'an apostate'; hence generally, a non-conforming, non-observant Jew.

(16) Heb. נבלה; the meat of a dead animal that has not been ritually slaughtered.

(17) I.e., not in defiance of the law.

one prepares the knife and gives it to him, and then we may eat of his slaughtering. But if the knife was not prepared and given to him he may not slaughter.[1] If, however, he did slaughter, the knife

should be examined now; if it is found to be satisfactory, we may eat of his slaughtering; otherwise we may not eat of his slaughtering. EXCEPT A DEAF-MUTE, AN IMBECILE OR A MINOR: whose slaughtering, even after the act, is invalid, lest they pause, press or thrust.

[Now on this interpretation, when the Mishnah continues:] AND IF ANY OF THESE SLAUGHTERED, to which persons does this statement refer? If we were to say it refers to a deaf-mute, an imbecile or a minor, [in that case], having just now dealt with these, [the Tanna] should have said: 'And IF THEY slaughtered'! And if it refers to an Israelite apostate, surely you have said that if a knife was prepared and given to him, he has the right to slaughter in the first instance! And if [on the other hand] a knife was not prepared for him, well then, if the knife is here it can be examined now, and if it is not here, what is the advantage if others were standing over him at the time? Perhaps he slaughtered with a notched knife![2] This is a difficulty. Rabina said: This is the interpretation of the Mishnah. ALL MAY SLAUGHTER: [that is to say], all who are qualified may slaughter, even though it is not known whether they are experienced or not: provided that we are satisfied that they are able to recite the rules of Shechitah.[3] But if we do not know whether they are able to recite the rules of Shechitah, they may not slaughter; if, however, they did slaughter, they are to be examined now. If they are able to recite the rules of Shechitah, one may eat of their slaughtering; otherwise one may not eat of their slaughtering. EXCEPT A DEAF-MUTE. AN IMBECILE OR A MINOR: whose slaughtering, even after the act,[4] is invalid, lest they pause, press or thrust.

Now on this interpretation, when the Mishnah continues] AND IF ANY OF THESE SLAUGHTERED. To which persons does this statement refer? If we were to say it refers to a deaf-mute, an imbecile or a minor, [in that case], having just now dealt with these, [the Tanna] should have said: 'And if they slaughtered'! And if it refers to those who are not qualified,[5] surely you have said that it is sufficient if they are examined [after the slaughtering]! — [It must be] that they are not present to be examined.

Some there are who say: Rabina said: This is the interpretation of the Mishnah. ALL MAY SLAUGHTER: [that is to say], all who are experienced may slaughter, even though it is not known whether they are qualified or not. This applies only where they have slaughtered two or three times in our presence and were not overcome by faintness. But if they have not slaughtered two or three times in our presence, they may not slaughter, lest they are overcome by faintness. If, however, one of these did slaughter and said: 'I am certain I was not overcome by faintness', his slaughtering is valid. EXCEPT A DEAF-MUTE, AN IMBECILE OR A MINOR: whose slaughtering, even after the act, is invalid, lest they pause, press or thrust.

[Now on this interpretation, when the Mishnah continues:] AND IF ANY OF THESE SLAUGHTERED, to which persons does this statement refer? If we were to say it refers to a deaf-mute, an imbecile or a minor, [in that case], having just now dealt with these [the Tanna] should have said: 'And if they slaughtered'! And if it refers to those who are not experienced, surely you have said that in such cases it is sufficient if they said: 'I am certain I was not overcome by faintness'! [It must be] that they are not present to be questioned.[6]

Rabina and Rabbah b. Ulla do not interpret [the Mishnah] in the ways suggested by Abaye or by Raba or by R. Ashi, because the latter find a difficulty in interpreting the expression: AND IF ANY OF THESE SLAUGHTERED.

All do not agree with Rabbah b. Ulla's interpretation, because, according to the one version which suggested that [our Mishnah] here is the source of the rule,[7] on the contrary, [they say] that other [Mishnah] is the source of the rule, since it is in the tractate which deals with consecrated things; and according to the other version which suggested that the other [Mishnah] is the source of the rule but

that [our Mishnah] here refers to the case of an unclean person slaughtering consecrated beasts merely incidentally because it deals with the case of an unclean person slaughtering a common beast,[8] [they say], the case of an unclean man slaughtering a common beast was unnecessary [to be taught] because [the correct view is that] common things kept in the cleanness proper to hallowed things are not considered hallowed.

All do not agree with Rabina's interpretation, because, according to the one version which ruled that only those qualified may slaughter, but not those unqualified, [they hold the principle that] the majority of those who slaughter are qualified;[9] and according to the other version which ruled that only those who are known to be experienced may slaughter but not those who are not so known, [they say] the danger of being overcome by faintness [in slaughtering] is too remote to be apprehended.

Raba does not agree with .Abaye's interpretation because of the objection which he raised.[10]

Abaye does not agree with Raba's interpretation because, in that other case[11] the heathen is not handling [the wine],[12] while in our case the Cuthean is handling [the beast].[13]

R. Ashi does not agree with either of these interpretations because he holds the view that the Cutheans were lion-proselytes.[14]

Abaye does not agree with R. Ashi's interpretation because he does not accept Raba's statement.[15]

The question, however, remains: Why does not Raba interpret the Mishnah in accordance with his own statement?[15] — Raba's interpretation merely follows up the argument of Abaye[16] but he himself does not accept it.

Our Rabbis taught: The slaughtering by a Cuthean is valid. This applies only where an Israelite was standing over him [at the time]; but if he [the Israelite] came and found that the Cuthean had already slaughtered, he cuts off an olive's bulk of the flesh and gives it to him; if he ate it, then we may eat of his slaughtering; if he did not, then we may not eat of his slaughtering. And so, too, if [the Israelite] found in the possession of a Cuthean

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(1) It is assumed that a non-observant Jew (as defined) would slaughter according to ritual if a knife was prepared and given to him, but he himself would not take the trouble to prepare it.

(2) Which would invalidate the Shechitah, v. infra 15b.

(3) שחיטה; the ritual method of slaughtering an animal.

(4) And even if they know the rules of Shechitah.

(5) The words 'not qualified', אין מומחין throughout this page refer to those of whom it is not known whether they are able to recite the rules of Shechitah or not. If they are absolutely unqualified their slaughtering is invalid even after the act (Tosaf.).

(6) Whether they were overcome by faintness in slaughtering or not.

(7) That an unclean person may slaughter a consecrated beast.

(8) That is a common beast prepared under conditions proper to hallowed things.

(9) It is therefore unnecessary to examine the slaughterer. Lit., 'the majority of those who are found (engaged) at slaughtering'. V. Rashi on this statement, infra 22a.

(10) V. supra 3a.

(11) The statement quoted from A.Z. 61a. V. supra 3a.

(12) Therefore going in and out is considered sufficient supervision.

(13) Therefore going in and out is hot sufficient.

(14) Who were driven to conversion through fear of lions, v. II Kings XVII 24-29, and were therefore considered non-Jews.

(15) Which was the basis of R. Ashi's interpretation. V. supra 3a.
(16) Who did not agree with Raba's ruling in regard to a non-observant Israelite, and consequently had to interpret the Mishnah as dealing with a Cuthean.

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baskets of [slaughtered] birds, he cuts off the head of one of the birds and gives to him; if he ate it, then we may eat of his slaughtering; if he did not, then we may not eat of his slaughtering. Now Abaye emphasizes the first part of this statement, whereas Raba emphasizes the second part of the statement.[1] Abaye emphasizes the first part of the statement, [viz.] the reason [why the slaughtering of a Cuthean is valid is] that 'an Israelite was standing over him at the time', which implies that if the Israelite was merely going in and out it is not sufficient. Raba, on the other hand, emphasizes the second part of this statement, viz, the reason [why the prescribed test is necessary is] because 'he came and found that [the Cuthean] had slaughtered', which implies that if the Israelite was going in and out at the time it is in order.[2]

Now according to Abaye, is not the second clause difficult to explain?[3] Abaye will tell you. A person going in and out can also be described as one who came and found that he had slaughtered. And according to Raba, is not the first clause difficult to explain?[4] — Raba will say. A person going in and out is regarded as one who is standing over him.

'And so, too, if [the Israelite] found in the possession of a Cuthean baskets of slaughtered birds, he cuts off the head of one of the birds etc.'. Is this a sufficient test? Perhaps it was only this one bird that he slaughtered properly? — R. Manasseh said, (Mnemonic: putting a knife on rams.)[5] This is a case where [the Israelite] put the basket under the lap of his garments [and took out a bird at random]. But perhaps the Cuthean had made a sign on the bird [by which he recognized it]? — R. Merharsheya said: It is a case where [the Israelite] has crushed the bird.[6] But may it not be that the Cutheans maintain that birds do not require Shechitah according to the law of the Torah?[7] — If you use this argument [you might ask:] Are the rules against pausing, pressing, thrusting, deflecting and tearing,[8] specifically written [in the Torah]? What you must therefore admit, is that, since they have adopted these rules, they certainly observe them;[9] so in our case, too, since they have adopted [Shechitah for birds], they certainly observe it.

Now, as to the observance or non-observance [by the Cutheans] of adopted unwritten customs, there are differences of opinion among Tannaim;[10] for it has been taught: The unleavened bread of a Cuthean may be eaten [on Passover] and an Israelite fulfils his obligation by eating of it on the [first night of] Passover.[11] R. Eliezer says. It may not be eaten, because they are not versed in the details of the precepts like an Israelite. R. Simeon b. Gamaliel says. Whatever precept the Cutheans have adopted, they are very strict in the observance thereof, more so than Israelites.

The Master said: 'The unleavened bread of a Cuthean may be eaten, and an Israelite fulfils his obligation by eating of it on the [first night of] Passover'. Is not this obvious?[12] — [No.] You might say that they are not versed in the regulation of careful supervision;[13] he, therefore, teaches you [that an Israelite fulfils his obligation by eating of it.] 'R. Eliezer says. It may not be eaten, because they are not versed in the details of the precepts like an Israelite'; for he is of the opinion that they are not versed in [the regulation of] supervision.[14] 'R. Simeon b. Gamaliel says: Whatever law the Cutheans have adopted, they are very strict in the observance thereof, more so than Israelites'. Is not this view the same as that of the first Tanna?[15] — There is this difference between them, namely: A law which is written in the Torah but it is not known whether the Cutheans have adopted it. The first Tanna is of the opinion that, since it is a written law, even though we do not know whether they have adopted it, [we can rely upon them]. R. Simeon b. Gamaliel holds the view that only if they have adopted it can they be relied upon, but not otherwise. If this is so, why does R. Simeon b. Gamaliel say:

'Whatever precept the Cutheans have adopted'? He should say: 'If they have adopted it'.[16] This, rather, is the real difference between them, namely: An unwritten law which has been adopted by them.[17] The first Tanna is of the opinion that, since it is an unwritten law, even though they have adopted it, they do not [observe it]; R. Simeon b. Gamaliel holds the view that, since they have adopted it, they observe it.

The [above] text [stated]:[18] 'Raba said: In the case of an Israelite apostate who eats carrion in order to satisfy his appetite, one prepares the knife and gives it to him, and then we may eat of his slaughtering'. What is the reason for this? — Because, since there is the possibility of permissible and forbidden [food][19] he would not leave what is permitted and eat what is forbidden. If so, [should we not argue in like manner] even where a knife is not prepared for him? — No, for he would not go to any trouble.[20]

Said the Rabbis to Raba. These is [a Baraitha] taught that supports your view, viz: The leavened bread[21] of transgressors[22] is, immediately after the Passover,

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(1) I.e., Abaye who supra 3a does not permit a Cuthean to slaughter in the first instance where the Israelite was merely going in and out, and Raba who does permit it, both find support for their respective views in the Baraitha cited.

(2) Without the need of a further test.

(3) For the second clause implies that if the Israelite were going in and out at the time, the slaughtering would be valid without the necessity of administering the olive's bulk of flesh.

(4) For the first clause implies that if the Israelite were not standing by, but merely going in and out, the slaughtering would not be valid unless the Cuthean ate of the flesh.

(5) A mnemonic of the three laws taught by R. Manasseh in this Tractate. 'Putting' refers to the law dealt with here: 'where the Israelite put the basket . . . ' 'Knife' v. infra 31a. 'Rams' v. infra 51a.

(6) Thus obliterating any distinguishing sign that may have been on it.

(7) For the verse: Then thou shalt slaughter of thy herd and of thy flock . . . as I have commanded thee, Deut. XII 21, does not specifically mention birds.

(8) For the meaning of these five technical terms vide infra 9a and the notes.

(9) And we may rely upon them.

(10) Plural of Tanna.

(11) During the festival of Passover an Israelite must abstain from eating anything which is leavened, whereas on the first night of the festival there is an obligation to eat Mazzah, or unleavened bread, which has been carefully supervised and specially prepared for the festival, v. Pes. 400.

(12) Since it is permitted to be eaten, surely he thereby fulfils his obligation!

(13) And therefore one does not fulfil one's obligation by eating this Mazzah, even though it is unleavened.

(14) I.e., to guard the dough against becoming leavened. Var. lec., they are not well versed in (what constitutes) leaven. V. Rashi.

(15) For both Rabbis are of the opinion that it may be eaten.

(16) The expression 'Whatever law' includes even unwritten laws; for if it refers to written laws only, then R. Simeon b. Gamaliel, controverting the decision of the first Tanna, who specifically deals with a written law, namely. Mazzah, should have said: 'If they have adopted it they are reliable'.

(17) E.g. the law relating to Shechitah.

(18) Supra p. 7.

(19) For it is at his disposal to slaughter according to ritual.

(20) To prepare the knife.

(21) Heb, חמץ Hamez, leavened bread, or any other matter containing leavened substance.

(22) Those who do not destroy all leavened bread before the passover, according to prescribed law (Exod. XII, 15), because of the loss it entails.

permitted [to be eaten], because they exchange it [for non-Jewish bread].[1] Now, it was thought, that the author of this Baraitha was R. Judah, who holds that leavened bread which has remained over Passover is forbidden by Biblical law,[2] and yet the Baraitha says: It is permitted because they exchange it; thus one can prove the principle that a person would not leave what is permitted and eat what is forbidden. Is this really so? Perhaps the author [of the Baraitha] is R. Simeon, who holds that leavened bread which has remained over Passover is forbidden only by Rabbinic law,[2] and therefore st is only in connection with Rabbinic laws that a lenient view is taken, but not in connection with Biblical laws?[3] — Be it so, that the author is R. Simeon; but does [the Baraitha] say: Because I assume that they exchange it? It says: Because they exchange It,[1] .e, they certainly exchange it. It follows, therefore, that if in connection with Rabbinic laws [we say] a person would not leave what is permitted and eat what is forbidden, how much more so in connection with Biblical laws![4]

Can we say that the following [Baraitha] supports Raba's view? [For it was taught:] 'All may slaughter, even a Cuthean, even an uncircumcised Israelite, even an Israelite apostate'. Now, what is meant by an uncircumcised Israelite? Shall I say it is one whose brothers have died as a result of circumcision? Surely such a one is a good Israelite![5] Clearly, then, it can only mean one who is opposed to the law of circumcision; and the Tanna is of the opinion that one who is opposed to one law is not regarded as one opposed to the whole Torah. Let us now read the last statement: 'Even an Israelite apostate'. What is meant by an Israelite apostate? If it means one who is opposed to one particular law, then it is identical with [our interpretation of] an uncircumcised Israelite'.[6] It can only mean one who is opposed to this particular practice [Shechitah, and yet he is permitted to slaughter,] thus supporting Raba's view! — It is not so. Indeed, it might be said that one who is opposed to this particular practice [Shechitah] may not [slaughter], because since he constantly disregards it[7] he deems it legitimate;[8] but [by 'Israelite apostate is meant] one who is an apostate in respect of idolatry, and the view expressed is in accordance with the view of R. 'Anan, who said in the name of Samuel: In the case of an Israelite who is an apostate in respect of idolatry, we may eat of his slaughtering.

The text [above stated]: 'R. 'Anan said in the name of Samuel, 'In the case of an Israelite apostate in respect of idolatry, we may eat of his slaughtering'; for so we find it written concerning Jehoshaphat, king of Judah, that he partook of the feast of Ahab,[9] as it is written: And Ahab slaughtered sheep and oxen for him in abundance, and for the people that were with him, and persuaded him to go up with him to Ramoth-gilead.[10]

But is it not possible that Ahab slaughtered but Jehoshaphat did not eat? — It reads: And he persuaded him. Perhaps he persuaded him with words? — Persuasion [in Scripture] never means with words. Is this so? Is it not written: If thy brother persuade thee?[11] — This verse also means, by eating and drinking. But is it not written: And thou didst persuade Me to destroy him without cause?[12] With reference to the Most High it is different.[13]

But is it not possible that he drank [wine] and did not eat [meat]? — But why distinguish and say that drinking [the wine is permitted]? Because you hold the view that one who is an apostate in respect of idolatry is not regarded as opposed to the whole Torah. The same then holds good with regard to eating [meat], for one that is an apostate in respect of idolatry is not regarded as opposed to the whole Torah? — How can you compare the two! With regard to drinking, the only ground for its prohibition is the law concerning the ordinary wine of gentiles,[14] and at that period[15] the ordinary wine of gentiles was not prohibited; but with regard to eating. I maintain that one that is an apostate in respect of idolatry is regarded as opposed to the whole Torah. — If you wish I can answer: It is not the custom of kings to drink without eating; and if you wish l can answer: It reads: And he slaughtered . . . and persuaded him,[16] which suggests: How did he persuade him? By giving him to eat of what he had slaughtered.

But perhaps it was Obadiah[17] who slaughtered the animals! — It reads: In abundance;[16] Obadiah could not have managed it all by himself.

Perhaps the seven thousand [righteous men] slaughtered, for it is written: Yet will I leave seven thousand in Israel, all the knees which have not bowed unto Baal![18] — These were in hiding because of Jezebel. But perhaps the servants of Ahab were righteous! — You cannot assume such a thing, for it is written: If a ruler hearkeneth to falsehood, all his servants are wicked.[19] But perhaps the servants of Jehoshaphat too were not righteous; therefore, that which was slaughtered by Ahab's men was eaten by Jehoshaphat's men, but that which was slaughtered by Obadiah was eaten by Jehoshaphat! — You cannot assume such a thing, for 'if a ruler hearkeneth to falsehood all his servants are wicked', it follows that if a ruler hearkeneth to the truth all his servants are righteous. But perhaps that which was slaughtered by Ahab's servants was eaten by Ahab and his men, but that which was slaughtered by Jehoshaphat's servants was eaten by Jehoshaphat and his men! —

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(1) And the leavened bread of non-Jews which remained over Passover is permitted to be eaten immediately after Passover, v. Pes. 28a. However, the transgressor himself, who made the exchange, may not eat it; for otherwise, the law forbidding any benefit to be derived from the Hamez of a Jew which has remained over Passover can be circumvented by exchanging it for the Hamez of non.Jews.

(2) V. Pes. 28aff for the dispute between R. Judah and R. Simeon.

(3) E.g, the law of nebelah, Deut. XIV, 21.

(4) For a prohibition specifically enacted in the Torah would be more strictly observed by the Cutheans than a Rabbinic law. The result is that Raba's view is supported by the Baraitha quoted whether the author of it is R. Judah or R. Simeon.

(5) One whose two brothers have died because of circumcision is not to be circumcised because of the danger to his life; he is, however, considered a good Jew.

(6) Which was interpreted to mean one who is opposed to the law of circumcision.

(7) Lit., 'to trample it', hence to treat with contempt.

(8) Therefore one cannot apply to him the principle: 'He would not leave what is permitted and eat what is forbidden', for to him an animal which has not been slaughtered according to ritual is still permitted.

(9) Ahab was an apostate in respect of idolatry and yet Jehoshaphat ate of his slaughtering.

(10) II Chron. XVIII, 2.

(11) Deut. XIII, 7.

(12) Job II, 3.

(13) In which case persuasion by eating and drinking is inapplicable.

(14) The ordinary wine of gentiles, about which it is not known whether it has been used for idolatrous purposes or not, was prohibited by the disciples of Shammai and Hillel in the first century C.E.

(15) Of Ahab and Jehoshaphat.

(16) II Chron. XVIII, 2.

(17) The God-fearing servant of Ahab, v. I Kings XVIII, 3.

(18) Ibid. XIX, 18.

(19) Prov. XXIX, 12.

Talmud - Mas. Chullin 5a

Jehoshaphat would not have kept himself aloof.[1] How do you know this? Shall l say because it is written: I am as thou art, my people as thy people?[2] If so, can [the following words]. 'My horses as thy horses', bear such a meaning?[3] You must therefore say that the meaning of the last phrase is: Whatever [burden] shall be on thy horses shall be on my horses;[4] then the first phrase too might mean: Whatever [burden] shall be upon thyself and upon thy men shall be upon myself and upon my men! — Rather it[5] is derived from this verse: Now the king of Israel and Jehoshaphat king of Judah sat each on his throne, arrayed in their robes, in a threshing floor, at the entrance of the gate of Samaria.[6] Now, what is meant by 'threshing-floor'? Shall l say it is to be taken literally? But surely the entrance of the gate of Samaria was not a threshing-floor! It can only mean [that they sat

together] as in the ‘threshing floor’ [the court room],[7] for we learnt: The Sanhedrin sat in the form of a semi-circular threshing-floor so that they might see one another.[8]

Can we say that the following supports his [R. ‘Anan's] view? It is written: And the ravens brought him[9] bread and flesh in the morning, and bread and flesh in the evening,[10] and Rab Judah explained this in the name of Rab that [the ravens brought the flesh] from Ahab's slaughterers![11] — Being a Divine command it is different.[12] What is meant by ‘the ravens’ [Orebim]? — Rabina said: It means actually ravens. R. Ada b. Manyomi, however, suggested to him: May it not mean two men whose names were Oreb, as we find it written: And they slew Oreb at the rock of Oreb, and Zeeb?[13] — He replied. Could it have happened that both were named Oreb? But perhaps they were so named after the town in which they lived? Just as it is written: And the Arameans had gone out in bands and had brought away captive out of the land of Israel a little maid.[14] Now the difficulty was pointed out; [first] the verse refers to this girl as a maid [na'arah][15] and then as little [ketannah],[16] and R. Pedath explained this to mean a little girl from the town of Na'aran![17] — If so, the verse should read Orebiim.[18]

Can we say that the following supports his [R. ‘Anan's] view? [For it was taught:] All may slaughter, even a Cuthean, even an uncircumcised Israelite, even an Israelite apostate.[19] Now, what is meant by an uncircumcised Israelite? Shall I say, it is one whose brothers have died as a result of circumcision? Surely such a one is a good Israelite! Clearly, then, it can only mean one who is opposed to the law of circumcision. Let us now read the last statement: ‘Even an Israelite apostate’. What is meant by an Israelite apostate? Shall I say it means one who is opposed to one particular law, then is not this the same as [the case of] an uncircumcised Israelite? Hence it can only mean one who is an apostate in respect of idolatry [and yet he may slaughter] , thus supporting R. ‘Anan's view! — No. I ‘might still maintain that an apostate in respect of idolatry may not [slaughter], for it has been said,[20] Grave is idolatry in that he who denies it is as if he accepts the whole Torah;[21] and by ‘Israelite apostate’ is meant one who is opposed to this particular practice [of shechitah]; [and yet such a one may slaughter] in accordance with Raba's view.[22]

An objection was raised: [It is written]. Of you,[23] but not all of you,[24] thus excluding an apostate. Of you, that is, among you [Israelites] does this distinction apply but not among other nations.[25] ‘Of the cattle’ includes persons who are [devoid of merit] like animals; hence [the Rabbis] have declared: One should accept sacrifices from the transgressors in Israel, so that they may be inclined to repent, but not from an Israelite apostate, or from one who offers a wine libation [to idols], or from one who profanes the Sabbath publicly. Now this [Baraitha] is self-contradictory. It says. ‘Of you, but not all of you, thus excluding an apostate’; and then it says: ‘One may accept sacrifices from the transgressors in Israel’! — This is no difficulty. The former statement refers to one who is opposed to the whole Torah,[26] while the latter statement refers to one who is opposed to one particular law. Consider now the last statement of the Baraitha: ‘But not from an Israelite apostate, or from one who offers a wine libation [to idols], or from one who profanes the Sabbath publicly’. What is meant by apostate in this statement? If it means one who is opposed to the whole Torah, then it is identical with the first statement;[27] and if it means one who is opposed to one particular law, then it is inconsistent with the middle statement. Of necessity this must be the meaning of the last statement: But not from an Israelite apostate for offering a wine libation [to idols] or for profaning the Sabbath publicly. This proves that one who is an apostate in respect of idolatry is regarded as opposed to the whole Torah; consequently R. ‘Anan's opinion is refuted. This is a conclusive refutation.

But is this rule[28] derived from the above? Surely it is derived from the following statement, which was taught:[29]

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(1) By having his own men slaughter for him; for this would give rise to mistrust in the mind of Ahab. Nevertheless

Jehoshaphat would not have eaten of Ahab's slaughtering had he been in doubt as to Ahab's observance of the law of Shechitah.

(2) I Kings XXII, 4. This verse suggests that the followers of the one king were as reliable in religious matters as the followers of the other king.

(3) It is surely impossible for these words to have any religious significance.

(4) Meaning: We shall bear the burden equally in the battle.

(5) That Jehoshaphat regarded Ahab as reliable in religious matters even though the latter served idols.

(6) I Kings XXII, 20.

(7) I.e., just as among the Sanhedrin there was trust and friendship between one another so also between Jehoshaphat and Ahab.

(8) V. Sanh. 36b (Sonc. ed.) p. 230, n. 10.

(9) I.e., Elijah.

(10) I Kings XVII, 6.

(11) Thus proving that the meat slaughtered by Ahab's men, though idolaters, was permitted.

(12) It may have been forbidden food, but God permitted it on that occasion. There is therefore no support from this verse for R. ‘Anan's view.

(13) Judg. VII, 25, hence we find a person named Oreb,

(14) II Kings V. 2. Heb. נערה קטנה.

(15) I.e., a girl over the age of twelve years and one day.

(16) I.e., a girl under the age of twelve years and one day.

(17) V. I Chron. VII, 28. Thus showing that people were called after the name of the town in which they lived.

(18) Which would mean: Inhabitants of the town of Oreb.

(19) V. supra p. 14.

(20) V. Sheb. 29a (Sonc. ed.) p. 160, n. 9.

(21) And conversely, he who accepts it denies the whole Torah.

(22) Supra p. 13.

(23) Lev. I, 2: When any man of you bringeth an offering unto the Lord, ye shall bring your offering of the cattle.

(24) ‘Of’ has a partitive meaning, i.e, some of you but not all.

(25) From other nations all may bring offerings to the Temple.

(26) Therefore he is precluded from offering sacrifices.

(27) Why should it be repeated?

(28) Of not accepting sacrifices from apostates.

(29) V. Hor. 11a (Sonc. ed.) p. 78,

Talmud - Mas. Chullin 5b

Of the common people[1] excludes an apostate.[2] R. Simon b. Jose said in the name of R. Simeon: The verse: And doeth through error any of the things which the Lord his God hath commanded not to be done, and is guilty,[3] implies that only he who repents when he becomes conscious of his sin brings a sacrifice[4] for his error, but he who does not repent on becoming conscious of his sin does not bring a sacrifice for his error. And it was asked: What practical difference is there between them?[5] And R. Hamnuna replied: The difference between them lies in the case of one who, being an apostate in respect of the eating of forbidden fat, brings a sacrifice for having eaten blood [in error]![6] — [The rule is derived from both passages], but one[7] speaks of the sin-offering, while the other of the burnt offering;[8] and both are required. For if it were taught only in respect of a sin-offering, it would have been argued that the reason why he [the apostate] is precluded is because a sin-offering is brought for an atonement,[9] but a burnt-offering, being in the nature of a gift [to the Lord], we might say should be accepted from him. And on the other hand, if it were taught only in respect of a burnt-offering, it would have been argued that the reason why he is precluded is because there is no obligation on his part to offer it, but a sin-offering, being obligatory, we might say should be accepted from him. [Therefore both statements] are required.

But is it a general rule that whenever Scripture uses 'cattle'[10] it implies contempt? But is it not written: Man and cattle. Thou preservest, O Lord,[11] and Rab Judah said in the name of Rab: This verse refers to those who are wise in understanding and conduct themselves humbly like cattle? — There is this difference; in the latter verse it reads: 'Man and cattle', but in our text it says, cattle by itself. But is it a general rule that whenever Scripture uses 'Man and cattle' it implies merit? But is it not written: And I will sow the house of Israel and the house of Judah with the seed of mail and with the seed of cattle?[12] — In this latter case Scripture clearly distinguishes between the two, referring to the seed of man separately and to the seed of cattle separately.

(Mnemonic: Niklaf[P]).[13] R. Hanan reported in the name of R. Jacob b. Idi, who reported in the name of R. Joshua b. Levi, who reported in the name of Bar Kappara, as follows: R. Gamaliel and his Court took a vote concerning the slaughtering by a Cuthean, and declared it invalid. Thereupon R. Zera suggested to R. Jacob b. Idi: May it not be that my Master heard this ruling only in the case where no Israelite was standing over him? — He retorted: This student is as one who has never studied the law![14] Where no Israelite was standing over him is it necessary to rule [that it is invalid]. Now, the question arises: Did R. Zera accept [the retort][15] or not? — Come and hear: R. Nahman b. Isaac reported in the name of R. Assi as follows: I saw R. Johanan eating the flesh of an animal slaughtered by a Cuthean. Even R. Assi ate of the flesh of an animal slaughtered by a Cuthean. Now R. Zera was astonished at this. Could it be that they[16] had not heard of this ruling [of the Court of R. Gamaliel], but had they heard of it they would have abided by it; or did they know of it but did not accept it? In the end R. Zera came to the conclusion: It is reasonable to suppose that they knew of it but did not accept it; for if you were to say that they had not heard of it, but had they known of it they would have accepted it, it is difficult [to understand] how it should come about that such righteous men should eat something forbidden. If the Holy One, Blessed be He, would not permit the beast of the righteous to sin in error.[17] how much less the righteous themselves!

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(1) Lev. IV, 27. The context of this verse is: And if anyone of the common people sinned through error . . . 28. Then he shall bring for his offering a goat.

(2) From whom no sin-offering may be accepted.

(3) Lev. IV, 22.

(4) I.e., a sin-offering.

(5) I.e., between the first Tanna and R. Simeon. According to either view, one who is rebellious or opposed to the laws of the Torah is precluded from offering a sacrifice.

(6) According to the first Tanna his sacrifice is not accepted because he is an apostate, whereas according to R. Simeon's view it is, for he is not an apostate in respect of that particular law for which he is bringing his sacrifice. It is clear, however, that the rule precluding an apostate from offering sacrifices is derived from the verse quoted in this Baraitha and not from the verse quoted above 'Of you'.

(7) I.e., the second Baraitha which derived the rule from the phrase 'of the common people'.

(8) A sin-offering was an obligatory sacrifice to be brought whenever certain sins were committed; a burnt-offering was brought voluntarily as a gift to the Lord.

(9) And an apostate is not worthy of atonement since he would sin again and again.

(10) The Gemara now deals with the statement quoted above: 'Of the cattle' includes such persons who are devoid of merit like animals.

(11) Ps. XXXVI, 7.

(12) Jer. XXXI, 27. V. Sot. 22a. The seed of man is explained as referring to the righteous, and the seed of cattle as referring to the ignorant common people.

(13) Lit., 'peeled'. A mnemonic of the characteristic letters of the respective Rabbis in whose names the statement is reported. N = Hanan, K = Jackob, L = Levi, FP = Kappara.

(14) Aliter: This student thinks that men do not study the law.

(15) Of R. Jacob b. Idi (that it is forbidden to eat of the Cuthean's slaughtering even if an Israelite stands over him) and abide by it.

(16) R. Johanan and R. Assi.

(17) V. infra p. 28.

Talmud - Mas. Chullin 6a

Now, if you say that R. Zera did not accept [the retort of R. Jacob b. Idi], then he could have answered his query thus: In the one case there was an Israelite standing over [the Cuthean][1] but in the other case there was not.[2] You must therefore say that R. Zera accepted [the retort]. It stands proved.

For what reason did the Rabbis proscribe them? — Because of the following incident. R. Simeon b. Eleazar was sent by R. Meir to fetch some wine from among the Cutheans. He was met by a certain old man who said to him. Put a knife to thy throat, if thou be a man given to appetite.[3] Whereupon R. Simeon b. Eleazar returned and reported the matter to R. Meir who thereupon proscribed them. Why? — R. Nahman b. Isaac explained: Because they[4] found a figure of a dove on the top of Mount Gerizim and they worshipped it;[5] R. Meir therefore, consistent with his principle that the minority must be taken into consideration,[6] proscribed all Cutheans[7] because of this minority, and R. Gamaliel and his Court also held this principle.

What is the plain meaning of the above quoted text? — It refers to a pupil sitting before his master. For R. Hiyya taught: When thou sittest to eat with a ruler, consider well him that is before thee. And put a knife to thy throat, if thou be a man given to an appetite.[8] If the pupil knows that the master is capable of answering the question, then he may ask it; otherwise . . . Consider well him that is before thee. And put a knife to thy throat, if thou be a man given to appetite, and leave him.[9]

R. Isaac b. Joseph was sent by R. Abbahu to fetch some wine from among the Cutheans. He was met by a certain old man who said to him: 'There are none here that observe the Torah'. R. Isaac went and reported the matter to R. Abbahu who reported it to R. Ammi and R. Assi; the latter forthwith[10] declared the Cutheans to be absolute heathens. In what respect [were they declared absolute heathens]? If in respect of their slaughtering [that it is invalid] and in respect of their wine [that it is] idolatrous, had not the Rabbis proscribed them [in these matters] from that [former incident]?[11] — The Rabbis had previously proscribed them but their decree was not accepted; R. Ammi and R. Assi came now and proscribed them and their decree was accepted.[12]

What was meant by declaring them absolute heathens? — Said R. Nahman b. Isaac: It meant that they have no longer the power to renounce or to transfer ownership.[13] For it has been taught:[14] An Israelite apostate who publicly[15] observes the Sabbath may renounce and transfer his ownership, but if he does not observe the Sabbath publicly he may not renounce and transfer his ownership, because the Rabbis said: An Israelite may transfer or renounce his ownership, whereas with a heathen this can only be done by renting [his property].[16] In what way [is ownership renounced]? One [Israelite] can say to another [Israelite]. 'My ownership is acquired by you', or, 'My ownership is renounced in your favour', and the latter has thereby acquired [the property] without the necessity of a formal acquisition.[17]

R. Zera and R. Assi happened to come to the inn of Yai. They were served with roasted eggs beaten up in wine. R. Zera did not eat it; R. Assi did. R. Zera asked R. Assi, 'Master, are you not concerned about the admixture of demai'?[18] He replied: 'I did not think of it'. Can it be, thought R. Zera, that the Rabbis have prohibited demai in a mixed state and that it should come about that R. Assi should eat prohibited food? Surely, if the Holy One, Blessed be He, would not permit the beast of the righteous to sin in error, how much less the righteous themselves! R. Zera thereupon went out, looked into the matter and found [the law].[19] For it was taught:[20] If one buys wine in order to pour it into muries[21] or into alontith,[22] or beans to make into grist, or lentils to make into groats, he must [tithe them], if they are demai;[23] it is needless to say so if they were certainly untithed. The mixtures

themselves,[24] however, may be eaten [without tithing], because they are in a mixed state.

But did the Rabbis, then, not prohibit demai in a mixed state? Has it not been taught: If a man gives to his neighbour's wife[25] dough to be baked, or a dish to be cooked, [and also provides her with leaven and spices,] he need have no fear that the leaven and the spices used are Seventh Year produce or are untithed;[26] if, however, he said to her, 'Make it with your own [ingredients]', he must suspect that the leaven and spices used are Seventh Year produce or untithed?[27] — This last case is different for this reason: since he said to her, 'Make it with your own [ingredients]', it is as though he actually mixed it himself.[28] Rafram said: It is different with leaven and spices, since they are used primarily for seasoning, and seasoning never loses its distinctiveness.[29]

But do we not suspect an exchange?[30] Have we not learnt:[31] If a man gives to his mother-in-law [dough to be baked], he must tithe what he gives to her and what he takes from her,[32] because she is suspected of changing it if it is spoilt? — In this case the reason [for her changing it] is added, viz., R. Judah says. Because she desires the welfare of her daughter and feels shamed for her son-in-law.[33] [

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(1) In the case of R. Johanan and of R. Assi.

(2) For that was the ruling of the Court of R. Gamaliel.

(3) Prov. XXIII, 2. Meaning thereby: If you are an observing Jew abstain from using their wine.

(4) Those Cutheans living near Mount Gerizim.

(5) Aliter: They (the Rabbis) found among them a figure of a dove . . . which they worshipped.

(6) V. Yeb. 61b.

(7) Even those who do not reside by Mount Gerizim.

(8) Prov. XXIII, I, 2.

(9) I.e., if you are athirst for knowledge seek for yourself another teacher, but do not put your teacher to shame.

(10) Lit., 'they did not move from there until they declared etc.'

(11) R. Meir had prohibited their wine and R. Gamaliel and his Court their slaughtering.

(12) It is not to be inferred that R. Ammi and R. Assi were greater than the earlier Rabbis. Rashi explains that in the days of these earlier Rabbis there was much intercourse with the Cutheans and it would have been a hardship for the people to have accepted their decree, while in the days of R. Ammi and R. Assi it was possible to enforce the restrictions.

(13) It was a Rabbinic institution for each of the residents of a block of tenements to which was attached a common courtyard to contribute before the Sabbath a portion of food towards a common dish, the food being then deposited in one of the tenements. By this act all the tenements were regarded as one common dwelling, and it was thus permitted to carry objects on the Sabbath from one tenement to another and across the courtyard. This is known as עירובי חצירות. If a resident forgot to contribute his portion, he had the remedy of renouncing on the Sabbath the ownership of his tenement in favour of the other residents. Such a course was only open to a Jew.

(14) V. 'Er. 69b.

(15) Lit., 'in the market'.

(16) And this could not be done on the Sabbath day.

(17) I.e., a kinyan, V. Glos.

(18) דמאי. Fruits and produce bought from an 'am ha-ares in respect of which there is a doubt whether the proper tithes have been taken. The demai in this case was the wine, but it was mixed with the roasted eggs and other ingredients.

(19) Namely, that demai in a mixed state is not forbidden.

(20) So Marginal Gloss. Cur. edd.: We learnt.

(21) A pickle containing fish-hash and wine.

(22) V. A.Z. 30a. A mixture of old wine, clear water and balsam, used as a cooling drink in the bath-house.

(23) I.e., if bought from an 'am ha-ares. V. Glos.

(24) I.e., if one bought from an 'am ha-ares the mixture ready prepared.

(25) The wife of an 'am ha-ares.

(26) We do not suspect that she has exchanged the leaven and the spices given to her for her own, which may be Seventh

Year produce or untithed. The produce of a field cultivated in the Seventh or Sabbatical Year was prohibited. V. Lev. XXV, 2ff.

(27) And he must tithe it, although it is in a mixed state.

(28) For the law regards him as having acquired the leaven and the spices before they were put into the mixture, therefore he must tithe it.

(29) Even in a mixture, and therefore he must tithe it.

(30) I.e., that she may have substituted her own ingredients for those given to her.

(31) Demai III, 6.

(32) For not only must he abstain from eating demai himself but he must avoid causing others to eat it.

(33) Normally a person is not suspected of exchanging, for, in the absence of any justifying circumstances, that would constitute stealing. A mother-in-law might well be tempted to make the exchange for the reason given by R. Judah.

Talmud - Mas. Chullin 6b

In all other cases, then, do we not suspect [an exchange]? Have we not learnt: If a man gives to his landlady [dough to be baked], he must tithe what he gives to her and what he takes from her, because she is suspected of changing it?[1] — In this case, too, she justifies herself by saying. Let the young student rather eat the fresh and I will eat the stale.[2]

But [otherwise], do we not suspect an exchange? Surely it has been taught: The wife of a haber[3] may assist the wife of an 'am ha-arez[3] in grinding corn only when she[4] is in a state of uncleanness,[5] but not when she is in a clean state.[6] R. Simeon b. Eleazar says. Even when she is in a state of uncleanness she may not assist in grinding, because the other would offer her some corn to eat. Now, if it is said that the wife of an 'am ha-ares is ready to steal [from her husband],[7] surely she is to be suspected of making an exchange! — In this case, too, she justifies herself by saying. The ox has a right to eat of what he threshes.

R. Joshua b. Zeruz, the son of R. Meir's father-in-law, testified before Rabbi that R. Meir ate a leaf of a vegetable in Bethshean[8] [without tithing it]; on this testimony, therefore, Rabbi permitted the entire territory of Bethshean.[9] Thereupon his brothers and other members of his father's family combined to protest, saying: The place which was regarded as subject to tithes by your parents and ancestors will you regard as free? Rabbi, thereupon, expounded to them the following verse: And he [Hezekiah] broke in pieces the brazen serpent that Moses had made; for unto those days the children of Israel did offer to it; and it was called Nehushtan.[10] Now, is it at all likely that Asa did not destroy it? Or that Jehoshaphat did not destroy it? Surely Asa and Jehoshaphat destroyed every form of idolatry in the world!

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(1) Demai III, 5,

(2) The exchange is made with a good intent.

(3) V. Glos.

(4) Sc. the wife of the haber.

(5) Because whenever she is in a state of uncleanness she is very careful not to handle food for fear of defiling it, and she will certainly not eat of it.

(6) For she may be tempted to eat of the corn, which is forbidden, being demai.

(7) And offer some to the wife of the haber.

(8) Scythopolis, in Galilee. R. Meir regarded it as territory outside Palestine, and therefore its fruits and vegetables were free from tithes; for the rule relating to tithing fruits and vegetables, being a Rabbinic injunction only, applied to Palestine proper.

(9) That the fruits and vegetables may be eaten without tithing.

(10) II Kings XVIII, 4.

Talmud - Mas. Chullin 7a

It must therefore be that his ancestors left something undone whereby he [Hezekiah] might distinguish himself; so in my case, my ancestors left room for me to distinguish myself.

From this is to be learnt that whenever a scholar reports a decision [however strange it may sound], he should not be made to move [mezihin] from his tradition. Others say. He should not be rejected [maznihin]. And others say: He should not be regarded as arrogant [mazhihin]. Those who say. He should not be made to move from his tradition, base it on the verse. And the breastplate be not moved [yizzah] from the ephod.[1] Those who say: He should not be rejected, base it on the verse: For the Lord will not reject [yiznah] for ever.[2] And those who say. He should not be regarded as arrogant, base it on the following:[3] For we learnt: When the arrogant increased, disputes increased in Israel.[4]

To this, Judah, son of R. Simeon b. Pazzi, demurred: Is there anyone who holds the view that Bethshean was not part of Palestine? Is it not written: And Manasseh did not drive out the inhabitants of Bethshean and its towns, nor of Taanach and its towns?[5] — [When he raised his objection] there must have escaped his attention the statement of R. Simeon b. Eliakim who reported R. Eleazar b. Pedath in the name of R. Eleazar b. Shammu'a [as follows]: Many cities which were conquered by the Israelites who came up from Egypt[6] were not re-conquered by those who came up from Babylon,[7] for he held the view that the consecration of the Holy land on the first occasion [by Joshua] consecrated it for the time being but not for the future. They therefore did not annex these cities in order that the poor might have sustenance therefrom in the Seventh Year.[8]

R. Jeremiah said to R. Zera: But R. Meir ate a mere leaf [of a vegetable]![9] — He replied: He ate it from a bundle, and we have learnt: Vegetables which are usually tied in bundles [become due for tithing] on being tied up.[10]

But perhaps R. Meir forgot [to tithe it]? — [This cannot be.] Surely, if the Holy One, Blessed be He, would not permit the beast of the righteous to sin in error, how much less the righteous themselves! But perhaps he set aside from other produce the tithe due for this [Vegetable]! — One would not suspect a haber of setting aside the dues for the produce that is before us out of produce that is not before us.[11] But perhaps he had in mind to set aside the tithe from one end of the bundle, whilst he ate from the other end! — He replied: See how great a man testified concerning this![12]

What was the incident about the beast of the righteous? — Once, R. Phinehas b. Jair was on his way to redeem captives, and came to the river Ginnai. ‘O Ginnai’ , said he, ‘divide thy waters for me, that I may pass through thee’. It replied. ‘Thou art about to do the will of thy Maker; I, too, am doing the will of my Maker.[13] Thou mayest or mayest not accomplish thy purpose;[14] I am sure of accomplishing mine’. He said: ‘If thou wilt not divide thyself, I will decree that no waters ever pass through thee’. It, thereupon, divided itself for him. There was also present a certain man who was carrying wheat for the Passover, and so R. Phinehas once again addressed the river: ‘Divide thyself for this man, too, for he is engaged in a religious duty’. It, thereupon, divided itself for him too. There was also an Arab who had joined them [on the journey], and so R. Phinehas once again addressed the river, ‘Divide thyself for this one, too, that he may not say. "Is this the treatment of a fellow traveller?"’ It, thereupon, divided itself for him too.

R. Joseph exclaimed: How great is this man! Greater than Moses and the sixty myriads of Israel! For the latter [the sea divided itself] but once, whilst for the former thrice! May it not be, however, for the former also only once?[15] — Rather say. As great as Moses and the sixty myriads of Israel!

R. Phinehas happened to come to a certain inn. They placed barley before his ass, but it would not eat.

(1) Ex. XXVIII, 28. Heb, יזה, which word is of the same root as מזיחין.
(2) Lam. III, 31. Heb. יזנה, which word is of the same root as מזניחין.
(3) V. Sot. 47a. Heb. זחוחי, which word is of the same root as מזחיחין.
(4) The difference between the versions is merely textual, each version supporting its reading by a verse from the Bible or by a passage from the Mishnah.
(5) Judg. I, 27.
(6) At the first settlement in Palestine under the leadership of Joshua.
(7) At the second settlement in Palestine under Ezra. The Holy land had to be consecrated a second time by the returning exiles, and therefore those towns which were not included in the re-consecration were not part of Palestine. Bethshean was one of the cities not included.
(8) The law of the Seventh Year did not apply to land outside Palestine; therefore, certain towns near the boundary of Palestine were purposely not included in the re-consecration of the land so that these might be cultivated even in the seventh year.
(9) This point destroys the basis of the preceding argument, for the eating of a snack, such as one leaf of a vegetable, is permitted even in Palestine without first tithing it. There is, therefore, no proof that Bethshean was regarded as being outside Palestine.
(10) And once the duty of tithing has arisen one may not eat even a snack. V. Ma'as. I, 5.
(11) Lit., 'from that which is not brought near'. For there is a danger that the produce which is not before us, and upon which he relies, may have been destroyed at the time that he purports to set it aside as tithe, and he would therefore be eating untithed produce.
(12) R. Joshua b. Zeruz stated categorically that R. Meir did not tithe the vegetable, and a Rabbi of such eminence could certainly be relied upon in his testimony.
(13) By divine command all rivers flow to the sea. V. Eccl. I, 7.
(14) He may not succeed in redeeming the captives.
(15) It may be that R. Phinehas addressed the river on the second and third occasions merely to ensure that the waters should remain parted and not resume their natural course.

Talmud - Mas. Chullin 7b

It was sifted, but the ass would not eat it. It was carefully picked; still the ass would not eat it. 'Perhaps', suggested R. Phinehas, 'it is not tithed'? It was at once tithed, and the ass ate it. He, thereupon, exclaimed, 'This poor creature is about to do the will of the Creator, and you would feed it with untithed produce'!

But was it at all necessary [to be tithed]? Have we not learnt: He who buys [corn from an 'am ha-ares] for sowing or for feeding animals, or flour for [preparing] hides, or oil for the lamp or for oiling vessels, need not tithe it because of demai?[1] — Surely there has been reported on this [Mishnah] the dictum of R. Johanan that this is so only if one bought the corn specifically for animals; but if one bought it originally for human consumption and later decided to give it to animals, it must be tithed![2] And so it has been taught in a Baraitha, viz., He who buys fruit in the market for eating and decides later to use it for animals, may not give it either to his own animal or to his neighbour's animal without first tithing it.

When Rabbi heard of the arrival of R. Phinehas, he went out to meet him. 'Will you please dine with me'? asked Rabbi. 'Certainly', he answered. Rabbi's face at once brightened with joy;[3] whereupon R. Phinehas said: 'You imagine that I am forbidden by vow from deriving any benefit from an Israelite. Oh, no. The people of Israel are holy. Yet there are some who desire [to benefit others] but have not the means; whilst others have the means but have not the desire,[4] and it is written: Eat thou not the bread of him that hath an evil eye, neither desire thou his dainties; for as one that hath reckoned within himself, so is he: Eat and drink, saith he to thee; but his heart is not with thee.[5] But you have the desire and also the means. At present, however, I am in a hurry for I am

engaged on a religious duty; but on my return. I will come and visit you'. When he arrived, he happened to enter by a gate near which were some white mules. At this he exclaimed: 'The angel of death is in this house! Shall I then dine here'? When Rabbi heard of this, he went out to meet him. 'I shall sell the mules', said Rabbi. R. Phinehas replied: 'Thou shalt not put a stumbling block before the blind'.[6] 'I shall abandon them'. 'You would be spreading danger'. 'I shall hamstring them'. 'You would be causing suffering to the animals'. 'I shall kill them'. 'There is the prohibition against wanton destruction'.[7] Rabbi was thus pressing him persistently, when there rose up a mountain between them.

Then Rabbi wept and said. 'If this is [the power of the righteous] in their lifetime, how great must it be after their death'! For R. Hanina b. Hama asserted: The righteous are more powerful after death than in life, for it is written. And it came to pass, as they were burying a man, that, behold, they spied a band; and they cast the man into the sepulchre of Elisha; and as soon as the man touched the bones of Elisha, he revived and stood up on his feet.[8] Said R. Papa to Abaye: Perhaps [the restoration to life was] to fulfil Elijah's blessing, as it is written: Let a double portion of thy spirit be upon me![9] — He replied: If so, why has it been taught: He stood upon his feet but walked not to his home?[10] Wherein, then, was Elijah's blessing fulfilled? — As R. Johanan has said: He healed the leprosy of Naaman,[11] leprosy being the equivalent of death, as it is written: Let her not, I pray, be as one dead.[12]

R. Joshua b. Levi said: Why are they [mules] called yemim?[13] — Because they cast fear [emah][14] upon men. For R. Hanina has said: 'No one has ever consulted me for a case of a wound from a white mule and has recovered'. But do we not see people recovering from it? — 'I mean, never has the wound healed'. But do we not see cases where the wound has healed? — 'I am referring to [a wound inflicted by] a white-legged mule'.

There is none else beside Him:[15] R. Hanina said: Even sorcery.[16] A woman once attempted to cast a spell over R. Hanina.[17] He said to her, 'Try as you will, you will not succeed in your attempts, for it is written: There is none else beside Him'. Has not, however, R. Johanan declared: Why is sorcery called keshafim? Because it overrules [the decree of] the heavenly council?[18] — R. Hanina was in a different category, owing to his abundant merit.[19] R. Hanina further said: No man bruises his finger here on earth unless it was so decreed against him in heaven, for it is written: It is of the Lord that a man's goings are established.[20] How then can man look to his way?[21]

R. Eleazar said: The blood of a bruise atones like the blood of a burnt-offering. Raba added: It is only the blood of a second bruising of the thumb of the right hand that atones, and then only if it happened to one who was about to do a religious act.

It is related of R. Phinehas b. Jair that never in his life did he say grace over[22] a piece of bread which was not his own;[23] and furthermore, that from the day he reached years of discretion he derived no benefit from his father's table.

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(1) Demai, I, 3.

(2) The barley supplied to the ass was intended originally for mao, and therefore it had to be tithed.

(3) For R. Phinehas had the reputation of never having dined at another's table; v. infra.

(4) Though they felt constrained to extend an invitation to wayfarers.

(5) Prov. XXIII, 6, 7.

(6) Lev. XIX, 14.

(7) Based on Deut. XX, 19.

(8) II Kings XIII, 21. In his lifetime Elisha had to exert himself both by action and prayer in order to revive the dead (v. II Kings IV, 33-35), while after his death his mere touch revived a dead man; thus proving that the righteous are greater after death than in life.

(9) II Kings II, 9. And not because of the greatness of Elisha after death.
(10) The inference to be drawn from the Baraitha being that the restoration to life of the dead man was not due to Elijah's blessing, for in that case the dead man should have lived on for some time, but to the greatness of Elisha, who could not suffer the wicked to touch him after his death.
(11) V. II Kings V.
(12) Num. XII, 12,
(13) V. Gen. XXXVI, 24. Heb, ימים. The English versions translate the word 'yemim' by 'hot springs', but the traditional Jewish interpretation of the word is 'mules'.
(14) Heb. אימה.
(15) Deut. IV, 35. R. Hanina having been quoted in the previous passage, the Gemara now deals with several other of his statements.
(16) I.e., not even by sorcery can one overrule His decree,
(17) Lit., 'to take earth from under R. Hanina's feet'.
(18) I.e., the law of nature (Rashbo). The word כשפים is treated as an abbreviation, thus: Keshafim: Kahash, Famalia, Ma'alah. (Opposes the Council on High).
(19) Therefore God would not allow him to come to harm by sorcery.
(20) Ps. XXXVII, 23.
(21) Prov. XX. 24.
(22) Lit., 'to break (bread)'.
(23) I.e., never accepted an invitation.

Talmud - Mas. Chullin 8a

R. Zera said in the name of Samuel: If one made a knife red-hot and slaughtered with it, the slaughtering is valid, because [the effect of] the sharp edge precedes [the effect of] the heat.[1] But, what about the sides [of the knife]?[2] — The cut opens wide.[3]

The following question was raised: If one made a spit red-hot and struck with it, is the resulting wound[4] to be regarded as a boil[5] or as a burning?[6] But what is the difference between the two?[7] Even as it has been taught: A boil and a burning, each is declared unclean within seven days by one of two symptoms: by white hair, or spreading.[8] Why, then, did the Torah deal with them separately? To teach you that they cannot unite one with the other.[9] And we have learnt: What is a boil, and what is a burning? A wound caused by wood, or stone, or olive-peat, or the hot springs of Tiberias, or any wound that is not caused by fire, including a wound caused by lead just taken from the mine, is a boil. And what is a burning? A burn caused by a live coal, or hot ashes, or boiling lime, or boiling gypsum, or any burn that is caused by fire, including a burn caused by water heated by fire, is a burning. And it was further taught: In the case of [a wound which is both] a boil and a burning, if the boil came first then the subsequent burning annuls the boil [and it is considered a burn]; but if the burning came first then the subsequent boil annuls the burn [and it is considered a boil]. Now the circumstances of our case are as follows: A man had a boil of the size of half a bean,[10] and was struck close to it with a red-hot spit, another wound of the size of half a bean resulting, [making the whole wound the size of a whole bean]. In such a case how [are we to consider the resulting wound]? Did the force of the blow take effect first, and the burn caused by the glowing heat that followed annul the effect of the blow, so that the whole wound is composed of a boil and a burning [each to the extent of half a bean] which do not unite [to make him unclean]? Or did the glowing heat take effect first, and the force of the blow that followed annul the effect of the glowing heat, and consequently the whole wound is composed of two boils [each to the extent of half a bean] which unite [to make him unclean]? Come and hear: R. Zera said in the name of Samuel: If one made a knife red-hot and slaughtered with it, the slaughtering is valid, because the effect of the sharp edge precedes the effect of the heat. It thus proves that the force of the blow precedes [the glowing heat]! — No; in the case of a sharp edge it is different.[11]

Come and hear: If one was struck with a red-hot spit, the resulting wound is regarded as a 'burning by fire'.[12] It thus proves that the force of the blow precedes [the glowing heat]. — No; here too, the wound was made by a thrust with the point, which is a sharp edge.[13]

R. Nahman said in the name of Rabbah b. Abbuha: A knife which has been used in connection with idolatrous services[14] may be used for slaughtering, but it may not be used for cutting up meat — 'It may be used for slaughtering', for thereby one impairs [the value];[15] 'but it may not be used for cutting up meat', for thereby one enhances [the value],[16] Raba remarked: There are times when one may not slaughter with it, to wit, if the animal is at the point of death;[17] and there are times when one may cut up meat with it, to wit, if the meat was in large pieces intended for a present.[18]

But should not the prohibition thereof be considered on account of the forbidden fat?[19]

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(1) So that the throat is cut and not burnt.

(2) They would scorch the organs of the throat before the requisite amount had been cut through, and then the slightest scorching of the gullet would invalidate the slaughtering.

(3) Lit., 'the place (or house) of slaughtering, i.e., the cut. The two sides of the cut spring apart as soon as the throat, which has been stretched taut, has been cut; therefore only the sharp edge touches the throat, but not the sides of the knife.

(4) Which turned into leprosy.

(5) Heb. שחין V. Lev. XIII, 18.

(6) Heb. מכוה V. Ibid. 24.

(7) I.e., in what case is it of consequence whether the wound is regarded as a boil or a burn. The text proceeds to discuss the law as to boils and burns and provides an illustration of such a case.

(8) The appearance of white hair ill the wound, and the wound spreading further on the skin, are the symptoms, in cases of a burning or a boil, by which one is declared unclean as a leper. V. Lev. XIII, 18-28. Furthermore, if these wounds remained stationary for seven days they are declared clean, whereas with other leprous wounds it is necessary to keep them under observation for a further seven days. V. Lev. XIII, 5.

(9) The minimum size of a leprous wound to be declared unclean is that of a bean. Leprous wounds of different classes cannot unite; e.g., a boil the size of half a bean next to a burning also the size of half a bean cannot unite to form together a leprous wound the size of a whole bean and make one unclean as a leper.

(10) This would not make him unclean as a leper.

(11) The sharp edge of a knife, being thin and pointed, cannot contain great heat; therefore only in such cases can it be said that the heat follows the blow, but not elsewhere.

(12) V. Lev. XIII, 24.

(13) And the case of a sharp edge is different, v. n. 1 .

(14) It is forbidden to derive any benefit or advantage from idolatry or from that which is connected with idolatry.

(15) A living animal is more useful and of more value than a slaughtered one; for, living, it may be used for breeding, for ploughing, and for food, but slaughtered, it has only its food value.

(16) For after slaughtering it becomes necessary to cut up the meat.

(17) By slaughtering an animal which is at the point of death one derives a gain, for otherwise it would have died and become carrion (which may not be eaten).

(18) In which case it has very little value if cut up in small pieces.

(19) Surely the knife should be forbidden to be used even for cutting up meat on account of the forbidden fat of carrion that it has absorbed in the past. This forbidden fat would now be imparted into the meat.

Talmud - Mas. Chullin 8b

— It was a new [knife]. If new, [it should not be prohibited at all, since] it is merely an appurtenance for the worship of idols, and appurtenances of idols, both according to R. Ishmael and R. Akiba,[1] are not forbidden till actually used in idol worship. — If you wish I can answer: It was used for cutting up wood for the idol;[2] or if you wish I can answer: It was an old knife which was

cleansed in the fire.[3]

It was stated: If a man slaughtered with the knife of a Gentile, Rab says. He must pare (the flesh];[4] Rabbah b. Bar Hana[5] says: He need only rinse it. Shall we say that their difference lies in this: One holds the view that the throat is cold.[6] while the other holds the view that it is hot?[7] No. All hold the view that the throat is hot; therefore, he who says: 'he must pare it', is clearly understood, but he who says that he need only rinse it [argues thus]: while the organs [of the throat] keep on spurting out blood they will not absorb [any fat from the knife].[8]

Some there are who state as follows: All hold the view that the throat is cold; therefore, he who says: 'he need only rinse it'.is clearly understood, but he who says that he must pare it [argues thus]: by reason of the pressure of the knife [the flesh] must absorb [to some extent].

A knife which was used for slaughtering an animal found to be trefah,[9] is the subject of a dispute between R. Aha and Rabina. One says, [It must be cleansed] with hot water;[10] the other says. [It may be cleansed even] with cold water.

The law is: Even with cold water. And if there is at hand a piece of cloth[11] wherewith to wipe [the knife], nothing more is required. Now what is the reason of the one who says that it must be cleansed with hot water? It is [is it not] because it absorbed forbidden fat?[12] If so, even after slaughtering an animal which is permitted to be eaten it should also require [cleansing with hot water] because it absorbed [the fat] of the limbs of a living animal?[13] — [It is not so;] for [the knife] absorbs [the fat] only when [the throat] is hot, and it becomes hot only at the end of the slaughtering when the animal is ritually permitted.

Rab Judah said in the name of Rab: A butcher requires three separate knives, one for slaughtering, one for cutting meat, and one for cutting away the [forbidden] fat. But why should he not use the same knife first for cutting meat and then for cutting fat? — It is forbidden to do so lest he cut with it the fat first and then the meat.[14] Well, even now, he might get them mixed! — No; since he must have two separate knives he will make a distinguishing mark on each.[15]

Again Rab Judah said in the name of Rab: A butcher requires two separate pails of water, one in which he washes the meat and one in which he washes the fat. But why should he not use the same pail for washing in it first the meat and then the fat? — It is forbidden to do so lest he wash in it the fat first and then the meat.[16] Well even now, he might get them mixed! — No; since he must have two separate pails he will make a distinguishing mark on each.

Amemar said in the name of R. Papa: One should not place the loins on top of other meat for fear that the fat [attached to the loins] will run and will be absorbed by the meat. If so, why not apprehend the same even when the loins lie in their natural position, namely, that the fat [upon the loins] will run and will be absorbed by the flesh [of the loins]? — There is a membrane underneath [the fat of the loins] which separates it [from the flesh of the loins]. But then,

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(1) V. A.Z. 51b. These Rabbis differ in the case of a newly made idol as to whether it is prohibited immediately or only after it has been worshipped; but in the case of appurtenances of idols they agree that these are not prohibited until actually used in worship.

(2) Therefore there is here no question of any forbidden fat.

(3) The knife was thus cleansed and all the forbidden fat removed from it.

(4) I.e., he must cut away from the parts of the throat which came into contact with this knife a thin layer of flesh because of the fat of forbidden foods that was absorbed in the knife and was now transmitted to the flesh.

(5) MS.M: Samuel.

(6) Lit.. 'the place of slaughtering', I.e., the throat at the time of slaughtering is not sufficiently hot to absorb much from

the knife and, therefore, Rabbah b. Bar Hana maintains that rinsing of the flesh in water is sufficient.

(7) Rab's view. Therefore the flesh of the throat must be pared.

(8) Nevertheless, it is necessary to wash the flesh because of the forbidden fat that may have been on the surface of the knife.

(9) V. Glos.

(10) Before slaughtering another animal with it.

(11) Lit., 'a shred of a curtain'.

(12) I.e., the fat of the trefah animal that had been slaughtered previously.

(13) The fat, as well as the flesh, of a living animal is forbidden, and therefore in the duration of the slaughtering before the requisite amount has been cut, the knife will have absorbed forbidden fat.

(14) Without first removing the fat from the knife. 'Fat' throughout the whole of this passage means forbidden fat.

(15) As regards the third knife, the knife for slaughtering, there is no fear that he will use it for any other purpose because of the danger of damaging or notching it.

(16) The danger is that particles of the fat will remain in the water and will adhere to any meat washed in the same water.

Talmud - Mas. Chullin 9a

is there not a membrane above [the fat]?[1] — [This membrane,] since it is handled by the butcher, crumbles away.

Again Rab Judah said in the name of Rab: A scholar must learn three things, viz.: writing, shechitah, and circumcision. R. Hanania b. Shelemia said in the name of Rab, He must also learn the art of forming the knot of the Tefillin,[2] the benedictions recited at the marriage ceremony,[3] and the art of binding the Zizith.[4] And the other [Rab Judah]? — [He says], These are frequent.[5]

Rab Judah stated in the name of Samuel: One may not eat of the slaughtering of any butcher who does not know the rules of shechitah. And these are the rules of shechitah:[6] [the rules as to] pausing,[7] pressing,[8] thrusting,[9] deflecting,[10] and tearing.[11] Why is it necessary to teach us this? Have we not learnt about each of these [elsewhere]? — It is only necessary for the case where one [not knowing the rules] slaughtered two or three times in our presence correctly. You might argue that since on those occasions he slaughtered correctly so now, too, he will slaughter correctly. It is therefore necessary to teach you that [he may not slaughter because,] since he does not know the rules, it may sometimes happen that he will pause or press, and will not know [that it is wrong to do so].

Again Rab Judah said in the name of Samuel: The butcher must examine the organs of the throat after slaughtering.[12] R. Joseph remarked: We have learnt the same [in a Mishnah]:[13] R. Simeon says. If one paused for the time taken to examine . . .[13] Now does it not mean the time taken to examine the organs [of the throat]? — Abaye replied: No; thus did R. Johanan say: It means the time taken for the Sage to examine [the knife]. If this is the meaning, then the rule would vary according to circumstances?[14] — Rather [the meaning is]: The time taken for a butcher [who is himself] a Sage to examine [the knife].

If one did not examine [the organs of the throat after slaughtering], what is the law? — R. Eliezer b. Antigonus ruled in the name of R. Eliezer son of R. Jannai: The animal is trefah[15] and may not be eaten. In a Baraitha it was taught: The animal is nebelah[15] and defiles one who carries it. On what principle do they differ? — On the principle laid down by R. Huna, who said: An animal while alive is presumed to be forbidden[16] [and, therefore, remains forbidden when dead] until it becomes known to you that it was ritually slaughtered; once ritually slaughtered, it is presumed to be permitted until it becomes known to you how it became trefah. The one[17] reasons thus: It is presumed to be forbidden, and now that it is dead [it is nebelah and therefore defiles].[18] The other[19] reasons thus: The presumption holds good[20] only in respect of the prohibition [to be eaten], but there is no presumption in respect of defilement.[21]

The text [above stated]: 'R. Huna said: An animal while alive is presumed to be forbidden [and, therefore, remains forbidden when dead] until it becomes known to you that it was ritually slaughtered; once ritually slaughtered, it is presumed to be permitted until it becomes known to you how it became trefah'. Should he not [simply] have said: 'Once ritually slaughtered it is permitted'?[22] — He teaches you this: That even if something happened to the animal to impair its status[23] [it is nevertheless permitted]. For example, the question which was put to R. Huna by R. Abba: If a wolf came and carried away the intestines [of a slaughtered animal], what is the law? [You ask] 'carried away'! Then they are not here![24] — Rather, say: 'and perforated the intestines'. 'Perforated the intestines'! Then it is evident that the wolf did it! Rather say: 'carried away the intestines and brought them back perforated' — Now, what is the law? Are we to apprehend that the wolf inserted [its teeth] in a perforation that was there previously,[25] or not? — R. Huna replied: We do not apprehend that it inserted [its teeth] in a perforation.[26] [R. Abba] thereupon raised an objection [from the following Baraitha]: If one saw a bird nibbling at a fig or a mouse nibbling at a melon,

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(1) For all fat is enclosed in a membrane so that there can be no harm when placing the fat of the loins on top of other meat.

(2) V. Glos. When properly tied the knot in the Tefillin worn on the head forms the shape of the Hebrew letter Daleth and that of the letter Yod in the Tefillin worn on the hand.

(3) V. Keth. 8b.

(4) V. Glos.

(5) I.e., the latter three acquirements. These being matters of common knowledge, it is not the special duty of a scholar to learn them. According to another explanation. 'these' refers to the accomplishments enumerated by Rab Judah. A scholar should particularly acquire these arts because he will be frequently called upon to practise them.

(6) The infringement of any of these rules invalidates the shechitah and renders the animal nebelah (v. Glos.).

(7) Heb. שהייה. There should be no pause or interruption while the slaughtering is being performed. The knife should be kept in continuous motion, forward and backward, until the organs or the greater part of them are cut through. V. infra 32a.

(8) Heb. דרסה. The knife must be moved horizontally across the throat and must not be pressed downwards. V. infra 30b.

(9) Heb. חלדה. During the act of slaughtering the whole of the knife must be visible. If e.g., one thrust the knife into the side of the throat and thus cut the organs, the slaughtering would be invalid, since the knife would have been covered either by the organs or the skin of the throat. V. infra 32a.

(10) Heb. הגרמה. The slaughtering must be performed within a certain prescribed region in the throat of the animal. If the knife cut anywhere outside this region the slaughtering would be invalid. V. infra 18a.

(11) Heb. עיקור. Various interpretations have been suggested as to the meaning of this term. According to Rashi it means: tearing out the windpipe after having cut through the gullet; V. infra 32a. According to Halakoth Gedoloth it means: cutting through the organs after the windpipe has been dislocated or torn out of its position; v, infra 85a. According to Tosaf. s.v. כולהו it means: slaughtering with a notched knife, which tears and does not cut the organs. V. article by Dr. S. Daiches in Hazafeh vol. 12, pp. 255-8 where it is shown that the Halakoth Gedoloth in fact agrees with Rashi.

(12) To satisfy himself that they have been properly and sufficiently cut through.

(13) V. infra 32a.

(14) It would depend upon whether the Sage was close by or far away; in the latter case the time for examination must, of necessity, be longer than in the former case.

(15) V. Glos.

(16) Since it is not permitted to eat a limb or flesh cut off from a living animal. This being so, the animal retains its status of being forbidden food until we have definite proof that it has been properly slaughtered. Once, however, we know that an animal has been ritually slaughtered the presumption that it is permitted food will not be rebutted without proof that some internal defect has made it trefah.

(17) The Baraitha.

(18) Following the general rule that any dead animal which has not been ritually slaughtered is nebelah and therefore defiles.

(19) R. Eliezer son of R. Jannai.

(20) Lit., 'we say'.

(21) R. Eliezer's argument is: The animal is now forbidden only because of the presumption which arose during its lifetime. Now, during its lifetime the animal was forbidden only to be eaten; it certainly could not defile. The effect, therefore, of the presumption can only be to render the animal forbidden to be eaten and not that it should defile.

(22) Why speak of a presumption at all?

(23) E.g., if some defect or disorder is now found in the animal, and there is a doubt whether it was there before the slaughtering or not, the animal is permitted because of the principle stated by R. Huna.

(24) If the intestines have been carried away we have no reason to apprehend that there was any defect in them.

(25) In which case the animal would be trefah.

(26) Because of the presumption that, once ritually slaughtered, the animal is permitted until it becomes known how it became trefah.

Talmud - Mas. Chullin 9b

one must apprehend that it was nibbling in a pre-existing hole![1] — He replied: How can you compare what is forbidden ritually with what is forbidden on account of possible danger to life! In the latter case we are certainly more apprehensive. Said Raba:[2] What difference is there? Whenever there arises a doubt concerning a prohibition based on danger to life the stricter view is preferred, and the same is the case with regard to a doubt in connection with a ritual prohibition! — Said Abaye to him, Is there then no difference between laws concerning danger to life and laws concerning ritual prohibitions? But let us see! Whenever there is a doubt regarding any object whether it is clean or unclean, if such doubt arose in a public place, it is deemed clean; but whenever there is a doubt regarding water that was left uncovered it is deemed to be forbidden.[3] He answered: In the case of uncleanness the rule is derived by analogy from the case of a woman suspected of adultery, viz., as [the doubt in connection with] the suspected woman can only occur in a private place.[4] so [every doubt in connection with] uncleanness must have occurred in a private place.[5]

R. Shimi raised an objection: [We have learnt:] If a weasel has a [dead] reptile in its mouth, and walks over loaves of terumah,[6] and it is doubtful whether the reptile came into contact with the loaves or not, they are deemed clean.[7] Yet in the case of water left uncovered, if there is any doubt about it, it is forbidden? — Here again, the rule [in the case of uncleanness] is derived by analogy from the case of a woman suspected of adultery, viz., as [the doubt in connection with] the suspected woman [relates to a person that] has understanding to be questioned about it,[8] so every doubt in connection with uncleanness must relate to such as have understanding to be questioned about it.[9]

Come and hear: If a man left uncovered a bowl [containing purification water][10] and came and found it covered, it is regarded as unclean, for I can say that an unclean person entered and covered it. If he left it covered and came and found it uncovered, and a weasel or, even a snake, according to R. Gamaliel[11] — could have drunk from it, or if dew fell on it during the night.[12] the water is invalid.[13] And R. Joshua b. Levi said: What is the reason for this?[14]

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(1) I.e., , a hole made by a snake in which it deposited poison; the fruit is, therefore, prohibited to be eaten on account of this danger.

(2) V. D.S. a.l. Cur. edd.: Said Raba to him (R. Huna).

(3) Laws relating to uncleanness come under the category of ritual prohibitions, while the rule concerning waters left uncovered belongs to the class of laws concerning danger to life. The danger in this case is that a snake may have drunk from the water.

(4) Where this woman has been in seclusion with her paramour. It is only in such cases that the suspicion is well founded and the woman must undergo the ordeal of the bitter waters, v. Num. V. 11ff. Seclusion with a paramour in a public

place is not considered an act of infidelity.
(5) And it is only in such cases that the law regards the object as unclean, v. A.Z. 36b. It is thus only because of the analogy drawn from the case of the suspected woman that a doubt of uncleanness in a public place constitutes an exception to the general rule that wherever doubt arises in cases of ritual prohibitions, as well as danger to life, the law adopts the stricter view.
(6) V. Glos.
(7) Even though the doubt arose in a private place; v. Toh. IV, 2, 'Ed. II, 7.
(8) The suspected woman could, if she so desired, answer the question whether she was defiled or not.
(9) And it is only in such cases that the law regards the person as unclean. Thus a further exception to the general rule is admitted in the case of a doubt regarding uncleanness arising in connection, with anything other than a human being. In the case of the weasel the loaves cannot be asked whether or not they have been defiled.
(10) V. Num. chap. XIX.
(11) R. Gamaliel holds the view that a snake also invalidates the purification water by drinking therefrom, because it spits back the water it drinks into the bowl, and this action invalidates the water because of the reasons given in n. 9, infra.
(12) And might have fallen into the water. V. MS.M. cur. edd. 'into it'.
(13) But not unclean. V. Parah IX, 3, where it is taught that if a weasel drinks from purification water it becomes invalid, because the weasel, when drinking, laps up the water. Lapping or spitting invalidates the purification water either because it disturbs the water and it is considered as though the water were put to some work, or because by lapping or spitting the water drips back out of the mouth into the bowl, and it is regarded as though the water were poured out of another vessel into the original bowl, and this is not permitted, for according to the biblical injunction there must be living water in the bowl; v. Num. XIX, 17.
(14) That in the second case (where the bowl was found uncovered) the water is merely invalid, whereas in the first case (where the bowl was found covered) it is also regarded as unclean.

Talmud - Mas. Chullin 10a

Because it is the habit of reptiles to uncover [a vessel][1] but not to cover one.[2] (Or you might argue thus: the above decisions only apply to the cases mentioned, viz., where he left the bowl uncovered and came and found it covered, and where he left it covered and came and found it uncovered, but if he found it as he left it, [the water] is neither unclean nor invalid.)[3] Whereas, in the case of water left uncovered, if there is any doubt about it, it is forbidden.[4] This, therefore, proves that regulations concerning danger to life are more stringent than ritual prohibitions. It stands proved.

We have learnt elsewhere:[5] Three liquids are prohibited if left uncovered; water, wine and milk.[6] How long must they have remained [uncovered] to become forbidden? Such time as it would take a reptile to come forth from a place near by and drink. What distance is meant by 'a place near by'? R. Isaac the son of Rab Judah explained: Such time as it would take a reptile to come Forth from under the handle of the vessel and drink therefrom. 'And drink therefrom'! Then you see it![7] — Rather; And drink therefrom and return to its hole.

It was stated: If a man slaughtered with a knife[8] which was found afterwards to have a notch in it, R. Huna says, even if he broke bones with it the whole day long [after the slaughtering], the shechitah is invalid, because we apprehend that it became notched while cutting the skin [before actually cutting the throat]. R. Hisda, however, says that the shechitah is valid, because we assume that it became notched by a bone. Now R. Huna's opinion is clear, it being in accordance with the principle he laid down above;[9] but what is the reason of R. Hisda's opinion?- He reasons thus: A bone certainly notches [the knife], whereas the skin may or may not notch [the knife]; there is thus a doubt against a certainty, and a doubt cannot set aside a certainty.

Raba raised an objection [against R. Hisda], thereby supporting the opinion of R. Huna. [It was taught:] If a man immersed himself and came up,[10] and then there was found something adhering to

his body,[11] even though he was using that particular substance all day long [after his immersion], it is not regarded as a proper immersion unless he can declare: 'I am certain it was not upon me before [my immersion]' — Now in this case, he certainly immersed himself, and there is a doubt whether the substance was or was not upon him [before his immersion], yet the doubt sets aside the certainty! — This case is different, for one can say: Let the unclean person remain in his [unclean] status, and assume that there has been no immersion. Well, then, in our case too, one can say: let the animal remain in its [forbidden] status, and assume that there has been no slaughtering? — Surely the animal is slaughtered before us. But, here too, surely this man has immersed himself before us! In the latter case, something has happened to impair [his immersion]. But in the former case, too, something has happened to impair [the slaughtering]! — No; the defect is in the knife but not in the animal.

An objection was raised: If one cut through the gullet[12] and then the windpipe was torn away from its position, the slaughtering is valid. If the windpipe was first torn away and then one cut through the gullet, the slaughtering is invalid. If one cut through the gullet and then the windpipe was found to be torn away, and it is not known whether it was torn away before or after the slaughtering — this was an actual case [brought before the Rabbis], and they ruled: Any doubt whatsoever arising about the slaughtering makes it invalid. Now what is the scope of this rule?[13] Does it not include the case mentioned above?[14] — No. It includes those cases where there is a doubt as to whether or not one paused or pressed [in the act of slaughtering].

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(1) Therefore, in the second case the alternatives are (a) the bowl might have been uncovered by a reptile or by a clean person — in either case the water remains clean; (b) it might have been uncovered by an unclean person which would make the water unclean. The chances being more in favour of the first alternative, the water is regarded as clean on the principle of following the majority.

(2) Therefore, in the first case, as the possibility of a reptile having covered the bowl is excluded, the only alternatives are that it was covered either by a clean person or by an unclean person; and as the one is not more probable than the other, the law adopts the stricter view and regards the water as unclean.

(3) This bracketed passage is omitted by Rashal, neither is it found in MS.M.

(4) On the ground of danger to life. In cases regarding uncleanness however, it is clear from the foregoing statements that the law does not always adopt the stricter view; v. n. 2.

(5) Ter. VIII, 4.

(6) It is feared that these liquids might have been poisoned by a snake or by other poisonous reptiles.

(7) According to the time limit here laid down, it is clear that a man who came at the end of this period would see the reptile at the vessel, if any reptile had come; and there would therefore be no doubt but that the liquids had been poisoned. If, on the other hand, no reptile is seen, it is clear that no reptile could have been there in his absence.

(8) It is assumed throughout the whole of this discussion that the knife was perfectly good at the beginning, i.e., it had been examined before the slaughtering and pronounced to be free from notches.

(9) V. supra p. 39.

(10) Out of the mikweh, the ritual bath of purification.

(11) This substance may have been adhering to his body before the immersion and interposed between the water and his flesh, to which case the immersion is invalid.

(12) The statement deals with the slaughtering of a bird, in which case it is sufficient to cut through one organ, either the windpipe or the gullet.

(13) Lit., 'what does "whatsoever doubt about slaughtering" mean to include'.

(14) I.e., where after the slaughtering the knife was found to be notched.

Talmud - Mas. Chullin 10b

But what is the difference?[1] — In the latter cases the defect has arisen in the animal, whereas in the above mentioned case the defect has arisen in the knife but not in the animal.

The law is as R. Huna ruled[2] where he did not break up bones [with the knife after slaughtering]. And the law is as R. Hisda ruled[3] where he did break up bones. It follows that R. Hisda maintains his view even where no bones were broken up;[4] then the question is: how did the knife become notched? — You can say: It became notched through striking the bone of the neck.[5] There happened such a case[6] and R. Joseph declared as many as thirteen animals to be trefah. Now, whose view did he follow? Did he follow R. Huna's view [and so declared them all trefah,] including the first animal?[7] — No, he may have followed R. Hisda's view, and [so declared then, all trefah.] excepting the first animal.[8] If you wish, however, I can say that he followed R. Huna's view, because if he followed R. Hisda's view, then, since R. Hisda adopts a lenient view, why is it suggested that the knife became notched through striking the neck-bone of the first animal? Should we not say that it became notched through striking the neck-bone of the last animal?[9]

R. Aha the son of Raba told R. Ashi that R. Kahana required the knife to be examined after each animal that was slaughtered. Now, whose view did he adopt? Was it R. Huna's view, with the result that [if the knife were not examined between each animal that was slaughtered,] even the first animal would be trefah? — No. It was R. Hisda's view that he adopted,[10] and [he therefore required the knife to be examined after each animal so that] even those slaughtered after [the first] should be permitted. If this is so, should not the knife be examined by a Sage?[11] — [It is not necessary, for] one witness is believed in matters concerning ritual prohibition.[12] If so, it should never be necessary.[13] — Indeed, has not R. Johanan said that it is only out of respect to the Sage that it was ruled that one must present the knife to the Sage [for inspection]?

Whence is derived the principle which the Rabbis have adopted, viz.: Determine every matter by its status?[14] — R. Samuel b. Nahmani said in the name of R. Jonathan. It is derived from the verse: Then the priest shall go out of the house to the door of the house, and shut up the house seven days.[15] Now may it not have happened that, while he was going out, the leprous spot diminished in size?[16] [Yet we do not apprehend this] because we say: Determine every matter by its status.[17] R. Aha b. Jacob demurred to this: Perhaps the priest in going out of the house walks backwards so that he can see [the spot] as he is leaving![18] — Abaye retorted: There are two answers to your objection. In the first place, going out backwards is not a 'going out'.[19] In the second place, what will you say when the leprous spot is behind the door?[20] And if you say that he opens up a window [in the door]; have we not learnt: In a dark house one may not open up windows to inspect the leprous spot?[21] — Said Raba to him, With regard to your statement that going out backwards is not a 'going out', the case of the High Priest on the Day of Atonement proves otherwise; for in that case, though it is written: And he shall go out,[22] we have learnt: The High Priest goes out and leaves as he entered.[23] And with regard to your reference to the statement that 'in a dark house one may not open up windows to inspect the leprous spot', this rule only applies when the leprosy has not yet been ascertained; but once the leprosy has been ascertained the matter is determined.[24]

A [Baraitha] was taught which is not in agreement with the view of R. Aha b. Jacob: [Since it is written,] 'Then the priest shall go out of the house', you might think that he may go to his own house and shut up [the affected house from there].[25] the verse therefore reads: 'To the door of the house'. But if [we had only] 'the door of the house' to go by you might think that he may stand under the doorpost [of the affected house] and shut it up. The verse therefore reads: 'Out of the house', that is to say, he must go right out of the house. How is this done? He stands outside the doorpost and shuts it up. Moreover, whence do we know that if he went to his own home and shut it up [from there], or if he remained within the [affected] house and shut it up the shutting-up is valid? The verse therefore says. 'And he shall shut tip the house', implying that the shutting-up in whatever way effected [is valid].[26] And R. Ahab. Jacob?[27] —

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(1) Between these various cases of doubt. Why is it that in the case of the notched knife the slaughtering is valid, while in the cases where there is a doubt as to pausing or pressing in the act of slaughtering, it is invalid?

(2) That the slaughtering is invalid.
(3) That the slaughtering is valid.
(4) For otherwise there would be no dispute between them.
(5) Which can only be done after having first cut through the organs of the throat, by which time the slaughtering has been completed and therefore the slaughtering is not affected thereby.
(6) Where several animals were slaughtered without the knife being examined between each slaughtering, and after all the animals had been slaughtered the knife was found to be notched.
(7) For R. Huna apprehends that the notch may have arisen in the knife while cutting the skin of the first animal.
(8) For R. Hisda assumes that the notch was caused by striking the neck-bone after the animal had been duly slaughtered. It is therefore clear that at least the first animal had been properly slaughtered. On this view we must assume that the number of animals slaughtered was fourteen.
(9) And therefore all the animals should have been permitted.
(10) I.e., that we assume this notch to have been caused by the neck-bone of the first.
(11) Since according to R. Hisda the purpose of the examination is to render valid those animals slaughtered after the examination, then it becomes necessary for a Sage to examine the knife, for there is a rule that the inspection of the knife before the slaughtering must be by a Sage; v. infra p. 85.
(12) Therefore the slaughterer is trusted and his word is accepted when he examines the knife and pronounces it free from notches.
(13) Lit., 'from the very beginning'. At no time should it he necessary to have the knife examined by a Sage since the slaughterer is trusted.
(14) In cases of doubt it is presumed, unless there is evidence to the contrary, that all things retain the same status which they were last known to have had.
(15) Lev. XIV. 38.
(16) And it may thus have become less than the minimum size of a bean required to render the house unclean, so that there would be no necessity to shut up the house at all, and the act of 'shutting up' is consequently invalid.
(17) And as the house has acquired the status of being unclean, it is presumed to remain so, and requires to be 'shut up'.
(18) He can thus be certain that the spot has not diminished In size.
(19) For when Scripture says: 'And he shall go out', it implies going out in the normal way.
(20) In which case the spot would not be visible to the priest even though he walks out backwards.
(21) Neg. II, 3; Sanh. 92a.
(22) Lev. XVI, 18.
(23) I.e., walking backwards, facing the Holy of Holies; V. Yoma 52b.
(24) And then any means may be used, e.g, opening up a window, in order to confirm the existence of the leprosy.
(25) By means of a long rope attached to the door of the affected house.
(26) According to this Baraitha the suggestion of R. Aba b. Jacob seems untenable; for the Baraitha regards it valid even when the priest shut up the affected house from his own home, in which case it would be impossible for him to keep the leprous spot in view the whole time.
(27) How will he meet this objection?

Talmud - Mas. Chullin 11a

[The Baraitha refers to a case] where there was a row of men who reported that the leprous spot remained unaltered.[1]

Whence is derived the principle which the Rabbis have adopted, viz.: Follow the majority? Whence? [you ask]; is it not expressly written: Follow the majority?[2] — In regard to those cases where the majority is defined,[3] as in the case of the Nine Shops[4] or the Sanhedrin,[5] we do not ask the question. Our question relates to cases where the majority is undefined, as in the case of the Boy and Girl.[6] Whence then is the principle derived?

(Mnemonic: Zeman SHebah Mekanesh.[7] R. Eleazar said: It is derived from the head of a burnt-offering. The verse reads: And he shall cut it into its pieces,[8] which means, he shall cut it up

into its pieces but not its pieces into [smaller] pieces. Now why do we not fear that the membrane which encloses the brain is perforated?[9] Is it not because we follow the majority?[10] But is this really so? Perhaps he splits open [the head] and examines the membrane, and as for the rule, 'he shall cut it into its pieces but not its pieces into [smaller] pieces', this only prohibits the cutting up of a limb into pieces but does not prohibit [the mere splitting open of a limb] so long as the parts remain joined![11]

Mar the son of Rabina said: It is derived from the rule concerning breaking the bones of the paschal lamb. The verse reads: And ye shall not break a bone thereof.[12] Now why do we not fear that the membrane which encloses the brain is perforated? Is it not because we follow the majority! But is this really so? Perhaps he places a burning coal upon the head, burns away the bone and examines the membrane; for it has been taught: He who cuts the sinews or burns away the bones [of the paschal lamb] has not transgressed the law of breaking the bones.[13]

R. Nahman b. Isaac said: It is derived from the law concerning the tail [of sheep]. The verse reads: The fat thereof, and the fat tail entire.[14] Now why do we not fear that the spinal cord is severed? Is it not because we follow the majority! And should you say. He can cut off the fat tail lower down?[15] Surely the Divine Law says [Which he shall take away] hard 'by the rump bone',[16] that is to say, hard by the place where the counselling kidneys[17] are seated![18] But perhaps he cuts open the fat tail and examines it; and as for [the law that] the fat tail be entire, this only prohibits the complete severing of it but does not prohibit cutting it open so long as it is still one piece![19]

R. Shesheth the son of R. Idi said: It is derived from the case of the heifer whose neck was to be broken. The Divine Law says: Whose neck was broken,[20] [which has been interpreted] to mean that [after the neck has been broken] the heifer must remain whole. Now why do we not fear that it has some defect which makes it trefah? Is it not because we follow the majority! And should you say. What does it matter [even if it is trefah]?[21] Surely it was taught in the school of R. Jannai: Forgiveness[22] is mentioned in connection therewith as with sacrifices![23]

Rabbah b. Shila said: It is derived from the case of the Red Cow. The Divine Law says. And he shall slaughter it . . . and he shall burn it,[24] which signifies, just as for the slaughtering the animal must be whole, so for the burning it must be whole. Now why do we not fear that it is trefah? Is it not because we follow the majority? And should you say. What does it matter [even if it is trefah]? Surely the Divine law calls it a sin-offering![25]

R. Aha b. Jacob said: It is derived from the case of the Scapegoat.[26] The Divine Law says. And he shall take the two goats, which implies that the two shall be alike in all respects,[27] Now why do we not fear

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(1) The report being passed along the line up to the priest.

(2) Ex. XXIII, 2. This is the traditional interpretation of the verse by the Rabbis. In the English versions it is rendered: to turn aside after a multitude to pervert justice.

(3) Lit., 'that is before us'; i.e., the number constituting the majority can be easily ascertained.

(4) V. Pes. 9b. Where if in a particular neighbourhood there are nine shops which sell ritually slaughtered meat and a tenth which sells trefah meat, any meat found in that neighbourhood is kosher or permitted, it being presumed to have come from the majority, i.e., one of the nine shops.

(5) V. Sanh. 40a. The Great Sanhedrin was the supreme court of the Jews and consisted of seventy-one Judges; the Small Sanhedrin was an inferior court and consisted of twenty-three Judges. In each case the decision of the majority of the Judges was the decision of the court.

(6) Where a boy who is a minor marries his deceased brother's wife who is also a minor, in accordance with the law of Levirate marriage laid down in Deut. XXV, 5, the marriage is valid, and we do not fear that one of them may prove to be sterile, in which case, the purpose of the levirate marriage having failed, the marriage would be unlawful as coming within the prohibited degrees. The reason is that we follow the majority, and the majority of people are not sterile. V.

Yeb. 61b, and 111b.
(7) This mnemonic is formed by taking a characteristic letter from each of the names of the Rabbis who are quoted in the following passages. The Hebrew letters form three words which may be translated: Time brings profit.
(8) Lev. I, 6. The animal was cut up into limbs and these were offered on the altar whole, but it was not permitted to cut up a limb into smaller pieces.
(9) This defect, as well as the other defects mentioned in these passages, would make the animal trefah and consequently unfit for a sacrifice. The sacrifice of the burnt-offering is nevertheless valid, in spite of the fact that it was not possible to cut open the head and examine the membrane by reason of the prohibition against cutting up a limb.
(10) And the majority of animals are not trefah.
(11) Since in the way suggested it is possible to examine the animal as to any defect there is no proof from here that we follow the majority.
(12) Ex. XII, 46.
(13) V. Pes. 84b. This suggestion thus fails to prove our principle.
(14) Lev. III, 9. The fat tail of a sheep or ram in cases of sin-offerings or peace-offerings was offered in one whole mass upon the altar.
(15) I.e., below the point of partition where the spinal cord branches off into three minor cords, one extending into the right thigh, the second into the left thigh, and the third continuing straight on into the tail. If any one of these minor cords is severed the animal does not become trefah. V. infra 45b. It is therefore suggested that the fat tail should be cut off below the point of partition, in which case even if the cord is severed in the tail it is of no consequence.
(16) Lev. III, 9.
(17) Cf. Ber. 61a, where it is stated that the function of the kidneys is to give counsel.
(18) Which is above the point of partition.
(19) Since it is possible to examine the tail in the manner suggested, there is no proof from this case that we follow the majority.
(20) Deut. XXI, 6. After the breaking of the neck the heifer was immediately buried whole and on no account was it permitted to cut up the carcass.
(21) Since it was not a sacrifice in the ordinary sense of that term.
(22) Deut. XXI, 8: Forgive, O Lord, Thy people Israel.
(23) Therefore, just as a trefah animal was unfit for a sacrifice, so the heifer, if trefah, was unfit for the purpose. It is to be noted that R. Shesheth's argument succeeds in proving the principle of following the majority. This is also the case with the arguments used in the following passages, with the possible exception of R. Mari's argument. V. infra p. 51, n. 6.
(24) Num. XIX, 3, 5.
(25) Ibid. 9. And therefore like all sacrifices the Red Cow may not be trefah.
(26) Lev. XVI, 7. On the Day of Atonement two goats were required, one to be a sacrifice unto the Lord and the other, the Scapegoat, to be sent away to Azazel (ibid. 8), i.e., it was taken into the wilderness where it was hurled down a steep mountain. Lots were cast to decide which goat was to be for the Lord and which for Azazel.
(27) This interpretation suggests that the goat for Azazel may not be trefah, just as the goat which was for the Lord clearly may not be trefah. This, however, would seem to be superfluous as the reason why it may not be trefah is stated subsequently. The words, ‘that the two shall be alike in all respects’ are omitted in MS.M.

Talmud - Mas. Chullin 11b

that one of them is trefah?[1] Is it not because we follow the majority! And should you say, What does it matter [even it if is trefah]? Surely it has been taught: The lot cannot determine [the goat] for Azazel unless it is fit to be for the Lord![2] And should you say: It can be examined?[3] Surely we have learnt: Before it reached half way down the mountain it was already broken into pieces![4]

R. Mari said: It is derived from the case of one that smiteth his father, or his mother,[5] for which offence the Divine law prescribes death. Now why do we not fear that the person struck may not have ben his father? Is it not because we follow the majority, and a woman cohabits with her husband more often [than with a stranger]? But perhaps [the law applies] only to the case where the

father and mother were locked up in prison![6] — Even so there is no guardian against unchastity.[7]

R. Kahana said: It is derived from the case of a murderer, for whom the Divine law prescribes death. Now why do we not fear that the victim may have been trefah?[8] Is it not because we follow the majority! And should you say: We can examine the body? [This is not allowed because] it would thereby be mutilated! And should you say: Since a man's life is at stake, we should mutilate the body? Surely there is always the possibility that there was a hole [in the victim] in the place [where he was stuck] by the sword.[9] Rabina said: It is derived from the law concerning witnesses who are found to be zomemim,[10] in connection with whom the Divine Law says. Then shall ye do unto him, as he had purposed [to do unto his brother].[11] Now why do we not fear that the person against whom they gave false evidence [that he committed a capital offence] is trefah?[12] Is it not because we follow the majority! And should you say. We can examine him now? Sure]y it has been taught: Beribbi[13] said: If the person [against whom their evidence was directed] has not been executed they are put to death; if he has been executed they are not put to death![14]

R. Ashi said: It is derived from the law of Shechitah itself;[15] for the Divine Law says [in effect]. Slaughter and eat. Now why do we not fear that there is a hole [in the gullet] in the place where It was cut through?[16] Is it not because we follow the majority!

R. Ashi added: I put forward this argument to R. Kahana — others say: R. Kahana put forward this argument to R. Shimi — and he replied: perhaps the law is that where it is possible to ascertain the facts we must do so; it is only where it is impossible to ascertain the facts that we follow the majority.[17] For if you do not accept this [argument], then the question will be asked: Did R. Meir, who is of the opinion that the minority must be taken into consideration, always abstain from eating meat? And if you reply that this indeed was the case, then it will be asked:

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(1) l.e., the one which was to be sent to the wilderness. It was obviously impossible to examine it as to any defects, since it was sent away alive.

(2) In other words, though only one of the goats was offered as the sacrifice to the Lord, it was necessary for both goats to be such as might have been sacrificed to the Lord; it follows therefore that neither goat might be trefah.

(3) After being sent away.

(4) Yoma 67a.

(5) Ex. XXI, 15.

(6) Where his mother conceived him and where it would be impossible for the mother to have intercourse with strangers.

(7) So that the offence of striking a father is made punishable only by reason of the principle of following the majority. This answer, however, is omitted in MS.M; if it is omitted. R. Mari's argument stands disproved.

(8) A person afflicted with a fatal organic disease, for whose killing a person is not punishable as a murderer.

(9) The murderer may have killed the victim by striking him in a place where he was already suffering from a fatal wound, and in so doing removed all traces of the previous wound. In such a case it is clear that no amount of post mortem examination would show that the victim was trefah; hence it is proved that we follow the majority.

(10) A technical term for a particular form of perjury. Cf, Deut. XIX, 16ff and Mak, chaps 1. The punishment meted out to these false witnesses is the sentence which the court had pronounced upon the person who was found guilty on the strength of their false evidence. This law, as will be seen from the subsequent statement, does not apply where the sentence has in fact been carried out.

(11) Deut. XIX, 19.

(12) Cf, p. 51, n. 7.

(13) l.e., a prominent scholar, or as Rashi suggests in Mak. 5 b a teacher of that name. V.J. E. III, p. 52.

(14) V.M ak. 5b. The position is this: if the person against whom the witnesses testified has been executed the witnesses are not punished at all, and if he has not been executed then it is not possible to examine him as to whether or not he is a trefah; hence it is proved that we follow the majority.

(15) The basic law of Shechitah, which is that one may eat an animal which has been ritually slaughtered.

(16) And therefore the slaughtering should not be valid because the animal may have been trefah.

(17) Lit., 'where (it is) possible, it is possible; where impossible, impossible'. Although in the cases previously quoted, it is true that the majority principle is adopted, it is not to be enlarged into a general principle, for in each of those cases it was impossible to ascertain the true facts; where, however, it is possible to do so one should not follow the majority.

Talmud - Mas. Chullin 12a

What about the meat of the paschal lamb and of other sacrifices?[1] You are therefore obliged to say [that R. Meir's view is]: where it is possible to ascertain the facts[2] one must do so, and only where it is impossible to ascertain the facts does one follow the majority. Our view then is the same: Where it is possible to ascertain the facts we must do so, and only where it is impossible to do so do we follow the majority.

R. Nahman said in the name of Rab: If [a man] saw another slaughtering, and he watched him from beginning to end, he may eat of the slaughtering; otherwise he may not eat of the slaughtering. What are the circumstances of the case? If he knows that the slaughterer is conversant [with the rules of shechitah], then why is it necessary to watch over him? If he knows that the slaughterer Is not conversant [with the rules at all], then the case is obvious![3] Again, if he does not know whether the slaughterer is conversant [with the rules] or not, then should not the principle that 'the majority of those who slaughter[4] are qualified' apply?[5] For has it not been taught: If [a man] found a slaughtered chicken in the market, or if he said to his agent. 'Go and slaughter [an animal]', and subsequently found it slaughtered, it is presumed to have been ritually slaughtered? This proves that we apply the principle that 'the majority of those who slaughter are qualified'; in our case, too, should we not apply this principle? — The actual facts of our case are that he knows that the slaughterer is not conversant [with the rules at all] and that the latter has cut one of the organs [of the throat] in his presence properly [according to ritual]. Now it might be said: since he has cut the one organ properly [he will cut] the other just as well; Rab therefore teaches us [that we may not assume such to be the case, because it might just as well be] that it happened merely by chance that he cut the one organ properly but in the cutting of the other he might pause or press.

R. Dimi b. Joseph put to R. Nahman the following questions: If [a man] said to his agent: 'Go and slaughter [an animal]', and he subsequently found it slaughtered, what [is the law]? — He replied: It is presumed to have been ritually slaughtered. If [a man] said to his agent: 'Go and set aside the terumah',[6] and he subsequently found it set aside, what [is the law]? — He replied: It is not presumed to have been validly set aside as terumah. [He thereupon contended:] What is your opinion? If you hold that there is a presumption that an agent carries out his instructions, then apply it also to the case of terumah;[7] and if you hold that there is no presumption that an agent carries out his instructions, then even in the case of shechitah it should not be presumed! — He replied: If you will measure out for it a kor of salt [I will then explain it to you].[8] Actually there is no presumption at all that an agent carries out his instructions; now in the case of shechitah, even if we take into account the possibility that a stranger, having overheard the instructions, went and slaughtered [the animal], there is no harm, because of the principle that 'the majority of those who slaughter are qualified'; whereas in the case of terumah if we take into account the possibility that a stranger, having overheard the instructions, went and set aside the terumah [it would be invalid] for he would have done so without the consent of the owner, and [the law is that] if one sets aside terumah without the consent of the owner the terumah is not valid.[9]

Shall we say that the principle, 'The majority of those who slaughter are qualified', is the issue between the following Tannaim? For it has been taught: If [a man] lost his kids or his chickens and subsequently found them slaughtered. R. Judah forbids them [to be eaten], but R. Hanina the son of R. Jose the Galilean permits them [to be eaten]. Said Rabbi: R. Judah's view is acceptable [to me] in the case where they [the kids or chickens] were found on a rubbish heap,[10] and R. Hanina's view is acceptable [to me] in the case where they were found in a house. May we not assume that the issue

between them is the above principle; one [R. Hanina] accepts the principle that 'the majority of those who slaughter are qualified', and the other [R. Judah] does not accept this principle? — R. Nahman b. Isaac replied: It is not so. Both accept the principle that 'the majority of those who slaughter are qualified', and if [the lost kids and chickens were found] in a house, both agree that they are permitted [to be eaten]; and furthermore, if [they were found] on a public rubbish heap, both agree that they are forbidden; the issue between them is only in the case where [the were found] on the rubbish heap of a private house: one [R. Judah] is of the opinion that a man is wont to cast a nebelah on to the rubbish heap in his house, while the other [R. Hanina] is of the opinion that a man is not wont to cast a nebelah on to the rubbish heap in his house.[11]

The Master stated: 'Said Rabbi, R. Judah's view is acceptable [to me] in the case where they [the kids or chickens] were found on a rubbish heap'. Now what kind of rubbish heap is meant? Shall I say. A public rubbish heap? But you have said above that both agree that in such a case they are forbidden [to be eaten]! It must then be a rubbish heap of a private house. Now consider the next statement [of Rabbi]: 'And R. Hanina's view is acceptable [to me] in the case where they were found in a house'. What is meant by 'in a house'? Shall I say: In the house itself? But you have said above that in such a case both agree that they are permitted [to be eaten]! It must then be on the rubbish heap of a private house. Is there not then a contradiction between these two statements of Rabbi? —

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(1) Did he likewise abstain therefrom? This is inconceivable, for it is a positive duty to eat the meat of the paschal lamb and of certain other sacrifices!

(2) By carefully enquiring into the case, taking into account even the minority.

(3) That the slaughtering is invalid unless some reliable person was watching him all the time.

(4) Lit., 'who have to do with slaughtering'.

(5) It would therefore be unnecessary to watch over him at all; v. supra 3b.

(6) V. Glos.

(7) The terumah would then be valid by reason of this presumption.

(8) As a reward for my labour! A facetious remark, generally used when about to explain to some person a subtle distinction between two cases. Kor is a measure of capacity.

(9) V. Ter. I, 1, and Git 23b.

(10) The fact that they were found on a rubbish heap is an indication that they were unfit to be eaten, probably nebelah.

(11) Therefore, whatsoever is found on a private rubbish heap is permitted to be eaten.

Talmud - Mas. Chullin 12b

This is what he [Rabbi] meant to say: The view of R. Judah is acceptable to R. Hanina the son of R. Jose the Galilean in the case where they were found on a public rubbish heap; for the latter differs from R. Judah only in the case where they were found on the rubbish heap of a private house, but agrees with him if they were found on a public rubbish heap. And the view of R. Hanina is acceptable etc.[1]

EXCEPT A DEAF-MUTE. AN IMBECILE OR A MINOR, LEST THEY INVALIDATE THEIR SLAUGHTERING. It does not say: 'Lest they have invalidated', it says. LEST THEY INVALIDATE; this, said Raba, proves that one may not give them [even] common[2] beasts [to slaughter] in the first instance.[3]

AND IF ANY OF THESE SLAUGHTERED WHILE OTHERS WERE STAN DING OVER THEM, THEIR SLAUGHTERING IS VALID. Who is the author of this statement [which suggests] that one does not require to have the intention to slaughter according to ritual?[4] — Raba answered, It is R. Nathan. For Oshaia, junior of the collegiates,[5] learnt: If one threw a knife intending to thrust it into a wall, and [in its flight] it slaughtered an animal in the usual way. R. Nathan declares the slaughtering valid; but the Sages declare it invalid. And [Oshaia] having learnt this [Baraitha] added

that the halachah was in accordance with R. Nathan's view. But do we not require a forward and backward motion [in slaughtering]?[6] — There was here a forward and backward motion[7] in the usual way.

R. Hiyya b. Abba reported that R. Johanan raised the following question: Does the law recognize the [expression of the] intention of a minor or not?[8] — Said R. Ammi to R. Hiyya. He might as well have put the question in regard to the act [of a minor].[9] Why did he not put the question in regard to the act [of a minor]? [Presumably] because we have learnt that the law recognizes the act [of a minor as sufficient evidence of his intention]; for the same reason he need not have put the question in regard to the [expression of the] intention of a minor, because we have learnt that the law does not recognize the [expression of the] intention [of a minor as sufficient evidence of his intention]! For we have learnt:[10] Acorns or pomegranates or nuts which children hollowed out in order to measure sand therewith, or which they fashioned Into scales, are susceptible to uncleanness,[11] because the law recogn[7] zes the act [of a minor as sufficient evidence of his intention]

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(1) These last words are omitted in MS.M., and it would also seem 1hat Rashi did not have them in his text, if they are to remain in the text they should be expanded thus: And the view of R. Hanina is acceptable to R. Judah in the case where they were found in a house, for the latter only differs from it. Hanina in the case where they were found on the rubbish heap of a private house, but agrees ‘with him if they were found in a house.

(2) Hullin, v. Glos.

(3) Even when others are prepared to stand and watch over them they may not slaughter in the first instance, for they are liable at any moment to infringe the rules of shechitah.

(4) For the Tanna, in holding that the slaughtering of (inter alia) an imbecile is valid when others were standing over him, clearly is of opinion that the intention to slaughter according,o ritual is not essential, since an imbecile is incapable of forming such an intention.

(5) Or, as others interpret, Oshaia Ze'ira of Haberya, v. Ta'an., Sonc. ed., p. 124, n. 2.

(6) V. infra 30b and Tosef. Hul. I, 4 and 5. In this case there was only a forward motion of the knife.

(7) The knife in its flight cut the throat in a forward motion, it then struck the wall, and in its rebound cut the throat again, now in a backward motion.

(8) The question refers to cases where the legal status of a thing is determined by the intention formed in relation thereto. It is not here disputed that it is sufficient if the necessary intention was formed by a minor; the question asked is: what evidence does the law require before it is satisfied that the minor has in fact formed the necessary intention? Is a minor's statement as to his intention sufficient evidence of that intention? Throughout this discussion Rashi's interpretation has been followed; v. however Tos. s.v. ותיבעי.

(9) I.e., whether the law is satisfied as to the existence of any particular intention on the part of a minor when that expressed intention is evidenced by some unequivocal act on his part.

(10) Kel. XVII, 15.

(11) All articles are rendered susceptible to uncleanness by the intention to use them for some purpose. Here the intention of the children is clearly seen from their act of hollowing out the nuts.

Talmud - Mas. Chullin 13a

hut not [the mere expression of] his intention. — He replied. He certainly did not put the question in regard to the mere [expression of the] intention [of a minor]. What he asked was whether his intention[1] could be inferred from his act.[2] For example: there stood [an animal intended for] a burnt-offering on the south side [of the altar], and the minor brought it to the north side and slaughtered it there. Should we say that since he brought it to the north side and slaughtered it there [it is clear that] he had the proper intention,[3] or should we rather say that he did not find a convenient place [in the south]?[4]

But has not R. Johanan already expressed his view in such a case? For we have learnt:[5] If [a man] took his fruit up to the roof in order to keep it free from maggots and dew fell upon it, it does not

come within the rule of 'if water be put'.[6] If, however, he had the Intention [that the dew should fall upon it] it comes within the rule of 'if water be put'. If it was taken up by a deaf-mute, an imbecile or a minor, it does not come within the rule of 'if water be put', even though they had the intention [that the dew should fall upon it], because the law recognizes the act of a minor but not [mere] intention. And R. Johanan explained that this rule only applies where they[7] did not turn the fruit over, but if they did turn the fruit over it comes within the rule of 'if water be put'.[8] The question [R. Johanan] put was this: Was this rule[9] laid down by the Torah or only by the Rabbis?[10] R. Nahman b. Isaac gives this version [of the foregoing argument]. R. Hiyya b. Abba said that R. Johanan put this question: Does the law recognize the act of a minor [as sufficient evidence of his expressed intention] or not? Said R. Ammi to R. Hiyya. He might as well have put the question in regard to the [expression of the] intention [of a minor]. Why did he not put the question in regard to the [expression of the] intention [of a minor]? Because we have learnt that the law does not recognize the [expression of the] intention of a minor [as sufficient evidence of his intention]; for the same reason he need not have put the question in regard to the act of a minor because we have learnt that the law recognizes the act of a minor [as sufficient evidence of his expressed intention]! — The question [R. Johanan] put was this: Is this rule laid down by the Torah or only by the Rabbis? — And [R. Johanan himself] solved [it]: The act of a minor [as sufficient evidence of his unexpressed intention] is recognized even by the Torah; [the mere expression of] his intention is not recognized even by the Rabbis;[11] the [unexpressed] intention of the minor evidenced from his act is not recognized by the Torah but only by the Rabbis.

Samuel put the following question to R. Huna: Whence do we know that an act performed incidentally in connection with sacrifices[12] is invalid? — [He replied,] Because it is written: And he shall slaughter the bullock,[13] thus teaching that the slaughtering should be intended for a bullock. Thereupon Samuel said: This we already know;[14] but whence do we know that this rule is indispensable?[15] — He replied: It is written: Ye shall slaughter it at your will,[16] that is to say, slaughter it intentionally.[17]

MISHNAH. THAT WHICH IS SLAUGHTERED BY A GENTlle[18] IS NEBELAH[19] AND DEFILES BY CARRYING.[20]

GEMARA. It is nebelah only but it is not prohibited for all other purposes. Who is the authority for this view? — R. Hiyya b. Abba in the name of R. Johanan replied: It cannot be R. Eliezer, for were it R. Eliezer [it should also be prohibited for all other purposes] since he maintains that the thoughts of a gentile are usually directed towards idolatry.[21]

R. Ammi said that the Mishnah is to be interpreted thus: THAT WHICH IS SLAUGHTERED BY A GENTILE IS NEBELAH, but [that which is slaughtered] by a min[22] is presumed to be intended for idolatry.[21] We thus learnt here what our Rabbis have taught: That which is slaughtered by a min [is regarded as] intended for idolatry, his bread as the bread of Cutheans,[23] his wine as wine used for idolatrous purposes, his scrolls of the Law as books of soothsayers,[24] his fruit as tebel.[25] Some add, even

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(1) I.e., where he did not express it.

(2) In cases where the intention was unexpressed but the act was evidence thereof.

(3) Sacrifices of the highest grade had to be slaughtered on the north side of the altar; v. Zeb, chap. V. Furthermore, every act in connection with any sacrifice had to be intended for the particular sacrifice.

(4) So that the slaughtering of the animal may have been performed on the north side not because he knew that it was necessary to slaughter a burnt-offering there but because he found the place more convenient.

(5) Maksh, VI, 1.

(6) Lev. XI, 38. From this verse the law is derived that produce becomes susceptible to uncleanness only after it has been made wet by water or other liquids specified in Maksh. VI, 4. It is provided, however, that the owner must have applied

the water to the produce intentionally, or, at least, that the presence of the water on the produce was acceptable to him. V. Maksh. I, 1.

(7) I.e., the deaf-mute, the imbecile or the minor.

(8) Their turning over the fruit shows that they intended the dew to fall on the other side of the fruit too. It must be assumed, however, that they did not expressly state their Specific purpose, for if they did, it would not be necessary for R. Johanan to teach this, for it is obvious that their act is conclusive evidence of their expressed intention. Here is a clear case of an act which, though not conclusive, might well serve to indicate the minor's intention; yet R. Johanan ruled that the law was satisfied with such evidence of intention.

(9) Viz., that the law recognizes the unexpressed intention of a minor where it can be inferred from his act.

(10) If the rule is Biblical then it would be applied in all cases, even where the effect of such application would produce a more lenient result; e.g., in the case of the burnt-offering mentioned above, the result of applying the rule would be to declare the sacrifice valid. If, however, the rule was only laid down by the Rabbis, it would only be applied in such cases where the effect of such application would produce a more stringent result; e.g, in the case of the fruit on the roof, the result of applying the rule would be to regard the fruit as susceptible to uncleanness.

(11) And therefore the expression of his intention is ignored in all cases, even where the effect would produce a more stringent result.

(12) E.g., a person while handling a knife unintentionally slaughters a consecrated animal.

(13) Lev. I, 5.

(14) Lit., 'that is in our hand'.

(15) I.e., that if the proper intention was absent 1he sacrifice is invalid even after the act.

(16) Lev. XIX, 5.

(17) Since we have two verses each directing that the slaughtering of a consecrated animal must he accompanied by the proper intention the rule becomes indispensable, in accordance with the Rabbinic dictum: wherever Scripture repeats an injunction it is meant to be indispensable.

(18) Even though the slaughtering was performed according to ritual and in the presence of an Israelite, the animal is regarded as nebelah and may not he eaten; but also, like nebelah, it may be used for any other purpose.

(19) V. Glos.

(20) V. Lev. XI, 40.

(21) And it is established law that no use or benefit may he derived from anything connected with idolatrous worship.

(22) Heb. מין pl. מינים. A Jew or a gentile who is devoted to the worship of idols, or who acts as priest unto idols, V. Glos.

(23) The bread of Cutheans (i.e., Samaritans) was forbidden to be eaten. V. Sheb. VIII, 10: He who eats the bread of a Cuthean is as one who eats the flesh of swine.

(24) Which serve for idolatrous purposes. V. Git. 45b: A scroll of the Law written by a min must be destroyed by fire.

(25) Produce from which there have not yet been separated the tithes and the priestly dues, and which may not he eaten on penalty of death at the hands of Heaven.

Talmud - Mas. Chullin 13b

his children as bastards. And the first Tanna?[1] — He holds that he would not allow his wife to prostitute herself.

The Master stated above: 'THAT WHICH IS SLAUGHTERED BY A GENTILE IS NEBELAH'. But perhaps he is a min? — R. Nahman in the name of Rabbah b. Abbuha answered: There are no minim among the gentiles. But we see that there are! Say: The majority of gentiles are not minim. For he accepts the opinion expressed by R. Hiyya b. Abba in the name of R. Johanan: The gentiles outside the land [of Israel] are not idolaters; they only continue the customs of their ancestors.

R. Joseph b. Minyomi stated in the name of R. Nahman: There are no minim among the idolatrous nations.[2] Now, to what would this rule apply? Do you say to shechitah? But surely, if what is slaughtered by a min who is an Israelite is prohibited, it goes without saying that what is slaughtered by a gentile min is prohibited! Do you then say it applies to the law of 'casting down into a pit'?[3]

But surely, if a min who is an Israelite may be cast down, it goes without saying that a gentile min may be cast down! R. 'Ukba b. Hama said: The rule applies to the matter of accepting sacrifices from them. For it has been taught:[4] Of you,[5] but not all of you, thus excluding an apostate. 'Of you', that is to say, among you [Israelites] is a distinction drawn but not among the gentiles.[6] But are you correct in this? Perhaps this is the meaning [of the Baraitha]: As regards Israelites, you may accept sacrifices from the righteous but not from the wicked, but as regards gentiles you may not accept sacrifices from them at all?[7] — You cannot entertain such a view, for it has been taught: [It would have sufficed had Scripture stated], a man,[8] why does it state, 'a man, a man? To include gentiles, that they may bring either votive or freewill-offerings like an Israelite.

AND DEFILES BY CARRYING. Is not this obvious? Since it is nebelah [it follows that] it defiles by carrying! Raba answered: This is the interpretation. This animal defiles by carrying, but there is another [similar] case where the animal even defiles [men and utensils that are] in the same tent.[9] Which is that? It is the case of an animal slaughtered as a sacrifice to idols. This then is in accordance with the view held by R. Judah b. Bathyra.[10] Some report this statement as follows: Raba answered: This is the interpretation. This animal defiles by carrying, and there is another case which is similar to this one in that the animal [there too] only defiles by carrying but does not defile [men and utensils that are] in the same tent. Which is that? It is the case of an animal slaughtered as a sacrifice to idols. This then is not in agreement with R. Judah b. Bathyra. For it has been taught: R. Judah b. Bathyra said: Whence do we know that sacrifices unto idols defile [men and utensils that are] in the same tent? From the verse: They joined themselves also unto Baal-Peor and ate the sacrifices of the dead[11] as a dead body defiles [men and utensils that are] in the same tent so also do sacrifices unto idols.

MISHNAH. IF ONE SLAUGHTERED BY NIGHT;[12] LIKEWISE IF A BLIND MAN SLAUGHTERED. THE SLAUGHTERING IS VALID. GEMARA. The expression 'IF ONE SLAUGHTERED' implies that the slaughtering is valid only after the act but it does not imply a right in the first instance.[13] Now is not this contradicted [by the following statement]: At all times one may slaughter,[14] by day or by night, and [in all places,] whether on the rooftop or on top of a ship?[15] — R. Papa answered [that in the latter case] the man slaughters to the light of a torch. R. Ashi added. This is supported by the context, for in the latter case night and day are in juxtaposition,[16] whereas in the Mishnah night and a blind man are in juxtaposition.[17] This is conclusive.

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(1) What is his view about the children?

(2) I.e., the law does not regard a gentile mill as a min.

(3) V. A.Z. 26a and b: Minim, betrayers and apostates may be endangered and need not be delivered from danger, whereas idolaters and Jewish shepherds of small cattle are not to be endangered, though one is not obliged to deliver them from danger. The expression 'cast down into a pit' is synonymous with 'endangering life'.

(4) V. supra p. 19.

(5) Lev. I, 2.

(6) I.e., sacrifices may he accepted from all gentiles without exception.

(7) And so when the Baraitha states that no distinction is made among the gentiles it is entirely negative, i.e., on no account and in no circumstances may sacrifices be accepted from gentiles.

(8) Lev. XXII, 18. The verse, translated literally, reads: A man, a man of the children of Israel . . . that bringeth his offering etc. It is suggested that the repetition of 'a man' extends the law to include such persons other than those contemplated in the ordinary meaning of the verse; in this case, gentiles.

(9) V. Num. XIX, 14: This is the law, when a man dieth in a tent, every one that cometh into the tent, and everything that is in the tent shall be unclean seven days. The rule laid down in this verse has been extended by the Rabbis to include a person or thing which is directly over (and thus forming a tent over) the unclean object.

(10) V. infra.

(11) Ps. CVI, 28.

(12) In the dark.

(13) And the reason is because it is to be feared that the slaughterer will not be able to ascertain whether he has sufficiently cut through the organs of the throat.

(14) This expression implies a right in the first instance to do so.

(15) Although we learnt (infra 41a) that one may not slaughter and allow the blood to run into the sea or vessel, lest it be said the slaughtering was an act of idolatrous worship to the deity of the sea, or that it was being collected for an idolatrous purpose, here, where the slaughtering is performed on the roof top and the blood collected in a vessel, there is no such apprehension, for it was collected in a vessel merely to avoid fouling the roof. Similarly where the blood is allowed to run into the sea from the top of the ship it is done merely to avoid fouling the top of the ship.

(16) Suggesting that the distinction is merely one of time but not necessarily that the slaughtering is done in the dark.

(17) Implying that the darkness of the night is intended, corresponding with the darkness of a blind man.

Talmud - Mas. Chullin 14a

MISHNAH. IF A MAN SLAUGHTERED ON THE SABBATH OR ON THE DAY OF ATONEMENT, NOTWITHSTANDING HE IS GUILTY AGAINST HIS OWN LIFE,[1] THE SLAUGHTERING IS VALID.

GEMARA. R. Huna said that Hiyya b. Rab in an exposition [on this Mishnah] said in the name of Rab that the animal was nevertheless forbidden to be eaten that same day.[2] The colleagues thereupon suggested that [the reason for this decision was that] the view [expressed in the Mishnah] was that of R. Judah. Now where does R. Judah express such a view? — R. Abba said, in the matter of 'Readiness'.[3] For we have learnt: One may cut up [on the Sabbath] pumpkins for beasts or a carcass[4] for dogs. R. Judah says. It is forbidden to do so[5] if the animal was not dead on the eve of the Sabbath, for then it would not belong to that class of things set in readiness for the Sabbath.[6] This therefore shows that since it was not set in readiness on the eve of the Sabbath [for that particular use] it is forbidden [to be so used on the Sabbath]; so, too, in the case of our Mishnah, since the animal was not set in readiness on the eve of the Sabbath [for food] it is forbidden [to be so used on the Sabbath]. Thereupon Abaye said to him: What a comparison! In the case quoted the animal was originally set in readiness to serve for human food but now it merely serves for dog's food, whereas in the case of our Mishnah the animal was originally set in readiness to serve for human food and now too it serves for human food![7] — [He replied.] You are assuming that a living animal is intended for food; in reality it is intended for breeding purposes. If so, why is it permitted, on this view of R. Judah, to slaughter an animal on a festival?[8] — R. Abba then replied. The truth of the matter is that a living animal is intended both for breeding purposes and for food. If it is slaughtered,[9] this act proves that it was intended originally to serve for food; if it is not slaughtered,[9] it proves that it was intended originally for breeding purposes.[10] But surely R. Judah does not hold bererah![11] Whence do we know this? Shall we say from the following [Baraitha] wherein it is taught: If a man bought wine from the Cutheans[12] he may say. 'Let two logs which I intend later to set aside be terumah,[13] ten first tithe,[14] nine second tithe',[15] and then, after redeeming [this latter tithe with money], he may drink it. This is the opinion of R. Meir. R. Judah. R. Jose and R. Simeon do not allow this?[16] —

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(1) For breaking the Sabbath the offender is put to death by stoning, cf. Exod. XXXI, 14-15 and Num. XV. 35; and for profaning the Day of Atonement he incurs the heavenly punishment of Kareth (v. Glos.) in accordance with Lev. XXIII, 30.

(2) Even if he desires to eat it raw.

(3) Heb. הכנה. The rule adopted by R. Judah is that such things which on the eve of the Sabbath were not set in readiness or intended for the purpose which they actually serve on the Sabbath are forbidden to be so used on the Sabbath. They are mukzeh (v. Glos.), set apart, not counted on for use. This rule is based on Ex. XVI, 5, and applies particularly to fruit which fell from the tree on the Sabbath and also to an animal slaughtered on the Sabbath. In these cases neither the fruit nor the animal can be said to have been set in readiness for food on the Sabbath since on the eve of

the Sabbath the fruit was still on the tree and the animal was still alive; v. Bez. 2b.
(4) Even though the animal died on the Sabbath.
(5) Sc. to cut up the carcass.
(6) Since on the eve of the Sabbath the animal was still alive and so was not set in readiness for food, it is forbidden to be so used (i.e., for food) on the Sabbath (Shab. 156b).
(7) It should therefore be permitted on the Sabbath.
(8) Since the animal on the eve of the festival was kept for breeding purposes it is clearly mukzeh on the festival, and therefore forbidden. Nevertheless the law is established beyond all doubt that one may slaughter an animal on a festival.
(9) At a time when it is permitted so to do.
(10) And so in the case of our Mishnah, since the animal was not slaughtered before the Sabbath, it is clear that the owner intended to keep it for breeding purposes, accordingly it is mukzeh and therefore forbidden to be eaten on the Sabbath.
(11) Heb. בְּרִירָה, retrospective designation, i.e., the legal effect resulting from an actual selection or disposal of things previously undefined as to their purpose. It is applied in our case thus: the purpose of a living animal is uncertain, but the subsequent use of the animal will define its purpose retrospectively. Unless we hold that the animal was definitely intended for food on the eve of the Festival it would be forbidden, according to R. Judah's view, to slaughter it and eat it on the Festival.
(12) Also called Samaritans. V. supra p. 5, n. 6. It was doubtful whether the Cutheans were wont to set aside the terumah (v. next note) and other dues or not, and therefore it was necessary when purchasing wine or other produce from them to set aside the various dues. The circumstances of this case are as follows: A man has bought 100 logs (a liquid measure) of wine from the Cutheans and has got no other vessels wherein to set aside the dues; or the case may be that it is the eve of Sabbath and there is not sufficient time wherein to set aside the dues before the Sabbath begins.
(13) An offering to be given to the priest. The amount to be so given 15 not specified in the Torah but it was the general practice to offer two per cent of the produce. V. Glos.
(14) This tithe had to be given to the Levite.
(15) This tithe had to be consumed by the owner in Jerusalem. The Torah permits the redemption of this tithe with money, which money must be spent in Jerusalem; cf. Deut. XIV, 25. In the present case the circumstances do not prevent the owner from redeeming this tithe with some .money that he may possess.
(16) It is assumed that the issue between these Rabbis relates to bererah. It must be remembered that the wine named as dues is not actually separate from the rest, and R. Meir, holding bererah, argues that when this purchaser subsequently sets aside the various dues, either after the Sabbath or when he acquires sufficient vessels, it is deemed that that which is now set aside is identical with that which was originally named, and there is no fear at all that this person has drunk any of the wine which was consecrated as dues. The other Rabbis, including R. Judah, apparently do not hold bererah, and therefore forbid this procedure on the ground that it is not established retrospectively that that which this person now separates as dues is identical with that which was previously named, and it is to be feared that he may have drunk of the wine consecrated as dues.

Talmud - Mas. Chullin 14b

[This case is quite different for] there the reasoning is expressly stated, viz., They said to R. Meir: Do you not agree that if the cask were to break the result would be that this person has from the outset been drinking untithed wine?[1] To this [R. Meir] replied: When it breaks . . . ![2] Rather we can derive it,[3] from the teaching of Ayyo. For Ayyo taught: R. Judah says that a person cannot conditionally reserve for himself two contingencies simultaneously.[4] [He may declare that] if a Sage comes to the east his ‘erub[5] at the east should serve him,[6] and if to the west his ‘erub at the west should serve him; but on no account [may he make such conditions] in the event of two Sages coming one to this side and the other to that side. Now it was argued. Why is it that in the event of two Sages coming one to this side and the other to that side that he may not make conditions? It is, is it not, because bererah is not held?[7] Then even in the event of the Sage coming [to one side only], either to the east or to — the west, he should not be allowed to make conditions. [for the very same reason] that bererah is not held? And R. Johanan had explained that [in the latter case] the Sage had already arrived.[8]

Rather said R. Joseph:[9] It is the view of R. Judah expressed in the matter of 'Vessels'. For we have learnt: Whatsoever vessels, which may be moved on the Sabbath, fragments thereof[10] may likewise be moved on the Sabbath, provided they can perform aught in the nature of work,[11] e.g., fragments of a kneading trough that can be used for stopping the bung-hole of a cask, or fragments of a glass for covering the mouth of a flask. R. Judah says: Provided they can perform aught in the nature of their former work, e.g., fragments of a kneading trough that can have porridge poured into them, or fragments of a glass that can have oil poured into them. Now according to R. Judah [they are permitted to be moved] only if they can perform aught in the nature of their former work, but not if they can perform aught in the nature of some other work. This, therefore, shows that since they were not set in readiness on the eve of the Sabbath for that particular work, it is forbidden [to use them for such purpose on the Sabbath]; so, too. In the case of our Mishnah, since the animal was not set in readiness on the eve of the Sabbath for food, it is forbidden [to be so used on the Sabbath]. Thereupon Abaye said to him: What a comparison! There we are dealing with something that was originally a vessel and is now a fragment of a vessel, which is a case of nolad[12] and consequently forbidden; whereas here [in our Mishnah] we are dealing with something that was originally [intended for] food[13] and now, too, is [intended for] food, it is therefore the same foodstuff merely more defined.[14] And we have already ascertained that according to R. Judah, where the foodstuff is the same but more defined it is permitted.[15] For we have learnt:[16] One must not press fruit [on the Sabbath] in order to extract the juice, and even if the juice oozed out by itself it is forbidden.[17] R. Judah says. If [the fruits were intended] to be eaten, the juice which oozed out is permitted,[18] but if [they were kept only] for their juice, that which oozed out by itself is forbidden. [R. Joseph replied:[19] But] has it not been stated in connection therewith: Rab Judah said in the name of Samuel that R. Judah accepts the opinion of the Rabbis in the case of baskets of olives and grapes?[20] Now the reason for this is clear, namely, since these fruits are usually kept for pressing one would always be inclined to do so at all times. Similarly it must be said [here in the case of our Mishnah], since an animal is usually kept for slaughtering one would always be inclined to do so.[21] — [Abaye replied]. Indeed, the whole argument is based upon Rab's original statement, is it not? And Rab has stated that R. Judah was in conflict with the Rabbis even in the case of baskets of olives and grapes![22]

Rather said R. Shesheth b. Idi, It is the view of R. Judah expressed in the matter of 'Lamps'. For it has been taught: A new lamp may be moved [on the Sabbath] from place to place but not an old one;[23] so according to R. Judah. But perhaps we are to understand R. Judah's view only in case of mukzeh on account of nauseousness,[24] but are we to understand that it applies also to cases of mukzeh in consequence of a ritual prohibition? — Yes, indeed, for it has been taught: R. Judah says,

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(1) And it is because of the possibility of such an event happening that R. Judah and his colleagues prohibit this procedure and not because they do not hold bererah.

(2) I.e., R. Meir regards such a possibility too remote to be taken into consideration.

(3) That R. Judah does not hold bererah.

(4) This is explained anon.

(5) According to Sabbath law no person is allowed to go on the Sabbath beyond two thousand cubits from the boundaries of his town. If, however, he desires to go further, he must make an 'erub, i.e., he deposits on the eve of Sabbath some food, enough for two meals, at a spot at the limit of the prescribed two thousand cubits' distance. This spot is regarded in law as his temporary abode and he may then go two thousand cubits beyond it. Having, however, gained two thousand cubits in one direction he forfeits his right of movement in any other direction outside the town boundaries. It is obvious that a person can make only one 'erub and place it in that direction in which he intends to go. It is, however, provided for, in the event of a person being undecided as to which direction he will take on the Sabbath, that he may place a conditional 'erub in each direction, and on the Sabbath when he makes his decision the 'erub in the particular direction chosen will be effective.

(6) In order that he be enabled to attend the lecture of the Sage on the Sabbath which will be held at some place more than two thousand cubits beyond the boundaries of his town.

(7) In the case of a conditional ‘erub recourse must be had to the principle of bererah. For when each ‘erub is placed, it is not known which is to be effective; it is only when the decision is made on the Sabbath that a particular ‘erub is determined retrospectively to be the one intended to be effective from the outset.
(8) The latter case therefore does not come within the purview of bererah since it is actually known and determined before the Sabbath which ‘erub is effective by the arrival of the Sage. All that remains is for this person to ascertain this fact. This Baraitha, however, clearly proves from the first clause that R. Judah does not hold bererah; hence the suggestion of R. Abba that the view in the Mishnah corresponds with that of R. Judah in the matter of ‘Readiness’ can no longer be maintained.
(9) In answer to the first question: Where does R. Judah express the view which accords with that of our Mishnah.
(10) Even if the vessel was broken on the Sabbath.
(11) That they might still be regarded as vessels and not as potsherds.
(12) Heb, נולד ‘born, created’. An object which is Produced, and only becomes available for a particular use, on a festival or on the Sabbath, may not be so used on that day.
(13) For it is established according to R. Judah that an animal while living is kept in order to be slaughtered and used as food, for otherwise it would be forbidden to slaughter an animal on the Festival.
(14) Lit., ‘broken off’, separated and distinct. Consequently the animal should be Permitted to be eaten even when slaughtered on the Sabbath.
(15) For it is not a case of nolad.
(16) Shab. 143b.
(17) It is a precautionary measure lest one will press the fruit deliberately for the sake of its juice on the Sabbath, which would constitute a breach of one of the main classes of work prohibited.
(18) R. Judah does not regard the juice which oozed out of the fruit as nolad, i.e., something new issuing from the fruit, but as the fruit itself in a more particular and defined form.
(19) The statement which follows is a counter argument against Abaye, and it further attempts to show that the view of R. Judah in the Mishnah quoted corresponds with the view of our Mishnah.
(20) For these fruits are usually kept for pressing, and it is only with such, other fruits as pomegranates and mulberries that R. Judah adopts a lenient view.
(21) And therefore the animal is forbidden to be eaten on the Sabbath for fear that one might deliberately slaughter it on the Sabbath.
(22) In which case also, R. Judah maintains a lenient view. Accordingly a similar view should be adopted in our Mishnah; so that the original question remains open: Why, according to R. Judah, is the animal forbidden to be eaten on the Sabbath?
(23) A new earthenware lamp before being used for lighting might well be used for other purposes, but an old lamp having already had oil poured into it for lighting would rarely be used for another purpose — it would be nauseating to do so — and so would be regarded in law as mukzeh (set apart, not counted on for use), and consequently forbidden to be moved. This same reasoning applies to our Mishnah: since the animal was not slaughtered before the Sabbath it certainly was not counted on as food for the Sabbath; it is therefore mukzeh and forbidden to be eaten.
(24) As in the case of an old lamp which has been used for lighting. In the case of our Mishnah, however, the animal is mukzeh in consequence of a ritual prohibition.

Talmud - Mas. Chullin 15a

All metal lamps[1] may be moved on the Sabbath, excepting a lamp that has been alight on this Sabbath.[2] But perhaps it might be suggested that in the latter case the law is exceptional since [the lamp] has been put away by the hand of man![3] Rather said R. Ashi: It is the view of R. Judah expressed in the matter of ‘Cooking’. For it has been taught: If a man cooked food on the Sabbath inadvertently, [even] he himself may eat of it,[4] but if deliberately, he may not eat of it:[5] so R. Meir. R. Judah says: If inadvertently, he may eat of it only after the termination of the Sabbath,[6] but if deliberately, he may never eat of it.[7] R. Johanan ha-Sandlar[8] says: If inadvertently, it may be eaten after the termination of the Sabbath by others only but not by himself, but if deliberately, it may never be eaten, neither by him nor by others.[9] But may we not explain [the Mishnah] to be the case of a deliberate act and so in accord with R. Meir's view? — This cannot be, for [in our Mishnah,]

Sabbath and the Day of Atonement are stated in juxtaposition, suggesting that as on the Day of Atonement the one who slaughtered may on no account eat of it whether he acted inadvertently or deliberately,[10] so on the Sabbath he may not eat of it whether he acted inadvertently or deliberately.[11] But how can you explain [the Mishnah] to be a case of inadvertence and in accord with R. Judah's view? Does it not read: NOTWITHSTANDING HE IS GUILTY AGAINST HIS OWN LIFE?[12] — This is the interpretation: NOTWITHSTANDING HE IS GUILTY AGAINST HIS OWN LIFE had he acted deliberately, since in our case he has acted inadvertently, the slaughtering is valid. But may we not explain the Mishnah in accordance with R. Johanan ha-Sandlar who holds the view that whether he acted inadvertently or deliberately he may never eat of it? — Nay, for R. Johanan ha-Sandlar discriminates between him and others after the termination of the Sabbath, whereas the Tanna of our Mishnah states: THE SLAUGHTERING IS VALID, without discriminating between him and others.

A Tanna recited before Rab: If a man cooked food on the Sabbath inadvertently, even he himself may eat of it, but if deliberately he may not eat of it. Rab thereupon bade him to keep silent. Now why did Rab silence him? Was it because Rab accepts the view of R. Judah and the Tanna was reciting the teaching in accordance with R. Meir's view? [Is he then justified,] because he himself accepts R. Judah's view, in bidding one who recites according to R. Meir's view to keep silent? Moreover, is it true to say that Rab accepts R. Judah's view? Has not R. Hanan b. Ammi reported that whenever Rab laid down the rule to his disciples he would rule according to R. Meir's view, but whenever he lectured at the public session he would expound the law according to R. Judah's view because of the ignorant masses present?[13] And if you will say that this Tanna was reciting the teaching in the presence of Rab at the public Session?[14] — Would then the public pay attention to the Tanna? They would pay attention to the Amora![15] — R. Nahman b. Isaac answered that the Tanna recited before Rab the case of slaughtering, thus: If a man slaughtered on the Sabbath inadvertently, he himself may eat of it, but if deliberately, he may not eat of it. Whereupon [Rab] said to him, You are inclined, no doubt, to accept R. Meir's view; but even so, R. Meir adopts a lenient view only in the case of cooking, inasmuch as the food could indeed be chewed raw;[16] but not in case of slaughtering, since the animal could not be eaten raw.[17] But then our Mishnah is a case of slaughtering and [it has been remarked above that] R. Huna said that Hiyya b. Rab in an exposition [on the Mishnah] in the name of Rab said that the animal was nevertheless forbidden to be eaten that same day, and furthermore that the colleagues thereupon suggested that the view expressed was that of R. Judah. Now does it not follow, therefore, that R. Meir would permit it to be eaten [that same day]?[18] — R. Meir only permits it in such circumstances

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(1) Even old ones.

(2) I.e., when the Sabbath began this lamp was alight, and so it immediately became mukzeh in consequence of the law prohibiting the moving of a lighted lamp for fear of extinguishing it, and it remains mukzeh the whole of the Sabbath.

(3) The mukzeh in this case is brought about by the definite act of man, that is, when he lights the lamp; whereas in our Mishnah the mukzeh comes of itself with the commencement of the Sabbath. In this latter case it is suggested that the mukzeh is not so strict, and if by some means it comes about that the animal is fit for eating it should be permitted.

(4) Immediately on the same day.

(5) Nor anybody else on the Sabbath.

(6) He and also others, but only after the lapse of such time as would be taken to cook the food, so that no benefit be derived from cooking on the Sabbath.

(7) Though others may eat of it after the Sabbath.

(8) The sandal maker; or, the Alexandrian. He was a disciple of R. Akiba.

(9) It is suggested that in our Mishnah the slaughtering was done inadvertently, nevertheless the animal is permitted to be eaten only after the Sabbath, thus being entirely in agreement with R. Judah's view.

(10) For it is a day of fasting.

(11) According to R. Meir, however, if he acted inadvertently he may eat of it immediately on the Sabbath.

(12) The death penalty is incurred only when one acts deliberately.

(13) Because of these, Rab would teach the stricter view, i.e., R. Judah's, merely as a precautionary measure.
(14) And for this reason Rab silenced him.
(15) Sc. Rab's Amora. The official speaker attached to a school or synagogue who expounded aloud to the public what the Rabbi said to him in brief and in a low voice.
(16) So that not only is there no infringement of the Sabbath laws, since the cooking was done inadvertently, but there is not even the prohibition of mukzeh since whilst raw it was also fit for food.
(17) I.e., whilst alive; so that it would be prohibited on the ground of mukzeh.
(18) In contradiction to what has just been stated in the name of Rab as to the view of R. Meir.

Talmud - Mas. Chullin 15b

as when there was an invalid in the house on the eve of the Sabbath.[1] If that be so, then why does R. Judah forbid it? — It must be the case of an invalid who recovered [on the Sabbath].[2]

The above view[3] agrees with the statement of R. Aha b. Adda in the name of Rab, (others say, with the statement of R. Isaac b. Adda in the name of Rab), viz., If a man slaughtered [an animal] on the Sabbath for an invalid,[4] it may not be eaten by a healthy person, but if a man cooked food on the Sabbath for an invalid, it may be eaten by a healthy person. What is the reason? — In the latter case the food could be eaten raw, in the former the animal could not be eaten raw.[5]

R. Papa[6] stated: In certain cases even when a man-slaughtered [for an invalid on the Sabbath], it may be eaten [by a healthy person], e.g., where the invalid was ill already on the eve of the Sabbath.[7] And in certain cases even when a man cooked [for one who fell ill on the Sabbath], it may not be eaten [by a healthy person], e.g., where a pumpkin was plucked [out of the ground on the Sabbath and cooked].[8]

R. Dimi of Nehardea said: The law is that where a man slaughtered on the Sabbath for an invalid,[9] [the meat] may be eaten raw by a healthy person. What is the reason? — Inasmuch as one cannot have even an olive's bulk of meat without slaughtering [the animal], it is clear that the slaughtering was done for the sake of the invalid. But where a man cooked on the Sabbath for an invalid,[9] it [the food] may not be eaten by a healthy person, for [otherwise] it is to be feared lest a greater amount will be cooked on account of the healthy person.

MISHNAH. IF ONE SLAUGHTERED WITH [THE SMOOTH EDGE OF] A HAND SICKLE,[10] WITH A FLINT OR WITH A REED, THE SLAUGHTERING IS VALID. ALL MAY SLAUGHTER; AT ALL TIMES ONE MAY SLAUGHTER; WITH ANY IMPLEMENT ONE MAY SLAUGHTER, EXCEPTING A SCYTHE,[11] A SAW, TEETH[12] OR A FINGER NAIL,[13] SINCE THESE STRANGLE.[14]

GEMARA. The expression ‘IF ONE SLAUGHTERED’ implies that the slaughtering is valid only after the act but it does not imply a right in the first instance. Now this view is reasonable in the case of a hand sickle, for it is always to be feared lest one will slaughter with the other edge;[15] but is it right to say that one may not slaughter with a flint or reed in the first instance? Is there not an obvious contradiction from the following [Baraitha]: With any implement one may slaughter.[16] with a flint, with glass or with a reed haulm? — It is no contradiction, for the latter statement refers to [a reed or flint] that is detached [from the ground], whereas our Mishnah refers to [a reed or flint] that is attached [to the ground]. For R. Kahana reported: If one slaughtered with an implement that was attached to the ground. Rabbi declares the slaughtering invalid; but R. Hiyya declares it valid. And even R. Hiyya declares it valid only after the act, but there is no right to do so in the first instance.[17]

Now what is the position? [Our Mishnah is] in agreement with R. Hiyya and the slaughtering is valid only after the act! Then what of the following which was taught: With any implement one may

slaughter,[16] whether it be detached or attached, whether the knife be on top and the throat below, or the knife below and the throat on top? Who can be the author [of this Baraitha]? It can be neither Rabbi nor R. Hiyya: If R. Hiyya, the slaughtering is valid only after the act but not in the first instance; if Rabbi, such slaughtering is invalid even after the act! — In truth, the author is R. Hiyya and he is [indeed] of the opinion that such[18] slaughtering is permitted even in the first instance; and as to the reason why the dispute is reported with regard to the validity of such slaughtering after the act it is in order to demonstrate the [strong] view of Rabbis.[19] If this be so, what of our Mishnah which reads: IF ONE SLAUGHTERED, implying that it is valid only after the act but not a right in the first instance, who can be the author thereof? It can be neither Rabbi nor R. Hiyya; if R. Hiyya, the slaughtering should be permitted even in the first instance; if Rabbi, it is always invalid even after the act! — In truth, the author [of the Baraitha] is R. Hiyya who holds that such slaughtering is permitted even in the first instance; and as to our Mishnah, which reads: IF ONE SLAUGHTERED, the author of it is Rabbi. But is not Rabbi then contradicting himself?[20] — There is no contradiction; for in the one case[21] the implement had always been so attached [by nature], whereas in the other case[22] the implement was first loose and subsequently attached. Whence do you know that a distinction is to be drawn between that which was always attached and that which was first loose and subsequently attached? — From the following [Baraitha] which was taught: If one slaughtered with a wheel,[23] the slaughtering is valid; with an implement that was attached to the ground, the slaughtering is valid; if one inserted a knife into a wall and slaughtered, [moving the throat of the animal to and fro across the knife], the slaughtering is valid; if there was a sharp flint jutting from the wall, or a reed growing of itself, and one slaughtered therewith, the slaughtering is invalid.

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(1) In the case of an invalid an animal, even alive, is always regarded as set aside for food, for in such circumstances it is permitted to slaughter it on the Sabbath, in accordance with the Rabbinic dictum: the duty of saving life supersedes the Sabbath laws.

(2) And the animal was slaughtered after the invalid had recovered. Mukzeh of course does not apply, since on the eve of Sabbath the animal was set in readiness for food for the invalid. The difference of opinion between R. Meir and R. Judah is, therefore, only with regard to the breaking of the Sabbath by the slaughterer inadvertently; according to the latter he is to be penalized for his inadvertent act, whilst according to the former he is not.

(3) Sc. the explanation by R. Nahman b. Isaac as to why Rab bade the Tanna to keep silent, which introduced the distinction between foodstuffs which can be eaten raw and those which cannot.

(4) Who fell ill on this Sabbath.

(5) For although there is no infringement of the Sabbath laws, since the work was done for the invalid, there is, however, in the case of slaughtering the prohibition of mukzeh involved.

(6) MS.M. Raba.

(7) There is here neither the profanation of the Sabbath, since the slaughtering was for the invalid, nor mukzeh, since the invalid was already ill before the Sabbath.

(8) It is forbidden to be eaten because of mukzeh, since on the eve of the Sabbath the pumpkin was still attached to the ground. Cf. however Tosaf ad loc.

(9) Who was ill already on the eve of the Sabbath.

(10) An implement with two cutting edges, one being smooth and the other serrated.

(11) An implement with indentations.

(12) Attached to the jaw bone of a dead animal.

(13) Attached to the person.

(14) These implements do not cut but tear the organs of the throat and consequently strangle the animal. In the case of the finger-nail it is prohibited because it is attached to the person. V. infra 16a.

(15) Which is serrated and so invalidates the slaughtering.

(16) Even in the first instance.

(17) Accordingly our Mishnah is in agreement with R. Hiyya's view.

(18) I.e., slaughtering with an implement which is attached to the ground.

(19) That the slaughtering is invalid even after the act.

(20) In the Mishnah Rabbi maintains that slaughtering with an implement attached to the ground is valid after the act, yet

in dispute with R. Hiyya he declares such slaughtering absolutely invalid.

(21) In dispute with R. Hiyya, where Rabbi declares the slaughtering invalid.

(22) In our Mishnah, where Rabbi declares the slaughtering valid after the act.

(23) A knife was fixed to the wheel so that it cut the throat of the animal whilst the wheel revolved.

Talmud - Mas. Chullin 16a

Now is there not a contradiction here?[1] — This proves that there is a distinction between that which was always attached and that which was first loose and subsequently attached.[2] This is proved.

The Master said: 'If one slaughtered with a wheel, the slaughtering is valid'. But was it not taught [in another Baraitha] that the slaughtering is invalid? — It is no contradiction, for the former [Baraitha] deals with a potter's wheel,[3] whereas the latter with a wheel turned by water.[4] If you wish, however, I can say that in both [Baraithas] the wheel was turned by water, and yet there is no contradiction, for in the former case it was turned by the first onrush[5] [of the water], whereas in the latter case it was turned by the subsequent onrush [of the water]. And this [distinction] is in agreement with R. Papa's statement, who said that if a man bound his neighbour and turned on to him a jet of water so that the victim died, he is culpable. What is the reason? — It [the water jet] is, as it were, his arrow wherewith the victim has been attacked. But this is [the law] only [in the case] where [the victim was killed] by the first onrush[6] of the water, but not [where he was] killed by the subsequent onrush[7] of the water, for then the act was but the indirect cause of the death.

Rab was once sitting behind R. Hiyya whilst R. Hiyya was before Rabbi, when Rabbi, in session, expounded the following: Whence is it derived that the slaughtering must be performed with a detached implement? From this verse: And he took the knife to slay.[8] Rab then asked R. Hiyya: What can he mean? — He replied: It is just idle talk![9] But does he not adduce a verse? — The verse merely serves to show the enthusiasm of Abraham.[10]

Raba stated: I have no doubt at all that in the law concerning idolatry, an object which was first loose and subsequently attached to the ground is regarded as detached. For Rab[11] has ruled that if a man worshipped his own house,[12] it thereby becomes forbidden [to be used for any purpose]. Now if you were to hold that such an object is to be regarded as attached, wherefore is the house forbidden? Is it not written, [Ye shall surely destroy. . .] their gods upon the mountains,[13] but not the mountains which are themselves their gods?[14] In the law concerning the susceptibility of plants to become unclean,[15] it is the subject of dispute between Tannaim.[16] For we have learnt:[17] If one inverted a dish and placed it upon a wall in order that the dish might be washed [by the rainwater, and the rainwater subsequently ran off the dish on to foodstuffs], the rule of 'if water be put' applies.[18] If, however, it was placed in order that the wall might not be damaged, [and the rainwater ran off the dish on to the foodstuffs], the rule of 'if water be put' does not apply.[19] Now is there not an inconsistency here? The first clause reads: 'If. . . in order that the dish might be washed, the rule of "if water be put" applies'. It follows, however, that if one placed it in order that the wall might be washed, [and the rainwater subsequently fell on the foodstuffs], the rule of 'if water be put' does not apply. Yet the second clause reads: 'If it was placed in order that the wall might not be damaged, the rule of "if water be put" does not apply'. It follows, however, that if it was placed in order that the wall might be washed [and the rainwater subsequently fell on the foodstuffs], the rule of 'If water be put' applies. — R. Eleazar replied. You must break up [this Mishnah], for he who taught the first clause could not have taught the second![20] R. Papa, however, answered: Indeed, the whole was taught by one Tanna, but the first clause deals with the wall of a cave,[21] whereas the second clause deals with a built-up wall. Accordingly, the Mishnah is to be read thus: If one inverted a dish and placed it upon a wall in order that the dish might be washed, the rule of 'if water be put' applies; from which it follows that if one placed it in order that the wall might be washed, the rule of 'if water be put' does not apply. Now this is stated only in the case of a cave wall; but in the case of a built-up wall the law

is: if one placed it in order that the wall might not be damaged, the rule of 'if water be put' does not apply; from which it follows that if one placed it in order that the wall might be washed, the rule of 'if water be put' applies.

Raba now raised the question:

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(1) Between the second and last statements of this Baraitha.

(2) In the second clause the implement was first loose and subsequently attached to the ground, in which case the slaughtering is valid, whilst in the last clause it was always so attached by nature, and so the slaughtering is invalid.

(3) A wheel turned by the hand of the potter, in which case the slaughtering is valid. It is suggested, however, that even in the case of a potter's wheel the slaughtering is valid only if the throat was cut by the first revolution of the wheel. The subsequent revolutions are not directly referable to the human act. V. comment of R. Jonah on Ber.; end of chap. VIII.

(4) The slaughtering in this case is invalid for it is essential that there should be man power in the act of slaughtering. V. infra 31a and Deut. XXVII, 7.

(5) The water having been released by man, the slaughtering of the animal is directly referable to the act of man and is therefore valid.

(6) In this case the victim was placed close to the water outlet and the murderer then released the water jet, which in its first spurt inundated the victim.

(7) Here the victim was placed some distance away from the water outlet, so that the act of releasing the water jet was not the immediate and direct cause of death, for death came about only later on when the water actually reached the victim.

(8) Gen. XXII, 10. This verse certainly suggests that the knife used was a detached implement.

(9) Lit., 'a vav carved on wood', i.e., something unintelligible and indistinct like a line drawn on a rough piece of wood. He meant to say that Rabbi was not to be taken seriously, for R. Hiyya is of the opinion that it is not essential for the slaughtering to be performed with a detached implement.

(10) Abraham took a knife with him merely because he was in doubt whether he would find on the holy mountain a suitable implement wherewith to slaughter his sacrifice.

(11) So Bah.; cur. ed: 'A master said'.

(12) A house consists of materials originally loose which were subsequently built up and attached to the ground.

(13) Deut. XII, 2.

(14) This verse proves that whatever is attached cannot become prohibited, even if it is itself an object of idolatrous worship.

(15) From the verse in Lev. XI, 38: If water be put upon seed, and aught of their carcass fill thereon, it is unclean unto you, is derived the rule that produce or foodstuffs, in order to be rendered capable of becoming unclean, must first be made wet by water or other specified liquids (v. Maksh. VI, 4). So that the rule should apply, that is, that the produce should become susceptible to uncleanness, it is necessary that: (a) the water should have been applied purposely, or (b) the presence of the water on the foodstuff should have afforded pleasure or should have been acceptable at some time to the owner, or (c) where the water on the foodstuff was not acceptable, the presence of this same water on some other object should have previously afforded pleasure, provided that such object was loose or detached.

(16) Whether what was first loose and subsequently attached is to be regarded as attached or not. V. R. Eleazar's view infra.

(17) Maksh. IV, 3.

(18) This case would come under rule (c) in note 5 supra.

(19) Because here the rainwater is in no wise acceptable; cf. rule (b).

(20) I.e., this Mishnah contains the different opinions of two Tannaim.

(21) I.e., a wall so formed by nature, as opposed to a wall built up from loose materials.

In the law concerning slaughtering, how are we to regard an implement which was first loose and subsequently attached? Come and hear: If there was a sharp stone jutting from the wall, or a reed growing of itself, and one slaughtered therewith, the slaughtering is invalid![1] — It is dealing here

with the wall of a cave. Indeed the context proves this, for it puts 'wall' in juxtaposition with 'a reed growing of itself'.[2] This is proved.

Come and hear: If one inserted a knife into a wall and slaughtered, the slaughtering is valid! — This case is different because one would not allow the knife to remain fixed [to the wall].[3] Come and hear: [If one slaughtered] with an implement that was attached to the ground, the slaughtering is valid![4] — perhaps this clause is defined by the subsequent clause [of this Baraitha, thus]: What is meant by 'an implement that was attached'? A knife, which clearly would not remain fixed permanently.[5]

The Master said: 'If one inserted a knife into a wall and slaughtered, the slaughtering is valid'. Said R. 'Anan in the name of Samuel: This is the law provided the knife was on top and the throat of the animal below.[6] If, however, the knife was below and the throat of the animal on top, [the slaughtering is invalid], for it is to be feared that the head might press down heavily upon the knife.[7] But does not the aforementioned[8] [Baraitha] read: 'Whether the knife be below and the throat on top or the knife on top and the throat below'? — R. Zebid answered: The cases are to be interpreted each in its own way, thus: 'Whether the knife be below and the throat on top', where [the knife is] loose;[9] 'or the knife on top and the throat below', where [the knife is] attached. R. Papa answered, [The Baraitha deals] with [the slaughtering of] a bird which is of light weight.[10]

R. Hisda stated in the name of R. Isaac, (others report that it was taught in a Baraitha) viz., Five rules have been laid down in connection with a reed haulm:[11] (i) One must not slaughter with it, (ii) One must not perform circumcision with it. (iii) One must not cut flesh with it, (iv) One must not pick the teeth with it. (v) One must not cleanse oneself with it.

'One must not slaughter with it'. But has it not been taught: One may slaughter with any implement, with flint, with glass or with a reed haulm? — R. Papa answered: [This Baraitha deals] with simuna of the marshes.[12]

'One must not cut flesh with it'. R. Papa used to cut with it the entrails of fish, for they are transparent.[13] Rabbah son of R. Huna used to cut with it the flesh of chicken, for it is tender.[14]

'One must not cleanse oneself with it'. But is it not indeed [prohibited to do so] because of what a Master said viz., Whosoever cleanses himself [after an evacuation] with a material that is inflammable tears away the ligaments [of the anus]?[15] R. Papa answered: We must say [that the Baraitha deals with] the cleansing of the opening of a wound.

ALL MAY SLAUGHTER; AND AT ALL TIMES ONE MAY SLAUGHTER. ALL MAY SLAUGHTER, that is to say, everything must be slaughtered,[16] including birds.[17]

AT ALL TIMES ONE MAY SLAUGHTER. Who is the Tanna who holds this view? Rabbah replied: It is R. Ishmael. For it has been taught: [It is written] When the Lord thy God shall enlarge thy border, as He hath promised thee, and thou shalt say: 'I will eat flesh' . . .[18] This verse, says R. Ishmael, is stated specially in order to permit the Israelites to eat flesh at will.[19] For in the beginning they were forbidden to eat flesh at will,[20] but on entering the land of Israel they were permitted. But, now they are exiled, it might be said that they should revert to the former restriction; the Mishnah therefore teaches us: AT ALL TIMES ONE MAY SLAUGHTER. To this R. Joseph demurred, [In the first place,] why does the Mishnah read: AT ALL TIMES ONE MAY SLAUGHTER? It should read, 'At all times one may slaughter and eat the flesh'![21] And in the second place, why were they forbidden in the beginning? [Surely] because they were near to the Sanctuary.[22] And why were they permitted subsequently? [Similarly] because they were far away from the Sanctuary.

(1) It is suggested now that the stone was at some time inserted into the wall; nevertheless the slaughtering is said to be invalid, thus proving that such an implement is to be regarded as attached.
(2) Indicating that in each case it was so attached by nature.
(3) Lit., 'he does not abandon it'. It was attempted to prove from this clause that whatever was loose and subsequently attached is regarded as loose; but it fails because it deals only with the case of a knife, which could not have been intended to be attached permanently. Other things, however, which could be thought of as attached permanently might be regarded as attached.
(4) This clause deals with an implement which was loose but was subsequently attached, v. supra p. 75, n.6.
(5) The slaughtering is therefore valid. The question put by Raba remains unanswered.
(6) And the slaughterer moved the head to and fro across the knife.
(7) This would invalidate the slaughtering; v. p. 37, n. 8.
(8) Supra p. 74.
(9) In this case the slaughterer holds the knife beneath the throat of the animal and cuts upwards.
(10) There is, therefore, no fear of the head pressing heavily on to the knife. According to R. Papa, both cases of the Baraitha deal with a knife which is attached.
(11) In all the following cases there is the danger of splinters breaking away from the reed and penetrating into the matter which is being cut, causing thereby damage or hurt. In the case of slaughtering it is feared that a splinter will perforate the gullet of the animal, thus invalidating the slaughtering.
(12) A species of reed which is smooth and hard. With such reeds there is no fear of splinters breaking off.
(13) And any splinter that might be lodged in them would easily be seen.
(14) So that there is no fear of splinters, for no pressure is necessary in cutting the flesh of a chicken.
(15) V. Shab, 81a. The teacher no doubt had in mind such materials as wood or twigs which if used for cleansing oneself might easily cause the injury mentioned.
(16) The word הכל 'all, everything', might just as well be taken as the object of the sentence, thus: One must slaughter everything.
(17) For in no passage in the Torah is shechitah ever mentioned in connection with birds. There is even the view that according to Biblical law birds need not be slaughtered at all. V. infra 27b.
(18) Deut. XII, 20.
(19) Lit., 'of desire'. I.e., on entering the Holy Land the Israelites would be permitted to slaughter animals at will and eat the flesh without having recourse to sacrifices.
(20) When the Israelites were in the wilderness they were not permitted to slaughter and eat flesh at will. The animal had first to be offered up as a sacrifice, v. Lev. XVII, 3 and 4.
(21) Seeing that the main point of the teaching is the permission to eat flesh at will.
(22) Lit., 'tabernacle'. It was therefore within reach of anyone who desired to eat meat to bring the animal as a sacrifice and to receive the meat for his own use after the blood and the fat had been offered upon the altar.

Then is there not all the more reason [for them to be permitted] now that they are even further away from the Sanctuary![1]

Rather said R. Joseph: The Tanna of our Mishnah is R. Akiba. For it has been taught: [It is written] If the place which the Lord thy God will choose to put his name there be too far from thee, then thou shalt slaughter of thy herd and of thy flock.[2] This verse, says R. Akiba, is stated specially in order to prohibit the flesh of a stabbed animal. For in the beginning the Israelites were permitted to eat the flesh of a stabbed animal,[3] but on entering the land of Israel they were forbidden. But now that they are in exile it might be said that they should revert to their former license, the Mishnah therefore teaches us: AT ALL TIMES ONE MAY SLAUGHTER.[4]

Wherein do they differ? — R. Akiba maintains that at no time was it ever forbidden to eat flesh at will. R. Ishmael maintains that at no time was it ever permitted to eat the flesh of a stabbed animal. Now according to R. Ishmael the verse: And he shall slaughter the bullock,[5] is of significance; but according to R. Akiba what is the purpose of 'And he shall slaughter'?[6] [In the case of] consecrated animals, the law is different. Again, according to R. Ishmael the verse. Shall flocks and herds be slaughtered for them?[7] is of significance; but according to R. Akiba why does the verse read 'be slaughtered for them'? It should rather read 'be stabbed for them'! — The stabbing of animals constituted their slaughtering. Again, according to R. Ishmael we can understand what we learnt: If a man slaughtered [a wild animal or a bird] and it became nebelah[8] under his hand, or if he stabbed it, or he tore away [the organs of the throat], there is no obligation to cover the blood.[9] But according to R. Akiba, wherefore is there no obligation to cover the blood?[10] — Since stabbing became prohibited it is regarded as an unlawful [slaughtering].[11] Now according to R. Akiba, who maintains that at no time was it ever forbidden to eat flesh at will, the significance of the verse. Howbeit as the gazelle and as the hart is eaten, so shalt thou eat thereof; [the unclean and the clean may eat thereof alike].[12] is evident; but according to R. Ishmael [the verse is incomprehensible], for was the gazelle or the hart ever permitted to be eaten at all?[13] — When the Divine Law prohibited [the eating of flesh at will it was] only the flesh of an animal that was fit for a sacrifice but not [the flesh of] a wild animal that was not fit for a sacrifice.

R. Jeremiah raised the following question: What was the law regarding portions of meat of stabbed animals that were brought into the land of Israel by the Israelites?[14] But then, at what period could this Question have arisen? Should you say during the seven years of conquest? Behold! They were permitted to eat unclean things, for it is written: And houses full of all good things,[15] and R. Jeremiah b. Abba stated ill the name of Rab that even bacon was permitted! Can there then be any question regarding the flesh of a stabbed animal? — The question could have arisen only after this period.[16] If you wish, however, I can say that the question refers to the seven years' period of conquest, and it would have arisen, [since it might be argued] that when permission was granted it was only with regard to the spoil taken from the idolaters but not their own [stabbed meat]! The question remains unanswered.

Raba remarked: You have interpreted the clause: ALL MAY SLAUGHTER, and so too the clause: AT ALL TIMES ONE MAY SLAUGHTER, but how do you interpret the final clause: WITH ANY IMPLEMENT ONE MAY SLAUGHTER? Should you say it means: whether with a flint or a glass or a reed haulm, [there is this difficulty]. Behold it is in juxtaposition with the other clauses [in our Mishnah]; if their the other clauses deal with the subjects that may slaughter,[17] this also must deal with the subjects that may slaughter; and if the others deal with the subjects that are to be slaughtered, this also must deal with the subjects that are to be slaughtered! — Rather said Raba [interpret the Mishnah thus]: ALL MAY SLAUGHTER [is stated twice],[18] one to include a Cuthean and the other to include an Israelite apostate. AT ALL TIMES ONE MAY SLAUGHTER, whether

by day or by night, whether on the roof top or on the top of a ship. WITH ANY IMPLEMENT ONE MAY SLAUGHTER, with a flint or a glass or a reed haulm.

EXCEPTING A SCYTHE AND A SAW. The father of Samuel made a notch in a knife and sent it[19] [up to palestine], and also on another occasion he made a notch and sent it up; whereupon the authorities sent back word to him: We have been taught in the Mishnah: A SAW.[20]

Our Rabbis taught:

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(1) Consequently it is unnecessary for the Tanna of our Mishnah to teach us that it is permitted to slaughter at will.

(2) Deut. XII, 21.

(3) נחירה, generally denoting stabbing at the throat. In the wilderness the Israelites were permitted to eat the flesh of an animal no matter how it was killed, because the injunction to slaughter according to ritual was not intended to be effective until they had entered the land of Israel.

(4) I.e., for all times in the future one must slaughter in order to eat meat.

(5) Lev. I, 5. Apparently the Israelites in the wilderness were commanded to slaughter according to ritual.

(6) This verse was apparently meaningless to the Israelites in the wilderness since according to R. Akiba they were permitted to kill an animal in any manner whatsoever.

(7) Num. XI, 22.

(8) I.e., became ritually unfit by unskillful slaughtering. e.g., by pausing or pressing in the act of slaughtering. V. Glos.

(9) From Lev. XVII, 13, is derived the law that the obligation to cover the blood applies only to such slaughtering which permits the flesh to be eaten. V. infra 85a.

(10) Inasmuch as stabbing was the ordinary form of killing an animal practised by the Israelites in the wilderness, and the law for covering the blood was made known to the Israelites also in the wilderness, it is difficult to understand, according to R. Akiba, why there should be exemption from covering the blood when such a mode of slaughtering is adopted nowadays.

(11) Therefore there is no need to cover the blood in such cases.

(12) Deut. XII, 22. The meaning of the verse is: Just as now, in the wilderness, it is permitted to eat the gazelle and the hart even in a state of uncleanness, so will it be the practice with all unconsecrated animals on entering the land of Israel.

(13) For according to R. Ishmael the Israelites in the wilderness were permitted to eat only sacrificial meat, and since the gazelle and the hart were not permitted to be offered as sacrifices, it follows that these animals could never have been eaten. The comparison therefore in the verse is meaningless.

(14) This question is based on the view of R. Akiba and is purely an academic question as to what was the position at that particular period in history. Cf. however, comment of Asheri a.l.

(15) Deut. VI, 11.

(16) I.e., during the following seven years when the land was being divided among the tribes, and during which period the concessions of the Torah did not obtain.

(17) I.e., rules as to who may slaughter and with what implements. The first and second clauses, however, do not deal with such matters. These two clauses deal rather with that which has to be slaughtered. V. supra 16b.

(18) In the Mishnah supra 15b and in the opening Mishnah of this tractate supra 21.

(19) To enquire from the authorities in Palestine on the law concerning a notch in the knife.

(20) I.e., only such notches like the teeth of a saw render the knife unfit for slaughtering.

Talmud - Mas. Chullin 17b

A knife with many notches must be regarded as a saw; with but one notch, if it is ogereth,[1] it may not be used; if it is mesakseketh,[2] it may be used. What is meant by ogereth and what is meant by mesakseketh? — Ogereth, said R. Eleazar, is a notch with two edges; mesakseketh, a notch with but one edge. Why is it that if the notch has two edges [the knife is invalid]? [presumably] because the first edge will cut [the skin and flesh] and the second edge will tear [the organs]. Then, even if the notch has but one edge it should likewise be said. The sharp edge of the knife will cut [the skin and flesh] and the notch will tear [the organs]! — [The reference is to a notch] that is at the top of the

knife.[3] But even so, when the knife is moved forward [the edge of the notch] cuts [the skin and flesh] and when it is drawn back it tears [the organs]! — [The reference is where the slaughterer] moved [the knife] forward but did not draw it back.[4]

Raba stated: There are three rules with regard to the knife: (i) if it has an ogereth, one may not slaughter with it, and if one did the slaughtering is invalid; (ii) if it has a mesakseketh, one may not slaughter with it in the first instance, but if one did the slaughtering is valid; (iii) if its edge is uneven,[5] one may slaughter with it even in the first instance. R. Huna the son of R. Nehemiah asked R. Ashi: Did you teach us in the name of Raba that a knife with a mesakseketh is unfit for use? Is it not well known that Raba said: A knife with a mesakseketh is fit for use? — It is no contradiction, for in the one case [the slaughterer] moved the knife forward and backward[6] but in the other case he moved the knife forward but not backward.[7] R. Aha the son of R. Awia asked R. Ashi: What if the edge of the knife resembles an awn?[8] — He replied: Would that we were given such meat to eat![9]

R. Hisda said: Whence do we learn from Scripture that it is necessary to examine the slaughtering knife? From the verse: And slaughter with this and eat.[10] But is it not obviously necessary so to do, seeing that if the gullet is perforated the animal is trefah?[11] — We mean: [Whence do we learn from Scripture that] it is essential that the knife be examined by a Sage?[12] But surely has not R. Johanan said that the ruling that one must present the knife to a Sage for examination was laid down only out of respect to the Sage? — The rule is actually Rabbinic; and the verse adduced is merely a support.

In the West[13] the knife is usually examined by the light of the sun.[14] In Nehardea it is usually examined with water.[15] R. Shesheth used to examine it with the tip of his tongue. R. Aha b. Jacob used to examine it with a hair. In Sura it was said: Seeing that it is to cut flesh it must be examined with flesh.[16] R. Papa ruled: It must be examined with the flesh of the finger and with the fingernail, and the examination must be of the three edges [of the knife].[17] Rabina said to R. Ashi: R. Sama the son of R. Mesharsheya told us in your name that you said to him in the name of Raba that it must be examined with the flesh and the nail on the three edges. R. Ashi replied: I said: 'With the flesh and the nail', but not, 'on the three edges'. Another version reads: R. Ashi replied: I said: 'With the flesh and the nail on the three edges', but not 'in the name of Raba'.

Rabina and R. Aha the son of Raba were sitting before R. Ashi when a knife was brought to R. Ashi for examination. He thereupon asked R. Aha to examine it, who did so with the flesh of his finger and with his finger nail, on the three edges of the knife. 'Well done!' said R. Ashi. R. Kahana held a similar view.

R. Yemar said: It must be examined with the nail and the flesh but not on the three edges. For did not R. Zera say in the name of Samuel[18] that if one made a knife red-hot and slaughtered with it the slaughtering is valid, because the effect of the sharp edge precedes the effect of the heat; and the question was raised as to the sides of the knife, and the answer was given that the cut opens wide? Then in this case, too, we should also say that the cut opens wide.[19]

R. Huna son of R. Kattina said in the name of R. Simeon b. Lakish. In three matters the law regards a notch as of consequence: (i) A notch in the bone of the paschal lamb;[20] (ii) A notch in the ear of a male firstling;[21] (iii) A notch in any organ which, if blemished, invalidates a sacrifice.[22] R. Hisda adds: (iv) Also a notch in the slaughtering knife. And [why does not] the other [teacher include this last]? — Because he does not deal with unconsecrated matters. In all these cases the notch is measured by the standard of a notch which renders the altar unfit.

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(1) Heb. אוגרת from the root אגר, 'to gather, to take in', i.e., to catch or intercept the finger-nail as it passes along the edge of the knife.

(2) Heb. מסכסכת; so MS.M., cur. edd. מסוכסכת; from the root סכסך, 'to entangle'.

(3) So that the part of the knife which has this one-edged notch will merely cut the skin and perhaps also the flesh, but the organs will be properly cut by the rest of the knife which is not notched.
(4) There is therefore no possibility of the notch having come into contact with the organs at all.
(5) Lit., 'it rises and descends'.
(6) The slaughtering is then invalid.
(7) In which case the slaughtering is valid.
(8) I.e., the edge of the knife is rough, though without notches. According to the Alfasi: the knife is so sharp that it resembles an awn.
(9) I.e., of an animal slaughtered with such a knife.
(10) I Sam. XIV, 34. With this, i.e., a knife prepared and examined according to law.
(11) And a knife with a notch will most certainly perforate and tear the gullet.
(12) And this apparently is derived from the verse quoted.
(13) I.e., Palestine.
(14) In order to detect any notches; either by holding up the knife to the light of the sun or by watching the shadow of the knife on the ground.
(15) Either by passing the sharp edge of the knife across a smooth surface of water, the presence of a notch being detected by the ripple caused; or by allowing a drop of water to trickle down the edge of the knife, when any notch would impede the course of this drop of water.
(16) I.e., with the soft flesh of the finger or, as R. Shesheth did, with the tip of the tongue.
(17) I.e., the sharp edge, and also the sides of this edge must be examined.
(18) V. supra, 8a. (p. 32) and notes.
(19) It is therefore unnecessary to examine the side edges of the knife, for these cannot come into contact with the flesh since the cut opens wide apart.
(20) A notch or cut made in the bone of the paschal lamb is a transgression of the law: Neither shall ye break a bone thereof. Ex. XII, 46.
(21) This is regarded as a blemish and renders the animal unfit for a sacrifice. Consequently this firstling may be slaughtered and used for ordinary purposes. The same would apply to a notch in any other organ besides the ear (v. Bek. 36a).
(22) This refers to such blemishes which are only to be found in female animals and which are not included in class (ii). E.g., if the female genital organs were defective.

Talmud - Mas. Chullin 18a

And what is the size of a notch which renders the altar unfit?[1] — Such a notch as would catch the finger-nail [when passed over it].

An objection was raised. It was taught: What size of notch renders the altar unfit? R. Simeon b. Yohai says: The size of a handbreadth; R. Eliezer b. Jacob says: The size of an olive. — This is no objection, for 'the opinions in this [Baraitha] refer to an altar of cement, whereas here we are dealing with an altar of stones.[2]

R. Huna said: A slaughterer who does not present his knife[3] to a Sage for examination is to be placed under the ban. Raba said: He is to be removed [from his vocation], and it is to be announced publicly that his meat is trefah. Now these Rabbis do not disagree; for the former deals with the case where the knife on examination was found to be satisfactory,[4] whereas the latter deals with the case where it was not found to be satisfactory. Rabina said that where the knife was not found to be satisfactory the meat is to be soiled with dung so that it may not even be sold to gentiles.

There was a case of a slaughterer who did not present his knife for examination to Raba b. Hinena. The latter thereupon put him under the ban, removed him [from his] vocation and announced publicly that his meat was trefah. Mar Zutra and R. Ashi happened to call on the said Raba b. Hinena who said to them, 'Would you, Masters, look into this case, for there are small children dependent on

him'? R. Ashi examined the knife[5] and found it satisfactory; he thereupon declared him fit again [to act as slaughterer]. Mar Zutra then said to him: 'Are you not concerned at all in overruling this Sage'?[6] — R. Ashi replied. 'We were only carrying out his instructions'.

Rabbah son of R. Huna said: One may slaughter in the first instance with a loose tooth or a loose finger-nail. But have we not learnt: EXCEPTING A SCYTHE, A SAW, TEETH OR A FINGERNAIL, SINCE THESE STRANGLE? — As regards teeth there is no contradiction, for Rabbah's statement deals with a single [tooth], whereas our Mishnah deals with two [teeth];[7] and as regards a finger-nail there is no contradiction, for Rabbah's statement deals with a nail that is detached from the finger, whereas our Mishnah deals with a nail that is attached to the finger.[8]

MISHNAH. IF ONE SLAUGHTERED WITH A SCYTHE,[9] MOVING IT FORWARD ONLY, BETH SHAMMAI DECLARE THE SLAUGHTERING INVALID, AND BETH HILLEL DECLARE IT VALID. IF THE TEETH OF THE SCYTHE WERE FILED AWAY IT IS REGARDED AS AN ORDINARY KNIFE.

GEMARA. R. Hiyya b. Abba said in the name of R. Johanan. Even when Beth Hillel declared the slaughtering valid they intended thereby to teach that the animal was to be regarded as clean and not a nebelah, but as for eating it they certainly held that it was forbidden.[10] R. Ashi said: This is supported by the context, for it reads in the Mishnah: BETH SHAMMAI DECLARE THE SLAUGHTERING INVALID, AND BETH HILLEL DECLARE IT VALID; but it does not read: Beth Shammai forbid it[11] and Beth Hillel permit it! But according to your argument, should not the Mishnah read: 'Beth Shammai declare it unclean and Beth Hillel declare it clean'? The fact is that the expressions 'declare valid and invalid' and 'permit and forbid' are synonymous.

MISHNAH. IF ONE SLAUGHTERED [BY CUTTING] AT THE [TOP] RING[12] [OF THE WINDPIPE] AND LEFT A HAIR'S BREADTH OF ITS ENTIRE CIRCUMFERENCE [TOWARDS THE HEAD]. THE SLAUGHTERING IS VALID. R. JOSE SON OF R. JUDAH SAYS, IF ONLY THERE WAS LEFT [TOWARDS THE HEAD] A HAIR'S BREADTH OF THE GREATER PART OF ITS CIRCUMFERENCE,[13] [THE SLAUGHTERING IS VALID]. GEMARA. Rab and Samuel both agree that the law is in accordance with the view of R. Jose son of R. Judah.[14] Howbeit, R. Jose son of R. Judah said this only with regard to the top ring, since [the cartilage] surrounds the windpipe entirely, but he did not say this with regard to the other rings.[15] But does he not hold such a view with regard to the other rings? Surely it has been taught: R. Jose son of R. Judah says.

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(1) Cf. Zeb. 59a.

(2) In this case the altar must be perfectly smooth for it is written: Thou shalt build the altar of the Lord thy God of whole stones. Deut. XXVII, 6.

(3) Lit., 'to turn' (the slaughtering knife on all sides).

(4) He is, therefore, to he put under the ban in accordance with the rule: The Court excommunicates a person for lack of respect to a Rabbi; Ber. 29a.

(5) On the instructions of Raba b. Hinena.

(6) Lit., 'the elder' Sc. Raba b. Hinena.

(7) In which case the slaughtering is invalid, even though the teeth are detached from the animal, because of the notch that must of necessity be between one tooth and the other.

(8) The slaughtering is therefore invalid in accordance with the view of Rabbi, supra 15b.

(9) A scythe has a serrated edge but the points all run in the one direction, to wit, the handle. Therefore by moving the scythe forward the points glide over the throat without tearing.

(10) Only as a precautionary measure lest the slaughterer makes both a forward and backward motion, in which case the edges of the scythe would certainly tear the throat.

(11) To be eaten.

(12) V. Gemara. The reference is to the cricoid cartilage which forms a complete ring around the trachea or windpipe, as opposed to the other rings of the trachea which are incomplete. Lit., 'from within', i.e., beginning at the ring and proceeding upwards or downwards. This top ring of the windpipe is regarded in this Mishnah as the uppermost limit of the prescribed area within which the slaughtering may be performed.
(13) I.e., after cutting the greater part of the top ring the slaughterer slipped the knife outside the ring towards the head and completed the slaughtering there. It is nevertheless valid according to R. Jose b. R. Judah, since in slaughtering it is not essential to cut through more than the greater part of the organ.
(14) Accepting the principle that the greater portion of anything is regarded as the whole.
(15) Which do not completely surround the windpipe but are connected by a mucous substance. These rings, therefore, being incomplete, are not regarded as the proper place for slaughtering. Accordingly Rab and Samuel hold that the slaughtering can only be performed by cutting either in the top ring or between the other rings. This is Rashi's interpretation. There are other interpretations suggested by Rashi and Tosaf. q.v.

Talmud - Mas. Chullin 18b

If one slaughtered by cutting in the other rings, although they do not surround the whole of it, yet since they surround the greater part of the windpipe, the slaughtering is valid. Any deflection [of the knife outside the top ring] invalidates the slaughtering. R. Hanina b. Antigonos testified that a deflection is permitted! — R. Joseph answered that R. Jose son of R. Judah gave both rulings,[1] but Rab and Samuel agreed with one and not with the other.[2] But do they not say: 'he did not say this etc.'? — They mean to imply: the halachah is in accordance with the view of R. Jose son of R. Judah with regard to the top ring, but the halachah is not in accordance with his view with regard to the other rings.[3]

When R. Zera went up [to palestine] he ate there of an animal [which was slaughtered in that part of the throat] which was regarded as a deflection by Rab and Samuel.[4] He was asked, 'Are you not from the place of Rab and Samuel'?[5] — He replied: 'Who taught it [in the name of Rab and Samuel]? Was it not Joseph b. Hiyya?[6] Well, Joseph b. Hiyya took traditions from everyone'![7] When R. Joseph [b. Hiyya] heard of this he was annoyed and said: 'What! I take my traditions from every one! Indeed, I received my traditions from Rab Judah who recited in his statements of tradition even the doubt as to his authorities. As in the following statement: "Rab Judah said in the name of R. Jeremiah b. Abba (and I am in doubt whether he reported it in the name of Rab or in the name of Samuel): Three ordinary persons may declare a firstling permitted for use where there is no specialist available"'.[8]

But does not R. Zera accept the rule: [When a person arrives in a town] he must adopt the restrictions of the place which he has left and also the restrictions of the place he has entered?[9] — This rule applies only when one travels from town to town in Babylon, or from town to town in the land of Israel, or from the land of Israel to Babylon, but when one travels from Babylon to the land of Israel, inasmuch as we are subject to their authority,[10] we must adopt their customs. R. Ashi said: You may even hold that the rule applies when one travels from Babylon to the land of Israel, but only when such a person intends to return; R. Zera, however, had no intention to return [to Babylon]. Abaye remarked to R. Joseph. The Rabbis who came from Mahuza[11] report in the name of R. Nahman that this deflection[12] is permitted. He replied: Every river has its own course.[13]

R. Simeon b. Lakish held that [if the windpipe was cut] at the top of the thyroid cartilage[14] the slaughtering was valid. R. Johanan thereupon exclaimed: Too bold! Indeed, too bold![15]

R. Papi reported in the name of Raba: If the knife reached the arytenoid cartilages,[16] the slaughtering is invalid. The question was raised: Does 'reached' mean that it actually touched [the cartilages] as in the verse: And he fell upon him and slew him;[17] or does it mean that it came close to but did not touch [the cartilages], as in the verse: And the angels of God met him?[18] — It was stated:

R. Papa said in the name of Raba: If the knife cut through the arytenoid cartilages leaving part of them [on the side of the head], the slaughtering is valid. Amemar b. Mar Yanuka said: I was once standing in the presence of R. Hiyya the son of R. Awia and he told me that if the knife cut through the arytenoid cartilages leaving part of them [on the side of the head], the slaughtering is valid. Rabina said to R. Ashi, R. Shaman of Sikara[19] told me that Mar Zutra once happened to come to our town and ruled that if the knife cut through the arytenoid cartilages, leaving part of them [on the side of the head], the slaughtering is valid. Mar son of R. Ashi said: If the knife reached the arytenoid cartilages the slaughtering is valid; if, however, [the knife cut through the arytenoid cartilages,] leaving part of them [on the side of the head] the slaughtering is invalid.[20]

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(1) (a) That it is sufficient if only the greater part of the top ring is cut; and (b) that the slaughtering may be performed in the other rings too.

(2) They accepted the first ruling (a), but not (b); v. preceding note.

(3) 'He did not say this' means, his view in this respect is of no consequence, as the halachah is not according to him (Rashi).

(4) I.e., the cut was made in one of the incomplete rings of the windpipe, which according to Rab and Samuel is no slaughtering.

(5) And therefore within their jurisdiction.

(6) I.e., R. Joseph who reported supra the views of Rab and Samuel. Aliter: (They said,) Joseph b. Hiyya (Rashi).

(7) I.e., he is unreliable as regards the source of his traditions.

(8) The first born male of cattle was sacred and had to be offered as a sacrifice; if, however, it had a permanent defect it could then be slaughtered and eaten by Priests. It was for an expert to decide whether a particular defect was or was not permanent. If, however, the defect was obviously permanent and no expert was available, it is ruled that three lay men could come together and declare the first born animal permitted for use.

(9) And in R. Zera's home town people, in point of fact, abstained from the flesh slaughtered in the manner mentioned, if not on account of Rab and Samuel's ruling, then as a matter of stringency; v. Tosaf s.v. יוסף.

(10) Particularly with regard to the fixing of the Calendar. V. however, Tosaf. s.v. כיון.

(11) A large Jewish town situated on the Tigris.

(12) I.e., if the windpipe was cut in any of the other rings. This slaughtering is invalid according to Rab and Samuel.

(13) I.e., every place has its own usages.

(14) Which is far beyond the cricoid cartilage; lit., 'helmet', 'turban'. In human beings this is commonly known as the Adam's apple.

(15) Or: 'O, my brother-in-law! My brother-in-law!' R. Simeon b. Lakish had married R. Johanan's sister, v. B.M. 84a.

(16) Lit., 'wheat grains'; two small triangular cartilages at the top of the larynx situated on either side in front of the cricoid.

(17) I Kings II, 46. Heb. ויפגע. Accordingly the term פגע in the question would mean actual contact; i.e., the knife cut through the cartilages leaving part of them on the side of the head.

(18) Gen. XXXII, 2. In this verse, too' the verb פגע is used, but clearly in the sense of 'coming up to but not touching'. Accordingly even though the knife did not touch these cartilages, since it cut quite close to them, the slaughtering is invalid (Rashi). Tosaf., however, interprets the expression 'coming up to but not touching' as actually cutting beyond or above the cartilages, but where the knife cut through them the slaughtering would be valid. V. Tosaf. s.v. או.

(19) So according to MS.M.; in cur. edd. Subra or Sukhra. A village near Mahuza.

(20) According to the interpretation of Tosaf. (v. supra p. 92, n.7) this statement of Mar b. R. Ashi must be reversed thus: If the knife reached the cartilages (i.e., cut beyond or above them) the slaughtering is invalid, but if it cut through them the slaughtering is valid. This view is also accepted by Maim. in Yad, Shechitah, III, 12.

Talmud - Mas. Chullin 19a

But the law is: [If the windpipe was cut] at or below the point where the thyroid cartilage narrows,[1] the slaughtering is valid. This then corresponds with [the aforementioned view that] if the knife cut through the arytenoid cartilages, leaving part of them [on the side of the head the slaughtering is

valid].

R. Nahman held that the slaughtering was valid [if the windpipe was cut] at or below the point where the thyroid cartilage narrows. R. Hanan son of R. Kattina asked R. Nahman: But whose view do you adopt? It is neither the view of the Rabbis nor that of R. Jose son of R. Judah [of our Mishnah]![2] — He replied. I know no Hillak and no Billak;[3] I only know a tradition. For R. Hiyya b. Abba, said in the name of R. Johanan (some read: R. Abba b. Zabda said in the name of R. Hanina, and others read: R. Jacob b. Idi said in the name of R. Joshua b. Levi). At or below the point where the thyroid cartilage narrows the slaughtering is valid.

R. Joshua b. Levi also said: That which is regarded as a deflection by the Rabbis[4] is permitted by R. Jose b. Judah, and that which is regarded as a deflection by R. Jose b. Judah[5] is permitted by R. Hanina b. Antigonos.[6] Is not this obvious? — You might have thought that the statement of R. Hanina b. Antigonos refers to that of the Rabbis;[7] we are therefore taught that it does not. But perhaps it does? — If so, it should read: 'He testified concerning it [that it was permitted]'.[8]

The law is in accordance with the view of R. Hanina b. Antigonos, since R. Nahman agrees with him.

R. Huna said in the name of R. Assi: They differ[9] only where the slaughterer cut[10] two thirds [of the windpipe in the top ring] and then the last third above it;[11] for the Rabbis hold the view that all the slaughtering must be within the top ring and R. Jose son of R. Judah holds the view that the greater portion is equal to the whole. But in the case where the slaughterer first cut a third above the top ring and then the other two thirds in it, all are of the opinion that the slaughtering is invalid; because at the moment when the life escapes[12] the greater portion should have been cut in the ritual manner[13] and this was not the case here. Said R. Hisda to him: On the contrary, the Master might just as well say the opposite thus: They differ[9] only where the slaughterer first cut a third above the top ring and then the other two thirds in it-according to R. Jose son of R. Judah it is analogous with the case where half the windpipe was mutilated[14] [before the slaughtering], and according to the Rabbis [it is to be distinguished thus:] in the latter case [the mutilation was] in the prescribed area for slaughtering,[15] whereas in our case [the cutting of the first third] was outside the prescribed area for slaughtering. But where the slaughterer first cut two thirds [in the top ring] and then the last third above it, all are of the opinion that the slaughtering is valid, for we have learnt [in a Mishnah]: The greater part of an organ is equivalent to [the whole of] it![16] R. Joseph said to him: Who can tell us that the rule there concerning the greater portion is not the view of R. Jose son of R. Judah? It might indeed be the [individual] opinion of R. Jose son of R. Judah! — Abaye interposed: Are you suggesting that wherever it is held that a majority is sufficient it is the individual opinion of R. Jose son of R. Judah? — He replied. I mean that the view that a majority is sufficient in matters concerning shechitah [is the individual opinion of R. Jose son of R. Judah], for we know that the Rabbis hold a different view.

Another version of the above reads as follows: R. Huna said in the name of R. Assi: They differ only where the slaughterer first cut a third above [the top ring] and then the other two thirds in it — according to R. Jose son of R. Judah it is analogous with the case where half the windpipe was mutilated [before the slaughtering] and according to the Rabbis [it is to be distinguished thus:] in the latter case [the mutilation was] within the prescribed area for slaughtering, whereas in our case [the cutting of the first third] was outside the prescribed area for slaughtering. But in the case where the slaughterer first cut two thirds [in the top ring] and then the last third above it, all are of the opinion that the slaughtering is valid, for we have learnt: The greater part of an organ is equivalent to [the whole of] it. To this R. Hisda demurred: Who can tell us that the rule there concerning the greater portion is not the view of R. Jose son of R. Judah? It might indeed be the [individual] opinion of R. Jose son of R. Judah! Said R. Joseph to him: Are you suggesting that wherever it is held that a

majority is sufficient it is the individual opinion of R. Jose b. Judah? — He replied: I mean that the view that a majority is sufficient in matters concerning shechitah [is the individual view of R. Jose b. R. Judah], for we know that the Rabbis hold a different view.

If a slaughterer first cut a third [of the windpipe] outside the prescribed area, another third within it, and the last third outside it,[17] R. Huna said in the name of Rab that the slaughtering was valid; Rab Judah said in the name of Rab that the slaughtering was invalid. 'R. Huna said in the name of Rab that it was valid', because at the moment when the life escaped he was cutting in the ritual manner. 'Rab Judah said in the name of Rab that it was invalid', because the greater portion of the cutting must be in the ritual manner, and this was not the case here.

If a slaughterer first cut a third [of the windpipe] within the prescribed area, another third outside it and the last third within it Rab Judah said in the name of Rab that the slaughtering was valid. When this case was put to R. Huna, he said that the slaughtering was invalid. Rab Judah heard of this and became annoyed, saying: 'When I say invalid he says valid, and when I say valid he says invalid!' R. Huna then said: 'He is rightly annoyed. In the first place, he heard the decision from Rab himself and I did not; and in the second place, in this case the greater portion of the cutting was in the ritual manner'. Thereupon R. Hisda said to him, 'Do not withdraw your decision,

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(1) Lit., 'slants downwards'.

(2) For according to the Rabbis the slaughtering must be performed entirely within the large ring, and according to R. Jose b. R. Judah at least the greater part of the slaughtering must be in the large ring, whereas R. Nahman permits the slaughtering at the thyroid cartilage which is completely above the large ring.

(3) Fictitious names for any person (similar to our 'Tom, Dick and Harry'). V. Sanh. 98b. According to a view in Rashi the interpretation is: I know of no opinion which insists on severing (= Heb. חילק) the top ring completely (i.e., the view of the Rabbis in the Mishnah), nor of any opinion which insists on rending (= Heb. בילק) the greater portion of it (i.e., the view of R. Jose b. R. Judah) etc. . . . V. Aruch s.v. חלק VI.

(4) I.e., the least cutting of the windpipe above the top ring.

(5) I.e., the cutting of half or more of the windpipe above the top ring.

(6) V. supra p. 90.

(7) With the result that even according to R. Hanina b. Antigonos the slaughtering would be invalid if the whole of the windpipe was cut above the top ring.

(8) The fact that R. Hanina b. Antigonos testifies 'that a deflection . . . indicates that he refers to deflection in general, for were he to refer to the deflection contemplated by the Rabbis he would have testified in these words: 'concerning it'.

(9) The Rabbis and R. Jose b. R. Judah.

(10) שחט, Lit., 'he slaughtered according to ritual manner'.

(11) Heb. הגרים, Lit., 'he deflected by cutting outside the prescribed area'.

(12) This occurs as soon as the larger Portion of the windpipe has been cut through; i.e., during the cutting of the middle third.

(13) Lit., 'in (the manner of) shechitah', that is within the prescribed area.

(14) V. infra 28a. In the case of a bird, which, according to law only requires one of the organs to be cut, if half the windpipe was mutilated before the slaughtering by reason of an accident, and a person cut just a fraction more of the windpipe according to ritual, the slaughtering is valid, although when the life escaped the greater part had not been cut in the ritual manner. In our case, therefore, the cutting outside the prescribed area should be regarded as a mutilation of the windpipe, so that when the greater part of the windpipe is cut immediately afterwards the slaughtering should be valid.

(15) And as such mutilation is not considered a defect it is as though the animal were not affected, and when the life escapes the greater part of the windpipe is severed within the prescribed area.

(16) Therefore whatever is done to the windpipe after the greater portion of it has been cut through is of no consequence and cannot affect the already valid slaughtering. V. infra 27a.

(17) Lit., 'he deflected, he slaughtered and deflected'.

because if you do you defeat your decision in the first case. For there your reason for declaring it valid was that the life escaped at the time that he was cutting within the prescribed area; it follows then that in this case it should be invalid, because here the life escaped at the time that he was cutting outside the prescribed area'.

When R. Nahman once happened to come to Sura he was asked: What is the law if a slaughterer first cut a third of the windpipe within the prescribed area, another third outside it, and the last third within it? — He replied: Is not this the case that was taught by R. Eleazar b. Manyomi? For R. Eleazar b. Manyomi said: Where the cutting of the organ is like a zigzag,[1] the slaughtering is valid. But perhaps this decision applies only to a slaughtering entirely within the prescribed area? 'Within the prescribed area'! But this goes without saying [that the slaughtering is valid]! — Indeed no. For you might have thought that there must be an open cut,[2] and here it is not so; we are therefore taught [that it is not essential].[3]

(Mnemonic: Bakad.)[4]

R. Abba was once sitting behind R. Kahana whilst R. Kahana was before Rab Judah, when R. Kahana asked: What is the law if a slaughterer first cut a third [of the windpipe] within the prescribed area, another third outside it and the last third within it? — Rab Judah answered: The slaughtering is valid. And what is the law if a slaughterer first cut a third [of the windpipe] outside the prescribed area, another third within it, and the last third outside it? — He replied: The slaughtering is invalid. And what is the law if a slaughterer cut the windpipe in an existing gash?[5] — He replied: The slaughtering is valid. And what is the law if a slaughterer cut the windpipe terminating in an existing gash [in the windpipe]?[6] — He replied: The slaughtering is invalid. R. Abba then went and reported these decisions to R. Eleazar, and the latter went and reported them to R. Johanan. R. Johanan asked: Wherein lies the difference? — He [R. Eleazar] replied, [The case] where one cut the windpipe in an existing gash is the same as when a gentile began the slaughtering and an Israelite finished it;[7] and [the case] where one cut the windpipe terminating in an existing gash is the same as when an Israelite began the slaughtering and a gentile finished it.[8] Whereupon R. Johanan exclaimed: Gentile, gentile![9] Raba said: He was right in exclaiming. Gentile, gentile! For, in that case, [where the gentile finished the slaughtering.] the decision[10] is reasonable, because the Israelite should have cut [at least] the greater portion and this he did not do, with the result that life escaped at the hand of the gentile. In this case, however, [where there is a gash in the windpipe,] he has indeed cut as much as he could, what difference, therefore, can there be whether he cuts in a gash or cuts terminating in a gash?

MISHNAH. IF ONE CUT AT[11] THE SIDE [OF THE NECK], THE SLAUGHTERING IS VALID; IF ONE NIPPED OFF[12] [THE HEAD] FROM THE SIDE OF THE NECK, THE NIPPING IS INVALID; IF ONE CUT AT THE BACK OF THE NECK. THE SLAUGHTERING IS INVALID; IF ONE NIPPED OFF [THE HEAD] FROM THE BACK OF THE NECK, THE NIPPING IS VALID. IF ONE CUT AT THE FRONT OF THE NECK. THE SLAUGHTERING IS VALID; IF ONE NIPPED OFF [THE HEAD] FROM THE FRONT OF THE NECK. THE NIPPING IS INVALID. FOR THE WHOLE OF THE BACK OF THE NECK IS THE APPROPRIATE PLACE FOR NIPPING, AND THE WHOLE OF THE FRONT OF THE NECK IS THE APPROPRIATE PLACE FOR SLAUGHTERING. IT FOLLOWS, THEREFORE, THAT THE PLACE WHICH IS APPROPRIATE FOR SLAUGHTERING IS INAPPROPRIATE FOR NIPPING, AND THE PLACE WHICH IS APPROPRIATE FOR NIPPING IS INAPPROPRIATE FOR SLAUGHTERING.

GEMARA. What is meant by THE BACK OF THE NECK?[13] Does it mean the actual back of the neck? If so, why is it, that only if one slaughtered there it is invalid? If one nipped there it would also

be invalid, for in the Divine Law it is stated: Close to the back of its neck,[14] but not the actual back of the head! — THE BACK OF THE NECK really means [the region] close to the back of the neck, and this is indicated in the subsequent clause which reads: FOR THE WHOLE OF THE BACK OF THE NECK IS THE APPROPRIATE PLACE FOR NIPPING.[15] Whence do we know this? — From the following statement. Our Rabbis taught: 'Close to the back of its neck', that is to say, the region which overlooks the back of the neck, as it is written: And they dwell clue to me;[16] and it is also written: For they have turned unto Me the back of the neck and not the face.[17] Why another verse? — Because you might argue that [so long as] we do not know the true meaning of the back of the neck we cannot know what is meant by [the region] which is close to it. Therefore come and hear: It is written: 'For they have turned unto Me the back of the neck and not the face'; thus clearly showing that the back of the neck is directly opposite the face.

The sons of R. Hiyya said: This is the proper method for nipping: [the priest] twists the organs of the throat around to the back of the neck and then nips off [the head].[18] Some read, 'may twist'; others, 'must twist'. It is more reasonable, however, to adopt the reading, 'may twist'. Why? — For the Mishnah reads: IF ONE CUT AT THE BACK OF THE NECK, THE SLAUGHTERING IS INVALID; IF ONE NIPPED OFF [THE HEAD] FROM THE BACK OF THE NECK, THE NIPPING IS VALID.

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(1) Lit., 'like a comb'. The line of slaughtering is zigzagged like the teeth of a comb.

(2) I.e., cut in one place with a clean cut.

(3) The position therefore is that the question put to R. Nahman cannot be decided with certainty from the teaching of R. Eleazar b. Manyomi.

(4) A mnemonic, lit., 'in a jug' — omitted in many MSS. — consisting of the characteristic letters of the names of the Rabbis mentioned in the following passage: R. Abba, R. Kahana and R. Judah.

(5) I.e., the upper half of the windpipe was already mutilated and the slaughterer merely placed the knife in the gash and continued to cut.

(6) In this case the lower half of the windpipe was already mutilated and the slaughterer cut the windpipe until he came to the gash.

(7) In which case the slaughtering is valid, for that part of the windpipe severed by the gentile is of no consequence.

(8) In which case the slaughtering is invalid.

(9) Meaning: The analogy with the case of a gentile performing part of the slaughtering is not correct.

(10) That the slaughtering is invalid.

(11) Lit., 'from within', cf. supra p. 89, n.3.

(12) Heb. מלק, 'to nip off, to rend'. This is the method prescribed by the law for killing a pigeon or a turtle dove consecrated for a sacrifice. The officiating priest breaks with his finger-nail the neckbone, the spinal cord and the surrounding flesh, and also one (in the case of a sin-offering) or both (in the case of a burnt-offering) of the organs of the throat. V. infra 21aff.

(13) Heb. ערף: strictly the second cervic vertebra, rendered in the LXX by Gr. **, which has this meaning. V. article by S. Daiches in Expository Times; Vol. XXXIX p. 426.

(14) Lev. V, 8. This verse prescribes the method for nipping off the head of a bird.

(15) In this clause THE BACK OF THE NECK cannot mean the second cervic vertebra for one could not reasonably refer to it in such terms as: THE WHOLE OF THE BACK OF THE NECK. It must mean, therefore, the whole region close to and in front of the back of the neck.

(16) Num. XXII, 5.

(17) Jet. II, 27.

(18) Intending to sever the organs first and then the neckbone.

Talmud - Mas. Chullin 20a

Now if you adopt the reading. 'must twist', then why is it that only if one nipped off [the head] there it is valid? Even if one slaughtered there [it would] also [be valid].[1] You can, therefore, prove from

this that the correct reading is, 'may twist'; and as for our Mishnah the case is that the organs were not twisted around, [and therefore the slaughtering is invalid].

R. Jannai said: Let these young men receive the refutation of their view. For our Mishnah reads: IT FOLLOWS, THEREFORE, THAT THE PLACE WHICH IS APPROPRIATE FOR SLAUGHTERING IS INAPPROPRIATE FOR NIPPING. AND THE PLACE WHICH IS APPROPRIATE FOR NIPPING IS INAPPROPRIATE FOR SLAUGHTERING. Now what does this rule exclude? presumably the case where one twisted the organs around to the back of the neck![2] — Rabbah b. Bar Hannah said: It is not so, but it excludes the use of a tooth or a finger-nail.[3] But is not a tooth or a finger.nail expressly stated [to be invalid for slaughtering]?[4] — Rather, said R. Jeremiah, it excludes the act of moving to and fro.[5] This is well, however, according to the one who holds that to move [the fingernail] to and fro whilst nipping is not allowed; but according to the one who holds that it is allowed, how is it to be explained? — The sons of R. Hiyya agree with him who holds that to move the fingernail to and fro whilst nipping is not allowed.

R. Kahana said: The precept of nipping requires pressing [with the finger-nail] downward; and this is the proper method. Now R. Abin thought this to mean that if he pressed with his finger-nail downward it is [valid], but if he moved it to and fro it is not [valid]. Whereupon R. Jeremiah said to him: But surely, to move the finger-nail to and fro whilst nipping is most certainly allowed![6] And as for the words: 'This is the proper method', read instead, 'This also is a proper method'.

R. Jeremiah said in the name of Samuel: Whatsoever part of the front of the neck is valid for slaughtering, the corresponding part on the back of the neck is valid for nipping. It follows, no doubt, that what is invalid for slaughtering is invalid for nipping. Now what does this exclude? Can it exclude the case where the organs of the throat had been torn loose?[7] Surely not! For Rami b. Ezekiel has taught: The fact that the organs of the throat have been torn loose is not a defect in a bird.[8] — R. Papa said: It excludes the head.[9] 'The head'! But this is obvious! For the Divine law enjoins. Close to the back of its neck.[10] but not on the head! — By 'head', he meant the slope of the head;[11] and the case is as follows: he commenced to nip at the slope of the head and, moving [his finger-nail] gradually downwards, ended the nipping below.[12] This view is in agreement with that stated by R. Huna in the name of R. Assi. For R. Huna said in the name of R. Assi: If one cut a third [of the windpipe] outside the prescribed area [for slaughtering] and then cut two thirds within it, the slaughtering is invalid.[13]

R. Aha the son of Raba said to R. Ashi: This dictum of Rami b. Ezekiel, namely, the fact that the organs have been torn loose is not a defect in a bird, can be maintained only by him who holds that according to the law of the Torah birds do not require shechitah; [

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(1) Since the organs would have been cut first.

(2) In which case the slaughtering would be valid and the nipping invalid. This case, therefore, exemplifies the first clause of the rule stated, the second clause being added merely for the sake of completeness.

(3) The finger-nail is essential in nipping whereas one is not permitted to slaughter with a finger-nail attached to the person. As to whether it is permitted to nip off the head with the teeth or not, v. Tosaf. ad. loc. This case, as explained, exemplifies the second clause of the rule stated.

(4) V. supra 15b.

(5) Such movement of the finger.nail, it is assumed, invalidates the nipping, whereas it is essential to do so with the knife in the case of slaughtering. Accordingly the first clause of the rule in our Mishnah is the important one.

(6) For so long as any particular act is not expressly excluded by the law, the more the nipping is made to resemble the slaughtering the better.

(7) And implying that just as the slaughtering in such a case is invalid so presumably also the nipping.

(8) Either for slaughtering or for nipping; but v. infra.

(9) For it is a place invalid for slaughtering as well as for nipping.

(10) Lev. V, 8.
(11) I.e., the lower part of the head which slopes down towards the neck.
(12) Although the nipping was concluded within the proper region, i.e., at the back of the neck, it is nevertheless invalid according to Samuel.
(13) V. supra 19a

Talmud - Mas. Chullin 20b

but according to the one who holds that birds do require shechitah by the law of the Torah,[1] then it must also be held that the tearing loose of the organs is a defect. R. Ashi retorted: On the contrary, the reverse argument is the more reasonable. Thus, according to him who holds that birds do require shechitah by the law of the Torah,[1] it can well be argued that he[2] was expressly informed that the tearing loose of the organs [in the case of birds] was not a defect. Furthermore, even according to him who obtains this result by analogy with cattle,[3] it can nevertheless be argued that as regards the tearing loose of the organs [he was informed that][4] birds are to be different from cattle.[5] But, according to the one who holds that birds do not require shechitah by the law of the Torah but only by Rabbinic enactment, and the Rabbis obviously derived this rule only by a comparison with cattle, surely then [birds] should be compared with cattle in all respects! — Rabina answered: Rabin b. Kissi told me that the dictum of Rami b. Ezekiel, namely, the fact that the organs have been torn loose is not a defect in a bird, is to be applied only to the case of nipping, but in the case of slaughtering it is certainly a defect. But did not R. Jeremiah report in the name of Samuel: 'Whatsoever part of the neck is valid for slaughtering the corresponding part on the back of the neck is valid for nipping', and from which followed [the corollary] viz., What is invalid for slaughtering is invalid for nipping?[6] — This is at variance [with the teaching of Rabin b. Kissi].

Ze'iri said: If the neckbone of an animal was broken together with the major portion of the surrounding flesh, the animal is nebelah forthwith.[7] R. Hisda said: We have also learnt the same: If one nipped off [the head of a consecrated bird] with a knife, the carcass, whilst in the gullet, renders clothes unclean.[8] Now if you were to say that [in Ze'iri's case] the animal is merely trefah, should not the knife in this case have the effect of removing [from this bird] the uncleanness of nebelah,[9] inasmuch as nipping with a knife is tantamount to slaughtering?[10] — It is so,[11] I say, because the slaughtering is not in accordance with ritual. Why? — R. Huna says: Because he thrusts [whilst cutting the organs].[12] Rabbah[13] says: Because he presses [the knife downwards]. Now he who says: 'Because he thrusts', wherefore does he not say: 'Because he presses [the knife downwards]? — He is of the opinion that to move the finger-nail to and fro whilst nipping is allowed.[14] And he who says: 'Because he presses [the knife downwards]', wherefore does he not say: 'Because he thrusts'? — He argues thus: What is meant by 'thrusting'?[15] Clearly [any cutting where the knife is] covered, just like a weasel which is covered[16] by the foundations of a house; in our case, however, the knife is visible.[17] Raba said: If there is any difficulty [in connection with Ze'iri's statement] it is this: Why proceed with the nipping if it is already dead?[18] Abaye thereupon said to him, You can raise the same difficulty in the case of the burnt-offering of a bird which requires both organs to be nipped through, thus: Why proceed with the nipping if it is already dead?[19] — He replied: In this latter case, he does so merely to carry out the precept of severance.[20] If so, the skin, too, [should be severed!][21] — The rule is: Whatever is indispensable in the slaughtering is indispensable in the precept of severance, and whatever is not indispensable in the slaughtering is not indispensable in the precept of severance.[22] But what of the lesser portion[23] of each organ, which is not indispensable in the slaughtering, nevertheless according to the ruling of the Rabbis is indispensable in the precept of severance? — Read, therefore, Whatever comes within the purview of slaughtering comes within the precept of severance and whatever does not come within the purview of slaughtering does not come within the precept of severance.[24]

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(1) In this case,'Torah' means the oral law which Moses received on mount Sinai.

(2) Sc. Moses during his stay on the mountain.
(3) By reason of the juxtaposition of the words 'cattle' and 'birds' in Lev. XI, 46: This is the law of cattle and of birds, the result is obtained that birds require shechitah. V. infra 27b.
(4) V. Rashi.
(5) It was only in the main principle of shechitah that the comparison was made, but it was not to be extended to include all the rules 'and regulations of shechitah.
(6) This dictum precludes any possible distinction between nipping and slaughtering, and whatever is a defect in the one is a defect in the other.
(7) And conveys uncleanness from this moment, as it is regarded already as dead; although the animal still shows sign of life by movements and jerks.
(8) I.e., whilst a person is eating an olive's bulk of it, even if he did not touch it, as when it was thrust into his mouth, he becomes unclean and so do also the clothes that he is wearing at the time. This unusual and unique form of conveying uncleanness is found only in connection with the carcass of a clean bird, and is derived by Rabbinic interpretation from Lev. XVII, 15 and XXII, 8. The other modes of conveying uncleanness, e.g., by contact or by carrying, do not apply to the carcass of a bird.
(9) In accordance with the Rabbinic dictum, infra 228b: A trefah animal that has been ritually slaughtered does not convey any uncleanness.
(10) For after the neckbone has been cut through the subsequent cutting of the organs is akin to slaughtering.
(11) That the bird conveys uncleanness of the gullet and is not rendered clean by the slaughtering.
(12) For 'thrusting' v. supra p. 37, n. 9. Here the cervical vertebrae close up and cover the knife as soon as it has cut through the neckbone, and there is therefore a 'thrusting'. According to R. Gershom and Tosaf. it is invalid because he is cutting the neck from back to front.
(13) So MS.M. and R. Gershom. In current editions 'Raba'.
(14) There is, therefore, in this case no pressure upon the organs.
(15) Heb. חלדה, derived from חולדה, a weasel which burrows into the ground and is covered by earth.
(16) Lit., 'which dwells'.
(17) So that it does not come within the law of 'thrusting'.
(18) For in nipping one must sever the neckbone and also the organs, but if in the first stage of the nipping the bird is already dead then why continue with it?
(19) For as soon as the first organ is severed the bird is certainly dead; hence the slaughtering of a bird is valid even if only one organ has been cut through. V. infra 27a.
(20) V. infra 21b, in contradistinction from the sin-offering of a bird which must not be severed, cf. Lev. V, 8.
(21) But this has never been suggested to be the law.
(22) Slaughtering is valid even if the skin at the throat had been removed by some other means before the slaughtering.
(23) I.e., that portion which remains after the greater portion has been cut through.
(24) The term 'slaughtering' applies to the organs of the throat; therefore, even the lesser portion of the organs comes within the purview of slaughtering. On the other hand, the skin of the throat is outside the scope of the slaughtering, for the slaughtering would be valid even though the skin of the throat had been removed.

Talmud - Mas. Chullin 21a

But after all does not the original objection stand?[1] — Raba answered: Read [in the text]. 'This is what he does: He [the priest] cuts [with his finger-nail] the spinal cord and the neckbone without cutting through the major portion of the surrounding flesh'.[2] When R. Zera went up [to palestine] he found R. Ammi sitting and reciting the above statement [of Ze'iri], and at once put to him the question: Why proceed with the nipping if it is already dead? He was astounded for a moment,[3] but then replied. Read [in the text]. This is what he does: He cuts [with his finger-nail] the spinal cord and the neckbone without cutting through the major portion of the surrounding flesh. The same is taught [in the following Baraitha]: How must he [the priest] nip off [the head] of the sin-offering of a bird? He cuts [with his finger-nail] the spinal cord and the neckbone without cutting through the major portion of the surrounding flesh, until he reaches the gullet or the windpipe. On reaching the gullet or the windpipe he cuts through one of them or the major portion of one of them, and then cuts

through the major portion of the surrounding flesh. In the case of a burnt-offering he cuts through both, or the major portion of both, of these organs. Who is the author of this [Baraitha]? Is it the Rabbis?[4] Surely they hold that both organs must be severed! Is it R. Eleazar son of R. Simeon?[4] Surely he holds that the major portion only of both organs [shall be cut through]! — Interpret it thus: 'Both organs' — that is, according to the view of the Rabbis; 'or the major portion of both organs' — that is, according to the view of R. Eleazar son of R. Simeon. If you wish, however, I can say that the whole [Baraitha] is in accordance with the view of R. Eleazar son of R. Simeon, and as to the term 'both organs' it means that both organs appear to be severed.[5]

Rab Judah said in the name of Samuel: If [in a human being] the neckbone and the major portion of the surrounding flesh was broken, the body immediately defiles[6] [men and vessels that are] in the tent. And if you will contend: But was not the incident of Eli a case where the neckbone was broken without the major portion of the surrounding flesh having been cut?[7] [I reply that] in the case of old age it is different, for it is written: And it came to pass when he made mention of the ark of God, that he fell off his seat backward by the side of the gate, and his neck broke and he died; for he was an old man and heavy.[8]

R. Samuel b. Nahmani said in the name of R. Johanan. If one ripped up a human being as one does a fish, the body immediately defiles [men and vessels that are] in the tent. R. Samuel b. Isaac added: provided [he was ripped up] along the back.

Samuel said: If one split an animal into two, it is immediately nebelah.

R. Eleazar said: If the thigh was removed and the cavity was noticeable, the animal is [immediately] nebelah. What is the meaning of 'And the cavity was not[8] ceable'? — Raba replied: It means that when the animal is crouching there appears to be something missing.

We have learnt elsewhere:[9] If their[10] heads have been cut off, even though their limbs move convulsively, they are unclean[the convulsions being] but similar to the convulsive movements of the lizard's tail [after it has been cut off].[11] What is meant by 'Have been cut off'? — Resh Lakish said, [It means] actually cut off; R. Assi said in the name of R. Mani, [It means severed in the sense] as the head of the burnt-offering of a bird is severed. Whereupon R. Jeremiah asked R. Assi: Do you mean 'as the head of the burnt-offering of a bird is severed' according to the view of the Rabbis,[12] and so you do not disagree at all; or do you mean 'as the head of the burnt-offering of a bird is severed' according to the view of R. Eleazar son of R. Simeon,[13] and so you do disagree? — He replied: I mean, 'as the head of the burnt-offering of a bird is severed' according to the view of R. Eleazar son of R. Simeon, and so we disagree. Some there are who read [the above passage thus]: Resh Lakish said: It means actually cut off; R. Assi said in the name of R. Mani, [It means severed in the sense] as the head of the burnt-offering of a bird is severed according to the view of R. Eleazar son of R. Simeon, [and that is.] cut off to the extent of the greater portion of both organs.

What is [this dispute between] the Rabbis and R. Eleazar son of R. Simeon? — It was taught: It is written: And he shall prepare the second for a burnt-offering, according to the ordinance.[14] This means, according to the ordinance prescribed for the sin-offering of an animal. You say it means, 'according to the ordinance prescribed for the sin-offering of an animal'; but perhaps it is not so, but rather, according to the ordinance prescribed for the sin-offering of a bird! [This cannot be], for when it says. And he shall bring it near,[15] the verse thereby draws a distinction between the sin-offering of a bird and the burnt-offering of a bird. How then must I interpret the verse: 'According to the ordinance'? [It must mean,] according to the ordinance of the sin-offering of an animal. Thus, as the sin-offering of an animal must be brought

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(1) Raba's original objection against Ze'iri's statement viz., Why proceed with the nipping if the bird is already dead? V.

supra n. 1.

(2) And as long as the major Portion of the surrounding flesh has not been cut the bird is not regarded as dead.

(3) Dan. IV, 16.

(4) V. infra.

(5) I.e., according to R. Eleazar son of R. Simeon a substantial portion of the organs must be cut so that it would appear as though both organs were severed, although in reality only the major portion of each has been actually cut through.

(6) For the meaning of 'defilement in the tent' v. supra p. 62, n. 2.

(7) There is no mention in the verse of the flesh of the neck being torn, and nevertheless he is referred to as dead.

(8) I Sam. IV, 28.

(9) Ohol. I, 6.

(10) Either the heads of those reptiles that convey uncleanness (Rashi and R. Gershom); or the heads of cattle and birds (Tosaf.).

(11) These movements are clearly no signs of life, since the tail is here absolutely severed from the body.

(12) I.e., that both organs of the throat must be severed. Accordingly, this view is substantially the same as that of Resh Lakish.

(13) I.e., that only the greater portion of the organs must he severed.

(14) Lev. V, 10.

(15) Ibid. I, 15. This verse deals with a freewill burnt-offering of a bird, and the fact that the pronoun 'it' is expressly stated serves to indicate that this sacrifice must be dealt with differently from others of the same class.

Talmud - Mas. Chullin 21b

only from unconsecrated animals,[1] [must be sacrificed] by day, and [all the services in connection therewith must be performed] with the [priest's] right hand, so, too, the burnt-offering of a bird must be brought only from unconsecrated birds, must be sacrificed by day, and, [all the services in connection therewith must be performed] with the [priest's] right hand. But then it should follow that just as in the former case [one has only to cut] the greater portion of both organs,[2] so in the latter case [one has only to nip off] the greater portion of both organs? There is, therefore, another text which reads: And he shall nip off . . . and he shall burn it,[3] from which one can draw the following conclusion: as for the purposes of burning the head must be separate from the body,[4] so, too, in nipping the head shall be made separate from the body.[5] R. Ishmael says: 'According to the ordinance' means, according to the ordinance prescribed for the sin-offering of a bird; thus, as the nipping of the head of the sin-offering of a bird must be done close to the back of the neck, so, too' the nipping of the head of the burnt-offering of a bird must be done close to the back of the neck.[6] But then it should follow, should it not, that as in the former case one must nip through only one organ without severing the other,[7] so in the latter case one must nip through only one organ without severing the other? It is, therefore, written: And he shall bring it near.[8] R. Eleazar son of R. Simeon says: 'According to the ordinance' means, according to the ordinance of the sin-offering of a bird; thus, as in the latter case

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(1) I.e., from the common herd but not from those animals that had been purchased with Second Tithe money.

(2) For slaughtering does not require more than this, v. infra 27a.

(3) Lev. I, 15.

(4) For the expression, 'And he shall burn it' is repeated in this passage (vv. 15 and 27), indicating that there must be two separate burnings, one of the head of the bird and the other of the body.

(5) I.e., both organs must be absolutely severed. It is this opinion expressed here anonymously which has been repeatedly referred to previously as the view of the Rabbis.

(6) This inference is necessary, since the Law does not specify in the case of a freewill burnt-offering of a bird the place where the nipping must be done.

(7) For in connection with the sin-offering of a bird the Torah adds: And he shall not divide it asunder (Lev. I, 17). Therefore the priest is not allowed to nip off any more than is necessary to render the bird valid i.e., one organ.

(8) The pronoun it specifically distinguishes the freewill burnt-offering of a bird from other similar sacrifices.

the priest sprinkles the blood whilst holding the head and the body in his hand, so in this case, too, he sprinkles the blood whilst holding the head and the body in his hand. (What can this mean?[1] — It means this: Just as in the latter case he sprinkles the blood whilst the head is still attached to the body,[2] so, too, in the case of the burnt-offering of a bird he sprinkles the blood whilst the head is still attached to the body.) But then it should follow, should it not, that just as in the former case only one organ shall be severed, so here, too, only one organ shall be severed? It is, therefore, written: 'And he shall bring it near'.[3] Now it may be asked against the first Tanna: since he derives the rule[4] from the verse: 'And he shall nip off . . . and he shall burn it', what need is there for the verse: 'And he shall bring it near'?[5] — Without the verse: 'And he shall bring it near', he would have interpreted, 'According to the ordinance', to mean, according to the ordinance of the sin-offering of a bird;[6] and as to the verse: 'And he shall nip off . . . and he shall burn it', he would have explained it thus: as the burning [of the sacrifice is performed] upon the top of the altar, so shall [the draining of the blood following] the nipping be performed upon the upper part of the altar wall.[7] But now that the Divine Law states: 'And he shall bring it near', [this verse therefore serves to distinguish in every respect the burnt-offering of a bird from the sin-offering of a bird, and from the verse: 'And he shall nip off . . . and he shall burn it'] he can derive this too.[8]

Whence do we know that the sin-offering of an animal must be brought only from unconsecrated animals?[9] — R. Hisda answered: From the verse: And Aaron shall offer the bullock of the sin-offering which is his;[10] [that is to say], it must come from his own means and not from the money of the community nor from Second Tithe.

Is not [the rule that sacrifices may only be offered] by day inferred from the verse: In the day that he commanded?[11] — It is indeed stated [above] to no purpose.

Is not [the rule that all the services in connection therewith must be performed] with the right hand derived from the following dictum of Rabbah b. Bar Hannah; for Rabbah b. Bar Hannah declared in the name of R. Simeon b. Lakish. Wherever the word 'finger' or 'priest' is employed it signifies that the right hand only [shall be Used].[12] — And the other?[13] [He is of the opinion that the word] 'priest' requires [with it the word] 'finger' [in order that the above rule may apply], though [the word] 'finger' does not require [with it the word] 'priest'.[14]

Whence do the first Tanna and R. Eleazar son of R. Simeon[15] derive the Jaw [that the nipping in the case of the burnt-offering of a bird shall be] close to the back of the neck?[16] — They derive it from the fact that nipping is prescribed in both cases.[17]

MISHNAH. [THE AGE] WHICH QUALIFIES TURTLE DOVES [FOR SACRIFICE] DISQUALIFIES PIGEONS, AND [THE AGE] WHICH QUALIFIES PIGEONS [FOR SACRIFICE] DISQUALIFIES TURTLE DOVES. AT THE PERIOD WHEN THE NECK FEATHERS BEGIN TO GLISTEN IN EITHER KIND THEY ARE DISQUALIFIED. GEMARA. Our Rabbis taught: Turtle doves are qualified [for sacrifice] when fully grown, but not when small; pigeons are qualified [for sacrifice] when small, but not when fully grown. It follows, therefore, that the age which qualifies turtle doves for sacrifice disqualifies pigeons, and the age which qualifies pigeons for sacrifice disqualifies turtle doves.

Our Rabbis taught: The expression, turtle doves,[18] implies fully grown birds, but not small. For [without the Biblical direction] I would have argued by an a fortiori argument thus:

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(1) This conclusion cannot be accepted, for there is no authority which insists that the priest shall hold the head and body

of the bird in his hand whilst sprinkling the blood.
(2) For it is written: And he shall not divide it asunder (Lev. I,17).
(3) Lev. I, 25. The term 'it' implies a distinction, with the result that in the case of the burnt-offering of a bird the second organ must also be cut, though not severed, in order to conform with the rule that the head be attached to the body. Hence the view of R. Eleazar b. R. Simeon, frequently mentioned previously, that the greater portion of both organs must be cut, but no more.
(4) That both organs of the throat shall be severed in the case of the burnt-offering of a bird.
(5) Which also serves to prove the same rule, v. p. 108, n. 8.
(6) Which was dealt with in the preceding passage in Scripture. The result would then be that even in the case of the burnt.offering of a bird only one organ shall be severed.
(7) On the other hand, the draining of the blood following the nipping of the sin-offering of a bird must be carried out upon the lower half of the altar wall. V, Zeb. 64b. In all other respects, however, the burnt-offering of a bird shall be like unto the sin.offering of a bird.
(8) (a) That the blood of the bur1it.offering shall be drained upon the upper part of the altar wall; and (b) that both organs of the throat in the case of the burnt-offering shall be absolutely severed.
(9) V. supra p. 107.
(10) Lev. XVI, 6.
(11) Lev. VII, 38. The rule contained in this verse, namely, that sacrifices may only be offered by day, applies to all the sacrifices enumerated in the preceding verse. Wherefore is it necessary to derive the burnt-offering of a bird from the sin-offering of an animal?
(12) V. Men. 10a. And in the passage dealing with the burnt-offering of a bird there is written: And the 'priest' shall bring it near, Lev. I, 17.
(13) The first Tanna of the foregoing Baraitha. What was his opinion?
(14) Cf. Men. 10a. The first Tanna in our Baraitha is in agreement with this view, and since in connection with the burnt.offering of a bird the word 'finger' is not found, he is obliged to derive the rule of 'right hand' from the analogy.
(15) The first Tanna utilizes the analogy for comparing the burnt-offering of a bird with the sin-offering of an animal; and R. Eleazar b. R. Simeon, although comparing the burnt.offering of a bird with the sin-offering of a bird, utilizes the analogy in order to obtain the result that the head of the bird must remain attached to the body.
(16) Which R. Ishmael (supra) derives from the above mentioned analogy.
(17) The inference being that the place for nipping is the same in all cases.
(18) Lev. I, 14.

Talmud - Mas. Chullin 22b

If pigeons which are disqualified for sacrifice when fully grown are nevertheless qualified when small, turtle doves which are qualified when fully grown should surely be qualified when small! It is, therefore, written: 'turtle doves', to indicate that only the fully grown are qualified for sacrifice, but not the small. Young pigeons implies small birds, but not fully grown. For [without the Biblical direction] I would have argued by an a fortiori argument thus: If turtle doves which are disqualified for sacrifice when small are nevertheless qualified when fully grown, pigeons which are qualified for sacrifice when small should surely be qualified when fully grown! It is, therefore, written, young pigeons, to indicate that only the small are qualified for sacrifice, but not the fully grown. Where is this indicated in the verse? — Raba explained: Because Scripture should not have omitted to state at least once [the expression], 'Of young turtle doves or of pigeons'.[1] But I will now say that pigeons, inasmuch as in the Divine Law they are always preceded by the epithet 'young', are qualified for sacrifice only when small, and not when fully grown; whereas turtle doves [I submit] may be offered either when fully grown or even when small! — [Turtle doves must be placed under conditions] similar to pigeons; thus, just as pigeons are qualified [for sacrifice] only when small and not when fully grown, so turtle doves are qualified [for sacrifice] only when fully grown and not when small.[2] Our Rabbis taught: One might conclude that all turtle doves [that are not small] and all pigeons [that are not fully grown] are qualified for sacrifice; it is, therefore, written: Of the turtle doves,[3] implying that some, but not all, turtle doves are qualified. [Similarly, it is written.] Of the young pigeons,[3]

implying that some, but not all, pigeons are qualified. Hence, there is excluded [from either kind] those whose neck feathers begin to glisten.[4] When do turtle doves first become qualified for sacrifice?[5] When their wing plumage becomes golden. And when do pigeons become disqualified?[6] When their neck feathers begin to glisten. Jacob Karha learnt: When do pigeons first become qualified?[7] As soon as the limbs have absorbed [ye'ale'u][8] the blood. He reported this passage and also explained [the word ye'ale'u by reference to the verse.] Her young ones also suck up [ye'ale'u] blood.[9] When is this?[10] — Abaye answered: If when a feather is plucked out there flows blood [it is an indication that the limbs have absorbed the blood].

R. Zera put the following question: What is the law if a man said: 'Behold, I undertake to offer for a burnt-offering either [a pair] of turtle doves or [a pair] of pigeons', and he brought a pair of each kind, both pairs, however, being at the stage when the neck feathers were beginning to glisten?[11] If this stage is a period of doubt,[12] then in this case he at all events fulfils his obligation; but if it is a distinct intermediate stage,[13] then he does not fulfil his obligation. — Raba said: Come and hear: 'Hence there is excluded[14] from either kind those whose neck feathers begin to glisten?' Now if you say that it is an intermediate stage, it is well.[15] But if you say that it is a period of doubt, [it will be asked]: Surely a verse cannot serve to exclude a condition of doubt![16] —

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(1) The fact that 'young' always precedes 'pigeons' establishes the proposition that pigeons are qualified for sacrifice only when small.

(2) The conditions are that in each kind there shall obtain a qualifying as well as a disqualifying age.

(3) Lev. I, 14. 'Of', Hebrew מִן has a partitive significance.

(4) At this stage turtle doves would be regarded as too small, and pigeons as already fully grown.

(5) I.e., when are they regarded as fully grown?

(6) That they are no longer regarded as small.

(7) It surely cannot be that as soon as they are hatched they are fit to be sacrificed!

(8) Heb. יעלעו.

(9) Job XXXIX, 30.

(10) I.e., how can one ascertain whether the limbs have already absorbed the blood?

(11) The translation here is based upon the interpretation of Maharam, q.v.

(12) I.e., whether a bird at this period is to be regarded as small or fully grown. If the former, then he has fulfilled his obligation by offering the pair of pigeons; and if the latter, by offering the pair of turtle doves. Therefore, by offering a pair of each kind he certainly fulfils his obligation.

(13) Lit., 'a (special) species'. I.e., a period in which the bird is neither regarded as small nor fully grown.

(14) By the verse in Lev. I, 14: Of the turtle doves or of the young pistons. V. supra.

(15) To say that the verse expressly excludes this intermediate stage in each kind.

(16) The Divine Law could not have been in doubt as to the exact stages in the development of birds.

Talmud - Mas. Chullin 23a

The verse is required to exclude birds that have suffered an unnatural crime or that have been worshipped.[1] For since it is written: For their corruption is in them, there is a blemish in them,[2] and a Tanna of the school of R. Ishmael taught: Wherever 'corruption' is mentioned it means either sexual perversion or idolatry — sexual perversion: for it is written: For all flesh had corrupted his way upon earth;[3] idolatry: for it is written: Lest ye corrupt yourselves and make you a graven image[4] — it might well be argued that whatever is rendered unfit for sacrifice by reason of a blemish will similarly be rendered unfit by reason of sexual perversion or idolatry, and, on the other hand, whatever is not rendered unfit for sacrifice by reason of a blemish will not be rendered unfit by reason of sexual perversion or idolatry, with the result that birds, inasmuch as they are not rendered unfit for sacrifice by reason of a blemish[5] — for a Master said:[6] The unblemished state and the male sex are prerequisites only to sacrifices of cattle but not of birds — will likewise not be rendered unfit by reason of sexual perversion or idolatry! The verse therefore teaches us [that they are excluded].

R. Zera put the following question: What is the law if a man said: 'Behold, I undertake to offer for a burnt-offering either a ram or a lamb', and he brought a pallax?[7] Of course according to R. Johanan the question does not arise, since he holds that it is a distinct species.[8] For we have learnt:[9] If a man [under an obligation to bring a lamb or a ram as a sacrifice] offered a pallax, he must bring for it libations as for a ram,[10] but he does not thereby discharge the obligation of his sacrifice. And R. Johanan said that the verse. Or a ram,[11] included a pallax. The question, however, does arise according to the view of Bar Padda,

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(1) These birds may not be offered as sacrifices. The suggestion, therefore, that the verse Purports to exclude such birds whose neck feathers begin to glisten, is now abandoned.

(2) Lev. XXII, 25. From which is derived the rule that animals 'corrupt' or blemished are not acceptable for sacrifice.

(3) Gen. VI, 12. This verse refers to the sexual perversion of the generation.

(4) Deut. IV, 16.

(5) Minor blemishes do not disqualify a bird for sacrifice though a major blemish e.g., the loss of a limb, does.

(6) V. Kid. 24b.

(7) A sheep in its first twelve months is called a 'lamb', after thirteen months it is termed a 'ram', in its thirteenth month it is known as a pallax. Heb. פלגם, from Greek **, specifically a youth not yet arrived at adolescence, below the age of eighteen years.

(8) Consequently he will not have discharged his obligation.

(9) Par. I, 3; Men. 91b.

(10) The wine libations and offerings of meal which were brought with the sacrifice varied in quantity according to the animal offered. For a bullock it was necessary to bring three tenths of an ephah meal and one half of a hin wine; for a ram two tenths meal and one third of a hin wine; for a lamb one tenth meal and one quarter of a hin wine.

(11) Num. XV, 6 which prescribes the libations for a ram. The word 'or', Heb. או, being superfluous, is employed to extend the rule contained in this verse so as to include the pallax. Now it is evident that R. Johanan, by his interpretation that the verse purports to include the pallax, holds that it is a distinct species; for were it indeed a case of doubt he surely would not have explained the verse as purporting to include a condition of doubt! Cf. supra. p. 113, n. 3.

who holds that he must bring [for it libations as for a ram] and account for the possibilities.[1] The question therefore is: must he account only for the possibility of it being either a ram or a lamb but not of it being a distinct species.[2] or must he also account for the possibility of it being a distinct species and declare that if it is a distinct species all the libations shall be regarded as a freewill-offering?[3] The question remains undecided. R. Zera put the following question: What is the law if a man said: 'Behold, I undertake to bring [ten] cakes of a Thankoffering[4] either leavened or unleavened', and he brought siur?[5] According to whose definition of siur does the question arise? If [he brought] that siur as defined by R. Meir, and [the question is asked] according to R. Judah's ruling about it, then it is undoubtedly unleavened! And if [he brought that siur] as defined by R. Judah and [the question is asked] according to R. Meir's ruling about it, then it is clearly leavened! Again if [he brought that siur] as defined by R. Meir and [the question is asked] according to R. Meir's ruling about it, then it is evidently leavened, since one is liable to stripes [for eating it on the Passover]! Indeed, the question arises on R. Judah's definition [of siur] and according to R. Judah's ruling about it; thus, is it a condition of doubt, then in our case he at all events fulfils his obligation;[6] or is it a distinct state,[7] then he does not fulfil his obligation? But has not R. Huna said that if a man said: 'Behold, I undertake to offer the cakes of a Thank-offering', he must bring a Thank-offering as well as the cakes? Now in our case, since there is imposed upon this person the duty of bringing a Thank-offering as well as the cakes, he does not know whether he must regard these [cakes of siur] as leavened and so bring for the rest unleavened cakes, or as Unleavened and so bring leavened cakes [among the others]![8] — The question could only arise where a man said: 'Behold, I undertake to bring [ten] cakes, [either leavened or unleavened] in order to release So-and-so from this

obligation in his Thank-offering'.[9] Even so, that other person does not know whether to regard these [cakes of siur] as leavened and bring the unleavened himself, or to regard these as unleavened and bring the leavened himself![10] — The question only arises in the case where he did not say. 'In order to release', and the point is this: Has this person fulfilled his obligation or not?[11] — The question remains undecided.

MISHNAH. [THE METHOD OF KILLING] WHICH RENDERS THE RED COW[12] VALID RENDERS THE HEIFER[13] INVALID, AND THE METHOD WHICH RENDERS THE HEIFER VALID RENDERS THE RED COW INVALID. GEMARA. Our Rabbis taught: The Red Cow is rendered valid by slaughtering and invalid by breaking its neck; the Heifer is rendered valid by breaking its neck and invalid by slaughtering. It follows, therefore, that [the method of killing] which renders the Red Cow valid renders the Heifer invalid, and the method which renders the Heifer valid renders the Red Cow invalid. But should not the Red Cow be rendered valid by breaking its neck by the following a fortiori argument? Thus, if the Heifer which is not rendered valid by slaughtering is nevertheless rendered valid by breaking its neck, the Red Cow which is rendered valid by slaughtering should surely be rendered valid by breaking its neck!

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(1) Lit., 'and stipulates'. By declaring: (a) if it is a ram then the quantity of libations offered is correct; (b) if it is a lamb then such amount as is required for a lamb shall be taken from this quantity, and the remainder shall be treated as a freewill libation offering. A third possibility would have to be accounted for if one were to take into consideration the possibility of it being a distinct species, in which case the declaration would be in addition to the two possibilities already stated; (c) if it is a distinct species and therefore no libations are necessary, then the whole of the libations offered shall be treated as a freewill-offering.

(2) Consequently in the circumstances of R. Zera's case the person will have discharged his obligation.

(3) With the result that in R. Zera's case the person will not have discharged his obligation.

(4) V. Lev. VII, 12 and 13, where it is prescribed that with a thank-offering one had to bring four kinds of cakes, viz., unleavened cakes mingled with oil, unleavened cakes smeared with oil, unleavened cakes of fine flour saturated in oil and leavened cakes. At present it is assumed that the man's obligation was merely to bring ten cakes, and by bringing cakes made from siur (v. next note), the question arises whether or not he has fulfilled his obligation.

(5) V. Pes. 48b. In the matter of siur there are two disputes between R. Meir and R. Judah. (a) As to the definition of siur: R. Meir says. It is dough the surface of which has already become pale (which indicates that fermentation has already begun); R. Judah says. It is dough the surface of which has become wrinkled (which is some time after it has turned pale). (b) As to the law of siur: R. Meir says that whosoever eats siur (as defined by him) on the Passover is liable to stripes; R. Judah says that whosoever eats siur (as defined by him) on the Passover is not liable to any punishment. Moreover, siur as defined by R. Judah is regarded by R. Meir as leavened, and whosoever eats of it on the Passover is liable to the punishment of Kareth; and on the other hand, siur, as defined by R. Meir is regarded by R. Judah as unleavened, and one may eat it on the Passover:

(6) For it is either leavened or unleavened.

(7) I.e., a definite stage in the process of fermentation, at which time the dough is neither leavened or unleavened.

(8) The difficulty that is raised by R. Huna's statement is this. The original assumption that this man's obligation ended with the bringing of the cakes cannot stand, for according to the law as stated by R. Huna he must bring all the forty cakes that accompany the thank-offering as well as the thank-offering itself. Consequently this man is in a dilemma, for even if it were accepted that siur is a condition of doubt, his position is no better, since he does not know what other cakes he must now bring.

(9) In this case the man has no other obligation than to bring ten cakes and therefore he would be fulfilling his obligation if it were held that siur was a condition of doubt.

(10) The purpose of this man's promise is to release that other person from part of his obligation; but since the other cannot avail himself of these cakes, for he does not know what other cakes he must bring, this man's purpose has not been achieved and consequently his obligation has not been discharged.

(11) Here the man undertakes to add ten cakes to his friend's thank-offering. The other person is in no way affected by this promise, for he must bring the full complement of cakes with his thank-offering, and the only Point that has to be considered is whether this man has fulfilled his own obligation by bringing these cakes of siur or not.

(12) V. Num. XIX.
(13) V. Deut. XXI.

Talmud - Mas. Chullin 24a

The verse, therefore, says: And he shall slaughter it,[1] and in addition [the law is stated to be] a statute,[2] in order to indicate that it is rendered valid only by slaughtering and not by breaking its neck.

But is it established that whenever 'statute' is written [in connection with a law] one may not apply to it an a fortiori argument? But what of the Day of Atonement ln connection wherewith statute' is written,[3] nevertheless, it was taught: [Upon which the lot fell for the Lord,] and it shall determine it for the sin-offering,[4] implies that only the lot can determine it for the sin-offering, but designation[5] cannot determine it for the sin-offering. For [without this Biblical direction] I would have argued by an a fortiori argument thus: If offerings which are not consecrated by lot are nevertheless consecrated by designation,[6] an offering which is consecrated by lot should surely be consecrated by designation! It is therefore written: 'And it shall determine it for the sin-offering', to indicate that the lot only can determine it for a sin-offering, but designation will not determine it for a sin-offering. Now this is so, only because it is written in the Divine Law, 'And it shall determine it for the sin-offering', but without this verse one would have applied the a fortiori argument![7] — The Divine Law excluded all others when it stated in connection with the Heifer, 'Whose neck was broken',[8] indicating that only this shall have its neck broken, but no other.

And should not the Heifer be rendered valid by slaughtering by the following a fortiori argument? Thus, if the Red Cow which is not rendered valid by breaking its neck is nevertheless rendered valid by slaughtering, the Heifer which is rendered valid by breaking its neck should surely be rendered valid by slaughtering! The verse states: And they shall break the neck,[9] and also, 'Whose neck was broken', thus emphasizing that the Heifer is rendered valid only by breaking its neck and not by slaughtering.[10]

MISHNAH. [THE DISABILITY] WHICH DOES NOT DISQUALIFY[11] PRIESTS DISQUALIFIES LEVITES, AND [THE DISABILITY] WHICH DOES NOT DISQUALIFY LEVITES DISQUALIFIES PRIESTS.

GEMARA. Our Rabbis taught: priests are disqualified by reason of a bodily blemish,[12] and not by reason of age; Levites are disqualified by age[13] and not by bodily blemish. It follows, therefore, that [the disability] which does not disqualify priests disqualifies Levites, and [the disability] which does not disqualify Levites disqualifies priests. Whence do we know this? — From the following Baraitha. Our Rabbis taught: It is written: This is that which pertaineth unto the Levites.[14] Now what does this teach us? From the verse: And from the age of fifty years they shall return [from the service of the work],[15] we know that Levites are disqualified by age. Now I might have argued [by an a fortiori argument] that they are disqualified by bodily blemish too; thus, if priests who are not disqualified by age are nevertheless disqualified by bodily blemish, Levites who are disqualified by age should surely be disqualified by bodily blemish! It is therefore written: 'This is that which pertaineth unto the Levites', that is to say, this[16] only disqualifies Levites, but nothing else disqualifies them. Now I might also have argued [by an a fortiori argument] that priests are disqualified by age too; thus, if Levites who are not disqualified by bodily blemish are nevertheless disqualified by age, priests who are disqualified by bodily blemish should surely be disqualified by age! It is therefore written: 'Which pertaineth unto the Levites', and not 'unto the priests'. I might further have supposed that this rule[17] [as regards Levites] obtains even at Shiloh and at the permanent House;[18] It is, therefore, written: To do the work of service and the work of bearing burdens,[19] that is to say: 'I ordained this rule only when the work was that of bearing burdens upon

the shoulder'.[20]

One verse says: From twenty and five years old and upward;[14] and another verse says: From thirty years old and upward.[21] Now one cannot accept the age of thirty[22] because of the verse which mentions twenty-five, and one cannot accept the age of twenty-five because of the verse which mentions thirty. How are these verses to be reconciled? Thus: at the age of twenty-five [the Levite enters the service] for training, and at the age of thirty he performs service. Hence the dictum: If a student does not see a sign of blessing [progress] in his studies after five years, he never will. R. Jose says, [After] three years, for it is written: That they be trained three years.[23] And that they be taught the learning and the tongue of the Chaldeans.[24] And the other, [how does he explain these latter verses]? — He would say that the Chaldean language is an exception, for It is easy [to master].[25] And the other, [R. Jose]? — He would say that the Temple service is an exception, for its rules are difficult.[26]

Our Rabbis taught: A priest, from the time that he has grown two hairs[27] until he grows old, is qualified for service; a bodily blemish, however, disqualifies him. A Levite, from thirty years old until fifty years old, is qualified for service; and becomes disqualified by age. This law [of the Levite], however, applied only at the Tent of Meeting in the wilderness; but at Shiloh or at the Permanent House they were only disqualified because of their voices.[28] Said R. Jose: Where is this indicated in any verse? —

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(1) Sc. the Red Cow; Num. XIX, 3.

(2) Ibid. 2: This is the statute of the law.

(3) Cf. Lev. XVI, 29: And it shall be a statute for ever unto you.

(4) Ibid. 9. The usual translation is. And he (sc. the priest) shall offer it for a sin-offering. The Rabbis, however, take 'the lot' as the subject of this sentence, and so derive from this verse the rule that it is the lot which decides the animal for the sacrifice.

(5) I.e., merely naming or specifying by word of mouth which goat shall be for the sacrifice and which shall be sent away.

(6) E.g., when a Pair of doves is offered, one of them for a sin-offering and the other for a burnt-offering (cf. Lev. XII, 8; XIV, 22), it is not the lot that determines them for their respective offerings, for even after the casting of lots they can be changed over; but it is the express designation of the owner that determines them.

(7) Although the law in connection with the Day of Atonement is stated to be a statute. This being so, the a fortiori argument should be applied in our Mishnah, with the result that the Red Cow be also rendered valid by breaking its neck.

(8) Deut. XXI, 6.

(9) Ibid. 4.

(10) This is the reading of MS.M.; v. Rashi. In cur. edd. only one verse is quoted in this final answer; v. Rashal. The injunction 'to break the neck' is repeated to indicate that this is the only method of killing the Heifer and no other is admissible. This answer is therefore in accordance with the accepted Rabbinic dictum: Wherever Scripture repeats an injunction it is meant to be indispensable.

(11) From taking part in the Temple service.

(12) V. Lev. XXI, 17.

(13) For they are qualified for service only from the age of thirty to fifty.

(14) Num. VIII, 24.

(15) Ibid, 25.

(16) Sc. age.

(17) That Levites are disqualified by age.

(18) I.e., the Temple at Jerusalem where the service of the Levites was to sing in the choir and to guard the doors of the Temple.

(19) Ibid. IV, 47.

(20) The disqualification of Levites by age was, therefore, effective only from the service of the Tabernacle in the wilderness, where their duties consisted of dismantling the entire Tabernacle and bearing the various parts on their

shoulders.

(21) Ibid. IV, 23.

(22) I.e., as the proper age for commencing service.

(23) Dan. I, 5.

(24) Ibid. 4.

(25) Therefore in three years one ought to expect good results.

(26) Because of the numerous details that had to be mastered; and, therefore, in such a case even R. Jose admits that five years are necessary.

(27) These refer to the pubic hairs which indicate maturity and generally appear in males at the age of thirteen years and one day, and in females at the age of twelve years and one day.

(28) I.e., when they lost their voices and thus could no longer sing in the Temple choir.

Talmud - Mas. Chullin 24b

It is written: And it came to pass when the trumpeters and singers were as one to make one loud sound.[1]

'Until he grows old'. Until when is this? — R. Ila'a said in the name of R. Hanina: Until he begins to tremble.[2]

We have learnt elsewhere:[3] If a man [who was unclean] by reason of a seminal emission, immersed himself [in a mikweh] but did not first urinate, when he does urinate he [again] becomes unclean.[4] R. Jose says: If he was ill or elderly he [again] becomes unclean, but if he was young and healthy he is clean.[5] How long [is one regarded as young and healthy]? — R. Ila'a said in the name of R. Hanina: As long as one is able to stand on one foot and put on and take off one's shoe. It was said of R. Hanina that at the age of eighty years he was able to stand on one foot and put on and take off his shoe. R. Hanina said: The warm baths and the oil with which my mother anointed me in my youth have stood me in good stead in my old age.

Our Rabbis taught: He whose beard is fully grown is qualified to act as the representative of a community,[6] to descend before the Ark[7] and to pronounce the priestly benediction.[8] When does he [the priest] become qualified for Temple service? When he produces two hairs. Rabbi says: I say, only when he is twenty years old. R. Hisda asked: What is Rabbi's reason? — Because it is written: And they appointed the Levites from twenty years old and upward to have oversight of the work of the house of the Lord.[9] And the other Tanna? He maintains that 'to have oversight' is quite a different matter.[10] But is not this verse stated in connection with the Levites?[11] — One must accept the statement of R. Joshua b. Levi. For R. Joshua b. Levi said: In twenty-four passages the priests are referred to as Levites, and the following is an example: And the priests the Levites the sons of Zadok.[12]

Our Rabbis taught: It is written: Any man of thy seed throughout their generations . . . [let him not approach to offer];[13] hence R. Eliezer derived the rule that a minor is not qualified for service even though he is without bodily blemish. When does he become qualified for service? When he has grown two hairs. His brother priests, however, would not permit him to take part in the service until he was twenty years old. Some say that this [Baraitha] agrees with the view of Rabbi, for he maintains that [under the age of twenty years] there is no legal disqualification whatsoever, not even by Rabbinic enactment.[14] Others say that Rabbi's view is that [under the age of twenty years] one is disqualified by Rabbinic enactment, and that this [Baraitha], however, agrees with the view of the Sages; for they maintain that [under the age of twenty years] there is a restriction only in the first instance, but if he did serve, the service would be valid.[15]

MISHNAH. THAT WHICH CANNOT BE RENDERED UNCLEAN IN EARTHENWARE

VESSELS CAN BE RENDERED UNCLEAN IN ALL OTHER VESSELS, AND THAT WHICH CANNOT BE RENDERED UNCLEAN IN ALL OTHER VESSELS CAN BE RENDERED UNCLEAN IN EARTHENWARE VESSELS.

GEMARA. Our Rabbis taught: The air-space of an earthenware vessel can be rendered unclean, but the outside of it cannot. The air-space of all other vessels cannot be rendered unclean, but the outside of them can. It follows, therefore, that that which cannot be rendered unclean in earthenware vessels can be rendered unclean in all other vessels, and that which cannot be rendered unclean in all other vessels can be rendered unclean in earthenware vessels. Whence do we know this? — From [the following Baraitha] which our Rabbis taught: It is written: And every earthen vessel into which [toko] any of them falleth,[16] that is to say, even though it does not actually touch the vessel.[17] You say: 'Even though it does not actually touch', but perhaps it is not so but only if it actually touches the vessel! R. Jonathan b. Abtolmos said: There is used the word 'toko'[18] in connection with the vessel conveying uncleanness, and also the word 'toko'[19] in connection with the vessel receiving uncleanness; therefore, just as 'toko', used in connection with the vessel conveying uncleanness, means, 'even though it does not actually touch', so, too, 'toko', used in connection with the vessel receiving uncleanness, means, 'even though it does not actually touch'.[20] But whence do we know this in the former case? — R. Jonathan said: The Torah has declared the contents of an earthenware vessel [to be unclean]

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(1) II Chron. V, 13. This verse shows that the singers in the Temple were chosen because they were able to sing 'as one' and could 'make one loud sound'. Such voices as would introduce a discordant note in the choir were eliminated.

(2) I.e., his hands and feet shake because of old age.

(3) Mik. VIII, 4.

(4) For it is possible that when he suffered the emission not all the semen was ejaculated, but there might have remained some drops in the passage of his organ, which, when he urinates after his immersion, would pass out with the urine and make him unclean again. Cf. Lev. XV, 16.

(5) These would have ejaculated the semen completely, whereas a sick or elderly person would not; only the latter, therefore, would again become unclean after urinating.

(6) Heb. שליח ציבור, lit., 'messenger of the congregation'. This usually connotes the person who acts as the reader of the congregation in conducting the prayers. Since, however, the subsequent words, 'descend before the Ark', clearly refer to the function of the reader, the representative of the community would mean, therefore, the warden or person appointed to attend to the affairs of the community. Cf. R. Gershom and Rashi.

(7) V. preceding note.

(8) Lit., 'to lift up his hands'. Of course, provided he is a priest. V. Num. VI, 22-27.

(9) Ezra III, 8.

(10) It is conceded that a Levite under the age of twenty years would not be appointed to supervise the work.

(11) How, then, can this verse be adduced in support of the rule concerning the priests?

(12) Ezek. XLIV, 15. The term 'Levites' in this verse means descendants of the tribe of Levi, or it might mean 'attendants' (Rashi).

(13) Lev. XXI, 17. The Heb., איש, 'a man', excludes a minor.

(14) The statement of Rabbi, supra, 'I say, only when he is twenty years old', is therefore to be interpreted to correspond with this Baraitha; i.e., under the age of twenty years he is not legally disqualified, hut, as the Baraitha states: 'His brother priests would not permit him to take part in the service'.

(15) Accordingly, the view of the Sages, supra, is to be qualified in the light of this Baraitha. 'From the time that he produces two hairs he is qualified', i.e., if he did serve the service would he valid, but he would not be allowed to serve in the first instance, as the Baraitha continues, 'His brother priests would not permit him to take part in the service.'

(16) Lev. XI, 33. Heb. תוכו, 'in it', i.e., in its air-space.

(17) I.e., even though the reptile does not come into contact with the vessel, but is merely suspended in the air-space, the vessel becomes unclean.

(18) Ibid. Whatsoever is in it (toko) shall be unclean, i.e., foodstuffs in the air-space of the earthen vessel become unclean from the vessel.

(19) Ibid. And every earthen vessel into which (toko) any of them falleth.
(20) So that an earthenware vessel will receive uncleanness from a reptile which is suspended in its air-space, even though there has been no contact; and will also convey uncleanness, if itself unclean, to foodstuffs that are in its air-space.

Talmud - Mas. Chullin 25a

even though it is filled with mustard seed.[1] R. Ada b. Ahabah asked Raba: Should not an earthenware vessel be rendered unclean [by contact] from the outside by the following a fortiori argument: If all other vessels which are not rendered unclean through their air-space are nevertheless rendered unclean from the outside, an earthenware vessel which is rendered unclean through its air-space should surely be rendered unclean from the outside? — He replied: The verse reads: And every open vessel, which has no covering close-bound upon it, is unclean.[2] Now what kind of vessel is it to which uncleanness comes first through its opening? You must say: It is an earthenware vessel.[3] And [the verse teaches that] if it has no covering close-bound upon it is unclean, but if it has a covering close-bound upon it it is clean.[4]

And should not all other vessels be rendered unclean through their air-space by the following a fortiori argument: If an earthenware vessel which is not rendered unclean from the outside is nevertheless rendered unclean through its air-space, all other vessels which are rendered unclean from the outside should surely be rendered unclean through their air-space? — The verse says: In it[5] [toko], meaning the air-space of this[6] [can suffer uncleanness] but the air-space of no other [can suffer uncleanness]. But have we not already interpreted these [terms] toko for other purposes?[7] Indeed, four expositions may be derived from 'toko', by reason of 'toko-tok', 'toko-tok':[8] one [is required] for [the rule of] the text itself;[9] another for the analogy;[10] and again another for [the rule that] the air-space of this [vessel can suffer uncleanness], and not the air-space of any other [vessel]; and again another for [the rule that] the air-space of this [vessel can suffer uncleanness], and not the air-space [of another vessel] which is within the air-space [of this vessel];[11] hence even a rinsable vessel[12] is a protection [against uncleanness].

[One might argue that] all other vessels should not be rendered unclean [by contact] from the outside, but only by contact from the inside, by the following a fortiori argument: If an earthenware vessel which is rendered unclean through its air-space is nevertheless not rendered unclean from the outside, all other vessels which are not rendered unclean through their air-space should surely not be rendered unclean from the outside! — The verse therefore reads: And every open vessel, which has no covering close-bound upon it, is unclean,[13] that is to say, only with regard to this[14] [is the distinction made, namely,] if it has no covering close-bound upon it it is unclean, and if it has a covering close-bound upon it it is clean; whereas all other vessels, whether they have or have not a covering close-bound upon them, are unclean.[15] MISHNAH. THAT WHICH CANNOT BE RENDERED UNCLEAN IN WOODEN ARTICLES CAN BE RENDERED UNCLEAN IN METAL ARTICLES, AND THAT WHICH CANNOT BE RENDERED UNCLEAN IN METAL ARTICLES CAN BE RENDERED UNCLEAN IN WOODEN ARTICLES.

GEMARA. Our Rabbis taught: Unfinished wooden articles can be rendered unclean, but flat wooden articles cannot;[16] unfinished metal articles cannot be rendered unclean, but flat metal articles can. It follows, therefore, that that which cannot be rendered unclean in wooden articles can be rendered unclean in metal articles, and that which cannot be rendered unclean in metal articles can be rendered unclean in wooden articles. The following wooden articles are regarded as unfinished: whatever still requires to be smoothed, or adorned with designs, or planed, or trimmed round, or polished with [the skin of a] tunny-fish. Whatever still lacks the base or the rim or the handle can be rendered unclean, but whatever still requires to be hollowed out cannot be rendered unclean. 'Whatever still requires to be hollowed out'! But this is obvious![17] — It is necessary to be mentioned

for the following case: where one hollowed out of [a block which was intended to hold] a Kab only as much as would hold a Kapiza.[18] The following metal articles are regarded as unfinished: whatever still requires

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(1) All the mustard seeds in the vessel are rendered unclean, even those which are in the center of the vessel. Now these latter become unclean only because they are in the air-space of an unclean earthenware vessel. It cannot be suggested that the seeds which touch the side of vessel convey uncleanness to those next to them, one seed conveying uncleanness to the other, and so on as far as the seeds in the center of the vessel, for the following reasons: (a) no foodstuff less than the size of an egg can convey uncleanness; (b) one foodstuff cannot convey uncleanness to another foodstuff; and (c) with unconsecrated food uncleanness can at the most be extended to the second degree, but no further. In our case, therefore, the vessel, being unclean in the first degree, would convey uncleanness by contact to the seeds next to it, and these would be unclean in the second degree and could not pass on the uncleanness to others even by contact.
(2) Num. XIX, 15.
(3) The fact that the verse specifically mentions 'open' suggests immediately that it is dealing with an earthen vessel which has a special rule concerning its 'opening' i.e., its air-space, for no other vessel can be rendered unclean or can convey uncleanness through its air-space.
(4) Hence it is proved that an earthenware vessel cannot be rendered unclean from the outside.
(5) Lev. XI, 33. Heb. תוכו, the air-space.
(6) Sc. an earthenware vessel.
(7) For the purposes of the analogy, v. supra 24b ad fin, p. 123.
(8) Actually the word 'toko' is mentioned twice in Lev. XI, 33, but it would have served the purpose of the text if in each case the word 'tok' was used. The addition to each word indicates further exposition.
(9) Viz., that the air-space of un unclean earthenware vessel should render unclean foodstuffs or liquids which are within it.
(10) V. supra p. 123, n.5.
(11) I.e., if a vessel containing foodstuffs or liquids is suspended in the airspace of an earthenware vessel in such a way that the rim of the inner vessel is above the rim of the outer vessel, and a reptile is suspended in the airspace between the two vessels, then the contents of the inner vessel are not unclean, for they are not regarded as being within the air-space of the earthenware vessel, but only within the air-space of a vessel which is itself within the air-space of the earthenware vessel. The inner vessel, in other words, is a protection against the uncleanness reaching its contents, and for this reason, viz., since a vessel-even one which can be rendered unclean by contact from the outside — cannot be rendered unclean if it comes within the air-space of an unclean earthenware vessel (v. Pes. 20a), its contents will be protected from uncleanness.
(12) I.e., all vessels except earthenware vessels. The former are called rinsable because, if unclean, they can be rendered clean by being rinsed in the waters of a mikweh.
(13) Num. XIX, 15.
(14) I.e., an earthenware vessel.
(15) It follows therefore that all other vessels can be rendered unclean from the outside, seeing that the fact that these vessels have a covering close-bound upon them is no protection.
(16) For wooden vessels do not contract uncleanness unless they contain a cavity.
(17) For it is merely a flat piece of wood.
(18) A small measure equal to three logs; a Kab is a measure that holds four logs. In this case, since the wood was to be hollowed out in order to hold a Kab it is regarded as unfinished as long as this had not been done.

to be smoothed, or adorned with designs, or planed, or trimmed round,[1] or hammered out. Whatever still lacks the base or the rim or the handle, cannot be rendered unclean, but whatever only requires the lid can be rendered unclean.

Why is there a difference between the one and the other?[2] — R. Johanan said: Because these [metal vessels] are made for occasions of honour.[3] R. Nahman said: Because they are expensive,[4]

What practical difference is there between them? — Bone vessels.[5] And indeed R. Nahman is consistent in his view, for R. Nahman said: Bone vessels are regarded on the same footing as metal vessels. It appears then that bone vessels can be rendered unclean![6] — It is so; for it was taught: R. Ishmael, the son of R. Johanan b. Beroka says. What does the following verse teach us: And everything made from goats . . . ye shall purify?[7] To include anything made from goats, either from the horns or from the hoofs. And whence do we know [that articles made from the horns or the hoofs] of other animals or beasts [are included]? From the words, 'And everything made'. Why, then, is it written: 'From goats'? To exclude [articles made from] birds.[8]

MISHNAH. WHEN BITTER ALMONDS ARE SUBJECT TO TITHING SWEET ALMONDS ARE EXEMPT, AND WHEN SWEET ALMONDS ARE SUBJECT TO TITHING BITTER ALMONDS ARE EXEMPT.

GEMARA. Our Rabbis taught: Small bitter almonds are subject to tithing, but the large are exempt;[9] large sweet almonds are subject to tithing, but the small are exempt.[10] R. Ishmael b. R. Jose says in the name of his father: Both[11] are exempt. Others have the reading: Both[12] are subject to tithing. R. Ila'a said that R. Hanina ruled in Sepphoris in accordance with the view of him who maintains that both are exempt. But according to him who maintains that both are subject to tithing [it will be asked]: What use can be made of large bitter almonds? — R. Johanan answered: They can surely be sweetened by [roasting in] the fire!

MISHNAH. TAMAD[13] BEFORE IT HAS FERMENTED MAY NOT BE BOUGHT WITH SECOND TITHE MONEY[14] AND RENDERS A MIKWEH INVALID;[15] AFTER IT HAS FERMENTED IT MAY BE BOUGHT WITH SECOND TITHE MONEY AND DOES NOT RENDER A MIKWEH INVALID.[16]

BROTHERS WHO ARE PARTNERS [IN THEIR INHERITANCE], WHEN THEY ARE LIABLE TO PAY THE AGIO,[17] ARE EXEMPT FROM THE CATTLE TITHE,[18] AND WHEN THEY ARE LIABLE TO THE CATTLE TITHE,[19] THEY ARE EXEMPT FROM THE AGIO.[20]

GEMARA. Who is the author of our Mishnah? It is neither R. Judah nor the Rabbis! For we have learnt: If a man made Tamad putting in a certain measure of water, and he subsequently found the same measure of liquid, he is exempt from tithing it.[21] R. Judah however, makes him liable.[22] Now who is the author [of our Mishnah]?[23] If the Rabbis, then even though it has fermented [it should not be purchasable with Second Tithe money], and if R. Judah, then even though it has not fermented at all [it should be purchasable with Second Tithe money]! — R. Nahman said, in the name of Rabbah b. Abbuha,

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(1) Reading לכרכב; so MS.M. and also the 'Aruch. In cur. edd. לכרכר, which, according to Rashi, means 'to adorn with figures'.

(2) Why is it that unfinished metal articles cannot be rendered unclean whereas unfinished wooden articles can?

(3) Since metal vessels are reserved for use on special occasions they would not serve the purpose unless they were absolutely finished in all detail and decoration.

(4) And they would not realize their price unless they were finished in every detail.

(5) These are expensive but are not used on special occasions of honour; consequently, according to R. Johanan unfinished bone vessels can be rendered unclean, but according to R. Nahman they cannot.

(6) Where is it indicated in the Torah?

(7) Num. XXXI, 20.

(8) E.g., articles made from the claws of birds. These cannot be rendered unclean and therefore the law of purification does not apply.

(9) The test is edibility; therefore, large hitter almonds are exempt from tithing because they are not edible, whereas the small bitter ones before they are fully ripened are edible and so subject to tithing.

(10) In the case of sweet almonds, the small ones are exempt from tithing for they are not yet fully ripe.
(11) I.e., both sweet and bitter almonds when small are exempt from tithing (Rashi). According to R. Gershom and Tosaf the meaning is: Bitter almonds both large and small are exempt from tithing.
(12) I.e., both sweet and bitter almonds when large are subject to tithing (Rashi). According to A. Gershom and Tosaf. the meaning is: Bitter almonds both large and small are subject to tithing.
(13) תמד. An inferior wine made by steeping the kernels and skins of grapes in water, or by pouring water on to the lees of wine.
(14) Before fermentation has taken place it is merely water, and water may not be bought with Second Tithe money, v. ‘Er. 27b.
(15) A mikweh (i.e., a ritual bath) must be filled with waters which flow directly from a river or a stream or with rainwater, but not with waters which have been drawn from the rlver into vessels. An admixture of three logs or more of drawn water into a mikweh which does not contain the requisite amount of water (i.e., 40 se'ah) renders the mikweh invalid for all time. But an admixture of wine into a mikweh does not render it invalid.
(16) For it is regarded as wine.
(17) Heb. קלבון from Greek **. This was a small coin which every person had to add to his annual contribution of a half-shekel to the Temple in order to compensate the Temple Treasury for the loss it might sustain on exchanging the half-shekel for other coinage. It was not permissible for two people to evade this additional payment by combining and paying one shekel between them. On the other hand, this law of agio was relaxed in favour of a person who paid the half-shekel on behalf of another by way of gift to that other person; and therefore, if a father paid a whole shekel on behalf of his two sons by way of gift to them, he was not liable to pay any agio at all. In the case of our Mishnah the circumstances are that the brothers had divided the inheritance on the death of their father and subsequently entered into partnership; consequently each one must pay the agio when contributing his half-shekel even though they pay one whole shekel jointly, in the same way as when two people pay together one whole shekel.
(18) Cf. Lev. XXVII, 32. In Bek. 56b it is laid down that cattle born to partnership stock is exempt from the tithe.
(19) I.e., if they had never divided the inheritance. In this case it is held that cattle born to the partnership stock is subject to the tithe, for it is deemed in law to be the deceased father's stock.
(20) Since the inheritance had never been divided the combined contribution of one shekel which they make is regarded as a payment made by a father by way of gift in respect of his two sons, and in these circumstances they are exempt from the agio. V. p. 128, n. 7.
(21) For it is regarded as water, even though its taste may be that of wine, since there is here no increase in the mixture. V. Ma'as. V, 6. It is assumed for the present that such considerations, as to whether the mixture has fermented or not, are of no consequence.
(22) For it is regarded as fruit juice.
(23) It is assumed that the Tamad of our Mishnah had not 1ncreased at all but the whole of it measured exactly the same as the quantity of water that was put in.

Talmud - Mas. Chullin 26a

Their dispute[1] referred only to the case where it had fermented; and our Mishnah, therefore, is in accordance with R. Judah's view.[2] R. Jose b. Huna also reported that their dispute referred only to the case where it had fermented. R. Nahman further said in the name of Rabbah b. Abbuha: If a man bought Tamad with Second Tithe money and it subsequently fermented, that which he has purchased is Second Tithe.[3] Why is this? — Because it now appears that from the outset it was fruit [juice].[4] But [cannot the same argument be applied to] our Mishnah, which teaches that only if it had fermented [is it purchasable with Second Tithe money] but that if it had not fermented it is not [purchasable with Second Tithe money]? For it might be argued that had he let it stand it would have fermented?[5] — Rabbah answered [that our Mishnah deals with the case] where he let some of it stand in a glass and it did not ferment. Raba, however, said that the author of our Mishnah was R. Johanan b. Nuri. For we have learnt: If a Kortob[6] of wine fell into three logs less a Kortob of water, the mixture having the colour of wine, and the whole of this mixture fell into a [deficient] mikweh, it does not render the mikweh invalid.[7] If a Kortob of milk fell into three logs less a Kortob of water, the mixture having the colour of water, and the whole of this mixture fell into a [deficient] mikweh,

it does not render it invalid.[7] But R. Johanan b. Nuri says: It all depends upon the colour.[8] Now did not R. Johanan b. Nuri lay down the rule that we must determine every mixture by its colour? Then in the case of our Mishnah, too, one ought to determine the mixture by its colour, and the taste[9] and colour of the mixture is that of water.[10]

The above view[11] differs from that of R. Eleazar. For R. Eleazar said: All[12] agree that one may not set aside other [Tamad] as tithe for this [Tamad], unless this had already fermented. It is clear, then, that he [R. Eleazar] is of the opinion that the dispute [between R. Judah and the Rabbis] refers only to the case where it has not fermented; and when R. Judah said that he was liable to tithe it, he only meant [that he must set aside] some of it [as tithe] for the whole, but not that he may set aside other [Tamad as tithe for this], for then[13] he might be setting aside that which is subject to tithing [as tithe] for that which is exempt, or that which is exempt [as tithe] for that which is subject to tithing.[14]

Our Rabbis taught: Tamad before it has fermented

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(1) Between R. Judah and the Rabbis.

(2) For only R. Judah holds the view that fermented Tamad is regarded as wine juice, consequently it may be purchased with Second Tithe money. Unfermented Tamad, however, even R. Judah admits is but water. It should be noted that there is an alternative answer possible, namely, that the dispute between the Rabbis and R. Judah concerned unfermented Tamad, and accordingly our Mishnah would follow the view of the Rabbis. R. Nahman, however, did not suggest this, for then R. Judah's view would be unintelligible as it is inconceivable that he would bold that unfermented Tamad should be regarded as wine juice (Rashi).

(3) I.e., a valid substitution has been effected, so that now the Tamad must be treated with the sanctity due to Second Tithe, and the original Second Tithe money, now in the hands of the vendor, has no sanctity whatsoever.

(4) Even though at the time of purchase there was no semblance of wine juice in the Tamad.

(5) It should therefore be regarded at all times as wine juice, even before it has actually fermented, and consequently it should not render a mikweh invalid.

(6) A small liquid measure equal to 1/64 of a log.

(7) For there is not here the minimum quantity of drawn water (three logs) necessary to render the mikweh invalid.

(8) So that in the first case the mixture would not render the mikweh invalid, but in the second case it would. V. Mik. VII, 5; Mak. 3b.

(9) In some MSS. this word is omitted and it is apparently superfluous, but v. Tosaf. ad loc.

(10) Before fermentation. Consequently it is not purchasable with Second Tithe money and it also renders a mikweh invalid. R. Nahman, however, who does not decide the mixture by its colour but by its potency to ferment in the future, follows the view of the first Tanna.

(11) Of R. Nahman which he reported in the name of Rabbah b. Abbuha concerning the dispute between R. Judah and the Rabbis.

(12) Even R. Judah agrees with the Rabbis.

(13) Since the one kind of Tamad might ferment later on and the other might not.

(14) And in either case the act is of no effect in law, with the result that in the former instance the priest, and in the latter the owner, will be eating tebel i.e., untithed produce.

Talmud - Mas. Chullin 26b

can be rendered clean by bringing it into contact with the water [of a mikweh];[1] after it has fermented it cannot be rendered clean by bringing it into contact with the water [of a mikweh]. Raba remarked: This rule applies only if the Tamad was made with water that was clean and it subsequently became unclean, but not if the water was unclean from the outset. R. Gabiha of Be-Kathil[2] went and reported this statement to R. Ashi and raised this question: Why does not the rule apply if the water was unclean from the outset? Is not the reason because we say that the water, being heavy, will sink to the bottom of the vessel, whilst the fruit [skins] being light will float on the surface of the water, and consequently the contact made with the waters [of the mikweh] will be of

no effect? If so, is not the same reasoning to be applied to the case where the water was first clean and subsequently became unclean? You must, therefore, say that in this case they mix well together;[3] then in the former case, too, we should say that they mix well together.[4]

MISHNAH. WHEN THERE IS A POWER TO SELL[5] THE FINE IS NOT PAYABLE,[6] AND WHEN THE FINE IS PAYABLE THERE IS NO POWER TO SELL.

GEMARA. Rab Judah said in the name of Rab. This is R. Meir's opinion, but the Rabbis say that the fine is payable even when there is a power to sell.[7] For it has been taught: The power to sell applies to a minor from the age of one day until the time she has grown two hairs,[8] but the fine is not payable; from the time that she has grown two hairs until maturity[9] the fine is payable but there is no power to sell. Thus R. Meir; for R. Meir used to say. 'When there is a power to sell the fine is not payable, and when the fine is payable there is no power to sell'. But the Rabbis say: In the case of a minor, from the age of three years and one day until maturity, the fine is payable. 'The fine is payable!' [you say]; but is there not also a power to sell? — Render: The fine is payable and there is also a power to sell.

MISHNAH. WHEN THERE IS THE RIGHT OF REFUSAL[10] THERE CAN BE NO HALIZAH,[11] AND WHEN THERE CAN BE HALIZAH THERE IS NO LONGER THE RIGHT OF REFUSAL.

GEMARA. Rab Judah said in the name of Rab: This is R. Meir's opinion, but the Rabbis say that there is a right of refusal even when there can be halizah.[12] For it has been taught: Until what age can a daughter refuse? Until she has grown two hairs. Thus R. Meir, but R. Judah says. Until the dark hairs appear in abundance over the white [skin].[13]

MISHNAH. WHEN THE SHOFAR IS BLOWN[14] THERE IS NO HABDALAH[15] SERVICE, AND WHEN THERE IS THE HABDALAH SERVICE THE SHOFAR IS NOT BLOWN. THUS, IF A FESTIVAL FALLS ON THE DAY BEFORE THE SABBATH THE SHOFAR IS BLOWN[16] BUT THERE IS NO HABDALAH SERVICE;[17] IF IT FALLS ON THE DAY FOLLOWING THE SABBATH THERE IS HABDALAH SERVICE[18] BUT THE SHOFAR IS NOT BLOWN.[19] WHAT IS THE FORM OF THE HABDALAH BENEDICTION?[20] 'WHO MAKEST A DISTINCTION BETWEEN HOLY AND HOLY'.[21] R. DOSA SAYS, 'WHO MAKEST A DISTINCTION BETWEEN THE MORE HOLY AND LESS HOLY DAY'.[22]

GEMARA. How was the shofar blown then?[23] — Rab Judah said: A teki'ah[24] was blown, which in the end was converted into a teru'ah.[25] R. Assi said: A teki'ah was blown, and then a teru'ah all in one breath. R. Assi instituted the custom in Huzal[26] in accordance with his view.

An objection was raised from the following Baraitha: If a festival fell on the day before the Sabbath, a teki'ah was blown but no teru'ah. Now does not this mean that no teru'ah was blown at all? — It is not so; but Rab Judah interprets [this Baraitha] in accordance with his view, and R. Assi interprets it in accordance with his view. Rab Judah interprets it in accordance with his view thus, 'But no teru'ah', that is to say, not separately, but the teki'ah was converted into a teru'ah. R. Assi interprets it in accordance with his view thus, 'But no teru'ah', that is to say, not with a second breath, but all in one breath.

IF IT FALLS ON THE DAY FOLLOWING THE SABBATH . . . ['WHO MAKEST A DISTINCTION BETWEEN HOLY AND HOLY']. At what part [of the Habdalah service] is this [formula] said? — Rab Judah said: At the conclusion.[27] R. Nahman also said: At the conclusion. R. Shesheth the son of R. Idi said: Even at the beginning. The law, however, is not in accordance with his view.

R. DOSA SAYS, ‘WHO MAKEST A DISTINCTION BETWEEN THE MORE HOLY AND THE LESS HOLY DAY’. The law, however, is not in accordance with his view.

R. Zera said: If a festival falls in the middle of the week one must say [in the Habdalah service]: ‘Who makest a distinction between holy and profane, between light and darkness, between Israel and other nations, between the seventh day and the six working days’. Why is this?[28] — He is merely enumerating the ‘distinctions’.[29]

CHAPTER II

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(1) V. Bezah 17b and Pes. 34a. Water that has become unclean can be rendered clean by pouring it into a stone vessel and lowering it into a mikweh, so that the water in the vessel touches (lit., ‘kisses’) the water of the mikweh and becomes one with the latter. Now Tamad before fermentation is regarded as water and therefore can be rendered clean in this way. Other liquids, however, once unclean, can never be rendered clean, and therefore fermented Tamad, being regarded as wine, cannot be rendered clean in this way.

(2) V. A.Z. 22a (Sonc. ed.) p. 112, n. 1.

(3) I.e., the water and the grape skins; so that there is nothing actually interposing when the contact is made between the waters of the mikweh and the Tamad.

(4) The result is that no distinction can be drawn between the cases; accordingly Tamad before fermentation can always be rendered clean, whether it was made originally with unclean water or originally with clean water and it subsequently became unclean.

(5) A father, according to Ex. XXI, 7, has the power to sell his daughter as a maidservant during her minority, i.e., until she attains the age of twelve years and one day.

(6) V. Ex. XXI, 15-16, and Deut. XXII, 28-29. A fine of 50 shekels was payable by the person who seduced or violated a na'arah, technically a girl between the ages of twelve years and one day and twelve years and six months.

(7) I.e., the fine is payable even though the girl was a minor. V. Keth. 40b.

(8) These refer to the pubic hairs which generally appear on a girl at the age of twelve years and one day, whereupon she becomes a na'arah.

(9) Or, adolescence. This is reached by a girl when she has attained the age of twelve years and six months.

(10) A fatherless girl whose mother or brother gave her away in marriage, even with her consent, can at any time during minority ‘refuse’ the continuance of the marriage, and in this way break the marriage bond without the necessity of a bill of divorce.

(11) A girl who, during her minority, has become a widow even though she is childless cannot be subject to the ceremony of Halizah (v. Glos.) with regard to her brother-in-law. V. Deut. XXV, 5-10.

(12) I.e., there is a right of refusal even after the age of twelve years.

(13) V. Nid. 52a.

(14) It was the custom in Talmudic times to blow the shofar on the eve of the Sabbath or of the festival before the sacred day commenced, so that the community might cease work and prepare for the sacred day.

(15) Heb. הבדלה, ‘distinction’, ‘separation’. A benediction recited over a cup of wine at the termination of the Sabbath or of the festival.

(16) Before the commencement of the Sabbath, in order to make known to the public that all work must cease, even such as was permitted on the festival e.g. cooking.

(17) The rule is that no Habdalah service is recited at the termination of a sacred day, if that day is immediately followed by a day more sacred. Thus, there will be no Habdalah service at the termination of a festival if it is immediately followed by the Sabbath.

(18) In order to distinguish between the greater sanctity of the Sabbath and the lesser sanctity of the festival.

(19) Since there is no need to warn people to abstain from work for they have been at rest the whole of the Sabbath day.

(20) At the termination of the Sabbath that is immediately followed by a festival.

(21) V. P.B., p. 231.

(22) The Sabbath being referred to as the more holy and the festival as the less holy day.

(23) Sc. at the conclusion of a festival that is immediately followed by the Sabbath. There must have been some slight

difference on this occasion, when the purpose of the shofar was to warn People to abstain from such work as was permitted on the festival, in order to distinguish it from the blowing of the shofar at every Sabbath eve which served to warn people to cease work absolutely.

(24) Heb. תקיעה, a blast on the shofar of one prolonged note.

(25) Heb. תרועה, a series of rapid short blasts.

(26) Near Nehardea.

(27) Whereas at the beginning of the Habdalah prayer of formula used is: 'who makest a distinction between holy and profane'. V. P.B. loc. cit.

(28) I.e., why should one include in the benediction the distinction 'between the seventh day' etc., seeing that the occasion is a midweek festival and not the Sabbath?

(29) Which are to be found in the Torah; cf. Lev. X, 10 Gen. I, 4; and Lev. XX, 26.

Talmud - Mas. Chullin 27a

MISHNAH. IF A MAN CUT[1] ONE [OF THE ORGANS OF THE THROAT][2] IN THE CASE OF A BIRD, OR BOTH ORGANS IN THE CASE OF CATTLE, THE SLAUGHTERING IS VALID. THE GREATER PART OF AN ORGAN IS EQUIVALENT TO [THE WHOLE OF] IT. R. JUDAH SAYS, HE MUST CUT THROUGH THE JUGULAR VEINS. [IF ONE CUT] HALF OF ONE ORGAN IN THE CASE OF A BIRD, OR ONE AND A HALF ORGANS IN THE CASE OF CATTLE, THE SLAUGHTERING IS INVALID. [IF A MAN CUT] THE GREATER PART OF ONE ORGAN IN THE CASE OF A BIRD, OR THE GREATER PART OF EACH ORGAN IN THE CASE OF CATTLE, THE SLAUGHTERING IS VALID.

GEMARA. 'IF A MAN CUT' implies that the slaughtering is valid only after the act but that one is not permitted to do so in the first instance. [This would mean that] to cut both organs in the case of cattle is not sufficient in the first instance. Indeed, how much further can one go on cutting? — If you wish I can say that the expression 'IF ONE CUT' refers to the clause, ONE ORGAN IN THE CASE OF A BIRD; alternatively it refers to the clause, THE GREATER PART OF AN ORGAN IS EQUIVALENT TO [THE WHOLE OF] IT.[3]

(Kemash)[4] R. Kahana said: Whence do we know that slaughtering must be performed at the neck? From the verse: And he shall slaughter [we-shahat] the bullock,[5] that is to say, he shall cleanse [hat] it [from blood] in the place where it bends down [shah].[6] And whence do we know that hat means to cleanse? — From the verse: And he shall cleanse [we-hitte] the house;[7] or, if you wish, from the verse: Cleanse me [tehatte'eni] with hyssop and I shall be clean.[8] perhaps [it should be performed] at the tail? — the word shah, we say, implies, bent down, of something that is usually erect,[9] but that [sc. the tail] is always bent down. Perhaps [it should be performed] at the ear?[10] — It is necessary to obtain the life blood. Perhaps one should keep on cutting [the ear] until one reaches the life blood!

Moreover,[11] whence would we know the rules against pausing, pressing, thrusting, deflecting, and tearing? [We must therefore say that] we know them by tradition; then the rule that slaughtering must be performed at the neck is also derived from tradition. What then does this verse teach us? — That one may not cut the animal into two.[12]

R. Yemar said: We can derive it from the verse: And thou shalt slaughter [we-zabahta][13] that is to say, one must break [hat] it in the place where [the blood] flows [zab].[14] And whence do we know that hat means to break? — From the verse: Fear not neither be dismayed [tehath].[15] perhaps [it should be performed] at the nose?[16] — The word zab implies to flow by reason of a cut, but that [sc. the nose] flows of its own. Perhaps [it should be performed] at the heart! Moreover, whence would we know the rules against pausing, pressing, thrusting, deflecting, and tearing? [We must therefore say that] we know them by tradition; then the rule that slaughtering must be performed at the neck is also derived from tradition. What then does this verse teach us? — That one may not cut the animal

into two.

The school of R. Ishmael taught: It is written: And he shall slaughter [we-shahat];[17] read not we-shahat but we-sahat, meaning, one shall cleanse [hat] it [from blood] in the place where it utters Sound [sah].[18] Perhaps [one should perform it] at the tongue? — It is necessary to obtain the life blood. Perhaps one should keep on cutting until one reaches the life blood! Moreover, whence would we know the rules against pausing, pressing, thrusting, deflecting, and tearing? [We must say] therefore [that] we know them by tradition; then the rule that slaughtering must be performed at the neck is also derived from tradition. What then does this verse teach us? — That One may not cut the animal into two.

A Tanna derives it from the following Baraitha: R. Hiyya said: Whence do we know that slaughtering must be performed at the neck? From the verse: And Aaron's sons, the priests, shall lay in order the pieces, [the head and the fat].[19] Now it was quite unnecessary for the verse to add 'the head and the fat'. Why is it written: 'the head and the fat'? Are not the head and the fat included in 'the pieces'? Why are they mentioned separately? [For this reason]; since it is written: And he shall flay the burnt-offering and cut it [into its pieces].[20] I would have thought that only such limbs as must be flayed are included [in the pieces];[21] whence would I learn to include also the head which is already severed?[22] It is therefore written explicitly. [And he shall cut it into its pieces,] with its head and its fat and he shall lay them in order.[23] Now since the Tanna speaks of the head as severed, it is evident that slaughtering must be performed at the neck. Why does the Tanna open his argument with, 'And the head and the fat',[24] and conclude with, 'Its head and its fat'?[25] — This is what he means. Whence would I learn to include the head which is already severed? From the verse: 'And the head and the fat'. Then for what purpose do I require the verse,[26] 'Its head and its fat'? — For the purpose shown in the following Baraitha: Whence do I know that the head and the fat precede all limbs [on the altar]? From the verse: Its head and its fat, and he shall lay them in order.[27]

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(1) Lit., 'slaughtered'.

(2) There are two main organs in the throat which are considered for the purpose of slaughtering and they are (i) the windpipe or the trachea, and (ii) the foodpipe or the gullet or oesophagus.

(3) Thereby suggesting that in such cases the slaughtering is valid only after the act.

(4) A mnemonic (probably with the meaning 'to wither') consisting of the characteristic letters of the names of the Rabbis whose statements follow.

(5) Lev. I, 5. Heb. ושחט.

(6) I.e., the neck. The Hebrew word שחט is divided into component parts thus: שה, to bend, and חט, to cleanse.

(7) Lev. XIV, 52. Heb. וחטא.

(8) Ps. LI, 9. Heb. תחטאני .

(9) E.g. the neck.

(10) The ear is sometimes bent down and sometimes erect.

(11) I.e., even if it were accepted that the rule that to slaughter one must cut the neck is derived from the verse adduced, this further question confronts us: Whence would we derive the rules . . .? V. Tosaf. s.v. ותו.

(12) Heb. גימטרא. This prohibition is implicit in the word ושחט i.e., cleanse the animal from its blood by cutting the main organs of the throat and no more. Others interpret גימטרא. to mean, 'to cut with force'; the verse is therefore taken as a direct prohibition against chopping the neck or pressing the knife downwards while slaughtering, on this interpretation the rule against pressing has a Biblical basis, v. Rashi.

(13) Deut. XII 21. Heb. וזבחת.

(14) I.e., at the neck. The Heb. זבחת is divided into component parts thus: זב, to flow, and חת, to break.

(15) Deut. 1, 21. Heb. תחת, be broken in spirit, be dismayed.

(16) From which there flows mucus.

(17) Lev. I, 5.

(18) I.e., at the neck. The word ושחט is interpreted as וסחט which being divided into component parts would give: סה, to talk, to utter sound, and חט, to cleanse.

(19) Ibid. 8.
(20) Ibid. 6.
(21) To which the ordinance 'And he shall lay them in order' applies.
(22) For as soon as the two or throat have been cut the head is to all intents and purposes ed, and therefore the ordinance of flaying the animal does head (cf. Zeb. 85b); consequently as the head is not flayed the the pieces in order would not apply to it.
(23) Lev. I, 12.
(24) From verse 8.
(25) From verse 12.
(26) Var. lec., (v. Rashi) 'and as to the verse' etc., all this being the continuation of R. Hiyya's Baraitha.
(27) Indicating by the order of the words in this verse that the head and the fat ate offered before all other things upon the altar.

Talmud - Mas. Chullin 27b

And why did the Divine Law mention the fat in the first verse?[1] — For the purpose shown in the following Baraitha: How does he offer it? He covers the throat with the fat and thus offers it upon the altar; and in this way there is glory given to the Most High.

Another Tanna derives it from the following Baraitha: It is written: This is the law of cattle and of birds.[2] Now in which law [of the laws of uncleanness] are birds and cattle treated alike. On the one hand the carcass of cattle conveys uncleanness by contact or by carrying whereas the carcass of a bird does not. On the other hand the carcass of a bird whilst in the gullet renders clothes unclean[3] whereas the carcass of cattle does not. In which respect then are birds and cattle alike? In this respect: As cattle [are rendered clean] by slaughtering, so birds [are rendered clean] by slaughtering. But it should follow, should it not, that as in the case of cattle the greater part of both organs must be cut, so in the case of birds the greater part of both organs must be cut? The verse therefore reads: This [is the law].[4] R. Eliezer says: In which respect are birds and cattle alike? In this: As birds are rendered fit at the neck,[5] so cattle are rendered fit at the neck.[6] But then it should follow, should it not, that as in the case of birds [the nipping is done] close to the back of the neck, so in the case of cattle [the slaughtering should be done] close to the back of the neck? The verse therefore reads. And he shall nip off its head close to the back of its neck but shall not divide it asunder,[7] that is to say, its head shall be [nipped off] close to the back of its neck but the head of no other shall be [cut] close to the back of its neck.[8] And how does R. Eliezer interpret the word 'this'? — Without 'this', I would have argued that as in the case of birds only one organ [is severed], so in the case of cattle only one organ [shall be cut]; the Divine Law therefore states. This [is the law].[9]

Bar Kappara taught: It is written: This is the law of cattle and of birds [and of every living creature that moveth in the waters].[9] This verse has interposed birds between cattle and fishes. Now one cannot say that [in the case of birds] both organs of the throat must be cut, for they are, on the one hand, grouped with fishes. And one cannot say that none of the organs are to be cut, for they are, on the other hand, grouped with cattle. How is this to be explained? — They are rendered fit by the cutting of one organ.[10]

Whence do we know that fish do not require to be ritually slaughtered? Shall I say from the verse: If flocks and birds be slain for them, will they suffice them? or if all the fish of the sea be gathered together for them, will it suffice them?[11] which implies that the mere gathering [of fishes] is sufficient?[12] But if so, with regard to quails, of which it is written: And they gathered the quails,[13] can it similarly be said [that the mere gathering is sufficient and] that no slaughtering is necessary? Have you not said [above], 'And one cannot say that none of the organs are to be cut for they are grouped with cattle'? — In the latter verse 'gathering' is not written in the same verse which mentions slaughtering for others, but in the former verse 'gathering' [in the case of fishes] is written

in the same verse which mentions slaughtering for others.[14]

A Galilean travelling lecturer expounded: Cattle were created out of the dry earth and are rendered fit by the cutting of both organs; fish were created out of the water and are rendered fit without any ritual slaughtering; birds were created out of the alluvial mud and are therefore rendered fit by the cutting of one organ. R. Samuel of Cappadocia said: You can prove this from the fact that birds have scales on their legs like the scales of fishes.

He[15] put to him this further question: One verse says. And God said: Let the waters bring forth abundantly the moving creature that hath life, and let birds fly above the earth,[16] from which it would appear that birds were created out of the water; but another verse says. And the Lord God formed out of the ground every beast of the field and every bird of the air,[17] from which it would appear that they were created out of the earth? — He replied: They were created out of the alluvial mud. He thereupon noticed his disciples looking at each other with surprise. 'You are no doubt displeased', said he, 'because I brushed aside my opponent with a straw. The truth is that they were created out of the water but they were brought before Adam only in order that he might name them'.[18] Others say that he replied to the [Roman] general in accordance with the latter view, but to his disciples he gave the first explanation.[19] since they [birds] are mentioned in connection with the expression: And He formed.[20]

Rab Judah said in the name of R. Isaac b. Phinehas: Birds do not require to be slaughtered ritually by the law of the Torah, for it is written: And he shall pour out the blood thereof,[21] that is to say, the mere pouring out of the blood is sufficient [to render the bird fit]. But if so, should not the same be said of wild beasts too?[22] — No, for wild beasts have been compared [by Biblical analogy] with consecrated animals that have become unfit [for sacrifice].[23] Well, then, birds have also been compared with cattle in the following verse: This is the law of cattle and of birds.[24] — Surely there is also the verse: He shall pour out the blood thereof![25] But why do you choose to apply the latter verse to birds rather than to wild animals? — It is more reasonable to do so since [birds] are mentioned last.[26]

(Mnemonic: 'It became nebelah'. 'Blood'. 'Nipping'.)[27] An objection was raised: If a man slaughtered [a wild animal or a bird] and it became nebelah under his hand, or if he stabbed, or if he tore away the organs of the throat [of a wild animal or a bird], he is exempt from covering the blood. Now if you were right in holding that birds do not require to be ritually slaughtered by the law of the Torah, then stabbing is all the slaughtering that is required for them, consequently there is surely an obligation to cover the blood! — You are assuming that the above [Mishnah] deals with a bird; in fact it deals with the case of a wild animal only.[28]

Come and hear: If a man slaughtered, even though he requires the blood for use, he must nevertheless cover it. But what should he do [so that he may use the blood]? He should either stab it or tear away the organs.

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(1) I.e., in verse 8. For 'the pieces' generally include all the limbs; now the head had to be specifically mentioned for the reason given in the text, but why was it necessary to mention the fat?

(2) Lev. XI. 46. The passage deals with the laws of uncleanness of the carcasses of animals.

(3) V. supra p. 103, n. 1.

(4) I.e., only with regard to the general principle of shechitah are cattle and birds alike, but not with regard to all the detailed rules of slaughtering.

(5) I.e., a consecrated bird is rendered fit for sacrifice by nipping off its head at the neck.

(6) By slaughtering there. This Tanna accordingly proves from this verse that to slaughter one must cut the neck.

(7) Lev. V, 8.

(8) But only at the front of the neck.

(9) Ibid. XI, 46. 'This' suggests limitation, I.e., not all the laws of this case shall apply to others.
(10) Compromising between the requirements of cattle and of fish.
(11) Num. XI, 22.
(12) To render them fit without any ritual slaughtering.
(13) Ibid. 32.
(14) Since this verse mentions slaughtering with regard to cattle and gathering with regard to fishes it is apparent that the Torah refers to the practice that is proper in each case.
(15) A Roman general put the following question, amongst others, to R. Johanan b. Zakkai (according to Rashi, to Rabban Gamaliel). V. Bek. 5a.
(16) Gen. I, 20.
(17) Ibid. II, 19.
(18) The answer is that the former verse (I. 20) refers to the substance out of which birds were created, whereas the latter verse (II, 19) merely informs us that birds as well as all other creatures were brought to Adam that he might name them.
(19) That the verses are reconciled by the suggestion that birds were created out of the alluvial mud.
(20) Consequently this verse (Gen. II, 19), also deals with the substance out of which birds were created and not merely with the subject of naming the creatures. Therefore, to reconcile these verses the correct answer is, as originally suggested, that they were created out of the alluvial mud. V. Rashi.
(21) Lev. XVII, 13.
(22) For in the verse quoted are mentioned birds and wild beasts.
(23) V. infra 285, whence it is concluded that wild animals must be ritually slaughtered.
(24) Lev. XI, 46. And therefore on the strength of this analogy it should be held that birds should be ritually slaughtered like cattle.
(25) Which clearly indicates that no particular form of slaughtering is necessary.
(26) The law derived from the words: And he shall pour out the blood thereof, would most likely refer to that which immediately precedes these words in the verse, i.e., birds.
(27) A mnemonic indicating the subject matter of the three statements which follow.
(28) Which is rendered fit only by slaughtering, and therefore if one stabbed the beast to death there is no obligation to cover the blood.

Talmud - Mas. Chullin 28a

Now presumably this statement refers to [the slaughtering of] a bird whose blood he would require for [destroying] the flax worm?[1] — No, it refers to [the slaughtering of] a wild animal whose blood he would require for dyeing purposes.[2]

Come and hear: If one nipped off [the head of a consecrated bird] with a knife, the carcass, whilst in the gullet, renders clothes unclean.[3] Now if you were right in holding that birds do not require to be ritually slaughtered by the law of the Torah, then, granting that as soon as its neckbone and spinal cord have been sundered the bird is trefah,[the subsequent cutting of the organs with] the knife should at least have the effect of rendering the carcass free from the uncleanness of nebelah?[4] — He [R. Isaac b. Phinehas] accepts the view of the Tanna in the following Baraitha: R. Eleazar ha-Kappar Beribbi[5] says: What does the verse: Howbeit as the gazelle and as the hart is eaten [so shalt thou eat there of][6] teach us? What do we learn from the gazelle and the hart? Indeed, 'it comes as a teacher but turns out to be a pupil';[7] we must put the gazelle and the hart on the same footing as consecrated animals which have been rendered unfit for sacrifice. Thus, as the latter must be ritually slaughtered so the gazelle and the hart must also be ritually slaughtered. Birds, however, need not be ritually slaughtered by the law of the Torah, but only by Rabbinic enactment. Who is the Tanna who disagrees with this view of R. Eleazar ha.Kappar? — It is Rabbi. For it has been taught: Rabbi says. The verse: And thou shalt slaughter . . . as I have commanded thee,[8] teaches us that Moses was instructed concerning the gullet and the windpipe; concerning the greater part of one of these organs [that must be cut] in the case of a bird, and the greater part of each in the case of cattle.

ONE ORGAN IN THE CASE OF A BIRD. It was stated: R. Nahman says. Either the gullet or the windpipe; whilst R. Adda b. Ahabah says. Only the gullet and not the windpipe. 'R. Nahman says. Either the gullet or the windpipe', for the Mishnah says ONE ORGAN, that is, any one. R. Adda b. Ahabah says: Only the gullet and not the windpipe', for 'ONE ORGAN' means the vital one.[9]

(Mnemonic: He cut. Half of each. The windpipe. Mutilated. The sin-offering of a bird.) An objection was raised: If a man cut the gullet [of a bird] and afterwards the windpipe was torn away.[10] the slaughtering is valid. If the windpipe was torn away and he then cut the gullet, the slaughtering is invalid. If he cut the gullet and the windpipe was found to be torn away, and it is not known whether it was torn away before or after the slaughtering — this was an actual case [which came before the Rabbis] and they ruled: Any doubt whatsoever arising about the slaughtering makes it invalid. Now there is no mention here at all of the cutting of the windpipe![11] — It is because the windpipe is more liable to be torn away.[12] Come and hear: If a man cut half of each organ in the case of a bird, the slaughtering is invalid; needless to say this is so in the case of cattle. R. Judah says. In a bird he must cut through the gullet and the jugular veins.[13] — It is because the gullet lies close to the jugular veins.[14]

Come and hear: If a man cut half of the windpipe and paused for the length of time required for another slaughtering, and then finished it, the slaughtering is valid,[15] presumably this passage deals with a bird, and 'finished it' means, finished cutting the windpipe?[16] — No, it deals with cattle, and 'finished it' means, finished the entire slaughtering.[17]

Come and hear: If half of the windpipe was mutilated and a man cut a fraction more and finished it, the slaughtering is valid. Presumably this deals with a bird, and 'finished it' means, finished cutting the windpipe? — No, it deals with cattle, and 'finished it' means, finished cutting the gullet.

Come and hear: How must he [the priest] nip off the head of the sin-offering of birds? He must cut [with his finger.nail] the spinal cord and the neckbone, but must not cut the major portion of the surrounding flesh before he reaches the gullet or the windpipe. On reaching the gullet or the windpipe he cuts one, or the greater portion of one, organ and then the major portion of the surrounding flesh; and in the case of a burnt-offering both, or the greater portion of both, organs and then the major portion of the surrounding flesh.[18] This is a refutation of R. Adda b. Ahaba's view![19] It is a refutation.

What has been decided about the matter? 'What has been decided' [you ask]! Surely it is as you have stated.[20] — [No] but it might be said that in that case the law is different, since there is [the breaking] of the spinal cord and neckbone.[21] What then is the law? — Come and hear: A duck belonging to Raba's house was found with its neck smeared with blood.[22] Said Raba: How shall we deal with it?

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(1) This clearly proves that birds must be ritually slaughtered by the law of the Torah; hence where they were not ritually slaughtered there would be no obligation to cover the blood and so it might be used for any purpose.

(2) Heb. לכא. Probably 'lac', a red resinous substance used as a dye.

(3) V. supra 20b.

(4) In accordance with the Rabbinic dictum: The carcass of a trefah animal when ritually slaughtered does not render anything unclean. V. supra p. 103.

(5) V. supra p. 52, n. 4.

(6) Deut. XII, 22. This verse deals with consecrated animals that have become unfit for a sacrifice by reason of a blemish.

(7) A proverbial saying. The suggestion here is that the gazelle and the hart were apparently mentioned in the verse in order to elucidate the law with regard to consecrated animals that have become unfit (i.e., to act the teacher), but in reality it is the law with regard to The latter which throws light on the position concerning the gazelle and the hart (i.e., it

is now the pupil).
(8) Deut. XII. 22.
(9) Lit., 'the distinct one' i.e., the gullet. It is the vital organ because the slightest perforation in it will render the animal trefah, but this is not so with regard to the windpipe.
(10) I.e., it had become detached from its articulation in the larynx.
(11) In any clause such as this: If he cut the windpipe and afterwards the gullet was torn away, the slaughtering is valid; presumably because the cutting of the windpipe alone would not render the animal valid, contra R. Nahman.
(12) And therefore the case quoted refers to the tearing away of the windpipe, as this is most usual.
(13) In order to let the blood run out, since a bird is often roasted whole without being cut up. The first Tanna only disagrees with R. Judah on this point about the jugular veins, but apparently all hold that it is only the cutting of the gullet that renders the bird fit, contra R. Nahman.
(14) Hence it is usual when cutting the jugular veins to cut the gullet too. The law, however, would be the same if the windpipe were cut with the jugular veins.
(15) For the cutting of the first half of the windpipe is not reckoned as part of the slaughtering, since even if half of the windpipe was mutilated by an accident the subsequent cutting of the remainder of the windpipe would be valid; therefore whatever fault occurs at this stage of the cutting is of no consequence.
(16) Hence by the cutting of the windpipe only the slaughtering is valid, contra R. Adda b. Ahaba.
(17) By cutting both organs.
(18) V. supra 21a.
(19) For the Baraitha expressly states that for nipping one may cut either organ. Presumably this is so in the case of slaughtering too.
(20) That the rule as stated with regard to nipping will apply likewise to slaughtering.
(21) I.e., in the case of nipping, where the spinal cord and neckbone are broken, it is admitted that one may cut any one organ and it would be sufficient, but with regard to slaughtering it might be held that the cutting of the windpipe only would not be sufficient.
(22) It was therefore necessary to examine the organs of the throat against any perforation of the gullet or laceration of the windpipe.

Talmud - Mas. Chullin 28b

If we first slaughter it and then examine the organs [it is of no avail, for] it might have been slaughtered in the very place where there was a perforation [in the gullet]. If we first examine it and then slaughter it [it is also of no avail, for] has not Rabbah taught that the gullet cannot be examined from the outside but only from the inside?[1] His son, R. Joseph, said to him: We could first examine the windpipe and then cut it,[2] and thereafter the gullet can be turned inside out and examined.[3] Raba exclaimed. My son Joseph is as versed in the laws concerning what is trefah as R. Johanan![4] This proves that [the Mishnah] when it says ONE ORGAN, means either the one or the other.

R. JUDAH SAYS, HE MUST CUT THROUGH THE JUGULAR VEINS. R. Hisda said that R. Judah deals with the case of a bird only, [and his reason is] because it is often roasted whole,[5] but in the case of cattle, since the animal is usually cut up into limbs, it is not necessary [to cut the jugular veins]. Shall we say that the reason for R. Judah's ruling is on account of the blood? Surely we have learnt: R. JUDAH SAYS: HE MUST CUT[6] THROUGH THE JUGULAR VEINS? — Say: He must pierce[7] the jugular veins. Why then does it say: HE MUST CUT? — Because he must pierce them at the time of the ritual cutting. Come and hear: The jugular veins must be ritually cut; so R. Judah. — Say: 'The jugular veins must be pierced at the time of the ritual cutting; so R. Judah'.

Come and hear: They said to R. Judah: 'Since the jugular veins were referred to only for the purpose of drawing out the blood, what does it matter whether they are cut ritually or not?' It is evident,is it not, that R. Judah is of the opinion that they must be cut ritually? — This is what they said to him, 'What does it matter whether one pierces them at the time of the ritual cutting or not?' He, however, is of the opinion that if [the jugular veins are] pierced at the time of the ritual cutting,

the blood, being warm, will flow freely, but after the ritual cutting the blood will not flow so freely, for it is already cold.

R. Jeremiah raised the question: According to R. Judah, what would be the law if one paused or pressed downwards whilst cutting the jugular veins?[8] — A certain old man answered him: This is what R. Eleazar has said (others read: A certain old man said to R. Eleazar: This is what R. Johanan has said): They may be pierced with a thorn and are thus rendered valid.[9]

[A Baraitha] was taught in accordance with R. Hisda's view, viz., If a man cut ritually half of each organ in a bird the slaughtering is invalid; it is needless to say so in the case of cattle. R. Judah says. In a bird he must cut through ritually the gullet and the jugular veins.

HALF OF ONE ORGAN IN THE CASE OF A BIRD etc. It was stated: Rab said: An exact half[10] is equivalent to the greater portion; R. Kahana said: An exact half is not equivalent to the greater portion. 'Rab said: An exact half is equivalent to the greater portion', because what the Divine Law instructed Moses was: 'Thou shalt not leave the greater portion [uncut]'. 'R. Kahana said: An exact half is not equivalent to the greater portion', because what the Divine Law instructed Moses was: 'Thou shalt cut the greater portion'.

(Mnemonic: A half. Kattina. The windpipe. Mutilated.) We have learnt: [IF A MAN CUT] HALF OF ONE ORGAN IN THE CASE OF A BIRD. OR ONE AND A HALF ORGANS IN THE CASE OF CATTLE. THE SLAUGHTERING IS INVALID. Now if you say that an exact half is equivalent to the greater portion, why is the slaughtering invalid? Has he not cut here the greater portion? — [It is invalid only] by Rabbinic ruling as a precaution lest he should cut less than an exact half.[11]

R. Kattina said: Come and hear: If he divided it[12] into two equal parts, both parts are unclean, because it is impossible to make an exactly equal division.[13] It follows, however, that if it were possible to make an exactly equal division both parts would be clean. Now if you say that an exact half is equivalent to the greater portion, why would both parts be clean? When you turn to one part you must regard it as the greater portion [and therefore unclean], and when you turn to the other part you must regard it as the greater portion [and therefore also unclean]? — R. Papa answered: There cannot be two greater portions in one vessel![14]

Come and hear: If a man cut half of the windpipe and paused

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(1) The gullet or oesophagus has two principal coats, the outer or muscular coat being red and the inner or mucous coat pale or whitish. A perforation would not be noticeable in the outer coat but only in the inner coat.

(2) And this in itself would be sufficient to render the slaughtering valid.

(3) I.e., the inner coat of the gullet can be examined.

(4) v. infra 50a and 95b.

(5) It is therefore necessary to cut these veins in order to allow the blood to flow out.

(6) Lit., 'slaughter'. I.e., ritually, since they are an intrinsic part of the slaughtering, and not merely cut for the purpose of allowing the blood to run out.

(7) With any instrument and not necessarily the slaughtering knife; the sole purpose being to allow the blood to flow.

(8) I.e., do they require ritual cutting? It is quite apparent that R. Jeremiah had not heard of R. Hisda's statement supra, for otherwise this question would not arise.

(9) For the piercing of these veins does not form part of the slaughtering and therefore it is of no consequence if one paused or pressed whilst cutting them.

(10) Lit., 'half on half'.

(11) By the law of the Torah the slaughtering in this case would be valid; the carcass therefore is not regarded as nebelah and will not render anything unclean.

(12) Sc. an unclean earthenware stove. An earthenware vessel, once unclean, can in no wise be rendered clean and must

be broken (V. Lev. XI, 35). There must not remain one whole piece larger than half of the original vessel, for then the greater Part of the vessel is whole and would retain the uncleanness.

(13) Since one must necessarily be larger than the other, and it is not known which is the larger piece, both pieces remain unclean.

(14) In this case therefore, since each half must clearly be treated on the same footing, each must be considered as a half and no more, with the result that each half is clean. In the case of shechitah however, the two parts of the organ are not treated on the same footing, for we are only concerned with the part that is cut; hence we may regard the exact half which is cut as equivalent to the greater portion, with the result that the slaughtering is valid.

Talmud - Mas. Chullin 29a

for the length of time required for another slaughtering and then finished it, the slaughtering is valid. Now if you say that an exact half is equivalent to the greater portion then here the animal is already trefah![1] — You are assuming, are you not, that the Baraitha is dealing with cattle? Indeed it deals with a bird, and whichever view you take the result is the same. For if an exact half is equivalent to the greater portion then he has cut here the greater portion;[2] and if an exact half is not equivalent to the greater portion then he has done nothing at all [which would render the slaughtering invalid].[3]

Come and hear: If half of the windpipe [of a bird] was mutilated and a man cut a fraction more and finished it, the slaughtering is valid. Now if you say that an exact half is equivalent to the greater portion, then was it not already trefah [before the slaughtering]? — Raba answered: With regard to the law of trefah it is different, for there [all agree that] we require such a greater portion as is perceptible to the eye.[4] Thereupon Abaye said to him: But is there not here an a fortiori argument: If in the law concerning trefah, notwithstanding that [in certain cases] the slightest defect will render an animal trefah, nevertheless whenever we do require a greater portion we insist upon a greater portion that is perceptible to the eye, how much more in the law concerning shechitah, where no slaughtering is valid without the greater portion having been cut, should we insist upon a greater portion which is perceptible to the eye? — Rather say [thus]: All are of the opinion that an exact half is not equivalent to the greater portion, and when the dispute between Rab and R. Kahana was reported it was only in connection with the passover sacrifice. Thus: If the community of Israel was exactly equally divided, half being clean and half unclean, Rab said that an exact half was equivalent to the greater portion;[5] R. Kahana said that an exact half was not equivalent to the greater portion.[6] And what is the reason for Rab's view in that case?[7] — For it is written: If any man of you shall be unclean by reason of a dead body,[8] signifying that only an individual is obliged to postpone [his passover sacrifice on account of uncleanness] but not a community.[9]

THE GREATER PART OF ONE ORGAN IN THE CASE OF A BIRD. Has not the Tanna already taught this: THE GREATER PART OF AN ORGAN IS EQUIVALENT TO [THE WHOLE OF] IT? — (Mnemonic: Hakesh; Pashah.)[10] R. Hoshaia answered: One clause refers to unconsecrated animals, the other clause to consecrated animals. And they are both necessary. For had he taught the rule only in connection with unconsecrated animals I should have said that only there is the greater portion of the organ sufficient since the blood is not required for any purpose, but in the case of consecrated animals, since the blood is required for a special purpose.[11] I should have said that the greater portion of the organ was not sufficient but that the whole organ must be cut? — [Hence the rule had to be stated in connection with consecrated animals.] And if he taught the rule only in connection with consecrated animals I should have said that only there [is the greater portion of the organ necessary], since the blood is required for a special purpose, but in the case of unconsecrated animals, since the blood is not required for any purpose. I should have said that half of the organ was sufficient. Hence both are necessary.

Which clause refers to unconsecrated animals and which to consecrated animals? — R. Kahana said: It is reasonable to say that the first clause refers to unconsecrated animals and the second to

consecrated animals. Why? Because the Mishnah opens with, IF A MAN CUT [ONE ORGAN IN THE CASE OF A BIRD]'; now if you were to say that the first clause refers to consecrated animals it should open with, 'If one nipped'.[12] You say, therefore, that the second clause refers to consecrated animals! but then why does it state, 'THE SLAUGHTERING IS VALID'; it should state, 'The nipping is valid'? This is no real difficulty, for one can say that because the Tanna mentioned 'cattle' last, he therefore stated: THE SLAUGHTERING IS VALID. But [this argument is conclusive:] for since it,[13] the first clause, clearly refers to the case of a bird, if you were to say that it refers to consecrated birds, the Tanna ought to have stated: 'If one nipped'.[14]

R. Shimi b. Ashi said: It can be proved that the first portion [of the Mishnah] deals with unconsecrated animals from this clause, viz., ONE ORGAN IN THE CASE OF A BIRD. For if you were to say that the first portion deals with consecrated animals.[the question would be raised:] What about the burnt-offering of a bird which requires both organs [to be cut]?[15] You therefore say that the second portion of the Mishnah deals with consecrated animals; but then [the same question will be raised upon the clause which reads]. THE GREATER PART OF ONE ORGAN IN THE CASE OF A BIRD, viz., What about the burnt-offering of a bird which requires both organs [to be cut]? — THE GREATER PART OF ONE ORGAN really means the greater part of each organ, and strictly the Mishnah should have stated: 'The greater part of both'; since, however, there is the case of the sin-offering of a bird, for which one organ is sufficient, the Tanna stated the clause ambiguously.[16]

R. Papa said: It can be proved that the first portion [of our Mishnah] deals with unconsecrated animals from this clause: R. JUDAH SAYS, HE MUST CUT THROUGH THE JUGULAR VEINS. The Rabbis, however, disagree. Now if you say that the first portion deals with unconsecrated animals it is well, but if you were to say that it deals with consecrated animals, why do the Rabbis disagree [with the view of R. Judah]? Is not the whole purpose of the slaughtering [of consecrated animals] for the sake of obtaining the blood?[17]

R. Ashi said: It can be proved that the latter portion[18] [of the Mishnah] deals with consecrated animals from the following statement: If one slaughtered two animals[19] Simultaneously, the slaughtering is valid. And this expression, 'If one slaughtered', clearly implies that the slaughtering is valid only after the act, but that there is no right to slaughter thus in the first instance. Now if you say that this latter portion [of the Mishnah] deals with consecrated animals, then it is evident why there is no right to slaughter thus in the first instance. For R. Joseph learnt: It is written: Thou shalt slaughter,[20] [to teach] that two persons shall not slaughter one sacrifice; and also, 'Thou shalt slaughter it', [to teach] that one person shall not slaughter two sacrifices [simultaneously]. And R. Kahana said that this exposition was based upon the Kethib which is: Thou shalt slaughter it. Now if you were to say that the latter portion [of the Mishnah] deals with unconsecrated animals, then surely there is a right to slaughter thus even in the first instance!

Resh Lakish is also of the opinion that the first clause [of our Mishnah] deals with unconsecrated animals whilst the second deals with consecrated animals. For Resh Lakish said: Since our Mishnah teaches us, THE GREATER PART OF AN ORGAN IS EQUIVALENT TO [THE WHOLE OF] IT, what need is there for the further statement, THE GREATER PART OF ONE ORGAN IN THE CASE OF A BIRD. OR THE GREATER PART OF EACH ORGAN IN THE CASE OF CATTLE? It is necessary because we have learnt elsewhere:[21] When they brought unto him [sc. the High priest on the Day of Atonement] the Daily Sacrifice, he made an incision[22] but another [priest] completed the slaughtering for him. Now from this Mishnah I might have thought that if another had not completed the slaughtering it would have been invalid; our Mishnah therefore teaches us. [IF A MAN CUT] THE GREATER PART OF ONE ORGAN IN THE CASE OF A BIRD, OR THE GREATER PART OF EACH ORGAN IN THE CASE OF CATTLE. THE SLAUGHTERING IS VALID.[23]

The Master said: ‘I might have thought that if another had not completed the slaughtering it would have been invalid.’

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(1) For it is assumed for the present that an animal which requires the cutting of both organs was being slaughtered, and the pause, occurring as it does after the greater portion of the windpipe has been cut (for that is the equivalent of an exact half according to Rab), renders it trefah, and no subsequent slaughtering could render it valid.

(2) And this in the case of a bird is sufficient to render the slaughtering valid.

(3) And his having cut half of the windpipe is of no consequence for the bird would not be rendered trefah thereby; v. infra 44a-b.

(4) So that an exact half even though equivalent in law to the greater portion, would not be sufficient to render trefah.

(5) Therefore those members of the community who are unclean, regarded i11 law as a majority, will sacrifice the paschal offering in its due season, even though they are all in a state of uncleanness.

(6) So that those who are unclean must postpone their paschal offering until the following month in accordance with Num. IX, 2-14; v. Pes. 79a.

(7) Seeing that elsewhere the exact half is not considered equivalent to the greater portion.

(8) Ibid. 10.

(9) Half of the community cannot be regarded as individuals and are therefore not obliged to postpone their sacrifice.

(10) A mnemonic (meaning perhaps ‘Strike’, ‘Pull out’) consisting of the characteristic letters of the names of the Rabbis whose dicta follow.

(11) For sprinkling upon the altar.

(12) Nipping is the only method prescribed by the Torah for slaying a consecrated bird.

(13) Which opens with השוחט, ‘IF A MAN CUT’.

(14) Thus proving that the first clause deals with unconsecrated birds.

(15) So that it would not be correct for the Mishnah to state generally that one organ in the case of a bird was sufficient, for this would not be taking into account the case of a burnt-offering of a bird, where both organs must be severed. V. supra 21a.

(16) The expression may mean either the greater portion of one organ, to meet the case of the sin-offering of a bird, or the greater portion of each organ, to meet the case of the burnt-offering of a bird.

(17) Even the Rabbis would concede that in the case of consecrated animals one should cut the jugular veins in order to obtain as much blood as possible for sprinkling upon the altar.

(18) I.e., the Mishnah which follows infra 30b, which is the continuation of the last clause of our Mishnah.

(19) Lit., ‘two heads’.

(20) Lev. XIX, 5. The traditional reading (קרי Kere) of the Hebrew is תזבחהו [תזבחהו] ‘Ye shall slaughter it’, but the traditional spelling (כתיב, Kethib) is תזבחהו, ‘Thou shalt slaughter it’. R. Joseph's exposition is based upon the Kethib, laying special emphasis upon the subject ‘thou’ and upon the object ‘it’, each of which excludes the plural.

(21) Yoma 31b.

(22) I.e., he cut the greater part of each organ and no more.

(23) This latter clause was therefore stated with regard to consecrated animals.

Talmud - Mas. Chullin 29b

But if this were so, then a [vital] service would have been performed by another, and it has been taught: The entire service of the Day of Atonement must be performed by the High Priest alone! — This is rather what he meant: I might have thought that [if another had not completed the slaughtering] it would have been invalid by decree of the Rabbis, (for it might have been argued that the Rabbis declared [the slaughtering] invalid);[1] our Mishnah therefore teaches us. [IF A MAN CUT] THE GREATER PART OF ONE ORGAN IN THE CASE OF A BIRD, OR THE GREATER PART OF EACH ORGAN IN THE CASE OF CATTLE, THE SLAUGHTERING IS VALID. But now that it is established that there is not even a Rabbinic decree against it, wherefore is it necessary [for another] to complete the slaughtering? — It is meritorious to complete it.[2]

Resh Lakish said in the name of Levi the Elder: The term shechitah applies only to the last stage of the slaughtering. R. Johanan said: The term shechitah applies to the entire process of slaughtering from beginning to end. Raba remarked: All agree that where a gentile cut the first organ of the throat and an Israelite the second, the slaughtering is invalid, for the animal has already been rendered trefah by the hand of the gentile.[3] Furthermore all agree that in the case of a burnt-offering of a bird, where the priest nipped the first organ below[4] [the red line] and the second organ above it, the nipping is invalid,[5] for by nipping the first organ below he has already done to this offering all that is prescribed for a sin-offering of a bird. The dispute arises only where a person cut the first organ[6] outside [the Sanctuary] and the second inside [the Sanctuary]. According to the one who says that the term shechitah applies to the entire process of slaughtering from beginning to end, he would in this case be liable.[7] But according to the one who says that the term shechitah applies only to the last stage of the slaughtering, he would not be liable. Rabbah b. Shimi said to him: But the Master (that is R. Joseph) did not say so. For [he said that] even where a person cut the first organ[8] outside the Sanctuary and the second inside he would also be liable,[9] because he has done to this offering outside the Sanctuary such an extent of service as would render the sin-offering of a bird valid [if performed inside the Sanctuary]. Rather [the dispute arises only] where a person cut the lesser portion of the organ outside [the Sanctuary] and completed it inside. According to the one who says that the term shechitah applies to the entire process of slaughtering from beginning to end, he would in this case be liable. But according to the one who says that the term shechitah applies only to the last stage of the slaughtering, he would not be liable.

R. Zera raised this objection: All who take part in the service of the Red Cow, either at the beginning or at the end, render their garments unclean.[10] And if they do any other work at the same time,[11] they render it [the Red Cow] invalid. If any invalidating defect befell it during the slaughtering it does not render unclean the garments worn by those who, either before or after the [occurrence of] the defect, took part in any service in connection with it.[12] If the defect occurred during the sprinkling [of the blood], the Red Cow renders unclean the clothes worn by those who took part in any service before the defect, but it does not render unclean the clothes worn by those who took part in any service after the defect. Now if you say that the term shechitah applies to the entire process of slaughtering from beginning to end, then the Tanna should have drawn a distinction even in the slaughtering; thus: If any invalidating defect befell it during the slaughtering, it renders unclean the clothes worn by those who took part in any service before the defect,[13] but not the clothes worn by those who took part in any service after the defect! — Raba replied: You are alluding, are you not, to a defect which invalidated the slaughtering? But that is quite a different matter! For it is now apparent that there never was a valid slaughtering![14] But, said Raba, if I have any difficulty [about this Mishnah] it is this: According to the one who says that the term shechitah applies only to the last stage of the slaughtering, the Tanna might have drawn a distinction even where the slaughtering of the Red Cow was entirely according to ritual, as in the case where two persons slaughtered it;[15] in which case, the first does not render his clothes unclean but the second does! — R. Joseph thereupon interposed. You are suggesting, are you not, the case of two persons slaughtering one sacrifice? Away with this suggestion! For I have learnt: It is written: Thou shalt slaughter, [to teach] that two persons shall not slaughter one sacrifice; also: Thou shalt slaughter it, [to teach] that one person shall not slaughter two sacrifices [simultaneously].[16] And R. Kahana had said that this exposition was based upon the Kethib which is: Thou shalt slaughter it. Whereupon Abaye said to him: Was there not reported in conjunction with this exposition the dictum of Rabbah b. Bar Hana in the name of R. Johanan, namely, that the opinion expressed was that of R. Eleazar son of R. Simeon

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(1) MS.M. omits bracketed words.

(2) In order to obtain as much blood as possible.

(3) For if the cutting of the first organ is considered an act of shechitah the slaughtering here is invalid because it has been done by a gentile (v. supra 13a); and if it is not considered an act of shechitah then it can only be regarded as a

mutilation of the organ, a defect which renders the animal trefah and any subsequent slaughtering invalid.
(4) There was a red line running horizontally along the wall of the altar and the blood had to be sprinkled either above or below this line according to the particular sacrifice offered. With regard to a consecrated bird the priest, immediately after the nipping, (which in the case of a burnt-offering had to be performed whilst the priest was standing on the circuit round the altar which was above the red line) had to allow the blood to drain by pressing the neck of the bird against the wall of the altar, below the red line in the case of a sin-offering, and above it in the case of a burnt-offering. V. Zeb. 64b-65a.
(5) And even according to Resh Lakish who holds that the term 'nipping' does not apply to the nipping of the first organ it is invalid here, for he has done to a burnt-offering all that is prescribed for the sin-offering, namely, the nipping of one organ above the red line.
(6) Of a consecrated bird (Rashi); of a consecrated beast (Tosaf.).
(7) To the punishment of Kareth for slaughtering unconsecrated animals outside the Temple court, v. Lev. XVII, 4.
(8) V. p. 154, n. 6.
(9) Even according to Resh Lakish.
(10) I.e., the garments worn by them whilst performing the service, in accordance with Num. XIX. 7, 8, and 10.
(11) E.g., if he cut a cabbage whilst he was slaughtering the Red Cow.
(12) The reason being that so long as it has not been validly slaughtered it can in no wise be regarded as the Red Cow, and therefore all the rules of uncleanness stated in connection with it do not apply.
(13) For up to the moment of the occurrence of the defect there was a valid shechitah, since this term, according to R. Johanan, applies even to the first stage of the slaughtering, so that the Red Cow should render unclean the clothes worn by those who took part in any service before the occurrence of the defect.
(14) Not even before the occurrence of the defect.
(15) One commenced the slaughtering and the other finished it.
(16) V. supra p. 152, n. 6.

Talmud - Mas. Chullin 30a

[who was often] quoted anonymously, whereas the Rabbis are of the opinion that two persons may slaughter one sacrifice?[1] Moreover, even adopting the view of R. Eleazar son of R. Simeon, the Tanna might have drawn a distinction in the case where only one person slaughtered it but he wore two different garments while slaughtering;[2] in which case the first garment is clean and the second unclean. The truth of the matter[3] is that the Tanna dealt only with those circumstances where the Red Cow was in fact rendered invalid, but not where everything was done entirely according to ritual.

R. Idi b. Abin raised this objection: [We have learnt: If a man slaughtered the paschal lamb whilst having leaven in his possession] during the festival[4] under its own name,[5] he has not incurred guilt; under the name of another,[6] he has incurred guilt. And we argued upon it as follows:[7] 'This is so only because it was slaughtered under the name of another, but if it were slaughtered under no specific name [it follows that] no guilt would have been incurred. But why is no guilt incurred? Is not the paschal lamb at any time of the year [save on the eve of Passover] regarded as a peace-offering?[8] Will not then this [Mishnah] prove the rule[9] that for a paschal lamb [to become valid as a peace-offering] at any other time of the year its name must first be repealed. R. Hiyya b. Gamada said: It was suggested by the whole assembly[10] that the circumstances of the case were these: The owners of this paschal lamb were rendered unclean by a corpse, so that they had to postpone the offering of the paschal lamb until the Second Passover;[11] hence [if this lamb was slaughtered during the first Passover] under no specific name it would certainly be regarded [as slaughtered] under its own name'.[12] Now, only in this particular case must [the name of the paschal lamb] be repealed [before it is valid as a peace-offering], but in no other case is repeal necessary.[13] This is right if you were to say that the term shechitah applies to the entire process of the slaughtering from beginning to end, for then the paschal lamb is rendered invalid at the beginning of the slaughtering,[14] [and therefore no guilt is incurred]. But if you say that the term shechitah applies only to the last stage of the slaughtering, then as soon as the person commenced to slaughter it, it can

no longer be intended to serve as[15] the paschal lamb.[16] and as he continues to slaughter he is really slaughtering a peaceoffering[17] [consequently, he should incur guilt!] Thereupon Abaye answered him, Granted that this lamb can no longer serve as a paschal lamb, but its price can serve this purpose![18] And should you say that [in order to sell a consecrated animal] it must be placed[19] [before the priest] and appraised. [I reply that] we have learnt:[20] If one cut both, or the greater portion of both organs, and the animal still moves convulsively, it is regarded as alive for all purposes.

Rab Judah said in the name of Rab, 'If one cut the throat in two or three places the slaughtering is valid. But when I reported this statement to Samuel he said to me, "We must have a wide open cut[21] and it is not so here."' Resh Lakish is also of the opinion that there must be a wide open cut. For Resh Lakish taught. Whence do we know that shechitah implies a wide open cut? From the verse: Their tongue is a sharpened arrow, it speaketh deceit.[22]

R. Eleazar raised an objection. [We have learnt,] If two persons held a knife and slaughtered, even if one cut higher up and the other cut lower down [in the neck], the slaughtering is valid.[23] Now why is this so? There is not here a wide open cut! — R. Jeremiah answered: Our Mishnah deals with the case of two persons holding one knife.[24] Thereupon R. Abba said to him: If so, let us consider the comment upon this Mishnah, viz.: 'And there is no fear that one will render the animal trefah on account of the other.' Now if you say that it deals with the case of two knives and two persons [each holding a knife], then [the comment is] most proper. For you might have said that we must apprehend lest they come to rely one upon the other, and neither the one nor the other will cut the required greater Portion [of the organs]; we are therefore informed that there is no fear of this. But if you say that it deals with the case of two persons holding one knife, then why the comment, 'And there is no fear that one will render the animal trefah on account of the other'? It should rather read: 'And there is no fear that one will cause the other to press upon the throat![25] — R. Abin said: Then read: 'And there is no fear

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(1) So that, according to the view of the Rabbis, Raba's original objection stands, viz., 'The Tanna should have drawn a distinction in the case where two persons slaughtered it'. V. supra p. 256 and notes.

(2) E.g., while he was slaughtering the Red Cow another person came, removed the slaughterer's coat and placed another coat on him. If therefore we were to say that the term shechitah applies only to the last stage of the slaughtering then the coat which was removed before the end of the slaughtering would not be unclean.

(3) To meet the difficulty raised by Raba.

(4) The proper time for slaughtering the paschal lamb was on the eve of the Passover festival and it is enjoined in Ex. XXIII, 18, that at the time of slaughtering the paschal lamb — and indeed at the time of slaughtering any sacrifice during the Passover festival (v. Pes. 63a) there must be no leaven in one's possession. In our case the circumstances were these: A lamb was originally set apart for the paschal offering but was lost, and another was offered as a sacrifice in its place. Subsequently, the original lamb was found and is now being offered on the festival as a sacrifice.

(5) I.e., as a paschal lamb. As such it is invalid, since it is not being offered in its proper time, and therefore the prohibition of Ex. XXIII, 18, will not apply.

(6) E.g., as a peace-offering. As such it is a valid sacrifice, except that guilt will be incurred under Ex. XXIII, 18.

(7) v. Pes. 64a.

(8) Ibid. 70b and Zeb. 9a.

(9) Although in Pes. 73b this rule is a subject of dispute among the scholars.

(10) חבורה, 'fellow', 'associate', v. Glos.

(11) On the fourteenth day of the second month (Iyar) in accordance with Num. IX. 11.

(12) I.e., as a paschal lamb, since it was intended to serve as the paschal lamb to be offered on the Second Passover.

(13) So that in ordinary circumstances the slaughtering of the paschal lamb during the Passover Festival would be regarded as a valid peace.offering.

(14) For although it is not slaughtered under the specific name of the paschal lamb it is nevertheless considered as such, and inasmuch as the first act of the slaughtering renders it invalid, since it is not being slaughtered at the proper time, no guilt is incurred.

(15) Lit., 'it has been rejected from',
(16) I.e., as the paschal lamb for the Second Passover, for it could not be kept till then as it is partly slaughtered.
(17) In accordance with the rule now established that whatever cannot, or is not, intended to serve as a paschal lamb is regarded as a peace-offering. And the fact that when the slaughtering was commenced the lamb was still intended for the paschal-offering is of no consequence, for according to Resh Lakish it is only the last stage of the slaughtering which is the decisive factor.
(18) For the animal can be sold even now before the slaughtering has been completed, and the money it fetched could be used for purchasing the paschal lamb for the Second Passover, so that the first lamb at no time ceases to serve as a paschal lamb.
(19) This rule is derived from Lev. XXVII, 11 and 12. The implication is that the animal must be able to stand, i.e., living, when it is being valued by the priest.
(20) This teaching is not found in any Mishnah but it might be inferred from the Mishnah, infra, 117b. V. Tosaf s.v. והתנן.
(21) Since the organs of the throat are tightened in preparation for the slaughtering, if they are cut in one place there will be a wide open cut, but if cut in several places none of the cuts will open wide; hence the slaughtering is invalid (Rashi). Accordingly a wide open cut is synonymous with a single cut. V. however Tosaf ad loc. for other interpretations.
(22) Jer. IX. 7. Heb. חץ שחוט, lit., 'an arrow thrust as in a slaughtering'. i.e., the cut in slaughtering should be wide open like the thrust of an arrow.
(23) V. infra, 30b. It is assumed for the present that there were two knives in use and each person held a knife and cut in a different part of the throat.
(24) They hold the knife in a slanting direction, one holding the handle and the other the head of the knife, and in this way one would be cutting the organs high up towards the head and the other lower down towards the body of the animal. There is, however, only one cut made.
(25) When two persons hold one knife the only danger is that they might not pull simultaneously, and therefore undue pressure would be exerted upon the organs.

Talmud - Mas. Chullin 30b

that one will cause the other to press upon the throat'.

R. Abin raised an objection. It was taught: If a man cut the gullet low down and the windpipe high up or the gullet high up and the windpipe low down, the slaughtering is valid. But why? There is not here a wide open cut?[1] — He raised the objection but answered it himself thus: The cutting in this instance was slanting,[2] like the cut of a writing reed.

An ox was once slaughtered, its throat having been cut in several places, and R. Nahman b. Samuel b. Martha came and obtained some of the choicest meat of this animal. Whereupon R. Zera said to him, You have [by your action] taught us. Master, that our Mishnah deals with the case of two knives and two persons.

Rab Judah said in the name of Rab: If a man thrust the knife between the two organs and cut them,[3] the slaughtering is invalid. If he thrust it underneath the skin, the slaughtering is valid. [What does he teach us?] Have we not learnt this already: 'Or, if he thrust the knife underneath the second organ and cut it,[4] R. Jeshebab says: The animal is nebelah; R. Akiba says: It is trefah'?[5] — From that Mishnah, I might have argued that only there [is the slaughtering invalid] because he cut the organs from below upwards, which is not the usual way of slaughtering, but where he cut the organs from above downwards, which is the usual way of slaughtering. I might have said that the slaughtering was proper; he therefore teaches us [that it is not valid].

'Underneath the skin the slaughtering is valid'. 'In the school of Rab it was said that underneath the skin it was doubtful [whether the slaughtering was valid or not]. The question was raised: According to the view of the school of Rab that 'underneath the skin' was a doubtful case, what

would be the law if a man thrust the knife underneath a rag,[6] or underneath the entangled wool?[7] The question is undecided. R. Papa put the question: What is the law if he placed the knife under cover [on cutting] the lesser portions of the organs?[8] This question too is undecided.

MISHNAH. IF A MAN SLAUGHTERED TWO ANIMALS[9] SIMULTANEOUSLY, THE SLAUGHTERING IS VALID. IF TWO PERSONS HELD THE KNIFE AND SLAUGHTERED. EVEN IF ONE CUT HIGHER UP AND THE OTHER CUT LOWER DOWN [IN THE NECK]. THE SLAUGHTERING IS VALID.[10] IF HE CHOPPED OFF THE HEAD WITH ONE STROKE, THE SLAUGHTERING IS INVALID.[11] IF, WHILST CUTTING.[12] HE CUT THROUGH THE NECK WITH ONE STROKE. THE SLAUGHTERING IS VALID PROVIDED THE KNIFE EXTENDED THE WIDTH OF A NECK.[13] IF. WHILST CUTTING, HE CUT THROUGH TWO NECKS[14] WITH ONE STROKE, THE SLAUGHTERING IS VALID. PROVIDED THE KNIFE EXTENDED THE WIDTH OF A NECK.[13] THESE PROVISIONS APPLY ONLY TO THE CASE WHERE THE SLAUGHTERER MOVED THE KNIFE FORWARD AND NOT BACKWARD, OR BACKWARD AND NOT FORWARD; BUT IF HE MOVED THE KNIFE TO AND FRO, HOWEVER SMALL IT WAS, EVEN IF IT WAS A LANCET, THE SLAUGHTERING IS VALID.

GEMARA. [IF HE CHOPPED OFF THE HEAD WITH ONE STROKE THE SLAUGHTERING IS INVALID]. Whence do we know this? — Said Samuel: From the verse: Their tongue is a sharpened arrow. It speaketh deceit.[15] A Tanna of the school of R. Ishmael taught: It is written: And he shall slaughter [we-shahat].[16] and 'we-shahat' means nothing else than 'And he shall draw', as in the verse: Beaten [shahut] gold,[17] and as it is also written: 'Their tongue is a sharpened [shahut] arrow, it speaketh deceit'. Why the second verse? You might have said that 'gold shahut' really means 'gold woven in threads';[18] therefore, come and hear: It is written: 'Their tongue is a sharpened [shahut] arrow'.[19]

Raba examined[20] [the head of] an arrow for R. Jonah b. Tahlifa, and the latter slaughtered with it a bird in its flight. Perhaps there was a thrust?[21] — We saw

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(1) It being assumed that there were two separate cuts.

(2) There was, however, only one cut.

(3) He first cut the lower organ under cover of the upper one, and then cut the upper one.

(4) After having cut the first organ in the ordinary way he placed the knife underneath the second organ and cut it from below upwards.

(5) At all events whether the animal is nebelah or trefah the slaughtering is invalid. V. infra 32a.

(6) Which was wrapped round the neck of the animal.

(7) Which covers the necks of sheep.

(8) I.e., he had already cut the greater portion of each organ in the ordinary way, and had he stopped at this, the slaughtering would certainly be valid; but he now placed the knife under cover on cutting the remaining portion of each organ. So Rashi, but v. Tosaf. s.v. החליד.

(9) Lit., 'heads'.

(10) It might also mean: One held the top end of the knife and the other the bottom end, v. supra 30a.

(11) This is the classic example of דרסה, 'pressing'. i.e., cutting with a downward thrust of the knife, and not moving it horizontally to and fro.

(12) I.e., whilst drawing the knife horizontally across the neck.

(13) V. Gemara.

(14) Of two animals lying side by side.

(15) Jer. IX, 7. Heb. חץ שחוט. As the arrow moves horizontally in its flight, so in slaughtering one must move the knife horizontally to and fro.

(16) Lev. I, 5. ושחט.

(17) I Kings X, 16. שחוט, lit., 'drawn out', 'thinned out', 'beaten'.

(18) From חוט. 'a thread'.

(19) In this verse שחוט can only be explained in the sense of 'drawn along'. 'moved horizontally'.
(20) To see that it was absolutely free from notches.
(21) ' The arrow might have entered the side of the neck and cut the organs whilst the external skin was intact; this would be a case of חלדה, ('thrusting'), and would render the slaughtering invalid.

Talmud - Mas. Chullin 31a

that the feathers on the front of the neck were also cut. But what about covering the blood? And should you say that he covered the blood [where it fell on the ground, this is not sufficient], for R. Zera taught in the name of Rab: He who slaughters [a bird or a wild beast] must place dust underneath [the blood] and dust above it, for it is written. And he shall cover it with dust [be-'afar];[1] it does not say 'afar' but 'be-'afar'.[2] in order to teach that he who slaughters [a bird' or a wild beast] must place dust underneath [the blood] and dust above it. — He prepared the soil of the entire valley [for this purpose].[3]

IF, WHILST CUTTING, HE CUT THROUGH THE NECK WITH ONE STROKE . . . [PROVIDED THE KNIFE EXTENDED THE WIDTH OF A NECK]. R. Zera said: The width of a neck and also beyond the neck. The question was raised: [Does he mean] the width of a neck and another width of a neck beyond the neck, so that the knife is two necks long, or [does he mean to say] the width of a neck and also a little beyond the neck? — Come and hear: IF, WHILST CUTTING, HE CUT THROUGH TWO NECKS WITH ONE STROKE, THE SLAUGHTERING IS VALID PROVIDED THE KNIFE EXTENDED THE WIDTH OF A NECK. Now what is the meaning of THE WIDTH OF A NECK? Can it mean the width of a neck and no more? But if when slaughtering one animal we require the knife to be the width of a neck and also beyond the neck, can it possibly be said that when slaughtering two animals the width of a neck by itself is sufficient? Obviously, it must mean, the width of a neck beyond the two necks[4] [which are being slaughtered]. This, therefore, proves that [R. Zera means] there must be the width of a neck beyond the neck.

THESE PROVISIONS APPLY ONLY TO THE CASE WHERE HE MOVED THE KNIFE FORWARD AND NOT BACKWARD . . . HOWEVER SMALL IT WAS, EVEN IF IT WAS A LANCET, THE SLAUGHTERING IS VALID. R. Manasseh said: The Mishnah refers to a lancet which has no projections.[5] R. Aha, the son of R. Awia, asked R. Manasseh: What is the law if one used a needle [for slaughtering]? — He replied: A needle rends[6] [the flesh]. What if one used a shoemakers' awl? — He replied: We have learnt it in our Mishnah: HOWEVER SMALL IT WAS. Surely this includes the shoemakers' awl! — No, it refers to a lancet. But a lancet is expressly mentioned later? — No; it is merely explanatory; thus: HOWEVER SMALL IT WAS, namely: A LANCET. And this is logical too. For if you say that it includes a shoemakers' awl, then [it will be asked]. If a shoemakers' awl is allowed, what need is there to mention a lancet? [But this indeed would be no difficulty, because] it is necessary to mention a lancet; for you might have thought that the Rabbis would prohibit the use of a lancet even without projections as a precaution lest one use a lancet with projections. [The Mishnah] therefore teaches us [that this is not prohibited].

MISHNAH. IF A KNIFE FELL DOWN AND SLAUGHTERED [AN ANIMAL], EVEN THOUGH IT SLAUGHTERED IT IN THE PROPER WAY. THE SLAUGHTERING IS INVALID, FOR IT IS WRITTEN, AND THOU SHALT SLAUGHTER . . . AND THOU SHALT EAT.[7] THAT IS TO SAY, THAT WHICH THOU DOST SLAUGHTER MAYEST THOU EAT.

GEMARA. Now this is so only because it fell down [of itself], but if one threw it [and it slaughtered an animal], the slaughtering would be valid, notwithstanding there was no intention [to slaughter according to ritual]. Who is the Tanna that holds that the intention to slaughter [according to ritual] is not essential? — Raba said: It is R. Nathan. For Oshaia, junior of the collegiate school,[8] learnt: If one threw a knife intending to thrust it into a wall and in its flight it slaughtered an animal

in the proper way. R. Nathan declares the slaughtering valid; the Sages declare it invalid. Having reported this, he added that the halachah was in accordance with R. Nathan's view. But has not Raba stated this before [in connection with the following Mishnah]? For we have learnt: 'And if any of these slaughtered while others were standing over them, their slaughtering is valid'.[9] And it was asked: Who was the Tanna that held that the intention to slaughter [according to ritual] was not essential? And Raba answered: It was R. Nathan! — [Both statements] are necessary. For if he only stated it there [I should have said that only there the slaughtering was valid] because they[10] at least intended to cut, but here since there was no intention to cut [at all] I should have said that it was not valid. And if he only stated it here [I should have said that only here the slaughtering was valid] because it [the act] emanated from a person of sound mind, but there, since it emanated from a person of unsound mind, I should have said that it was not valid. [Both statements] are therefore necessary.

It was stated: If a menstruous woman[11] accidentally immersed herself,[12] Rab Judah says in the name of Rab: She is permitted to have intimate relations with her husband,[13] but is forbidden to eat terumah; R. Johanan says: She is not even permitted to have intimate relations with her husband. Raba said to R. Nahman, against Rab's view that she is allowed intimacy with her husband, but is forbidden to eat terumah, [I would put the question:] If you have permitted her that which entails the penalty of kareth,[14] surely you will permit her that which entails only the penalty of death at the hands of Heaven![15] — He replied: Intimacy with her husband is a 'common'[16] thing, and in the case of common things the intention is not essential.[17] Whence do you know this? — From the following Mishnah which we learnt: If a wave containing forty se'ah [of water] was detached [from the sea] and fell upon a man or upon vessels [that were unclean], they are now clean.[18] Presumably a man is on the same footing as vessels, and as vessels have no intention so a man need have no intention.[19] But is this so? Perhaps we are dealing with the case of a man who was sitting and waiting for the wave to become detached!

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(1) Lev. XVII. 23. Heb. בעפר, lit., 'in dust'.

(2) The preposition ב, 'in', signifies that the blood shall he in earth, i.e., entirely covered with earth above and below, or between two layers of earth.

(3) He broke up the soil in the whole valley in readiness for receiving the blood or he found the soil already broken up and expressed his intention of using the soil for this purpose (Rashi).

(4) I.e.,the knife must be three necks long.

(5) Lit., 'horns'. The projection or point would pierce the organs during the slaughtering thus rendering it invalid.

(6) A needle, even when moved to and fro, tears the organs and does not cut them; hence the slaughtering is invalid.

(7) Deut. XII, 21.

(8) V. supra p. 56.

(9) Supra 2a. This passage refers (inter alia) to the slaughtering by a deaf-mute, an imbecile, or a minor, who are incapable of forming an intention to slaughter according to ritual.

(10) The deaf-mute, the imbecile or the minor.

(11) In this case whose period of uncleanness had passed and she but required ritual immersion in a mikweh or in the sea in order to be allowed to resume intimate relations with her husband.

(12) E.g., she fell from a bridge into the sea. V. infra.

(13) Lit., 'she is clean, to her home', a euphemistic expression.

(14) The penalty for having sexual intercourse with a menstruous woman is Kareth, i.e., excision, being cut off. V. Lev. XX. 18.

(15) This being the penalty for eating terumah in an unclean state. Death at the hands of Heaven is less severe than Kareth, for the latter is a punishment to the offender and to his seed as well, whereas the former only affects the offender himself.

(16) Heb. חולין. i.e., common, ordinary, unconsecrated matter, as opposed to terumah and consecrated matter.

(17) I.e., the intention to perform a particular act which renders it permitted is not essential.

(18) They have thus received a ritual immersion. Forty se'ah is the minimum amount of water to constitute a mikweh. V.

Mik. V, 6.
(19) He need not immerse himself for the specific purpose of being rendered clean.

Talmud - Mas. Chullin 31b

And [on the contrary] vessels are to be on the same footing as a man, and as a man is capable of forming an intention so in the case of vessels a man must form an intention for them.[1] But should you ask: If we are dealing with the case of a man who was sitting and waiting, why is it at all necessary to be taught?[2] [I reply that] you might have disallowed [this immersion] as a precautionary measure lest he immerse himself in a torrent of rainwater;[3] or you might have disallowed immersion at the edge[4] [of the wave] as a precaution, lest it be thought that immersion is also allowed in the arch[4] of the wave. We are therefore taught that no precautionary measures are necessary. And whence do we know that immersion is not allowed in the arch of the wave? — From [the following Baraitha] which was taught: Immersion is allowed at the edge [of the wave] but not in the arch of the wave, for immersion is not allowed in mid-air.

Whence then do we derive the rule that in the case of common things the intention is not essential? — From [the following Mishnah] which we learnt: If fruits had fallen into a channel of water and a person whose hands were unclean stretched out his hands and took them, his hands have become clean,[5] and the rule of 'if water be put'[6] does not apply to the fruits. But if his purpose was to wash his hands, his hands have become clean and the rule of 'if water be put' applies to the fruits.[7]

Raba raised an objection against R. Nahman. [We have learnt:] If a man immersed himself to render himself fit to partake of common food and had this purpose in view, he is forbidden to partake of the Second Tithe.[8] Now this is so only because he had this purpose in view, but if he did not have this purpose in view he may not [partake even of common food]![9] — [He replied,] This is what it means: Even though he had the purpose in view to render himself fit to partake of common food he is forbidden to eat Second Tithe. He raised this further objection: If he immersed himself but did not have any purpose in view, it is as if he had not immersed himself.[8] Presumably it means: It is as if he had not immersed himself at all?[9] — No, it means: It is as if he had not immersed himself for Second Tithe but he has certainly immersed himself for common food. Now he [Raba] thought that R. Nahman merely intended to point out a possible refutation; he accordingly went and searched, and found [the following Baraitha]: If he immersed himself and had no purpose in view, he is fit to eat common food but not Second Tithe.

Abaye said to R. Joseph. Shall we say that this [last Baraitha] is a refutation of R. Johanan's view?[10] — He replied. R. Johanan will concur with the view expressed by R. Jonathan b. Joseph. For it was taught: R. Jonathan b. Joseph says: It is written: And it shall be washed [the second time].[11] Now what does 'the second time' teach us? We must compare the washing on the second occasion with the washing on the first occasion; as the latter must be intentional[12] so the washing on the second occasion shall be intentional.[13] But then it should follow, should it not, that as the washing on the first occasion must be by order of the priest, so shall the washing on the second occasion be by order of the priest? It is therefore written: 'And it shall be clean', in all circumstances.[14]

But did R. Johanan really say this? Surely R. Johanan has stated that the halachah is always in accordance with the view of an anonymous Mishnah. And we have learnt: IF A KNIFE FELL DOWN AND SLAUGHTERED [AN ANIMAL]. EVEN THOUGH IT SLAUGHTERED IT IN THE PROPER WAY, THE SLAUGHTERING IS INVALID. And we argued the point thus: 'This is so only because it fell down [of itself], but if one threw it [and it slaughtered an animal], the slaughtering would be valid, notwithstanding there was no intention [to slaughter according to ritual]'. And we asked: 'Who is the Tanna that holds that the intention to slaughter [according to ritual] is not essential?' And Raba said: 'It is R. Nathan'![15] — With regard to shechitah even R.

Jonathan b. Joseph[16] would concede [that the intention is not essential]; for inasmuch as the Divine Law has expressly laid down that an act performed incidentally in connection with consecrated animals is invalid,[17] it follows that with regard to 'common' things the intention is not essential. And the Rabbis?[18] — [They will say:] Granted that with regard to 'common' animals It is not essential to have the intention to slaughter [according to ritual], but it is essential to have an intention to cut. In this matter, said Raba, R. Nathan triumphed over the Rabbis. For is there ever written: 'And thou shalt cut?' It is written: 'And thou shalt slaughter'.[19] Therefore, if it is essential to have the intention to cut, it is also essential to have the intention to slaughter [according to ritual], and if it is not essential to have the intention to slaughter [according to ritual], then it is not even essential to have the intention to cut.

How did it happen that the menstruous woman accidentally immersed herself? Shall we say that another woman pushed her [into a mikweh] and she thus immersed herself? But surely the intention of the other woman is a perfect intention! Moreover, [in such a case] she would even be allowed to eat terumah! For we have learnt:[20] If a woman was a deaf-mute or an imbecile or blind or not conscious [and she immersed herself], provided there were present women of sound mind to prepare everything for her, she may eat terumah! — R. Papa said: According to R. Nathan [it happened thus:] She fell from a bridge;[21] according to the Rabbis [it happened thus:] She went down [into the sea] to cool herself.[22]

Raba said: If a person while slaughtering the Red Cow, slaughtered at the same time another animal, according to all views the Red Cow is invalid.[23]

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(1) So that the result would be that for all matters, animate or inanimate, even for 'common' matters, a specific intention is essential.

(2) It is obvious that he is rendered clean, for he had the requisite intention, since he was looking forward to being immersed by the wave!

(3) Running down the mountain side. Immersion in such torrent is unlawful, v. Mik. V. 5 and Toh. VIII, 9.

(4) Where a wave breaks over land it is established (Tosef. Mik. IV) that one may immerse a vessel at the extreme end of the wave where it touches the ground, but not in the middle of the wave where it is arched above the ground; for it is essential that at the time of immersion the water must be touching the ground, and not suspended in mid-air.

(5) Even though he had no intention of washing his hands. This Mishnah clearly proves that with regard to 'common' food the intention is not essential.

(6) Lev. XI, 38. The application of the rule 'if water be put' means that the food has been rendered susceptible to uncleanness. Since the fruits became wet accidentally they are not thereby rendered susceptible to uncleanness; v. supra p. 77, n. 5.

(7) Since the water affords pleasure to this man for washing his hands, it will render the fruits susceptible to uncleanness. V. supra, loc. cit.

(8) Hag. 18b.

(9) Presumably because the intention was wanting. Hence it is essential to have the proper intention even with regard to common food.

(10) Who stated above that the accidental immersion of a menstruous woman will not render her clean even for 'common' matters, whereas the above mentioned Baraitha states that an immersion without any special intention is valid with regard to 'common' food.

(11) Lev. XIII, 58. It is laid down that a garment containing a leprous spot must be locked away for seven days, and on the seventh day must be examined by a priest. If it is then found that the spot has remained stationary and has not spread over a greater surface, the garment must then be washed and locked away for a further seven days, at the end of which period it must be examined again by the priest. If it is now found that the infection has left, the garment must be washed a second time (here meaning: the ritual immersion in a mikweh) and it is then declared to be clean.

(12) For it is written, ibid. 54. Then the priest shall command that they wash etc. The washing must be done at the express command of the priest.

(13) Hence this Tanna holds that the immersion must be intentional, even in respect of common matters, and so is in

agreement with R. Johanan.
(14) I.e., even though the immersion was not carried out by the order of the priest, provided it was intentional, the garment becomes clean.
(15) The halachah, therefore, should be in accordance with this anonymous Mishnah, namely, that the intention to slaughter according to ritual is not essential; but this is contrary to R. Johanan's view.
(16) And likewise R. Johanan.
(17) V. supra p. 59.
(18) Who declared the slaughtering invalid where a person threw a knife and it happened to slaughter an animal, supra p. 165.
(19) Deut. XII, 21.
(20) Nid. 13b.
(21) Into the sea and thus immersed herself. This corresponds with R. Nathan's view that with regard to shechitah there is not even required the intention to cut or to deal with the animal at all. Here the woman did not even have the intention to be in the water.
(22) She intended to be in the water but not to immerse herself ritually; corresponding to the view of the Rabbis that with regard to shechitah there must be the intention to cut, but not necessarily the intention to slaughter according to ritual.
(23) V. supra p. 155: 'If they do any other work at the same time, they render it invalid.'

If another animal was [accidentally] slaughtered with it, according to R. Nathan, the Red Cow is invalid[1] and the other animal valid;[2] according to the Rabbis, the Red Cow is valid[3] and the other animal invalid.[4] This is surely obvious! — It was necessary to state the clause, 'If another animal was [accidentally] slaughtered with it' in order to set forth R. Nathan's view. For I might have said that the Divine Law [when it] said: And he shall slaughter it,[5] implying 'it' but not it and another, referred to the slaughtering of two Red Cows simultaneously; but to slaughter a 'common' animal with it, I might have said, would not render it invalid. We are therefore taught [otherwise]. If, while slaughtering the Red Cow, he cut at the same time a pumpkin, according to all views the Red Cow is invalid. If a pumpkin was [accidentally] cut whilst the Red Cow was being slaughtered, according to all views the Red Cow is valid. MISHNAH. IF THE KNIFE FELL[6] AND HE PAUSED [IN THE SLAUGHTERING IN ORDER] TO LIFT IT UP, IF HIS COAT FELL DOWN[6] AND HE PAUSED TO LIFT IT UP, IF HE SHARPENED THE KNIFE AND GREW TIRED[6] AND ANOTHER CAME AND SLAUGHTERED — [IN EACH CASE] IF THE PAUSE WAS FOR THE LENGTH OF TIME REQUIRED FOR SLAUGHTERING, THE SLAUGHTERING IS INVALID. R. SIMEON SAID, [IT IS INVALID] IF THE PAUSE WAS FOR THE LENGTH OF TIME REQUIRED FOR EXAMINING[7] [THE KNIFE].

GEMARA. What is meant by THE LENGTH OF TIME REQUIRED FOR SLAUGHTERING? — It means, said Rab, the of time required for slaughtering another animal.[8] R. Kahana and R. Assi asked Rab: Is the test in the case of a beast to be the length of time required for slaughtering another beast, and in the case of a bird the length of time required for slaughtering another bird; or is the test always the length of time required for slaughtering a beast even in the case of a bird? — Rab answered: 'I was not on such intimate terms with my uncle[9] as to ask him this'.

It was stated: Rab said: In the case of a beast the test is the length of time required for slaughtering a beast, and in the case of a bird the length of time required for slaughtering a bird. Samuel said: The test even in the case of a bird is the length of time required for slaughtering a beast. So, too, when R. Abin came [from Palestine] he reported R. Johanan's opinion that the test even in the case of a bird is the length of time required for slaughtering a beast. R. Hanina said, [The Mishnah means] the length of time required for fetching another animal and slaughtering it. Fetching! Why he might fetch an animal from anywhere! Then you have made the test to vary [with the circumstances of each case]![10] — R. Papa explained. The difference between them[11] is as regards an animal that is ready for casting.[12] In the West it was reported in the name of R. Jose son of R. Hanina: [The Mishnah means] the length of time required to lift up, lay on the ground and slaughter, in the case of small animals,[13] a small animal, and in the case of large animals,[14] a large animal.

Raba said: If one spent the whole day slaughtering [one animal] with a blunt knife, the slaughtering is valid. Raba raised the question: Are several [short] pauses to be combined?[15] But surely this can be solved from his preceding statement![16] — No, for there he did not pause at all. R. Huna the son of R. Nathan raised this question: What if he paused whilst cutting the lesser portion of the organs?[17] — This remains undecided.

R. SIMEON SAID, [IT IS INVALID] IF THE PAUSE WAS FOR THE LENGTH OF TIME REQUIRED FOR EXAMINING [THE KNIFE]. What is the meaning of THE LENGTH OF TIME REQUIRED FOR EXAMINING? — R. Johanan said: It means the length of time required for a Sage to examine [the knife]. But this test would vary with the circumstances of each case![18] — It means the length of time required for the slaughterer, himself a Sage, to examine [the knife].

MISHNAH. IF A MAN FIRST CUT THE GULLET AND THEN TORE AWAY[19] THE WINDPIPE, OR FIRST TORE AWAY THE WINDPIPE AND THEN CUT THE GULLET; OR IF

HE CUT ONE OF THESE ORGANS AND PAUSED[20] UNTIL THE ANIMAL DIED; OR IF HE THRUST THE KNIFE UNDERNEATH THE SECOND ORGAN AND CUT IT[21] — [IN ALL THESE CASES] R. JESHEBAB SAYS, THE ANIMAL IS NEBELAH; R. AKIBA SAYS, IT IS TREFAH. R. JESHEBAB LAID DOWN THIS RULE IN THE NAME OF R. JOSHUA: WHENEVER AN ANIMAL IS RENDERED INVALID BY A FAULT IN THE SLAUGHTERING IT IS NEBELAH; WHENEVER AN ANIMAL HAS BEEN DULY SLAUGHTERED BUT IS RENDERED INVALID BY SOME OTHER DEFECT IT IS TREFAH. R. AKIBA [ULTIMATELY] AGREED WITH HIM.

GEMARA. IF A MAN FIRST CUT THE GULLET etc. AND R. AKIBA AGREED WITH HIM. A contradiction was pointed out. We have learnt: The following defects render cattle trefah:

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(1) Even though his mind was not taken away from the slaughtering of the Red Cow it is invalid; because it is written: Num. XIX, 3. And he shall slaughter it, which means, 'it by itself', and not another animal with it.

(2) For according to R. Nathan no intention whatsoever is required in order to render the slaughtering of an unconsecrated animal valid.

(3) The Rabbis hold that whatever is done unintentionally or accidentally whilst slaughtering the Red Cow will not affect the validity of the Red Cow, for the slaughterer's mind will not have been taken away from the Red Cow.

(4) Because according to the Rabbis the intention is essential even when slaughtering an unconsecrated animal.

(5) Num. XIX, 3.

(6) I.e., after he had commenced slaughtering.

(7) Or, according to Maim., for examining the organs to see whether they have been cut sufficiently.

(8) And not, as might have been thought, merely the length of time required for completing the slaughtering of the animal on which he had started.

(9) I.e., R. Hiyya, who was the uncle and teacher of Rab.

(10) For a longer pause would be allowed where the animal had to be fetched from a long distance than if it had to be fetched from a place nearby; so that the pause which would render invalid one animal would not render invalid another animal.

(11) I.e., between R. Hanina and R. Johanan (Rashi). According to Rambam the words, 'The difference between them is', are to be omitted; R. Papa then merely interprets R. Hanina's view.

(12) Lit., 'one which stands to be cast'. According to R. Johanan the pause which renders invalid is the length of time required for slaughtering, but according to R. Hanina it is the length of time required for casting the animal on the ground Plus the time required for slaughtering it.

(13) I.e., sheep and goats.

(14) I.e., oxen.

(15) If while slaughtering an animal he paused several times, but on each individual occasion the time was not of the length required to invalidate the slaughtering, are the times of the various pauses to be reckoned together so as to constitute a pause long enough to invalidate the slaughtering?

(16) For it is presumed that in the course of a day's slaughtering there must have been many short pauses.

(17) I.e., he paused after he had cut through the greater portion of each organ. Had he ceased slaughtering at this stage and gone away there is no doubt that the slaughtering would be valid; it is only the continuation of the slaughtering after a long pause that gives rise to the difficulty.

(18) For it is dependent upon whether or not a Sage is available.

(19) This is a case of עיקור, 'tearing away' the organ from the larynx. V. supra 9a, p. 37, n. 11.

(20) This is a case of שהייה, 'pausing', discussed fully in the preceding Mishnah and Gemara.

(21) This is a case of חלדה, 'thrusting', discussed fully supra, 30b.

Talmud - Mas. Chullin 32b

If the gullet was pierced, or the windpipe severed![1] — Raba answered: There is no contradiction. In the one case he first cut [the gullet] and then tore away [the windpipe]; in the other case he first tore away [the windpipe] and then cut the gullet. Where he first cut [the gullet] and then tore away [the

windpipe] we regard it as a fault in the slaughtering,[2] but where he first tore away [the windpipe] and then cut [the gullet] we regard it as invalidated by some other defect.[3] R. Aha b. Huna raised the following objection against Raba: [It was taught:] If he first cut the gullet and then tore away the windpipe, or first tore away the windpipe and then cut the gullet, the animal is nebelah! — Render [the second clause] thus: [Or if he tore away the windpipe] having already cut the gullet. He retorted. There are two arguments against this. First, it is now identical with the first clause; and secondly, it expressly says. 'And he then cut'. — Rather, said Raba: It[4] must be interpreted thus: The following defects render the animal prohibited, some as nebelah and some as trefah. Then why does it not include also the case of Hezekiah? For Hezekiah taught: If one cut an animal into two it is nebelah [forthwith].[5] And also the case of R. Eleazar? For R. Eleazar taught: If the thigh of an animal was removed and the cavity was noticeable it is nebelah [forthwith].[5] — It includes such nebelah only as does not convey uncleanness whilst alive, but not such nebelah as conveys uncleanness whilst alive.[6] R. Simeon b.) Lakish suggested.[7] In the one case he cut [the windpipe] in the place where it was already lacerated; in the other case he did not cut [the windpipe] in the place where it was already lacerated. Where he cut it in the place where it was already lacerated we regard the animal as invalidated by a defect in the slaughtering;[8] but where he did not cut it in the place where it was already lacerated we regard the animal as invalidated by some other defect. But did R. Simeon b. Lakish really say this? Surely R. Simeon b. Lakish has said that if the lung was pierced after he had cut the windpipe [but before he had cut the gullet], the slaughtering was valid.[9] This proves, does it not, that [once the windpipe has been cut] the lung is regarded as though placed in a basket?[10] Here also we should say, should we not, that [once the windpipe has been lacerated] it is regarded as though placed in a basket?[11] — Rather, said R. Hiyya b. Abba in the name of R. Johanan. There is no contradiction. There[12] [the Mishnah represents the view of R. Akiba] before he retracted, here after he retracted; that Mishnah,[12] however, was allowed to stand.[13]

The text above stated: 'R. Simeon b. Lakish said: If the lung was pierced after he had cut the windpipe [but before he had cut the gullet], the slaughtering is valid'. Raba said: This decision of Resh Lakish applies only to the lung because the vitality of the lung is entirely dependent upon the windpipe, but it does not apply to the intestines.[14] R. Zera demurred. Saying Since you declare [the animal] permissible wherever a defect occurred [after cutting one organ], what difference does it make whether the defect was in the lung or in the intestines? R. Zera, however, must have withdrawn his objection. For R. Zera had put the following question: What is the law if the intestines were perforated after the first organ but before the second organ [was cut]?[15] Is the first organ to be reckoned together with the second in order to render the animal clean, and not nebelah, or not?[16] And we replied: Was not this question similar to that put by Ilfa, viz., What is the law if a foetus put forth its foreleg [out of the womb of its dam] after the first organ but before the second organ [was cut]?[17]

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(1) This is the opening Mishnah of Chap. III, infra 42a. It is there stated that if the windpipe was severed the animal is merely trefah, whereas in our Mishnah, if the slaughterer tore away (i.e., severed) the windpipe, the animal is stated to be nebelah by R. Jeshebab, and R. Akiba ultimately also concurred.

(2) This is the case of our Mishnah, and the animal is nebelah.

(3) This is the case of the Mishnah in Chap. III, and the animal is merely trefah, since it was rendered invalid actually before the commencement of the slaughtering.

(4) The Mishnah infra 42a.

(5) V. supra 21a.

(6) In the cases of Hezekiah and R. Eleazar the animal is at once regarded as nebelah for all purposes even though the animal still shows signs of life by the convulsive movements of its limbs.

(7) To reconcile the contradiction pointed out at the beginning of the discussion between our Mishnah and the Mishnah in Chap. III.

(8) The animal is therefore nebelah.

(9) For as soon as the windpipe has been cut the slaughtering has been completed with regard to it; hence any defect

which occurs subsequently in any organ which is directly connected with or attached to the windpipe is of no consequence.

(10) And any lesion of the lung now will not affect the validity of the animal.

(11) With the result that the animal has virtually only one organ fit to be slaughtered and it must therefore be nebelah.

(12) Chap. III Mishnah I. Infra 42a.

(13) Even though its decision had been overruled.

(14) I.e., if the intestines had been pierced after the windpipe, but before the gullet had been cut, the animal would be forbidden to be eaten, for the intestines are dependent upon and connected with the gullet and this has not yet been cut.

(15) After the windpipe, for that is always the first organ to be cut, but before the gullet had been cut (Rashi); v. however Tosaf. ad loc.

(16) The effect of slaughtering, it must be remembered, is twofold: (a) the animal is permitted to be eaten, and (b) it is not nebelah; and, it is suggested, in order that the slaughtering be valid each organ must serve this twofold purpose. In our case, however, whereas the cutting of the first organ tends to produce this twofold effect the cutting of the second organ does not, for the defect that has occurred in the intestines before the cutting of the second organ has already precluded (a); the slaughtering therefore should be invalid absolutely. On the other hand, it might be argued that the slaughtering should be effective at least with regard to (b), since this purpose is common to both organs.

(17) It is established law (v. infra 68ff.) that the embryo within the womb of its dam is rendered fit for food by the valid slaughtering of the dam; if, however, part of the embryo protruded out of the womb before the slaughtering, such part will not be rendered fit for food by the valid slaughtering of the dam, although it will be rendered clean by such slaughtering. The question here raised is whether or not the slaughtering of the dam will render clean that part which protruded out of the womb after the first organ had been cut. The argument is similar to that in the preceding note. For the slaughtering of the first organ serves a twofold purpose, namely, to render the limb which protruded later clean and also fit for food, whereas the slaughtering of the second organ serves only the single purpose of rendering the limb clean. The question therefore is. Can the first organ be reckoned together with the second in order to effect the purpose common to both, namely, to render the limb clean?

Talmud - Mas. Chullin 33a

Is the first organ to be reckoned together with the second in order to render [the foreleg] clean, and not nebelah, or not? Now the question put [by R. Zera] was only as to whether or not the animal was to be regarded as clean, and not nebelah, but [admittedly] it is forbidden to be eaten.[1] R. Aha b. Rab said to Rabina: It may very well be that R. Zera did not withdraw his objection at all,[2] but he merely formulated his question from the point of view of Raba,[3] though he himself did not agree with it.

R. Aha b. Jacob said: One may conclude from the ruling of R. Simeon b. Lakish that an Israelite may be invited to partake of the intestines, but not a gentile. Why is this? — Because to an Israelite everything depends upon the slaughtering;[4] therefore, since here the animal has been properly slaughtered he may partake of the intestines. To the gentile, however, everything depends upon the death of the animal[4] [and not upon the slaughtering], for even stabbing would be sufficient; therefore the intestines [of an animal slaughtered by an Israelite] would be regarded as a limb [cut off] from a living animal.[5]

R. Papa said: ‘As I was Sitting before R. Aha b. Jacob I thought of putting the question to him: Is there anything which is permitted to an Israelite and forbidden to a gentile? But I did not ask him this, for I said to myself: "He has himself suggested the reason for it"’.

There was taught [a Baraitha] which contradicts the view of R. Aha b. Jacob: ‘If a person desires to eat the meat of an animal before it has actually died, he may cut off an olive's bulk of flesh from around the throat, salt it well, rinse it well, wait until the animal expires,[6] and then eat it. Both Israelite and gentile may eat it in this way’. This [Baraitha] on the other hand Supports the view of R. Idi b. Abin. For R. Idi b. Abin said in the name of R. Isaac b. Ashian: If a person wishes to be in good health he should cut off an olive's bulk of flesh from around the throat, salt it well, rinse it well,

wait until the animal expires, and then eat it. Both Israelite and gentile may eat it in this way.

MISHNAH. IF A MAN SLAUGHTERED CATTLE OR A WILD BEAST OR A BIRD AND NO BLOOD CAME FORTH, THE SLAUGHTERING IS VALID AND IT MAY BE EATEN BY HIM WHOSE HANDS HAVE NOT BEEN WASHED,[7] FOR IT HAS NOT BEEN RENDERED SUSCEPTIBLE TO UNCLEANNESS BY BLOOD. R. SIMEON SAYS, IT HAS BEEN RENDERED SUSCEPTIBLE TO UNCLEANNESS BY THE SLAUGHTERING.[8]

GEMARA. Now this is so only because no blood came forth, but if blood did come forth [it follows that] it may not be eaten by one with unwashed hands. But why? Are not [unwashed] hands unclean in the second degree and that which is unclean in the second degree cannot render 'common' food unclean in the third degree? — But whence do you gather that we are dealing with common food? — For it reads [in the Mishnah]. OR A WILD BEAST, and if it is dealing with consecrated animals [it is unintelligible, for] is there such a thing as a consecrated wild beast?[9] Furthermore, if it is dealing with consecrated animals, can it be said that the slaughtering is valid where no blood came forth? The whole purpose [of the slaughtering] is to obtain the blood![10] Furthermore, if [it is dealing] with consecrated animals, can it be said that in the case where blood did come forth it would render [the animal] susceptible to uncleanness? Surely R. Hiyya b. Abba has said in the name of R. Johanan: 'Whence do we know that the blood of consecrated animals cannot render anything susceptible to uncleanness? From the verse: Thou shalt poor it out upon the earth as water,[11] which implies that blood which is poured out as water can render susceptible to uncleanness, but blood which is not poured Out as water cannot'. Furthermore, if [it is dealing] with consecrated animals, can it be said that where no blood came forth the animal would not be rendered susceptible to uncleanness? Surely it would be susceptible to uncleanness because of its sacred esteem, for it is established that sacred esteem will render [consecrated] matter susceptible to uncleanness![12] R. Nahman said in the name of Rabbah b. Abbuha: Here [in our Mishnah] we are dealing with unconsecrated animals that were bought [in Jerusalem] with Second Tithe money, and the ruling is not in accordance with R. Meir's view. For we have learnt,[13]

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(1) But this cannot be reconciled with the objection he raised against Raba. It is therefore right to say that R. Zera withdrew his objection.

(2) For he is of the opinion that any defect that occurs to any limb in the course of the slaughtering will not affect the validity of the slaughtering, and the animal would even be fit for food.

(3) According to Raba's view who stated above that Resh Lakish's ruling did not apply to the case where the intestines were pierced after the cutting of the first organ, the question arises: Would the animal be free from the uncleanness of nebelah or not?

(4) In order that the animal may be fit for food.

(5) For by the cutting of the organs only the animal is not absolutely dead, and at this stage the intestines are regarded, according to R. Simeon b. Lakish, as having been taken out from the living(!) animal and placed in a basket; hence they are forbidden to a gentile as a limb cut off from a living animal.

(6) V. Sanh. 63a. Sonc. ed., p. 430.

(7) Lit., 'with unclean hands'. Hands that have not been washed are regarded by the Rabbis as unclean in the second degree. There is no fear here of the hands defiling the meat for the reason stated in the Mishnah, namely, that the flesh of the animal has not been made wet by water or blood or any other liquid, in conformity with the rule laid down in Lev. XI, 38.

(8) Since the slaughtering renders the animal fit for food it will likewise render it, as a food, susceptible to uncleanness without the necessity of water or other liquid to moisten it.

(9) Wild beasts, like the gazelle and the hart, were not permitted to be offered as sacrifices.

(10) For it must be sprinkled upon the altar, v. supra 29a.

(11) Deut. XII, 24.

(12) V. Pes. 35a. The very sanctity of consecrated things renders them susceptible to uncleanness without the necessity of any moistening by water.

(13) V. Par. XI, 5.

Talmud - Mas. Chullin 33b

Whatsoever requires immersion in the waters [of a mikweh] by decree of the Scribes[1] will [through contact] render consecrated food unclean,[2] and terumah invalid,[3] but will leave common food or Second Tithe unaffected: so R. Meir. The Sages however regard Second Tithe to be affected.[4] R. Shimi b. Ashi demurred: Is it really so? Perhaps the Sages differ with R. Meir only on the question of eating[5] this Second Tithe, but there is no dispute between them on the question of coming into contact with the Second Tithe or of eating common food![6] And here [in our Mishnah] it is a question of coming into contact, for it reads: AND MAY BE EATEN BY HIM WHOSE HANDS HAVE NOT BEEN WASHED, and this might very well mean that we are dealing with the case of one person feeding another?[7] — Rather, said R. Papa, here [in the Mishnah] we are dealing with hands that were unclean in the first degree, and the ruling is in accordance with the view of R. Simeon b. Eleazar. For it was taught: Hands which are unclean in the first degree can in no wise affect common food.[8] R. Simeon b. Eleazar says in the name of R. Meir, Hands which are unclean in the first degree can affect common food, and hands which are unclean in the second degree can affect terumah.[9] Does this mean to say that hands which are unclean in the first degree can affect common food only and not terumah? — Indeed no; it means, hands which are unclean in the first degree can affect even common food, but hands which are unclean in the second degree can affect terumah only but not common food. But is it possible for hands to be unclean in the first degree? — Yes. For we have learnt: If a person put his hands into a house stricken with leprosy, his hands become unclean in the first degree: so R. Akiba. The Sages however say, His hands become unclean in the second degree.[10] Now all accept the principle that an entry by part of the person only is no entry,[11] and the dispute between them is the extent of uncleanness imposed by the Rabbis upon the hands as a precaution against the entry of the whole person. One [R. Akiba] says that the Rabbis imposed upon the hands the same degree of uncleanness as upon the person himself;[12] but the Sages say that they imposed upon the hands the usual degree of uncleanness attached to hands.[13]

But why do we not say that the ruling [in our Mishnah] accords with R. Akiba,[14] who also holds that hands can be unclean in the first degree? — Because it may be that R. Akiba says so[15] only with regard to terumah or consecrated food, since these are to be treated with strictness, but with regard to common food [he would agree that] they are unclean only in the second degree. But even so, be they unclean only in the second degree, have we not learnt that according to R. Akiba, whatever is unclean in the second degree can render common food unclean in the third degree?[16] For we have learnt:[17] On that same day[18] R. Akiba expounded: It is written: And every earthen vessel, [whereinto any of them falleth, whatsoever is in it] shall be unclean [yitma].[19] Now there is not written tame[20] but yitma,[21] which signifies that it will make others unclean. This teaches that a loaf which is unclean in the second degree will [by contact] render common food[22] unclean in the third degree? — Perhaps this is the law only with regard to such uncleanness as declared by the Torah but not with regard to such uncleanness as decreed by the Rabbis.[23] R. Eleazar said in the name of R. Hoshaia, Here [in our Mishnah] we are dealing with unconsecrated animals that were kept in the cleanness proper to consecrated things,[24] and the ruling is not in accordance with R. Joshua's view. For we have learnt:[25] R. Eliezer says. He who eats [food unclean in] the first [degree becomes unclean in the] first degree; [if it was unclean] in the second degree, [he becomes unclean in] the second degree; and [if it was unclean in] the third degree, [he becomes unclean in] the third degree. R. Joshua says, [He who eats food unclean in] the first or second degree [becomes unclean in] the second degree; [if it was unclean in] the third degree. [he becomes unclean in] the second degree with regard to consecrated things only,[26] but not with regard to terumah.[27] This[28] applies only to common food kept in the cleanness proper to terumah. And so only in the case of common food kept in the cleanness proper to terumah [is there a third degree of uncleanness], but not in the case of common food kept in the cleanness proper to consecrated things, for he [R. Joshua] is of the opinion that in

that latter case there cannot be a third degree of uncleanness.[29]

Why should we not say that our Mishnah deals

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(1) Those cases enumerated in Shab. 13b for which the Rabbis decreed uncleanness in the second degree.

(2) The general principle is that unclean matter defiles anything which comes in contact with it and that the thing so defiled becomes unclean in a lesser degree than that which defiled it. Further it has been laid down that uncleanness in common food extends to the second degree, in terumah (v. Glos.) to the third degree, and in consecrated food to the fourth degree. The last degree of uncleanness in each category is itself unclean but cannot impart uncleanness and is called פסול, 'invalid'. As we are dealing with uncleanness in the second degree it will naturally render consecrated food unclean in the third degree.

(3) As the terumah is unclean in the third degree it cannot impart further uncleanness, and is therefore termed פסול

(4) Lit., 'they forbid in the case of Second Tithe'. Presumably the Second Tithe becomes unclean in the third degree by contact with that which was unclean in the second degree. On this assumption our Mishnah can be interpreted as dealing with animals bought with Second Tithe money.

(5) I.e., the Sages forbid a person whose hands are unwashed to eat Second Tithe.

(6) For all agree that a person with unwashed hands may eat common food and touch Second Tithe.

(7) Since the Mishnah does not say 'And one whose hands have not been washed may eat it', it is to be inferred that even a person with unwashed hands may feed another. And on the other hand, where the animal has been moistened by the blood, it may not be eaten by one whose hands are unwashed and similarly one with unwashed hands may not feed another. Hence the Mishnah forbids the touching of Second Tithe by one who is unclean in the second degree, which is contrary to all views.

(8) To render it unclean in the second degree.

(9) And make the terumah unclean in the third degree.

(10) Yad. III, I.

(11) Therefore the person himself is not rendered unclean, and on the same principle his hands too should not be rendered unclcan. The Rabbis, however, decreed that the latter be unclean as a precautionary measure against it being said: If hands when brought into a house stricken with leprosy remain clean, the body too should be clean!

(12) A person who enters a house afflicted with leprosy is rendered unclean in the first degree; v. Lev. Xlv, 46.

(13) I.e., uncleanness in the second degree.

(14) The Talmud endeavours to establish wherever possible the ruling of an anonymous Mishnah in accordance with the view of R. Akiba for it was by his direction and on his authority that the Tannaitic teachings were collected.

(15) That hands can be unclean in the first degree.

(16) Our Mishnah therefore would be in ent1re accord with R. Akiba.

(17) Sot. 27b, and Pes. 182.

(18) The day on which R. Eleazar b. 'Azariah was appointed head of the College. V. Ber. 28b.

(19) Lev. XI, 33. Heb. יטמא.

(20) טמא, meaning, 'it is unclean'.

(21) יטמא And R. Akiba argued that this word should not be read as yitma, for then it has the same meaning as tame, but should be read as yetamme, meaning, 'it shall render others unclean'. R. Akiba accordingly interprets the verse thus: If a dead reptile is suspended in the air-space of an earthenware vessel, the latter is thereby rendered unclean in the first degree, and whatever foodstuffs are in the vessel are unclean in the second degree; and since the text states יטמא in connection, with the latter it means that they will render others unclean in the third degree.

(22) For the verse contemplates every sort of food, common or consecrated.

(23) The uncleanness attached to unwashed hands is a Rabbinic enactment. It is suggested that, being merely Rabbinic in origin, the law with regard thereto is not so rigid, and so would not render others unclean in the third degree.

(24) It was not unusual for many to eat their ordinary food in the same strictness regarding the laws of uncleanness as applied to consecrated food, in order that whenever partaking of consecrated food they would be accustomed to the rules of cleanness appertaining thereto.

(25) Toh. II, 2.

(26) I.e., he would render consecrated food unclean in the third degree and the latter in turn could render other consecrated food unclean in the fourth degree.

(27) I.e., he would not by contact render terumah unclean in the third degree (i.e., invalid); he is nevertheless forbidden in his condition of uncleanness to eat terumah, v. infra.

(28) That with common food there can be a third degree of uncleanness.

(29) For he holds that the determ1nat1on to treat common food with the cleanness proper to consecrated food is of no effect; our Mishnah, therefore, which deals with an animal kept in the cleanness proper to consecrated animals, will agree with R. Eliezer but not with R. Joshua.

Talmud - Mas. Chullin 34a

with unconsecrated animals kept in the cleanness proper to terumah and so it will be in accord with R. Joshua? — This cannot be, for our Mishnah speaks of the meat [of the animal], and if you say that it deals with [an animal kept in the cleanness proper to] terumah [it is unintelligible, for] is there such a thing as meat of terumah?[1] You therefore say it deals with [an animal kept in the cleanness proper to] consecrated animals; [but it is likewise difficult, for] is there such a thing as a consecrated wild beast?[2] — One might m[1] stake meat for meat,[3] but one could not mistake meat for produce.[4]

Ulla said: 'My colleagues say that the Mishnah deals with unconsecrated animals kept in the cleanness proper to consecrated animals, and the ruling is not in accordance with R. Joshua's view. But I say that it is in accordance with R. Joshua's view, for he merely states the stronger case:[5] not only in the case of common food kept in the cleanness proper to consecrated food, which is of greater sanctity, is there a third degree of uncleanness, but even in the case of common food kept in the cleanness proper to terumah there is also a third degree of uncleanness'.

Who is meant by 'my colleagues'? — It is Rabbah b. Bar Hana. For Rabbah b. Bar Hana said in the name of R. Johanan, On what lines did the discussion between R. Eliezer and R. Joshua run? Thus: R. Eliezer said to R. Joshua. We find [in one instance] that the eater is more unclean than the unclean food [he has eaten], for the carcass of a clean bird does not defile by ordinary contact[6] and yet whilst in the gullet it renders the clothes unclean. Should we not then generally regard the eater at least in the same degree of uncleanness as the unclean food [that he has eaten]? And R. Joshua, [what would he reply to this]? — We must not draw any conclusions from the case of the carcass of a clean bird, for it is an anomaly. But argue thus: We find that the unclean food is more unclean than the eater thereof, for foodstuffs [can become unclean] from an egg's bulk [of unclean food], whereas the eater [of unclean food does not become unclean] unless he has eaten the size of two eggs thereof.[7] Surely, then, we cannot generally regard the eater as unclean as the food? And R. Eliezer? — We must not draw any conclusions as to the degree of uncleanness from the specific quantities [required in each case]. Furthermore, according to your own argument, you are consistent when you say that he who eats food unclean in the first degree becomes unclean in the second degree; but why should he who eats that which is unclean in the second degree become likewise unclean in the second degree? — Said R. Joshua to him, Do we not find that foodstuffs unclean in the second degree can render other foodstuffs unclean in the second degree through the medium of a liquid?[8] He [R. Eliezer] retorted, [Yes] but that liquid also becomes unclean in the first degree.[9] For we have learnt: The [degree of uncleanness] which renders terumah invalid[10] will [by contact] render liquids unclean in the first degree, with the exception of a tebul yom.[11] Furthermore, why should he who eats that which is unclean in the third degree become unclean in the second degree? To this R. Joshua replied: I, too, only said so in the case of [common food kept in the cleanness proper to] terumah since [it has been taught that] whatsoever is considered clean for terumah

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(1) Certainly not. Hence our Mishnah cannot refer to food kept in the cleanness of terumah.

(2) Of which the Mishnah also speaks.

(3) Therefore, as a proper precaution against the time when he must eat consecrated meat (i.e., the flesh of a sacrifice) a person would keep all the meat in his house, even the meat of a wild beast, in the cleanness proper to consecrated meat.

(4) Terumah is an offering of produce and not of meat, so that a priest would eat his ordinary produce in a state of

cleanness in order to be so accustomed for terumah, but not his meat. The latter therefore cannot be regarded in law as anything else than ordinary meat even though the owner actually keeps it in the cleanness proper to terumah.

(5) Lit., 'it is not necessary', 'it goes without saying'.

(6) Lit., 'externally'. For the unique law with regard to the uncleanness of a clean bird v. supra p. 103, n. 1.

(7) Lit., 'the quantity of half of half a loaf', equivalent to the size of two eggs. V. 'Er. 82b.

(8) If food unclean in the second degree comes into contact with other food which has moisture or a liquid upon it, the latter food will be rendered unclean in the second degree. Strictly the process is this: the unclean food renders the liquid or moisture unclean in the first degree (v. infra) and the latter renders the second food unclean in the second degree.

(9) So that according to your argument one who eats that which is unclean in the second degree should become unclean in the first degree! Of course R. Joshua never intended to make any inference from the liquid in that case, for he concedes that liquids are exceptional as they so readily contract uncleanness, but only from the foodstuff. (Rashi). V. however Tosaf. ad loc.

(10) I.e., the second degree of uncleanness.

(11) I.e., one who immersed himself in a mikweh in the daytime but technically does not become clean until after sunset. He is regarded in the condition of unclean in the second degree and therefore renders terumah invalid, but unlike others which are unclean in the second degree, he does not by his contact render liquids unclean in the first degree. V. Par. VIII, 7.

Talmud - Mas. Chullin 34b

is considered unclean for consecrated things.[1]

R. Zera said in the name of R. Assi who reported it in the name of R. Johanan who reported it in the name of R. Jannai: He who eats common food kept in the cleanness proper to consecrated food which was unclean in the third degree, becomes himself unclean in the second degree with regard to consecrated things [only]. R. Zera now raised this objection before R. Assi: [It was taught above].[2] '[If it was unclean in] the third degree. [he becomes unclean] in the second degree with regard to consecrated things only, but not with regard to terumah. This applies only to common food kept in the cleanness proper to terumah'. And so only in the case of common food kept in the cleanness proper to terumah [is there a third degree of uncleanness], but not in the case of common food kept in the cleanness proper to consecrated things.[3] — He replied: He merely stated the stronger case.[4] But has it not been stated [above in the name of R. Johanan]: 'I, too, only said so in the case of [common food kept in the cleanness proper to] terumah'?[5] — Amoraim disagree as to R. Johanan's view.

Ulla said: He who eats common food kept in the cleanness proper to terumah which was unclean in the third degree becomes unfit to eat terumah. What does he teach us? We have already been taught above: '[If it was unclean in] the third degree, [he becomes unclean] in the second degree with regard to consecrated things only but does not become unclean in the second degree with regard to terumah. This applies only to common food kept in the cleanness proper to terumah'. Now it says that [with regard to terumah] he does not become unclean in the second degree, but presumably [he becomes unclean] in the third degree.[6] — From this passage I might have thought that he neither becomes unclean in the second degree nor in the third degree, but merely on account of the fact that with regard to consecrated things he becomes unclean in the second degree does it also say with regard to terumah he does not become unclean in the second degree; he [Ulla] therefore teaches us [that he does become unclean in the third degree].

R. Hamnuna raised this objection against Ulla: [We have learnt]:[7] Common food, unclean in the first degree, is itself unclean and renders unclean;[8] that which is unclean in the second degree renders invalid[8] but not unclean; and that which is unclean in the third degree may be eaten [even if it is] a pottage containing ingredients of terumah.[9] Now if you are right in saying that [he who eats common food kept in the cleanness proper to terumah which was unclean in the third degree]

becomes unfit to eat terumah, would we then allow [a priest] to eat that which renders him unfit [for eating terumah]?[10] — He replied. Drop the question of the pottage containing ingredients of terumah

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(1) V. infra 35a and Hag. 18b. Accordingly common food kept in the cleanness proper to terumah that was unclean in the third degree is deemed to be unclean in the second degree with regard to consecrated things; hence whosoever eats it becomes unclean in the second degree with regard to consecrated things. And this is nothing strange, as we find that foodstuffs unclean in the second degree can render others, too, unclean in the second degree through the medium of a liquid. Now it is evident from these final words of R. Joshua that when he stated above in the original Baraitha, 'This applies only to common food kept in the cleanness proper to terumah', he thereby definitely intended to deny the existence of a third degree of uncleanness in common food kept in the cleanness proper to consecrated things; for if he stated it merely as his explanation for the ruling he gave, namely, that he who ate common food unclean in the third degree became unclean in the second degree (which would be identical with the final words of R. Joshua as given here), then R. Eliezer's final question 'Furthermore, why etc.' is unintelligible, as he already knew R. Joshua's reason. It is therefore established that Rabbah b. Bar Hana, who reported this discussion, was of the opinion that according to R. Joshua there could be no third degree of uncleanness in the case of common food kept in the cleanness proper to consecrated things; and this view corresponds with that attributed by Ulla to 'My colleagues'. See Rashi and Tosaf. ad loc.
(2) Supra 33b, p. 182.
(3) This statement clearly contradicts R. Assi's view as reported by R. Zera.
(4) V. p. 183, i.e., it is so obvious that there is a third degree of uncleanness in the case of common food kept in the cleanness proper to consecrated things that it need not even be mentioned.
(5) So that we have contradictory statements each reported in the name of R. Johanan as to the true view of R. Joshua.
(6) And being unclean in the third degree he surely is unfit to eat terumah, hence what is the point of Ulla's teaching?
(7) Toh. II, 3.
(8) The terms 'unclean' and 'invalid' are here used in a specific and technical sense; the former signifying, 'that which is itself unclean and will also by contact defile other food', the latter signifying, 'that which is itself unclean but will not defile other food'.
(9) This common food, since it contains ingredients of terumah, must have been kept in the cleanness proper to terumah (v. Rashi and Tosaf. ad loc.), and although unclean in the third degree may nevertheless be eaten by a priest.
(10) In the first place it is wrong for a priest at any time to render himself unclean, v. Yoma 80b; and in the second place the priest is definitely forbidden to eat the terumah contained in the pottage, for as soon as he partakes of the pottage he is rendered unfit for terumah.

because in the time it takes to eat half a loaf there is not consumed an olive's bulk [of terumah].[1]

R. Jonathan said in the name of Rabbi, He who eats terumah which is unclean in the third degree is forbidden to eat terumah,[2] but is permitted to touch it. It is truly necessary to have this statement of R. Jonathan as well as Ulla's. For from Ulla's statement above I should have thought that the ruling applied only to the case of common food kept in the cleanness proper to terumah, but in the case of real terumah [I might have said that] he is even forbidden to touch it; it is therefore necessary to have R. Jonathan's statement. And from R. Jonathan's statement alone I should have thought that the ruling applied only to the case of real terumah, but in the case of common food kept in the cleanness proper to terumah [I might have said that] he is even permitted to eat it; therefore both statements are necessary.

R. Isaac b. Samuel b. Martha was sitting before R. Nahman and said: He who eats common food kept in the cleanness proper to consecrated things which was unclean in the third degree is clean, and he may eat consecrated food, for the only thing which will render consecrated food unclean in the fourth degree is real consecrated food[3] [which was unclean in the third degree].

Rami b. Hama raised an objection. [It has been taught above]: '[If it was unclean in] the third degree, [he becomes unclean] in the second degree with regard to consecrated things only, but does not become unclean in the second degree with regard to terumah. This applies only to common food kept in the cleanness proper to terumah'. Now why should this be so? This [food which is unclean in the third degree] is not real consecrated food?[4] — He replied. Drop the question of terumah, since what is considered clean for terumah may yet be considered unclean for consecrated things.[5] Whence do you gather this? — From [the following Mishnah] which we learnt: The clothes of an 'am ha-arez[6] are regarded as midras[7] for the pharisees;[8] the clothes of the pharisees are regarded as midras for those who eat terumah; the clothes of those who eat terumah are regarded as midras for those who partake of consecrated food. Thereupon Raba raised this point: You are dealing, are you not, with midras uncleanness? But the law as to midras uncleanness is quite exceptional,

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(1) A person is liable for eating an olive's bulk of terumah whilst being in a state of uncleanness only if it has been consumed within the time normally taken to eat half a loaf of the size of four eggs. In this pottage, however, the admixture of terumah is of so small a quantity that in the above-mentioned time he will certainly not have consumed an olive's bulk of terumah. This being the case, this pottage would not be kept in the cleanness proper to terumah; it is simply common food, hence it cannot be rendered unclean in the third degree.

(2) Until he will have rendered himself clean by immersion in a mikweh. The statements of R. Jonathan and Ulla really amount to the same thing, save that the former deals with actual terumah and the latter with common food kept in the cleanness of terumah.

(3) E.g., sacrificial meat or the loaves of a Thank-offering, but not common food kept in the cleanness proper to consecrated things and most certainly not common food kept in the cleanness proper to terumah.

(4) Nevertheless, it is said, that one who eats it is not only unfit for eating consecrated food but is even unclean in the second degree!

(5) So that terumah which is unclean in the third degree is considered unclean in the second degree with regard to consecrated food, and therefore he who eats it is certainly unfit to eat consecrated food.

(6) V. Glos.

(7) Heb. מִדְרָס. The degree of uncleanness arising when an unclean person of those mentioned in Lev. XV, 4 and 25 sits or treads upon or leans with the body against an object, provided that it is usual to treat the object in such a way. The object then suffers midras uncleanness and can through contact render men and vessels unclean.

(8) Here meaning those who eat their ordinary food in a state of levitical cleanness.

for it is feared that his wife when in a menstruous condition sat upon these clothes;[1] with regard to produce, however, the rule[2] does not apply.[3] — R. Isaac on the other hand says that the rule[2] applies to the case of produce too.

R. Jeremiah of Difti raised this objection: Do you say that the rule applies to the case of produce too? Surely we have learnt: If [an 'am ha-arez] said: 'I have set aside in this [barrel of terumah w[1]ne] one quarter log for a consecrated purpose', he is believed, and the terumah does not render the consecrated wine unclean.[4] Now if you are right in saying that [the rule that] what is considered clean for terumah may yet be considered unclean for consecrated things [applies to the case of produce too], should not the terumah [in this barrel] render the consecrated wine unclean? — He replied: You are dealing, are you not, where the unclean is together [with the clean]? But in such cases the law is exceptional, for since he is believed with regard to the consecrated portion he is to be believed also with regard to the terumah portion.

R. Huna b. Nathan raised this objection: [We have learnt:] Common food which is unclean in the second degree renders [by contact] common liquids unclean [in the first degree], and renders those who eat terumah unfit. If it is unclean in the third degree. It renders consecrated liquids unclean [in the first degree], and renders those who eat consecrated food unfit. This applies only to common

food kept in the cleanness proper to consecrated things![5] — This is a subject of dispute between Tannaim.[6] For it was taught: Common food kept in the cleanness proper to consecrated food is treated as common food.[7] R. Eleazar son of R. Zadok says. It is treated as terumah, that is, two stages are unclean and one stage invalid.[8]

R. SIMEON SAYS, IT HAS BEEN RENDERED SUSCEPTIBLE TO UNCLEANNESS BY THE SLAUGHTERING. R. Assi said that R. Simeon was of the opinion that only the slaughtering renders an animal susceptible to uncleanness but not the blood.[9] Shall we say that the following interpretation supports his view? [We have learnt:] R. SIMEON SAYS. IT HAS BEEN RENDERED SUSCEPTIBLE TO UNCLEANNESS BY THE SLAUGHTERING. It means, does it not, by the slaughtering and not by the blood? — No, it means, even by the slaughtering. Come and hear: R. Simeon said to the Rabbis, 'Is it the blood that renders the animal susceptible to uncleanness? Surely it is the slaughtering'! — This is what he said to them: 'Is it only the blood which renders the animal susceptible to uncleanness? Surely the slaughtering also renders it susceptible to uncleanness!'

Come and hear: [We have learnt:] R. Simeon says: The blood of a dead [animal][10] does not render foodstuffs susceptible to uncleanness.[11] Now it is to be inferred from this, is it not, that the blood of a slaughtered animal will render foodstuffs susceptible to uncleanness? — No, the inference to be drawn is that the blood of a slain[12] animal will render foodstuffs susceptible to uncleanness. Then what is the law with regard to the blood of a slaughtered animal? [Will you say that] it does not render foodstuffs susceptible to uncleanness? If so, he [R. Simeon] should rather have stated his view with regard to the blood of a slaughtered animal,[13] and it would have been self-evident with regard to the blood of a dead animal! — It was necessary for him to state his view with regard to the blood of a dead animal,[13] for I might have argued: What is the difference whether a human being or the angel of death slays it?[14] It was therefore necessary to state it.

Come and hear: [It was taught:] R. Simeon says: The blood from a wound [in an animal] does not render foodstuffs susceptible to uncleanness. Is not the inference from this that the blood of a slaughtered animal renders susceptible? — No, the inference to be drawn is that the blood of a slain animal renders susceptible. Then what is the law with regard to the blood of a slaughtered animal? [Will you say that] it will not render foodstuffs susceptible to uncleanness? If so, he should rather have stated his view[13] with regard to the blood of a slaughtered animal, and it would have been self-evident with regard to the blood from a wound! — It was necessary for him to state his view with regard to the blood from a wound, for I might have argued: What difference can there be [with regard to the blood] whether the animal was slain completely or partially?[15]

Why is it that the blood of a slain [animal] will render foodstuffs susceptible to uncleanness? Because it is written: And drink the blood of the slain.[16] Then the same should be the case with the blood of a slaughtered animal, for it is written: Thou shalt pour it out upon the earth as water?[17] — The latter verse is stated in order to permit for general use the blood of consecrated animals which were rendered unfit [for sacrifice].[18]

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(1) This being a frequent and common source of uncleanness, greater precaution is therefore necessary with regard to consecrated things, so that clothes which are deemed clean for terumah may yet be deemed unclean for consecrated purposes.

(2) That whatsoever is deemed clean for terumah may yet be deemed unclean for consecrated things.

(3) For otherwise even clean terumah should render consecrated food unclean!

(4) V. Hag. 24b where it is taught that the word of an 'am ha-arez is accepted with regard to the cleanness of consecrated wine at all times of the year, but with regard to the cleanness of terumah wine only at special seasons in the year. Where however consecrated wine is mixed together with terumah wine (as here), the 'am ha-arez is believed with regard to the cleanness of the entire barrel at all times of the year.

(5) Toh. II, 6. This Mishnah clearly teaches that even common food kept in the cleanness proper to consecrated food

(and not only real consecrated food) which was unclean in the third degree renders consecrated food unclean in the fourth degree, contra R. Isaac.

(6) R. Isaac will accept the view of R. Eleazar b. R. Zadok of the following Baraitha.

(7) And there does not exist with regard to it a third degree of uncleanness.

(8) I.e., the first and second degrees of uncleanness are each unclean, for each can still pass on its uncleanness, but the third degree is only invalid for it cannot pass on its uncleanness.

(9) I.e., the blood of a slaughtered animal will in no circumstances render any foodstuff susceptible to uncleanness.

(10) Which died a natural death (Rashi). Tosaf. suggests that it refers to the blood of a human corpse.

(11) Maksh. VI, 6.

(12) I.e., killed, but not according to the ritual method of slaughtering.

(13) That it cannot render foodstuffs susceptible to uncleanness.

(14) And if R. Simeon holds that the blood of an animal killed by a man will render foodstuffs susceptible to uncleanness then he would surely hold the same with the blood of an animal that died a natural death, in other words, slain by the angel of death.

(15) The law should be the same with regard to the blood whether it comes from an animal completely slain, i.e., dead, or partially slain, i.e., wounded.

(16) Num. XXIII, 24. The use of the verb, 'drink', in connection with blood signifies that it is regarded like other liquids and therefore will render foodstuffs susceptible to uncleanness.

(17) Deut. XII, 16. This verse suggests that blood is accounted as water.

(18) By reason of a blemish and have been redeemed; they are now regarded as common food, and their blood may be put to general use like water, except that it may not be eaten.

Talmud - Mas. Chullin 36a

For I might have argued that since it is forbidden to shear the wool [of these consecrated animals] or to put them to any work,[1] the blood would have to be buried [and not be used for any purpose]; we are therefore taught that it is not so.

A Tanna of the school of R. Ishmael taught: The verse: 'And drink the blood of the slain', excludes blood which comes out in a gush[2] from rendering seeds susceptible to uncleanness.

Our Rabbis taught: If a man while slaughtering splashed blood on to a pumpkin.[3] Rabbi says: It becomes thereby susceptible to uncleanness. R. Hiyya says: It is a matter of doubt. R. Oshaia remarked: Since Rabbi says that it is susceptible to uncleanness and R. Hiyya says that it is a matter of doubt, on whose view should we rely? Let us then rely upon the view of R. Simeon who has stated that only slaughtering will render [an animal] susceptible to uncleanness but not the blood.[4]

R. Papa said: It is agreed by all that where the blood remained [on the pumpkin] from the beginning [of the slaughtering] unto the end there is no dispute, for all hold it is rendered thereby susceptible to uncleanness.[5] The dispute arises only where the blood was wiped off between the cutting of the first and second organs; Rabbi holds that the term shechitah applies to the entire process of slaughtering from beginning to end, so that here the blood [upon the pumpkin] is considered as the blood of a slaughtered animal; R. Hiyya, however, holds that the term shechitah applies to the last act of the slaughtering only, so that here the blood [upon the pumpkin] is considered as blood from a wound. And what did he mean by saying: 'It is a matter of doubt'? He meant, The matter hangs in doubt until the end of the slaughtering, that is to say, if the blood is still upon the pumpkin at the end of the slaughtering it will render it susceptible to uncleanness, otherwise it will not. But then what did R. Oshaia mean by saying: 'Let us then rely upon the view of R. Simeon'? [Are they not at variance, for] according to R. Simeon blood does not render foodstuffs susceptible to uncleanness and according to R. Hiyya it does? — They are nevertheless in agreement where the blood was wiped off [during the slaughtering] for according to this Master it will not render susceptible to uncleanness and so too according to the other Master. The opinion therefore of

Rabbi on this point stands alone, and [it is established that] the opinion of one [authority] does not prevail over the [agreed] opinion of two.

R. Ashi said: The expression, 'It is a matter of doubt', means that it will never be settled; for R. Hiyya was in doubt, in the case where the blood was wiped off during 'the slaughtering, whether the term shechitah applies to the entire process of slaughtering from beginning to end or only to the last act of slaughtering, so that by saying: 'It is a matter of doubt', he meant that it must not be eaten and yet it must not be burnt.[6] But then what is meant by the suggestion, 'Let us then rely upon the view of R. Simeon'? [Are they not at variance, for] R. Simeon holds that blood does not render foodstuffs susceptible to uncleanness, whereas R. Hiyya is in doubt about it? — They are nevertheless in agreement in their views regarding 'burning', for they are both of the opinion that it is not to be burnt. The opinion of Rabbi therefore on this point stands alone, and the opinion of one Rabbi will not prevail over the [agreed] opinion of two.[7]

R. Simeon b. Lakish raised the following question: [If] the dry portion of a meal-offering[8] [were to become unclean], would it transmit uncleanness up to the first and second degrees or not? Is the conception of sacred esteem effectual only to the extent of rendering it invalid but not of enabling it to transmit uncleanness up to the first and second degrees or is there no such distinction? R. Eleazar said: Come and hear: [It is written]. All food therein which may be eaten, [that on which water cometh, shall be unclean],[9] that is to say, food which has been moistened by water is susceptible to uncleanness, but food which has not been moistened by water is not. — Are you suggesting then that R. Simeon b. Lakish does not accept the rule that food must first be moistened by water?[10] — Indeed the question that R. Simeon b. Lakish raised was as 'follows: Is [food rendered susceptible to uncleanness by] sacred esteem on the same footing as food moistened by water or not? And R. Eleazar suggested an answer on the basis of the superfluous verses, arguing thus: Since it is written: But if water be put upon the seed,[11] what need is there for the verse: 'All food therein which may be eaten, [that on which water cometh]'?

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(1) V. Bek. 15a.

(2) I.e., the life-blood which spurts out during the killing of the animal. The phrase, 'blood of the slain', is interpreted as referring only to such blood as flows from the animal after it has been slain, i.e., after the life-blood has been run out, but not to the stream of blood which spurts out during the act of killing, at which time the animal is still alive. So Rashi Ker. 22a, q.v. and Tosaf. here s.v. דם. But see Rashi here s.v. פרט. This ruling, says Tosaf., does not apply to the case of an animal ritually slaughtered.

(3) Of terumah.

(4) So that R. Simeon and R. Hiyya are more or less of the same view, and this view of the two Rabbis would prevail over the individual view of Rabbi.

(5) For it is the blood of a slaughtered animal.

(6) Where the blood had been wiped away from the terumah foodstuff (v. supra p. 192, n. 4) before the end of the slaughtering and then the foodstuff came into contact with uncleanness, Terumah which has been rendered unclean, may not be eaten, has has to be burnt.

(7) In the ed. are added these words: 'This is what he means: In such a case as this it is a matter of doubt; therefore it must not be eaten nor must it be burnt'. These words are an obvious addition and are unnecessary and Rashi also declares them to be without purpose.

(8) I.e., that part of the flour which was not moistened by the oil. The question raised by R. Simeon h. Lakish is whether or not consecrated food, not moistened by water or any other liquid but rendered susceptible to uncleanness by reason of sacred esteem, is on all fours with ordinary food rendered susceptible to uncleanness by means of water or other liquids.

(9) Lev. XI, 34.

(10) In order to be susceptible to uncleanness. It is specifically so ordained in the Torah.

(11) Ibid. 38.

It serves, does it not, to exclude sacred esteem?[1] — Not at all. One verse[2] states the rule with reference to uncleanness emanating from a corpse, the other verse with reference to uncleanness emanating from a dead reptile. And it is necessary to have both verses. For if the rule were stated only with reference to uncleanness emanating from a corpse. [I should have said that] in that case only was it necessary for the food to be first moistened by water, [for the law regarding corpse uncleanness is not so rigorous], inasmuch as a lentil's bulk of a corpse will not convey uncleanness; but with regard to reptile uncleanness, inasmuch as a lentil's bulk of a dead reptile will convey uncleanness,[3] might have said that it was not necessary for the food to be first moistened by water. And on the other hand, if the rule were stated only with reference to uncleanness emanating from a reptile. [I should have said that] in that case only was it necessary for the food to be first moistened by water, [for the law regarding reptile uncleanness is not so rigorous], inasmuch as a reptile does not render a person unclean for seven days; but with regard to corpse uncleanness, inasmuch as a corpse will render a person unclean for seven days. I might have said it was not necessary for the food to be moistened by water. Both verses are therefore necessary.

R. Joseph raised this objection: R. SIMEON SAYS, IT HAS BEEN RENDERED SUSCEPTIBLE TO UNCLEANNESS BY THE SLAUGHTERING, presumably SUSCEPTIBLE TO UNCLEANNESS means that [when unclean] it would transmit uncleanness up to the first and second degrees. But why? It is not food moistened by water?[3] — Abaye replied: It was ordained by the Rabbis that it [the slaughtering] shall have the same effect [upon the animal] as though it had been moistened by water.[4]

R. Zera said: Come and hear: [It was taught:] If a man gathered grapes for the wine press. Shammai says, they are susceptible to uncleanness;[5] but Hillel says, they are not. Eventually Hillel acquiesced in the view of Shammai.[6] But why? It is not food mo[6] stened by water?[7] — Abaye replied: It was ordained by the Rabbis that it [the grape juice] shall have the same effect [upon the grapes] as though they had been moistened by water.

R. Joseph thereupon said to Abaye. 'When I cited our Mishnah, IT HAS BEEN RENDERED SUSCEPTIBLE TO UNCLEANNESS BY THE SLAUGHTERING, you replied that it was ordained that it [the slaughtering] shall have the same effect as though there was a moistening by water, and when R. Zera cited another case you also replied that it was ordained that it [the grape juice] shall have the same effect as though there was a moistening by water. [You might then just as well answer] the question raised by R. Simeon b. Lakish and say that it was ordained that it [sacred esteem] shall have the same effect as though there was a moistening by water!' — He replied: Do you think that R. Simeon b. Lakish raised the question as to whether it[8] was to be held in a state of doubt or not? He raised the question as to whether it was to be committed to the flames or not![9]

It follows that the conception of sacred esteem is indicated in the Torah;[10] where? Shall I say in the verse: And the flesh that toucheth any unclean thing shall not be eaten?[11] Now what rendered this flesh susceptible to uncleanness? Shall I say it was the blood? [But this cannot be] for R. Hiyya b. Abba reported in the name of R. Johanan: Whence do we know that the blood of a consecrated animal does not render food susceptible to uncleanness? From the verse: Thou shalt not eat it, thou shalt pour it out upon the earth as water,[12] which teaches that blood which is poured out as water renders food susceptible to uncleanness, but blood which is not poured out as water does not.[13] Was it then the other liquid[14] found in the slaughter-house that rendered the flesh susceptible to uncleanness? [But this also cannot be the case] for R. Jose b. Hanina taught that the liquids in the slaughterhouse [of the Temple court] are not only clean but will not even render any food susceptible to uncleanness. Moreover you cannot suggest that this passage refers to the blood only, for it speaks of liquids![15] You must therefore say that [this verse proves that] the flesh was rendered susceptible to uncleanness by sacred esteem! But perhaps the verse is to be explained as suggested by Rab Judah

in the name of Samuel! For Rab Judah said in the name of Samuel: It might refer to the case where a cow consecrated for a peace-offering was passed through a stream[16] and slaughtered immediately after, so that the water was still dripping from it![17] Rather it is to be proved from the latter part of the verse: And as for the flesh,[18] which serves to include wood and frankincense.[19] Now are wood and frankincense edible [so as to be in the same category as foodstuffs]? It must therefore be that sacred esteem puts them in the same category as foodstuffs and renders them susceptible to uncleanness. So in all cases sacred esteem will render foodstuffs susceptible to uncleanness.

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(1) That it does not render consecrated food susceptible to uncleanness to the same extent as water does but only in so far as to render it invalid.

(2) Verse 38. Actually this verse also speaks of the uncleanness of a reptile, but as it is unnecessary for this purpose, in view of v. 34, it is taken to refer to the uncleanness of a corpse.

(3) It is here stated nevertheless that by the mere slaughtering, without moistening by water or other liquid, food can transmit uncleanness to the first and second degrees; the same, it is suggested, is the case with sacred esteem, thus providing the answer to the question raised by R. Simeon b. Lakish.

(4) Consecrated meat, however, in this condition would not be condemned to be burnt, for it is unclean merely by Rabbinic and not by Biblical law.

(5) For the grapes have been moistened by the juice which oozed from them. Strictly this juice should not render anything susceptible to uncleanness, for the owner had no desire nor did he look forward with eagerness for it; Shammai, however, as a precautionary measure, puts this case on a par with the case where the juice was acceptable to the owner, when it is agreed by all that the juice would certainly render food suscept1ble to uncleanness.

(6) V. Shab. 25a.

(7) For the juice since it is undesirable cannot be said to have satisfied the requirement of the law.

(8) Sc. consecrated fond which came into contact with this unclean consecrated food which had been rendered susceptible to uncleanness by sacred esteem.

(9) In other words R. Simeon b. Lakish desired to know whether by biblical law sacred esteem enabled consecrated food to transmit uncleanness, so that the food so rendered unclean would be condemned to be burnt.

(10) For R Simeon b. Lakish has no doubt at all that consecrated food which was unclean, having been rendered susceptible to uncleanness by sacred esteem, must be burnt.

(11) Lev. VII, 19.

(12) Deut, XII, 24.

(13) And the blood of consecrated animals is required for sprinkling upon the altar.

(14) Sc. water,

(15) In the plural, referring to blood and water.

(16) This was usually done in order that the hide of the animal be the more easily flayed.

(17) The flesh was thus rendered susceptible to uncleanness in the ordinary way, i.e., by water.

(18) Lev. VII, 19.

(19) That each is capable of being rendered unclean like ordinary foodstuffs,

Talmud - Mas. Chullin 37a

Now[1] the question [to R. Simeon b. Lakish] is this: Is the conception of sacred esteem effectual to the extent only of rendering the matter invalid but not of enabling it to transmit uncleanness up to the first and second degrees, or is there no such distinction? The question remains undecided.

MISHNAH. IF A MAN SLAUGHTERED A DYING ANIMAL,[2] R. SIMEON B. GAMALIEL SAYS. [THE SLAUGHTERING IS INVALID] UNLESS IT JERKED ITS FORELEG AND ITS HIND LEG. R. ELIEZER SAYS, IT IS SUFFICIENT IF IT SPURTED [THE BLOOD]. R. SIMEON SAID. IF A MAN SLAUGHTERED [A DYING ANIMAL] BY NIGHT AND EARLY THE FOLLOWING MORNING FOUND THE SIDES [OF THE THROAT] FULL OF BLOOD, THE SLAUGHTERING IS VALID. FOR THIS PROVES THAT IT SPURTED [THE BLOOD], WHICH IS SUFFICIENT ACCORDING TO R. ELIEZER'S VIEW. THE SAGES SAY, [THE

SLAUGHTERING IS INVALID] UNLESS IT JERKED EITHER ITS FORELEG OR ITS HIND LEG, OR IT MOVED ITS TAIL TO AND FRO; AND THIS IS THE TEST BOTH WITH REGARD TO LARGE AND SMALL ANIMALS.[3] IF A SMALL ANIMAL STRETCHED OUT ITS FORELEG [AT THE END OF THE SLAUGHTERING]. BUT DID NOT WITHDRAW IT, [THE SLAUGHTERING] IS INVALID. FOR THIS WAS BUT AN INDICATION OF THE EXPIRATION OF ITS LIFE.[4] THESE RULES APPLY ONLY TO THE CASE OF AN ANIMAL WHICH WAS BELIEVED TO BE DYING. BUT IF IT WAS BELIEVED TO BE SOUND, EVEN THOUGH IT DID NOT SHOW ANY OF THESE SIGNS, THE SLAUGHTERING IS VALID.

GEMARA. How do you know that a dying animal [which was slaughtered][5] is permitted to be eaten? (But why should you assume that it is forbidden? Because it is written: These are the living things which ye may eat,[6] that is to say, that which can live you may eat, but that which cannot live you may not eat, and a dying animal cannot live.)[7] [We know it from here.] Since the Divine Law ordains that nebelah[8] is forbidden to be eaten, it follows that a dying animal is permitted; for if you were to say that a dying animal is forbidden, [then it will be asked:] if it is already forbidden whilst still alive, is there any doubt after death?[9] But perhaps the term nebelah includes a dying animal![10] This cannot be, for it is written: And if any beast, of which ye may eat, die, he that touches the carcass [nebelah] thereof shall be unclean until the even,[11] that is to say, when it is dead the Divine Law terms it nebelah, but whilst still alive it is not termed nebelah.[12] But perhaps [the term] of nebelah, I still maintain, includes the dying animal,[13] but whereas the animal is still alive [one who partakes of it transgresses] a positive law,[14] after death [one who partakes of it transgresses] a prohibition [as well]![15] Rather we must derive it from here. Since the Divine Law ordains that trefah[16] is forbidden to be eaten, it follows that a dying animal is permitted; for if you were to Say that a dying animal is forbidden, [then it will be asked:] if a dying animal which is not physically deficient is forbidden, is there any doubt about a trefah?[17] But perhaps the term trefah includes a dying animal, [yet trefah was expressly prohibited] to teach that one [who partakes thereof] transgresses a positive law as well as a prohibition![18] If so, wherefore does the Divine law expressly prohibit nebelah? For if while the animal is yet alive one [who partakes of it] transgresses a positive law as well as a prohibition, is there any doubt after death? But perhaps the term nebelah includes a trefah and also a dying animal, and the law now provides that one [who partakes of a dying trefah animal after its death] transgresses two prohibitions and one positive law![19] — Rather derive it from here. It is written: And the fat of that which dieth of itself [nebelah], and the fat of that which is torn of beasts [trefah], may be used for any other service, but you shall in no wise eat of it.[20] And a Master said: For what purpose is this stated?[21] The Torah says: Let the prohibition of nebelah come and be superimposed upon the prohibition of fat, and likewise let the prohibition of trefah come and be superimposed upon the prohibition of fat.[22]

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(1) I.e., having established that the conception of sacred esteem is Biblical to the extent of burning the consecrated foodstuffs that have been rendered unclean on its account.

(2) I.e., an animal which is dangerously sick. It is feared that the animal might have died before the slaughtering was completed, hence it is necessary to ascertain, by means of the tests of vitality suggested, that the animal was still alive up to the end of the slaughtering.

(3) By ‘large animals’ is meant oxen, by ‘small animals’ sheep and goats.

(4) And not a sign of vitality. In the case of large animals such a movement would be regarded as a sign of vitality; v. Gemara.

(5) Even though it jerked its limbs after the slaughtering.

(6) Lev. XI, 2.

(7) So there is good reason for holding that a dying animal, even if slaughtered, may not be eaten. The first question therefore remains.

(8) V. Glos. The prohibition is stated in Deut. XIV, 21.

(9) Since generally a nebelah is in a lingering dying condition previous to its death. So that the ‘law prohibiting nebelah would be superfluous.

(10) Therefore he who partakes of a dying animal (even if ritually slaughtered) transgresses the implied prohibition of Lev. XI, 2, and also the express prohibition of Deut. XIV, 21.

(11) Lev. XI, 39.

(12) The position now is that it is proved that a dying animal is permitted, for if forbidden then the prohibition of nebelah is superfluous.

(13) I.e., a dying animal is forbidden, and yet the prohibition of nebelah is not superfluous.

(14) For the contravention of a prohibition implied by a positive law is regarded as an infringement of a positive commandment.

(15) I.e., one transgresses the express prohibition of Deut. XIV, 21, and also the positive law (i.e., the implied prohibition) of Lev. XI, 2.

(16) V. Glos. The prohibition is stated in Ex. XXII, 30.

(17) So that the verse prohibiting trefah would be superfluous.

(18) The positive law of Lev. XI, 2, and the prohibition of Ex. XXII, 30.

(19) The positive law (i.e., the implied prohibition) with regard to a dying animal derived from Lev. XI, 2, and the prohibition of trefah from Ex. XXII, 30, and of nebelah from Deut. XIV, 21.

(20) Lev. VII, 24.

(21) I.e., the latter part of the verse: But you shall in no wise eat of it. There is a general prohibition of all fat in Lev. III, 17.

(22) So that one who eats the fat of a trefah transgresses two prohibitions (sc. the prohibition of fat and the prohibition of trefah), and likewise one who eats the fat of a nebelah.

Talmud - Mas. Chullin 37b

Now if you were to say that the term trefah includes a dying animal, the Divine Law then should have ordained: 'And the fat of nebelah may be used for any other service[1] and the fat of trefah you shall in no wise eat'. And I should have argued that if while the animal is yet alive the prohibition of trefah[2] is superimposed upon the prohibition of the fat,is there any question of this after death?[3] But since the Divine Law expressly stated nebelah in the verse, it follows that the term trefah does not include a dying animal.[4] Mar son of R. Ashi demurred: Perhaps in truth the term trefah does include a dying animal. And if you ask: Why then does the Divine Law expressly state nebelah.? [I reply,] It refers only to a case of nebelah which was not preceded by the animal being in a dying state, as in the case where the animal was [suddenly] cut into two![5] — Even in that case it is impossible for the animal to have died without first being in a dying state for the short while, before the greater portion of the animal had been cut through. Alternatively I can argue thus: If it is so,[6] the verse should have stated: 'And the fat of nebelah and of trefah'. Wherefore is the word 'fat' repeated? [To teach you that] in this case [sc. trefah] there is no distinction between the fat and the flesh,[7] but there is another in which there is a distinction between the fat and the flesh, and that is the case of a dying animal.[8]

Alternatively we can derive it[9] from the following: [It is written,] Then said I, 'Ah Lord God! behold my soul hath not been polluted for from my youth up even till now have I not eaten of that which dieth of itself [nebelah], or is torn of beasts [trefah]; neither came there abhorred flesh into my mouth'.[10] [And it has been interpreted as follows:] 'Behold my soul hath not been polluted', for I did not allow impure thoughts to enter my mind during the day so as to lead to pollution at night. 'For from my youth up even till now have I not eaten of nebelah or trefah', for I have never eaten of the flesh of an animal concerning which it had been exclaimed: 'Slaughter it! Slaughter it'![11] 'Neither came there abhorred flesh into my mouth', for I did not eat the flesh of an animal which a Sage pronounced to be permitted.[12] In the name of R. Nathan it was reported that this means: I did not eat of an animal from which the priestly dues[13] had not been set apart. Now if you say that the flesh of a dying animal [which was slaughtered] is permitted to be eaten, then in this lay the pre-eminence of Ezekiel,[14] but if you say that it is forbidden to be eaten, wherein lay the pre-eminence of Ezekiel?

What do you call 'a dying animal'? — Rab Judah said in the name of Rab: If when it is made to

stand it does not remain upstanding, [it is a sign that it is dying]. R. Hanina b. Shelemia said in the name of Rab, [And this is so] even if it can bite logs of wood.[15] Rami b. Ezekiel said: Even if it can bite tree trunks. This was the version taught in Sura; in Pumbeditha, however, it was taught as follows: What do you call 'a dying animal'? — Rab Judah said in the name of Rab: If when it is made to stand it does not remain upstanding, [it is a sign that it is dying], even though it can bite logs of wood. Rami b. Ezekiel said: Even though it can bite tree trunks.

Samuel once met Rab's disciples and asked them: 'What did Rab teach you with regard to [the signs of] a dying animal'? — They replied: 'This is what Rab said:

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(1) This part of the verse is necessary to teach that the forbidden fat of a nebelah will not render anything unclean. V. Pes. 23a

(2) This means here a dying animal, since it is assumed for the present that the term trefah includes a dying animal.

(3) Thus rendering nebelah in this verse superfluous.

(4) The position therefore is that a dying animal is permitted when slaughtered, and the fat of a trefah animal is forbidden by two prohibitions, and so too the fat of a nebelah (which means here, an animal which died a natural death and not because of some physical defect).

(5) It died instantaneously and was at no time in that state when it could be said to be 'dying'. Cf. supra p. 199, n. 4.

(6) That a dying animal is forbidden when slaughtered.

(7) For both are forbidden to be eaten, and there are two prohibitions since it has been taught that the prohibition of trefah can he superimposed upon the prohibition of fat.

(8) Only the fat is forbidden to be eaten but not the flesh.

(9) That the flesh of a dying animal which was slaughtered may be eaten.

(10) Ezek. IV, 14.

(11) I.e., the flesh of a dying animal, which was slaughtered with all haste before it died. Ezekiel could not have meant ordinary nebelah for this is expressly forbidden in the Torah.

(12) Some doubt arose with regard to the animal and the Rabbi after due consideration declared it to be fit for food.

(13) l.e., the shoulder, the two checks and the maw. V. Deut. XVIII, 3.

(14) In that he abstained from eating it even though it was permitted.

(15) It is still regarded as dying, since it cannot remain standing.

Talmud - Mas. Chullin 38a

It is an adequate sign of vitality if it lows or excretes or moves its ear'. He thereupon remarked: 'Does Abba[1] really require the moving of the ear?[2] I am of the opinion that whatever movement [the animal makes], provided it is not a movement brought about by the expiration of its life, [is a sufficient sign of vitality]'. And what are the movements brought about by the expiration of life? — Said R. 'Anan: Mar Samuel explained it to me thus: If its foreleg was bent and it stretched it out — this is a movement brought about by the expiration of life; if its foreleg was outstretched and it bent it — this is a movement not brought about by the expiration of life. But what does he teach us? We have learnt it [already]: IF A SMALL ANIMAL STRETCHED OUT ITS FORELEG [AT THE END OF THE SLAUGHTERING] BUT DID NOT WITHDRAW IT, IT IS INVALID, FOR THIS WAS BUT AN INDICATION OF THE EXPIRATION OF ITS LIFE. Now it follows from this, does it not, that if it did withdraw it, it is valid? — No. From our Mishnah I might have concluded that only if its foreleg was bent and it stretched it out and then bent it again it is valid, but not if it was first outstretched and it merely bent it; he therefore teaches us [that this latter is a sufficient sign of vitality].

An objection was raised: [It was taught:] R. Jose said: R. Meir used to say that the lowing of an animal while it was being slaughtered was not a sign of vitality. R. Eliezer son of R. Jose reported in the name of R. Jose. Even if it excreted or moved its tail to and fro it is not a sign of vitality. Is there not here a contradiction in regard to lowing and also in regard to excreting? — In regard to lowing

there is no contradiction because in the one case[3] the noise was loud and in the other case[4] the noise was faint. And also in regard to excreting there is no contradiction for in the one case[4] the animal discharged excrement feebly and in the other case[3] it discharged vigorously.

R. Hisda said: [It has been reported that] the indications of vitality which the Rabbis require must occur at the end of the slaughtering. But 'at the end of the slaughtering', [I say], really means the middle of the slaughtering, and it excludes only the case where the indications occur at the beginning of the slaughtering.[5] R. Hisda added: Whence do I know this? From [our Mishnah] which we learnt: IF A SMALL ANIMAL STRETCHED OUT ITS FORELEG BUT DID NOT WITHDRAW IT, IT IS INVALID. Now when did it do so? Shall I say at the end of the slaughtering? How long then must it continue to live?[6] We must, therefore, say that it did so in the middle of the slaughtering. Raba thereupon said to him, Indeed [I maintain that] it must do so at the end of the slaughtering, for I am of the opinion that if the animal did not do so at the end of the slaughtering one may be certain that life had expired some time previously.

R. Nahman b. Isaac said: The indications of vitality which [the Rabbis] require may occur at the beginning of the slaughtering. R. Nahman b. Isaac added: Whence do I know this? From [our Mishnah] which we have learnt: R. SIMEON SAID, IF A MAN SLAUGHTERED [A DYING ANIMAL] BY NIGHT AND EARLY THE FOLLOWING MORNING FOUND THE SIDES [OF THE THROAT] FULL OF BLOOD, THE SLAUGHTERING IS VALID, FOR THIS PROVES THAT IT SPURTED [THE BLOOD], WHICH IS SUFFICIENT ACCORDING TO R. ELIEZER'S VIEW. And Samuel explained that the Mishnah referred to the sides of the throat.[7] Now if you say that the indication of vitality may occur at the beginning of the slaughtering, it is well; but if you say that it must occur at the end of the slaughtering, [then why is the slaughtering valid?] it might have spurted the blood only at the beginning of the slaughtering![8] But perhaps the spurting of blood indicates a greater measure of vitality![9] — But is it greater? Have we not learnt: R. ELIEZER SAYS, IT IS SUFFICIENT IF IT SPURTED [THE BLOOD]? — It is a measure of vitality less than that required by Rabban Gamaliel[10] but greater than that required by the Rabbis. Rabina said: Sama B. Hilkia told me that the father of Bar Abubram (others read: the brother of Bar Abubram) raised this question: But is it [the spurting of blood] greater than that required by the Rabbis? Does it not read in the Mishnah, THE SAGES SAY, [THE SLAUGHTERING IS INVALID] UNLESS IT JERKED EITHER ITS FORELEG OR ITS HIND LEG? Now with whom do the Sages argue? With R. Simeon b. Gamaliel? Then they should have said: 'If only it jerked'.[11] Clearly therefore they are arguing with R. Eliezer. Now if you say that it [the spurting of blood] is a greater measure of vitality [than that required by the Sages], why [do they say] UNLESS?[12]

Raba said: The indications of vitality which the Rabbis require must occur at the end of the slaughtering.[13] Raba added: Whence do I know this? From [the following Baraitha] which was taught: [It is written,] When a bullock,

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(1) I.e., Rab, whose real name was Abba Arika. According to Rashi, however, Abba was a title of honour given to Rab; but see Tosaf. s.v. אצטריך

(2) The jerking of the ear is indeed too great a degree of vitality to expect in a dying animal.

(3) The statement by Rab. Lowing loudly or excreting vigorously is according to Rab a sufficient sign of vitality.

(4) The Baraitha just quoted.

(5) In which case the slaughtering is invalid because the animal had probably expired before the completion of the slaughtering.

(6) Is it then reasonable to say that the stretching out of the foreleg by a small animal after the slaughtering(!) is insufficient?

(7) In the Mishnah 'THE SIDES' might also mean 'the walls of the slaughter-house', and if this were the meaning, then it would not be difficult to ascertain on the following morning at what stage of the slaughtering the spurting of blood occurred; for if it happened at the beginning of the slaughtering when the animal had more vitality the blood would be

found higher up on the wall or further away from the animal than if it occurred in the middle of the slaughtering. On the other hand, according to Samuel's interpretation of the Mishnah there are obviously no means of ascertaining at what stage in the slaughtering the animal spurted blood.

(8) And this would not be a sufficient indication of vitality.

(9) It is therefore suggested that spurting even if it occurs at the beginning of the slaughtering is sufficient, whereas all other indications must occur either in the middle or at the end of the slaughtering.

(10) Who requires a movement of both the foreleg and the hind leg. It is to be noted that in our text of the Mishnah the author of this view is R. Simeon b. Gamaliel and not Rabban Gamaliel, though in many MSS. the reading in the Mishnah is also Rabban Gamaliel

(11) The word, 'unless', implies that the requirement or test suggested is stricter than that stated in the preceding passage. Now if the Sages are less stringent than R. Gamaliel they should merely have said: 'If only it jerked' etc.

(12) They should have said: 'If only'.

(13) I.e., even after the slaughtering has been completed the animal must struggle and show signs of vitality.

Talmud - Mas. Chullin 38b

[or a sheep, or a goat, is brought forth, then it shall be seven days under the dam].[1] 'Or a sheep' — this excludes[2] a cross-breed. 'Or a goat' — this excludes a goat looking like a lamb. 'Is brought forth' — this excludes that which was extracted from the side.[3] 'It shall be seven days' — this excludes an animal which is too young. 'Under the dam' — this excludes an orphan. Now what is meant by 'an orphan'? Does it mean that the mother-beast brought forth its young and died immediately after? Must it then continue to live on for ever! Or, again, does it mean that the mother-beast died and immediately after the young was brought forth?[4] But this would be excluded from the words, 'Is brought forth'. It can only mean that the one expired at the same moment that the other came into life. Now if you say that the mother-beast must show signs of life after bringing forth,[5] it is therefore necessary to employ a verse in order to exclude this case [of an orphan]; but if you say that it need not show signs of life after bringing forth,[6] why then is a verse employed to exclude this case? It surely is excluded from the words, 'Is brought forth'!

Raba said: The law is as stated in the following Baraitha: 'If a small animal stretched out its foreleg and did not withdraw it, the slaughtering is invalid; [but if it did withdraw it, it is valid.][7] These rules apply only to the foreleg, but with regard to the hind leg the rule is that whether it stretched it out but did not bend it, or bent it but did not stretch it out, it is valid. Moreover all this applies to a small animal, but with regard to a large animal the rule is that whether it was the foreleg or the hind leg, whether it stretched it out but did not bend it or bent it but did not stretch it out, it is valid. With regard to a bird, even if it merely twitched its wing[8] or flapped its tail, it is a sufficient sign of vitality'. What does he [Raba] teach us? Surely these rules are all implied in our Mishnah: IF A SMALL ANIMAL STRETCHED OUT ITS FORELEG BUT DID NOT WITHDRAW IT, IT IS INVALID, FOR THIS WAS BUT AN INDICATION OF THE EXPIRATION OF ITS LIFE. Now it is clear that this applies to the foreleg and not to the hind leg to a small animal and not to a large animal![9] — It was necessary for him to teach it with regard to a bird, which is not stated in our Mishnah. MISHNAH. IF A MAN SLAUGHTERED A BEAST FOR A HEATHEN,[10] THE SLAUGHTERING IS VALID; R. ELIEZER DECLARES IT INVALID.[11] R. ELIEZER SAID, EVEN IF ONE SLAUGHTERED A BEAST WITH THE INTENTION THAT A HEATHEN SHOULD EAT OF THE MIDRIFF[12] THEREOF, THE SLAUGHTERING IS INVALID, FOR THE THOUGHTS OF A HEATHEN ARE USUALLY DIRECTED TOWARDS IDOLATRY. R. JOSE EXCLAIMED, IS THERE NOT HERE AN A FORTIORI ARGUMENT? FOR IF IN THE CASE OF CONSECRATED ANIMALS, WHERE A WRONGFUL INTENTION CAN RENDER INVALID, IT IS ESTABLISHED THAT EVERYTHING DEPENDS SOLELY UPON THE INTENTION OF HIM WHO PERFORMS THE SERVICE,[13] HOW MUCH MORE IN THE CASE OF UNCONSECRATED ANIMALS, WHERE A WRONGFUL INTENTION CANNOT RENDER INVALID, DOES EVERYTHING DEPEND SOLELY UPON THE INTENTION OF HIM WHO

SLAUGHTERS!

GEMARA. These Tannaim[14] accept the view of R. Eliezer son of R. Jose. For it has been taught: R. Eliezer son of R. Jose says: I am informed that the owners can render the sacrifice piggul.[15] The first Tanna, however, is of the opinion that only if we heard him [the heathen] express an [idolatrous] intention [with regard to the animal] does it become invalid but not otherwise, for we do not say that the thoughts of a heathen are usually directed towards idolatry; whereas R. Eliezer is of the opinion that even if we did not hear him express an [idolatrous] intention [it is invalid], for we say that the thoughts of a heathen are usually directed towards idolatry. And R. Jose comes to say that even if we heard him express an [idolatrous] intention [it does not become invalid], for we do not hold that one man's wrongful intention should affect another's acts.[16]

According to another version they[17] differ even in the case where we heard him [the heathen] express an [idolatrous] intention [with regard to the animal]. The first Tanna is of the opinion that the view that one man's wrongful intention may affect another's acts, applies only as regards acts performed inside [the Temple],[18] but not outside,[19] and we cannot draw any inference as to acts performed outside from acts performed inside;

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(1) Lev. XXII, 27.

(2) As being unfit for a sacrifice. The limitation is implied in the superfluous word, ‘or’.

(3) I.e., by means of the Caesarean section.

(4) I.e., extracted from the womb or side of the mother-beast.

(5) And similarly in the case of slaughtering, the slaughtered animal must struggle on and show signs of life at least for one moment after the slaughtering.

(6) Consequently the only possible exclusion by reason of the expression ‘under the dam’ is the case where the young was brought forth after the mother-beast had died, i.e., extracted out of the womb.

(7) This is added in the tent by Shittah Mekubezeth, v. Marginal Gloss.

(8) According to another reading. ‘blinked its eye’.

(9) And it being an anonymous Mishnah, the law is obvious as stated therein!

(10) The gentile being the owner of the beast.

(11) Because it was no doubt intended to be used by the heathen for an idolatrous purpose.

(12) The diaphragm, an insignificant portion of the animal not usually consumed. It is intended that the rest of the animal be consumed by a Jew.

(13) The wrongful intention of the owner or offerer of the sacrifice would not render the sacrifice invalid, provided the person who performed the sacrificial acts had the proper intention with regard thereto. V. Pes. 46a.

(14) Sc. the first Tanna and R. Eliezer, but obviously not R. Jose.

(15) I.e., the owner, on whose behalf the priest performs the sacrificial acts, can by his wrongful intent render the sacrifice invalid, i.e., render it פגול. V. Glos.

(16) In other words, it is the wrongful intention only of the one who performs the service that can affect its validity.

(17) I.e., the first Tanna and R. Eliezer.

(18) I.e., the acts in connection with the offering of a sacrifice.

(19) I.e., the slaughtering of a beast to idolatry.

whereas R. Eliezer holds that we may draw this inference — outside services from inside services.[1] And R. Jose comes to say that even as regards acts performed inside we do not hold that one man's wrongful intention should affect another's acts.

It was reported: If one slaughtered a beast with the intention [expressed during the slaughtering] of sprinkling the blood or burning the fat unto idols, R.Johanan says. The beast is forbidden for all purposes; Resh Lakish says. It is permitted.[2] ‘R. Johanan says it is forbidden’, because he accepts the

principle: 'a wrongful intention expressed during one service with regard to another service is of consequence [even in connection with idolatry]', for one must draw an analogy between acts performed inside[3] and acts performed outside. 'Resh Lakish says: it is permitted', because he does not accept the principle, 'a wrongful intention expressed during one service with regard to another service is of consequence [in the case of idolatry]', for one must not draw any analogy between acts performed inside and acts performed outside. Now they are consistent in their views, for it was also reported: If one slaughtered [a sin-offering] under its own name with the intention [expressed at the time of slaughtering] of sprinkling the blood under the name of another sacrifice, R. Johanan says, it is invalid; Resh Lakish says. It is valid. 'R. Johanan says it is invalid', because he accepts the principle, 'a wrongful intention expressed during one service with regard to another service is of consequence', [even in this case], for we derive it from the case of piggul.[4] 'Resh Lakish says it is valid', because he does not accept [in this case] the principle, 'a wrongful Intention expressed during one service with regard to another service is of consequence' for we may not derive it from the case of piggul. And it was necessary [for both disputes to be reported]. For if this dispute[5] only was reported. I should have said that only here does Resh Lakish maintain his view, because we must not draw an inference as to acts performed outside from acts performed inside, but where each is a service performed inside he would no doubt concur with R. Johanan [that we derive one from the other]. And if the other dispute[6] only was reported, I should have said that only there does R. Johanan maintain his view, but in this case he would no doubt concur with Resh Lakish. It was therefore necessary [that both disputes be reported].

R. Shesheth raised an objection. We have learnt: R. JOSE EXCLAIMED, IS THERE NOT HERE AN A FORTIORI ARGUMENT? FOR IF IN THE CASE OF CONSECRATED ANIMALS, WHERE A WRONGFUL INTENTION CAN RENDER INVALID, IT IS ESTABLISHED THAT EVERYTHING DEPENDS SOLELY UPON THE INTENTION OF HIM WHO PERFORMS THE SERVICE. HOW MUCH MORE IN THE CASE OF UNCONSECRATED ANIMALS, WHERE A WRONGFUL INTENTION CANNOT RENDER INVALID. DOES EVERYTHING DEPEND SOLELY UPON THE INTENTION OF HIM WHO SLAUGHTERS! Now what is meant by the assertion that in the case of unconsecrated animals a wrongful intention will not render invalid? Shall I say it means that in no wise will it render invalid? Then how is it possible for the prohibition of that which has been slaughtered to idols ever to take effect?[7] Obviously it means a wrongful intention expressed during one service with regard to another service, and the Mishnah is to be interpreted thus: 'If in the case of consecrated animals, where a wrongful intention expressed during one service with regard to another service renders them invalid, it is established that everything depends solely upon the intention of him who performs the service, how much more in the case of unconsecrated animals, where a wrongful intention expressed during one service with regard to another service does not render them invalid, does everything depend solely upon the intention of him who slaughters'! Now the assertion with regard to services performed inside [namely, consecrated animals] contradicts Resh Lakish,[8] and the assertion with regard to services performed outside [namely, unconsecrated animals] contradicts R. Johanan.[9] I grant however, that as far as Resh Lakish is concerned, the assertion with regard to services performed inside presents no real difficulty, for one view[10] he expressed before he learnt [the interpretation of the Mishnah] from [his master]. R. Johanan, and the other after he learnt it from R. Johanan. But [the assertion with regard to] services performed outside clearly contradicts R. Johanan! — After raising this objection he [R. Shesheth] answered it thus: [The Mishnah] refers to the four principal services,[11] and the passage must be read as follows: If in the case of consecrated animals, where a wrongful intention[12] expressed in the course of any one of the four principal services renders them invalid, it is established that everything depends solely upon the intention of him who performs the service,

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(1) So that by analogy, even in the case of acts performed outside the Temple, the owner should be in the position to affect by his wrongful intention the act of another.

(2) Even to be eaten, v. Tosaf. A.Z. 34b s.v. רשב"ל.

(3) I.e., temple service. As to sacrifices it is established that if one, whilst performing one act of the sacrifice, expressed a wrongful intention in relation to another act thereof, the sacrifice would be invalid. E.g., if a person, whilst slaughtering the sacrifice, expressed the intention, of sprinkling the blood after the time prescribed for it, the sacrifice is piggul.
(4) פגול. Strictly a sacrifice is rendered piggul ('abhorred') if the officiating priest expressed an intention during one of the four principal services (v. infra) of performing another principal service, or of eating the sacrificial meat, at the improper time. V. Lev. VII, 18, and Zeb. II, 2. According to R. Johanan any wrongful intention expressed in this manner will have the effect of invalidating the sacrifice.
(5) Concerning the slaughtering of an animal with the intention of sprinkling the blood unto idols.
(6) Concerning the slaughtering of a sin-offering with the intention of sprinkling the blood under the name of another offering.
(7) Since even the expressed intention of slaughtering unto idols is of no consequence. And this prohibition is clearly established, v. A.Z. 32b.
(8) For the Mishnah asserts that any wrongful intention (not only a piggul intention) in connection with the sacrifice renders it invalid; contra Resh Lakish.
(9) For the Mishnah states that in the case of unconsecrated animals a wrongful intention expressed during one service with regard to another service does not render it invalid; contra R. Johanan.
(10) I.e., his own view.
(11) Of every sacrifice, viz., slaughtering, receiving the blood, carrying it forward to the altar, and sprinkling it. If in the course of one of these services the priest intended to eat the sacrificial meat at the improper time the sacrifice is piggul (Rashi). According to R. Gershom, Rashba and others, the meaning is: If in the course of the slaughtering he intended to perform one of the following services at the improper time, namely, to receive the blood, or to carry it forward, or to sprinkle it, or to burn the fat, the sacrifice is piggul. V. ראש יוסף ad loc.
(12) Sc. of eating the flesh of the sacrifice beyond the time prescribed.

Talmud - Mas. Chullin 39b

how much more in the case of unconsecrated animals, where a wrongful intention renders them invalid only if expressed in the course of any one of two services,[1] does everything depend solely upon the intention of him who slaughters!

[The following Baraitha] was taught in support of the view of R. Johanan: If a person [an Israelite] slaughtered an animal with the intention [expressed during the slaughtering] of sprinkling the blood or burning the fat unto idols, it is regarded as a sacrifice unto the dead.[2] If he slaughtered it and afterwards expressed his intention — this was an actual case which occurred in Caesarea and the Rabbis expressed no opinion with regard to it, neither forbidding nor permitting it. R. Hisda explained. They did not, forbid it in deference to the view of the Rabbis,[3] and they did not permit it in deference to the view of R. Eliezer.[4] But how do you know this? perhaps the Rabbis maintain their view only there [in our Mishnah] because we did not hear him [sc. the idolater] express any intention at all, but here since we heard him express an intention [after the slaughtering, even the Rabbis will admit that it is invalid, for] his last act proves what he had in mind at the beginning.[5] Or you might argue thus: Perhaps R. Eliezer maintains his view only there [in our Mishnah], because it deals with a heathen, and he is of the opinion that the thoughts of a heathen are usually directed towards idolatry, but here since we are dealing with an Israelite it would not be right to say that his last act proves what he had in mind at the beginning.[6] — Rather, said R. Shizbi, [explain thus]: They did not permit it in deference to the view of R. Simeon b. Gamaliel.[7] Which statement of R. Simeon b. Gamaliel is meant? Shall I say it is his statement on the subject of Divorce? For we have learnt: If a person in good health said: 'Write a bill of divorce to my wife', it is held that he merely intended to tease her.[8] And there actually happened a case where a person of good health said: 'Write a bill of divorce to my wife', and he immediately went up to the roof and fell down from it and was killed,[9] and R. Simeon b. Gamaliel ruled: If he threw himself down, the divorce is valid, but if the wind pushed him over, the divorce is not valid. And the following argument ensued: Does not the case stated contradict [the given ruling]?[10] — [And the reply was,] There is an omission [in the text] and

it should read thus: If his last act proves what he had in mind at the beginning, the divorce will be valid. And there actually happened a case where a person in good health said: 'Write a bill of divorce to my wife', and he immediately went up to the roof and fell down from it and was killed, and R. Simeon b. Gamaliel ruled: If he threw himself down, the divorce is valid;[11] but if the wind pushed him over, the divorce is not valid![12] — Perhaps this case is different for he actually said: 'Write [the bill of divorce].'[13] Rather, said Rabina: It was in deference to the view of R. Simeon b. Gamaliel in the following case. For it was taught: If a person assigned in writing his estate, which included slaves, to another, and the latter said: 'I do not want them', they [sc. the slaves] may nevertheless eat terumah,[14] if their second master[15] was a priest. R. Simeon b. Gamaliel says. As soon as that person[15] has said: 'I do not want them', the heirs at once become the legal owners of them.[16] And the following argument ensued: Would the first Tanna regard the assignee as the legal owner even if he stands and objects?[17] Whereupon Rabbah (others say: R. Johanan) explained. If he[15] objected from the outset, all agree that he has not acquired them; likewise if he remained silent at first,[18] but subsequently objected, all agree that he has acquired them. The dispute arises only where the assignor transferred the estate through a third party[19] to the assignee, and the latter was silent at first but subsequently objected to it. The first Tanna is of the opinion that by his silence he has acquired them, and his subsequent objection merely signifies that he has changed his mind. R. Simeon b. Gamaliel is of the opinion that his last act proves what he had in mind at the beginning,[20] and the reason he did not object at the outset was because he, no doubt, said to himself, 'Why should I object before they came into my possession?'

Rab Judah said in the name of Samuel that the halachah is in accordance with the view of R. Jose.[21]

Certain Arabs once came to Zikonia[22] and gave the Jewish butchers some rams to slaughter, saying: 'The blood and the fat shall be for us,[23] while the hide and the flesh shall be yours'. R. Tobi b. R. Mattena sent this case to R. Joseph and asked. 'What is the law in such a case as this?' He sent back saying: 'Thus has Rab Judah said in the name of Samuel: The halachah is in accordance with the view of R. Jose'.[24]

R. Aha the son of R. Awia asked R. Ashi: According to the view of R. Eliezer,[25] what would be the law if a heathen gave a zuz[26] to a Jewish butcher?[27] — He replied: We must consider the case; If he [the idolater] is a powerful man whom the Israelite cannot put off [by returning his zuz], then the animal is forbidden;[28] but if he is not [a powerful man], the Israelite would be able to say to him, [Strike] your head against the mountain![29]

MISHNAH. IF A MAN SLAUGHTERED [AN ANIMAL] AS A SACRIFICE TO MOUNTAINS.[30] HILLS, SEAS, RIVERS, OR DESERTS, THE SLAUGHTERING IS INVALID.

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(1) I.e., slaughtering and sprinkling of the blood. These two services are the only services referred to in the Bible in connection with sacrifices to idols; the former in Ex. XXII, 19, the latter in Ps. XVI, 4.

(2) And forbidden for all purposes.

(3) I.e., the first Tanna of our Mishnah, who does not hold the view that the thoughts of an idolater are usually directed towards idolatry. In this case, it is suggested, he will hold that all the acts performed before the actual expression of an intention towards idolatry are not regarded as intended for idolatry.

(4) Who holds that the thoughts of a heathen and, it is suggested here, also of a Jew who slaughters to an idol, are usually directed towards idolatry.

(5) That the slaughtering was, without doubt, intended for idolatry.

(6) For it is not conclusive that because after the slaughtering he expressed an intention for idolatry this intention was present at the time of slaughtering.

(7) Who is of the opinion that a man's subsequent act reveals what he had in mind at the beginning.

(8) And it is no divorce even though the bill was handed to the wife, because no instructions were given to deliver it to

the wife; v. Git. 66a. In the case of a person who was dangerously ill, however, the law is that if he merely said: 'Write a bill of divorce to my wife', without adding. 'And deliver it to her', the divorce would be valid.
(9) The bill of divorce however, was written and delivered to the wife before death took place.
(10) For the rule as given does not admit of any such distinction.
(11) For his subsequent suicidal act is a conclusive proof that his mind was unsettled from the outset, and so the divorce is valid as in the case of a person dangerously ill; v. p. 212, n. 4.
(12) This proves that R. Simeon b. Gamaliel is of the opinion that a man's subsequent act is indicative of what was in his mind at the beginning.
(13) And it might well be inferred that he intended the bill to be delivered to his wife, this intention no doubt being present in his mind at the time he gave instructions to write the bill of divorce. But in the case of idolatry, there is no possible inference to be drawn from subsequent conduct as to this man's earlier act.
(14) For the assignment is operative in spite of the protestations of the assignee, so that the slaves being now members of a priest's household may eat terumah (v. Glos.) in accordance with Lev. XXII, 11.
(15) The assignee.
(16) And the slaves may not eat terumah if 'he heirs are not priests.
(17) Surely not!
(18) And accepted the deed of assignment.
(19) The deed was handed to a third party for acceptance on behalf of the assignee, and in the latter's presence.
(20) Viz., that he had no intention of accepting the slaves.
(21) Of our Mishnah, that everything depends solely upon the intention of the slaughterer, and the intention of the owner will not affect the slaughtering.
(22) A place near Pumbeditha. Obermeyer p. 234.
(23) To be used for idolatrous purposes.
(24) The rams are therefore permitted to be eaten, because the intention of the Arab owners cannot affect the slaughtering.
(25) Of our Mishnah, who holds that even if a small portion of the animal belongs to a heathen the entire animal would be forbidden because of the idolatrous thoughts of the heathen.
(26) A coin, v. Glos.
(27) To receive meat for that amount from the animal which was to be slaughtered by the Jew.
(28) For the heathen has an Interest in the animal to the value of a zuz.
(29) Lit., 'behold thy head and the mountain', i.e., 'either take back your zuz or do without it'. This being the case, the animal is permitted to be eaten whether the Israelite actually returns the money to the heathen or provides him with meat.
(30) Lit., 'in the name of'.

Talmud - Mas. Chullin 40a

IF TWO PERSONS HELD ONE KNIFE AND SLAUGHTERED [AN ANIMAL], ONE INTENDING IT AS A SACRIFICE TO ONE OF THESE THINGS AND THE OTHER FOR A LEGITIMATE PURPOSE, THE SLAUGHTERING IS INVALID.

GEMARA. It is only invalid but it is not regarded as a sacrifice of the dead.[1] I will point out a contradiction. [It was taught:] If a man slaughtered [an animal] as a sacrifice to mountains, hills, seas, rivers, deserts, the sun, the moon, the stars and planets. Michael the Archangel, or a small worm, it is regarded as a sacrifice of the dead![2] — Abaye explained. It is no difficulty. Here [in our Mishnah] he declared it to be a sacrifice to the mountain itself,[3] but there he declared it to be a sacrifice to the deity of the mountain.[4] There is indeed support for this view, for [in the Baraitha quoted] they are all stated together with 'Michael the Archangel'.[5] This is conclusive.

R. Huna stated: If his neighbour's beast was lying in front of an idol, then as soon as he has cut one of the organs of the throat he has thereby rendered it prohibited.[6] He is evidently in agreement with the dictum of Ulla reported in the name of R. Johanan viz.. Although the Rabbis have declared that he who bowed down to his neighbour's beast has not rendered it prohibited, nevertheless if he

performed on it an act[7] [of idolatrous worship], he has thereby rendered it prohibited.

R. Nahman raised this objection against R. Huna, [It was taught:] If a person [inadvertently] slaughtered on the Sabbath a sin-offering outside [the Temple Court] as a sacrifice to an idol, he is liable to three sin-offerings.[8] Now if you say that as soon as he has cut one organ only he has rendered it prohibited, then he should not be liable on account of slaughtering outside,

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(1) For then it would not only be invalid but even forbidden for all uses and purposes; v. A.Z. 29b.

(2) V. Ps. CVI, 28.

(3) Mountains and other inanimate things the works of nature cannot, according to Deut. XII, 2, be in law regarded as idols; v. A.Z. 45a. Hence sacrifices unto them are not sacrifices unto idols, and therefore the animal is not forbidden for use; it is however forbidden to be eaten since it has the appearance of idol worship.

(4) I.e., the spirit or angel of the mountain etc. This is real idolatry and the animal which is slaughtered as a sacrifice is absolutely forbidden.

(5) Thus indicating that it is the spirit or godhead of the mountain that is intended to be the object of worship, just as in the case of Michael it is an angel or spirit that is referred to.

(6) The principle is that a person cannot render prohibited that which belongs to another merely by word of mouth but only by an act. It goes without saying that a man's own beast would be prohibited by this act.

(7) As e.g. by pouring wine between its horns. V. A.Z. 54a.

(8) (i) For breaking the Sabbath, (ii) for slaughtering a consecrated animal outside the Temple court, and (iii) for slaughtering unto idols.

Talmud - Mas. Chullin 40b

for it is as though he were cutting earth?[1] — R. Papa answered: We are dealing here with a sin-offering of a bird, so that all [the prohibitions] arrive simultaneously.[2] But let us consider! R. Huna based his statement, did he not, upon Ulla's view? But Ulla refers to any act, however slight![3] — Rather [assume that] he expressly declared that he intended to worship the idol only at the completion of the slaughtering.[4] If this is the case, why only 'a sin-offering'? It could have dealt with any offering![5] — Rather, said Mar Zutra in the name of R. Papa: We are dealing here with the case where half of the windpipe [of the sin-offering of a bird] was mutilated, and this person merely added to it the smallest cut,[6] thereby completing [the slaughtering]; and now all [the prohibitions] arrive simultaneously.

R. Papa remarked: Had not R. Huna specifically mentioned one organ', [the above Baraitha of the] 'Sin-offering' would never have presented any difficulty, for the expression 'an act' [used by Ulla] could mean a complete act [of idolatrous worship].[7] R. Papa further remarked: Had not R. Huna expressly said: 'his neighbour's animal', [the above Baraitha of the] 'Sin-offering' would not have presented any difficulty. Why? Because a man can only render prohibited [even by his slightest act] that which belongs to him, but not that which belongs to others.[8] Is not this obvious? — It is not, for I might have said that since he received atonement through it it is regarded as his own; he therefore must state it.

(Mnemonic Na 'A.Z.)[9] R. Nahman, R. 'Amram and R. Isaac stated: A person cannot render prohibited[10] that which does not belong to him. An objection was raised: [It was taught:] If a person [inadvertently] slaughtered on the Sabbath a sin-offering outside [the Temple court] as a sacrifice to an idol, he is liable to three sin-offerings. And we interpreted this Baraitha as referring to a sin-offering of a bird ,[11] half of whose windpipe was mutilated. Now the reason [for the ruling] is because it is a sin-offering of a bird in which case all [the prohibitions] arrive simultaneously.

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(1) For as soon as it becomes prohibited on account of idolatry i.e., after the cutting of the first organ, it is no longer regarded as consecrated, therefore the prohibition against slaughtering consecrated animals outside the Temple court

does not arise. And although it has been taught above (supra 29b), that even where only one organ of a consecrated animal was slaughtered outside the sanctuary there is liability under this head, that is so only where the second organ was cut within, and the animal thus retained its sanctity from beginning to end, so that there was all the time a proper slaughtering. In our case, however, once it is forbidden on account of idolatry it is no longer sacred; it is, as it were, a clod of earth, and there is no proper slaughtering.

(2) For the cutting of one organ outside the sanctuary in the case of a sin-offering of a bird renders one liable (v. supra 29b); therefore all the Prohibitions arrive simultaneously, i.e., after the cutting of the first organ.

(3) And not necessarily the cutting of one whole organ; accordingly the prohibition under the head of idolatry takes effect before the others, consequently the prohibition for slaughtering outside the sanctuary cannot arise.

(4) When all the prohibitions arrive simultaneously. The Baraitha therefore need not be limited to a sin-offering of a bird but can refer to a sin-offering of cattle.

(5) If the slaughterer intended to worship the idol only at the completion of the slaughtering, why did the Tanna of the Baraitha limit his case to a sin-offering, which is distinctive in that it does not belong to the slaughterer (i.e., the offerer) but to the priests? He could have dealt with any offering, even a peace-offering which belongs to the offerer, and yet he would be liable on the three counts, since he intended to worship the idol only at the completion of the slaughtering, when the three prohibitions arise simultaneously. Since the Tanna limited his case to a sin-offering it is clear that the slaughterer intended to worship the idol at the beginning of the slaughtering, and the reason why the three prohibitions are incurred is because he cannot render prohibited by his idolatrous intent another's animal (sc. the sin-offering, which is the priests') with a slight act but only with a complete act. The Baraitha is thus in conflict with R. Huna who ruled that a slight act of idolatry (sc. the cutting of only one organ) renders another's animal prohibited. (Rashi's second interpretation.)

(6) And this small cut, although a slight act, constitutes the complete slaughtering.

(7) I.e.,the complete slaughtering. As R. Huna expressly mentions 'one organ' (which is something incomplete), and he bases his view upon Ulla's statement, it is evident that Ulla refers to the slightest act of idolatrous worship.

(8) And a sin-offering belongs to the priests, save that the owner receives atonement through it.

(9) Lit., 'he stuck in'. The characteristic letters of the names of the three Rabbis, the authors of the following statement.

(10) Even by a complete act.

(11) By reason of the fact that the Baraitha speaks of a sin-offering and not of any other offering; for, granted that it could not have dealt with a peace-offering, as this offering is his, it could have dealt with a burnt-offering.

Talmud - Mas. Chullin 41a

but with regard to other sacrifices it would not be so. If then you say that a person cannot render prohibited that which does not belong to him, why must [the Baraitha] be interpreted a referring to the sin-offering of a bird? It can just as well refer to the sin-offering of an animal?[1] — Since he receives atonement through it it is regarded as his own.[2]

Come and hear: IF TWO PERSONS HELD ONE KNIFE AND SLAUGHTERED [AN ANIMAL], ONE INTENDING IT AS A SACRIFICE TO ONE OF THESE THINGS AND THE OTHER FOR A LEGITIMATE PURPOSE, THE SLAUGHTERING IS INVALID![3] — We must suppose that he[4] had a share in it.

Come and hear: If a person rendered unclean [another's food], or if he mixed terumah [with another's common food], or if he offered unto an idol [another's wine], then if he did so inadvertently, he is not liable [for the damage], but if deliberately, he is liable?[5] — We must suppose also here that he had a share in it.

This[6] is disputed by Tannaim. [It was taught:] If a gentile offered the wine of an Israelite as a libation, even though not in the presence of an idol, he has rendered it prohibited.[7] R. Judah b. Bathyra and R. Judah b. Baba declare it permitted for two reasons, first because a wine libation is offered only in the presence of the idol, and secondly, because he [the owner] can say to the gentile. 'You have no right to render my wine prohibited against my will' — R. Nahman, R. 'Amram and R.

Isaac, however, will say that[8] even the Tanna who holds that a person can render prohibited that which does not belong to him maintains this view only in the case of a gentile, but [not in the case of an Israelite, for] the Israelite merely intended to vex his fellow.[9]

Come and hear: IF TWO PERSONS HELD ONE KNIFE AND SLAUGHTERED [AN ANIMAL], ONE INTENDING IT AS A SACRIFICE TO ONE OF THESE THINGS AND THE OTHER FOR A LEGITIMATE PURPOSE, THE SLAUGHTERING IS INVALID! — We must suppose that he was an Israelite apostate.[10] Come and hear: If a person rendered unclean [another's food], or if he mixed terumah [with another's common food], or if he offered unto an idol [another's wine], then if he did so inadvertently, he is not liable [for the damage], but if deliberately, he is liable? — We must suppose also here that he was an Israelite apostate.

R. Aha the son of Raba asked R. Ashi: What is the law if an Israelite, [about to slaughter another's beast as a sacrifice to idols], was warned against it and he accepted the warning?[11] — He replied: You speak, do you not, of one who has surrendered himself to death? Surely no one is more of an apostate than he![12]

MISHNAH. ONE MAY NOT SLAUGHTER [IN SUCH MANNER THAT THE BLOOD RUNS] INTO THE SEA.[13] OR INTO RIVERS, OR INTO VESSELS;[13] BUT ONE MAY SLAUGHTER INTO A POOL OF WATER. OR WHEN ON BOARD SHIP ON TO THE BACKS OF VESSELS.[14] ONE MAY NOT SLAUGHTER AT ALL INTO A PIT;[15] YET A PERSON MAY DIG A PIT IN HIS OWN HOUSE FOR THE BLOOD TO RUN INTO. IN THE STREET, HOWEVER, HE SHOULD NOT DO SO LEST HE APPEAR

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(1) For the slaughtering of a sin-offering to idols does not render it prohibited at all according to the view of these Rabbis, since a sin-offering belongs to the priests; consequently the offering remains consecrated, and the slaughterer therefore is liable to three sin-offerings as stated. For although he does not render the beast prohibited, he himself is nevertheless liable for his idolatrous worship.

(2) He can therefore render it prohibited; this being so, the prohibition of slaughtering outside the sanctuary would not arise. The Baraitha therefore can only refer to the case of a sin-offering of a bird and in the circumstances stated above.

(3) This clearly proves that a Person can render prohibited that which does not belong to him.

(4) Sc. the one who by his intention rendered the animal invalid, or, in the subsequent case, who rendered the food of another unclean or unfit.

(5) The damage in each case is not discernible in the object itself, and this in law does not create any liability. By Rabbinic law, however, a person who caused this sort of damage deliberately was held liable to make good the loss. In this case his liability to pay will in no wise be affected by reason of the fact that he will suffer the death penalty on account of idolatrous worship. V. Cit. 52b.

(6) Whether or not a man can render prohibited what is not his.

(7) This Tanna is of the opinion that a person can render prohibited that which belongs to another.

(8) Although it must perforce be maintained that R. Huna's view cannot be reconciled with that of R. Judah b. Baba.

(9) But not to offer it unto idols.

(10) Sc. the one who rendered the animal invalid by his intention. An apostate Jew has certainly idolatry in his mind, and therefore like a gentile he would render prohibited even that which belonged to another.

(11) Would he render prohibited that which belonged to another or not? Would he, by his acceptance of the warning and acting in defiance thereof be considered as an Israelite apostate?

(12) By accepting the warning he has exposed himself to death (cf. Sanh. 41a), so that he is a renegade and therefore, like a gentile, would render prohibited that which belonged to another.

(13) This might be thought to be an act of idolatrous worship to the deity of the sea or of the river; and where the blood is collected in a vessel it might appear as though it were being kept for an idolatrous purpose.

(14) Even though the blood falls off from the vessel into the sea; for it is clear to all that this is done merely to avoid fouling the ship.

(15) For it was the custom of heretics to slaughter so.

TO FOLLOW THE WAYS OF THE HERETICS.[1]

GEMARA. ONE MAY NOT SLAUGHTER INTO THE SEA. Why is it that a person may not slaughter into the sea? It is, is it not, because it might be said that he is slaughtering to the deity of the sea? Then is it not the same when a person slaughters into a pool of water, for it might be said that he is slaughtering to the image [reflected in the water?] — Raba answered: This was taught only regarding turbid water.[2]

ONE MAY NOT SLAUGHTER AT ALL INTO A PIT, YET A PERSON MAY DIG A PIT etc. Have you not just said that one may not slaughter into a pit at all? — Abaye answered: The first clause refers to a pit in the street. Said to him Raba: Since the final clause reads: IN THE STREET, HOWEVER, HE SHOULD NOT DO SO, it follows that the first clause does not refer to [a pit in] the street! — Raba therefore answered: This is the interpretation: ONE MAY NOT SLAUGHTER AT ALL INTO A PIT. But if a person desires to keep his yard clean, what should he do? He should prepare a place close to the pit and slaughter there, and the blood may be allowed to trickle down into the pit. IN THE STREET, HOWEVER, HE SHOULD NOT DO SO LEST HE APPEAR TO FOLLOW THE WAYS OF THE HERETICS. A Baraitha was taught which supports Raba's view: If a person was travelling on a ship and there was no place on the ship where he might slaughter, he may stretch out his hand over the side of the ship and slaughter there, and the blood is allowed to trickle down the sides of the ship [into the sea]. A person may not slaughter at all into a pit; but if he desires to keep his yard clean what should he do? He should prepare a place close to the pit and slaughter there, and the blood is allowed to trickle down into the pit. In the street, however, he should not do so, for it is written: Neither shall ye walk in their statutes,[3] if he did so, there must be an enquiry concerning him.[4]

MISHNAH. IF A MAN SLAUGHTERED [AN UNCONSECRATED ANIMAL OUTSIDE THE TEMPLE COURT] DECLARING IT TO BE[5] A BURNT-OFFERING OR A PEACE-OFFERING OR A GUILT-OFFERING FOR A DOUBTFUL Sln[6] OR THE PASSOVER-OFFERING OR A THANK-OFFERING, THE SLAUGHTERING IS INVALID;[7] R. SIMEON. HOWEVER, DECLARES IT VALID.[8] IF TWO PERSONS HELD ONE KNIFE AND SLAUGHTERED [AN UNCONSECRATED ANIMAL OUTSIDE THE TEMPLE COURT], ONE DECLARING IT TO BE ONE OF THE ABOVE AND THE OTHER INTENDING IT FOR A LEGITIMATE PURPOSE, THE SLAUGHTERING IS INVALID. IF A MAN SLAUGHTERED [AN UNCONSECRATED ANIMAL OUTSIDE THE TEMPLE COURT] DECLARING IT TO BE A SIN-OFFERING OR A GUILT-OFFERING[9] OR A FIRSTLING OR THE TITHE [OF CATTLE] OR A SUBSTITUTE OFFERING. THE SLAUGHTERING IS VALID.[10] THIS IS THE RULE: IF ONE SLAUGHTERED AN ANIMAL DECLARING IT TO BE A SACRIFICE WHICH CAN BE BROUGHT EITHER AS A VOTIVE OR A FREEWILL-OFFERING IT IS INVALID, BUT IF HE DECLARES IT TO BE A SACRIFICE WHICH CANNOT BE BROUGHT EITHER AS A VOTIVE OR A FREEWILL-OFFERING IT IS VALID.

GEMARA. IF ONE SLAUGHTERED . . . DECLARING IT TO BE A BURNT OFFERING etc. Can a guilt-offering for a doubtful sin be brought as a votive or as a freewill-offering? — R. Johanan answered. The author of this view is R. Eliezer, who maintains that a person can offer a guilt-offering for a doubtful sin daily.

Can the passover-offering be brought as a votive or as a freewill-offering [at any time]? Is not its time fixed?[11] — R. Oshaia answered, It is different with the passover-offering, for it may be set aside for this purpose at any time during the year.[12]

R. Jannai said: The Mishnah refers only to unblemished animals, but in the case of blemished animals everybody knows [that it cannot be an offering].[13] R. Johanan, however, says that it refers even to blemished animals, for he might sometimes cover up the blemish and it would not be noticeable.

IF ONE SLAUGHTERED . . . DECLARING IT TO BE A SIN-OFFERING. R. Johanan said: The Mishnah refers only to the case where he [the slaughterer] was not obliged to bring a sin-offering, but where he was obliged to bring a sin-offering it might be said that he is slaughtering the animal as his sin-offering.[14] But he did not say. 'I declare it to be my sin-offering'? — R. Abbahu answered: We must suppose that he said: 'I declare it to be my sin-offering'.[15]

A SUBSTITUTE OFFERING. R. Eleazar said: The Mishnah refers only to the case where he did not have a consecrated animal at home, but where he had a consecrated animal at home it might be said that he has just now substituted this animal for it.[14] But he did not say. 'I declare it to be a substitute for the consecrated animal I have at home'? — R. Abbahu answered: We must suppose here also that he said: 'I declare it to be a substitute for the consecrated animal I have at home.'[16]

THIS IS THE RULE. What does it include? — It includes the burnt-offering of a Nazirite.[17] For you might have said that [everyone knows that] he has not vowed to be a Nazirite [so that his words are meaningless];[18] it is therefore included, because it is possible that he vowed in secret [to become a Nazirite].

IF HE DECLARES IT TO BE A SACRIFICE WHICH CANNOT BE BROUGHT EITHER AS A VOTIVE OR FREEWILL-OFFERING IT IS VALID. What does this include? — It includes the burnt-offering of a woman after childbirth.[19] R. Eleazar said: This is so only when he has no wife, but if he has a wife it might be said that he is slaughtering it [for a burnt-offering] on her behalf.[20] But he did not say. 'I declare it to be the burnt-offering of my wife'? — R. Abbahu answered: We must suppose that he said: 'I declare it to be the burnt-offering of my wife'. Is not this obvious?

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(1) Or: 'to confirm the heretics (i.e., minim) in their ways'. (Rashi).

(2) An image would not then be discernible in the water; it is therefore permitted.

(3) Lev. XVIII, 3.

(4) For he may be a min (a heretic) and his bread and wine would be forbidden to be eaten by Jews.

(5) Lit., 'in the name of'.

(6) Heb. אשם תלוי. The guilt-offering brought by a person who is in doubt whether he has committed an act which must be atoned for by a sin-offering. This sacrifice is merely suspensive until the doubt will be settled and it will be known whether this person must bring a sin-offering as well or not.

(7) The sacrifices enumerated here can be vowed or offered as freewill-offerings at all times; the onlooker therefore might suppose that the slaughterer has just now consecrated the animal for the particular offering mentioned and would believe that it is permitted to slaughter a consecrated animal outside the sanctuary. For this reason the Rabbis declared the slaughtering invalid.

(8) He is of the opinion that it should not be prohibited merely for appearance sake. V. however, Tosaf. ad loc.

(9) Lit., 'a guilt-offering for a certain (sin)'.

(10) The sin-offering and the guilt-offering cannot be offered at all times either as a votive or a freewill-offering, but are incumbent upon, and can only be brought by those who have committed a sinful act. These as well as the firstling (v. Deut. XIV, 23), the tithe (v. Lev. XXVII, 32) and the substitute offering (ibid. 10) are sacrifices of which the public are generally aware. Now as the public have no knowledge of this sacrifice to which the slaughterer refers it is obvious to all that he is not speaking the truth, so that there is no fear that an onlooker would receive a false impression.

(11) For the eve of the Passover.

(12) So that this man may be slaughtering now the animal which he has set apart for his paschal-offering, obviously not as the Passover-offering but as a peace-offering. And since it is being slaughtered outside the sanctuary the onlooker

would receive a wrong impression.

(13) And the slaughtering would be valid, as no one would pay any attention to the words of the slaughterer.

(14) And the slaughtering would be invalid.

(15) In that case only is the slaughtering invalid; but where he did not use this formula or where it was known that he was not obliged to bring a sin-offering, his words are meaningless and the slaughtering is valid.

(16) Here too, only in this case is the slaughtering invalid, but not where it was generally known that he had no consecrated animal in his home.

(17) Cf. Num. VI. 14. Even though it was not known that he was a Nazirite the slaughtering is invalid.

(18) V. p. 223, n. 2.

(19) Cf. Lev. XII. 6. The slaughtering in this case is valid.

(20) And the slaughtering would be invalid.

Talmud - Mas. Chullin 42a

— No, for you might say that if his wife had given birth to a child it would be known to all,[1] he therefore teaches us [that the slaughtering in this case is invalid] for it is possible that she had a miscarriage.[2]

C H A P T E R I I I[3]

MISHNAH. THE FOLLOWING [DEFECTS][4] RENDER CATTLE TREFAH: [I] IF THE GULLET WAS PIERCED;[5] [II] OR THE WINDPIPE SEVERED; [III] IF THE MEMBRANE OF THE BRAIN WAS PIERCED; [IV] IF THE HEART WAS PIERCED AS FAR AS THE CAVITY THEREOF; [V] IF THE SPINE WAS BROKEN AND THE CORD SEVERED;[6] [VI] IF THE LIVER WAS GONE AND NAUGHT REMAINED; [VII] IF THE LUNG WAS PIERCED, [VIII] OR WAS DEFICIENT (R. SIMEON SAYS, PROVIDED IT WAS PIERCED AS FAR AS THE MAIN BRONCHI); [IX] IF THE ABOMASUM,[7] [X] OR THE GALL-BLADDER, [XI] OR THE INTESTINES WERE PIERCED; [XII] IF THE INNER[8] RUMEN[7] WAS PIERCED, [XIII] OR THE GREATER PART OF THE OUTER[8] COVERING TORN (R. JUDAH SAYS, IN A LARGE ANIMAL IF IT WAS TORN TO THE EXTENT OF A HANDBREADTH, AND IN A SMALL ANIMAL IF THE GREATER PART OF IT WAS TORN); [XIX] IF THE OMASUM[7] [XV] OR RETICULUM[7] WAS PIERCED ON THE OUTSIDE;[9] [XVI] IF THE ANIMAL FELL FROM THE ROOF; [XVII] IF MOST OF ITS RIBS WERE FRACTURED; [XVIII] OR IF IT WAS CLAWED[10] BY A WOLF (R. JUDAH SAYS, SMALL CATTLE [ARE TREFAH] IF CLAWED BY A WOLF, LARGE CATTLE IF CLAWED BY A LION; SMALL FOWL IF CLAWED BY A HAWK, LARGE FOWL IF CLAWED BY A FALCON).[11] THIS IS THE RULE: IF AN ANIMAL WITH A SIMILAR DEFECT COULD NOT CONTINUE TO LIVE,[12] IT IS TREFAH.

GEMARA. R. Simeon b. Lakish said: Where do we find in the Torah an allusion to trefah? — Where [you ask]? Is it not written: Ye shall not eat flesh that is torn of beasts [trefah] in the field?[13] The question was: Where do we find in the Torah the view that a trefah animal cannot continue to live? For from the last clause of the Mishnah, THIS IS THE RULE: IF AN ANIMAL WITH A SIMILAR DEFECT COULD NOT CONTINUE TO LIVE, IT IS TREFAH, it follows that a trefah animal cannot continue to live. Where then do we find it in the Torah? — It is written: These are the living things which ye may eat,[14] that is, that which can continue to live[15] you may eat, but that which cannot continue to live you may not eat; hence a trefah animal cannot continue to live.[16] And as to the one who holds the view that a trefah animal can continue to live, [it will be asked]: where do we find this view indicated [in the Torah]? — It is indicated in the verse: These are the living things which ye may eat, for it means, these living things you may eat but other living things you may not eat; hence a trefah animal can continue to live. And for what purpose does the first teacher use the word ‘these’? — He requires it for the following exposition of a Tanna of the school of R. Ishmael. For a Tanna of the school of R. Ishmael expounded: The verse: These are the living things

which ye may eat, indicates that the Holy One, blessed be He, took hold of one of each species of animal, showed it to Moses and said to him, 'This you may eat and this you may not eat'. But does not the second teacher also require this word for the exposition of the Tanna of the school of R. Ishmael? — Indeed, he does. Where then is it indicated [in the Torah] that a trefah animal can continue to live? — It is indicated in the exposition of another verse also by a Tanna of the school of R. Ishmael. For a Tanna of the school of R. Ishmael expounded: It is written: Between the living thing that may be eaten and the living thing that may not be eaten;[17] here are indicated the eighteen defects [which render an animal trefah and] which were communicated to Moses on Mount Sinai.

But are there no more?[18] But what about Basegar,[19] and the seven statements [reported by the Amoraim]?

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(1) And since it is not known that his wife gave birth to a child his words would not be taken seriously, and the slaughtering should be valid.

(2) And this fact might not be known to all. It is to be noted that Rashi omits the statements of R. Eleazar and R. Abbahu from the Gemara, although he arrives at the same conclusions by logical argument.

(3) For the proper understanding of this chapter and its anatomical details it is recommended that the reader consult some text book on animal anatomy. The following works are recommended: Bailliere's Atlas of the Ox, S. Sisson, The anatomy of the Domestic Animals (an excellent and most comprehensive work), I. L. Katzenelsohn, Ha-Talmud we-Hokmath ha-Refuah (in Hebrew, a brilliant study of the anatomy and medicine in the Talmud in the light of modern knowledge), J. Preeus, Biblisch Talmudische Medizin, O. Charnock Bradley, The Structure of the Fowl.

(4) Each of these eighteen defects are explained and commented upon with great detail in the Gemara.

(5) By 'pierced' is meant a puncture or perforation of an organ though naught of its substance is missing.

(6) The fracture of the spine is not a defect by itself; the defect here is that the cord has been severed and this is usually caused by a fracture of the spine.

(7) These are the four stomachs common to all ruminants. The food first passes into the Rumen, כרס, thence into the Reticulum, בית הכוסות, thence into the Omasum, המסם, and finally into the stomach proper or the Abomasum, קיבה.

(8) For the meanings of 'inner' and 'outer' v. infra 50b.

(9) I.e., but not where the two are joined together.

(10) Heb. דרוסה, lit., 'trodden'; in its technical sense it means 'struck by the fore-paw or claw of a beast or bird of prey whereby poison is discharged and enters the body of the victim'.

(11) Or: vulture.

(12) For twelve months.

(13) Ex. XXII, 30.

(14) Lev. XI, 2.

(15) I.e., is a living thing.

(16) For since a trefah may not be eaten, it is not a living thing, i.e., it cannot continue to live for twelve months.

(17) Lev. XI, 47.

(18) Than the eighteen cases enumerated in our Mishnah.

(19) A mnemonic (meaning perhaps 'under lock') formed by the characteristic letters of the four cases of trefah which follow, thus: ב from בהמה, ם from חסרון, ג from גלודה, and ר from חרותה.

Talmud - Mas. Chullin 42b

Of course to the Tanna of our Mishnah this is no difficulty, for he merely mentioned some[1] [defects], whilst those which he omitted to mention he intended to include under the general head, THIS IS THE RULE. But against the Tanna of the school of R. Ishmael who expressly mentions the number eighteen, it will be asked: Are there no more? Is there not [also]: An animal whose hind leg was cut off above the knee-joint is trefah?[2] — He [the Tanna of the school of R. Ishmael] concurs with the view expressed by R. Simeon b. Eleazar that [the wound] could be cauterized and the animal could recover.[3] Granted, however, that it could be cauterized and the animal could recover, but are we not

arguing upon the view of the Tanna of the school of R. Ishmael? And he is of the view that a trefah animal can continue to live![4] — Rather [say]. He concurs with R. Simeon b. Eleazar who [indeed] declares [that in such a case the animal is] permitted.[5] But is there not the case of a deficiency of the spine? For we have learnt: What is considered a deficiency of the spine?[6] Beth Shammai say. If two vertebrae were missing; Beth Hillel say: If only one was missing. And Rab Judah said in the name of Samuel that their views are the same with regard to trefah.[7] — The [piercing of the] omasum and the reticulum which you reckon as two cases you ought to reckon as one, so that you may exclude one and add this[8] in its place. But is there not the case of an animal which was stripped of its hide?[9] — He concurs with the view of R. Meir that it is permitted. But is there not the case of an animal whose lungs were shrivelled up?[10] — Who is it that includes the [piercing of the] gall-bladder in the list of defects? It is R. Jose b. R. Judah. You should therefore exclude[11] the case of the gall-bladder and insert the case of the shrivelled lungs in its place.

But are there not the following seven statements [which should be included]? (i) R. Mattena said: If the top of the femur slipped out of its socket, the animal is trefah;[12] (ii) Rakish b. Papa said in the name of Rab: If one kidney was diseased it is trefah,[13] Further we have learnt: If the spleen was gone the animal is permitted.[14] But R. ‘Awira said in the name of Raba: This was taught only in the case where the spleen was gone, but (iii) if the spleen was pierced it is trefah;[15] (iv) Rabbah b. Bar Hana said in the name of Samuel: If the greater part of the organs of the throat was torn away, it is trefah.[16] And further Rabbah son of R. Shila said in the name of R. Mattena who reported in the name of Samuel,[17] (V) If a rib was dislodged from its socket, or (vi) if the greater part of the skull was shattered, or (vii) if the greater part of the membrane[18] which covers the greater portion of the rumen [was torn], it is trefah! — The eight cases of piercing[19] [enumerated in the Mishnah] you ought to reckon under one head; so that by eliminating seven cases you can insert these seven statements in their stead. If so, you ought also to reckon under one head the two cases of severing;[20] consequently there is one short of the number. Moreover, R. ‘Awira's case is also a case of piercing, is it not?[21] —

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(1) For although in the Mishnah the Tanna enumerates eighteen cases of trefah, he does not, however, expressly state the number eighteen.

(2) v. infra 76a.

(3) It is therefore not trefah according to R. Simeon b. Eleazar.

(4) So that the fact that the animal could recover has no bearing on the question whether or not it is trefah.

(5) V. Tosef. Hul. III. According to Rashba (Adreth), Hiddushin, Yeb. 120b the statement ‘because (the wound) could be cauterized’, given in Tosef. as the reason for R. Simeon b. Eleazar's ruling, is an intrusion from Yeb. 120b. The correct reading on his view is simply R. Simeon b. Eleazar declares (the animal) permitted and when the Gemara here quotes R. Simeon b. Eleazar's reason the reference is to the case dealt with in Yeb. and not to that of an animal whose hind legs were cut off. V. however, Rashi.

(6) V. Ohol. II, 3. A complete spine of a corpse will render unclean men and vessels that are in the same ‘tent’ or under the same roof, but if it is incomplete it will only convey uncleanness by contact or by carrying, but will not render unclean men and vessels that are in the same ‘tent’.

(7) I.e., according to Beth Shammai if two vertebrae of the spine of an animal were missing it is trefah, and according to Beth Hillel, even if only one was missing.

(8) This case of the deficiency in the spine.

(9) Which is trefah according to the Rabbis, v. infra 54a.

(10) I.e., shrivelled up and hardened because of fright caused by man. This is also trefah, v. infra 55b.

(11) From the eighteen cases of trefah in the court of R. Ishmael's school.

(12) Provided that the ligaments were destroyed, v. infra 54b.

(13) v. infra 55a.

(14) Infra 54a.

(15) Only it pierced in the thick part, v. infra 55b.

(16) I.e., the greater part of the circumference of one of the organs of the throat was violently torn away from its connection on top, even though it is still attached in part. V. infra 44a. According to R. Hananel: The organs of the throat

were separated from each other.

(17) v. infra 52a and b.

(18) The parietal peritoneum. V. however infra 50b and 52b.

(19) The piercing of the gullet, the membrane of the skull, the heart, the lung, the abomasum, the intestines, the rumen, and the omasum and reticulum. The gall-bladder has been excluded supra.

(20) The severance of the windpipe and of the spinal cord.

(21) So that it would be included with the others under the general head of 'piercing'. The position now is that there are only sixteen cases of trefah.

Talmud - Mas. Chullin 43a

You have no other alternative but to say that the two cases[1] which were excluded above must now be added.

Ulla said: Eight types of [defects as] trefah were communicated to Moses on Mount Sinai: If [an organ was] pierced, or severed, or gone, or deficient, or torn, or [if the animal was] clawed, or fell [from a height], or if [a limb was] fractured. This clearly excludes disease [of the kidneys] mentioned by Rakish b. Papa.[2]

Hiyya b. Rab said: There are eight cases of trefah included under the head of piercing.[3] If you say there are nine [enumerated in the Mishnah], you must remember that the piercing of the gall-bladder is the ruling of R. Jose son of R. Judah only. For it was taught: If the abomasum or the intestines were pierced it is trefah. R. Jose son of R. Judah says: Even if the gall-bladder was pierced.

(Mnemonic: The halachah. The colleague. An olive's bulk. The gall-bladder. The gizzard). R. Isaac son of R. Joseph said in the name of R. Johanan: The halachah follows the view of R. Jose son of R.Judah.

R. Isaac son of R. Joseph further said in the name of R. Johanan: What was the reply of the colleagues of R. Jose son of R. Judah? [They said: It is written,] He poureth out my gall upon the ground,[4] nevertheless Job continued to live! He retorted: You may not quote miraculous deeds [in support of an argument]. Otherwise you might as well ask, it is written: He cleaveth my reins asunder and doth not spare;[4] could he then continue to live on? You must therefore admit that a miracle is an exceptional case; [and the whole treatment of Job was miraculous] for it is written: Only spare his life,[5] and so here[6] a miracle is an exceptional case.

R. Isaac son of R. Joseph further said in the name of R. Johanan: The halachah follows the view of him who says: 'an olive's bulk'.[7] But did R. Johanan really say this? Did not R. Johanan[8] say that the halachah was in accordance with the ruling of an anonymous Mishnah? And we have learnt: IF THE LIVER WAS GONE AND NAUGHT REMAINED. Now it follows that if aught remained, even less than an olive's bulk, it is permitted! — Amoraim differ as to R. Johanan's view.[9] R. Isaac son of R. Joseph further said in the name of R. Johanan: If the gall-bladder was pierced but the liver completely closed up [the hole], it is permitted.

R. Isaac son of R. Joseph further said in the name of R. Johanan: If the [muscular covering of the] gizzard was pierced but the inner lining was intact, it is permitted. The question was raised: What is the law if the inner lining was pierced but the muscular covering was intact? — Come and hear: R. Nahman taught: If one [coat of the gizzard] was pierced but not the other, it is permitted.

Rabbah said: The gullet has two coats, the outer red and the inner white; if one was perforated but not the other, it is permitted. Why was it necessary to state that the outer coat was red and the inner white? — To teach that if these coats interchanged, it is trefah.[10] The question was raised: What is

the law if both coats were pierced, one hole, however, not coinciding with the other? — Mar Zutra said in the name of R. Papa: In the gullet this would be permitted, but in the gizzard it would be trefah. R. Ashi demurred: The contrary should be the rule; as the gullet contracts and expands when [the animal] eats or bellows, it may sometimes happen that one hole will coincide with the other,[11] whereas the gizzard is at rest and the holes will always remain where they are.[12] R. Aha the son of R. Joseph said to R. Ashi: We have indeed received the tradition in the name of Mar Zutra who reported in the name of R. Papa as you have suggested it.

Rabbah further said: A membrane which was formed in consequence of a wound in the gullet is no membrane.[13] Rabbah further said: The gullet cannot be examined from the outside but only from the inside. For what purpose is this stated?

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(1) I.e., the case of an animal whose hind leg was cut off, and the case of the animal which was stripped of its hide.

(2) It is evident that Ulla regards as trefah only those defects which are traumas and excludes such defects caused by internal disorder or degeneration of an organ.

(3) I.e., those enumerated in our Mishnah, v. p. 229, n. 5. Hiyya b. Rab hereby definitely excludes R. 'Awira's case of the perforation of the spleen.

(4) Job. XVI, 13.

(5) Ibid. II, 6. The afflictions of Job were such as in ordinary cases would prove fatal but in his case it was ordained that, whatever sufferings befall him, his life was to be spared.

(6) With reference to the gall.

(7) I.e., if there remained of the liver an olive's bulk, although the rest of the liver had been removed or had wasted away, the animal is permitted. V. infra 46a.

(8) In the ed. the reading is, 'Rabbah b. Bar Hana said in the name of R. Johanan', but the first named Amora is omitted in many MSS.; v. D.S.

(9) R. Isaac b. Joseph the author of our statement is of the opinion that the principle laid down by R. Johanan was not to be applied generally, and certainly would not apply to the case of an anonymous Mishnah which is contradicted by another anonymous Mishnah, as here our Mishnah, supra 42a, is contradicted in its ruling with regard to the liver by the Mishnah which follows, infra 54a.

(10) I.e., if it was found that the inner coat of the gullet was red and the outer white, the animal or bird is trefah.

(11) And it should be trefah, for it must be remembered that the two coats of the gullet are but loosely connected by submucous fibers, and therefore the coincidence of the holes is quite probable.

(12) And so it should be permitted.

(13) I.e., it is no protection and it is trefah.

Talmud - Mas. Chullin 43b

— For the case of [an animal] about which there arose a doubt whether it was clawed or not.[1] There once came, before Rabbah, the case [of a bird][2] about which there arose a doubt whether it was clawed or not, and he was about to examine the gullet[3] from the outside when Abaye said to him, 'Did you not say: Master, that the gullet cannot be examined from the outside but only from the inside'? Rabbah at once turned it inside out and examined it and found upon it two drops of blood, so he declared it trefah. Rabbah, however, [by his action] merely wanted to test the acumen of Abaye.

Ulla said: If a thorn was impacted in the gullet, there is no fear that it pierced it through.[4] (Mnemonic: Clawed. Pieces. In the knife. Uncleanness). But why, according to Ulla, is this case different from that of [an animal] about which there arose a doubt whether it had been clawed or not?[5] — Ulla is of the opinion that we are not apprehensive for [an animal] about which there arose a doubt whether it had been clawed or not.[6] And why is it different from the case of 'two pieces of fat one being forbidden fat and the other permitted fat'?[7] — In that case the forbidden [piece of fat] is clearly established, but here the prohibition is not clearly established.[8] And why is it different from

the case of the man who slaughtered with a knife which was found afterwards to have a notch in it?[9] — In that case there had arisen a flaw in the knife.[10] And why is it different from the case of a doubt concerning uncleanness which occurred in a private domain which is regarded as unclean? — But according to your own argument it is analogous, is it not, with the case of a doubt concerning uncleanness which occurred in a public domain which is regarded as clean? — In truth the law [concerning uncleanness is exceptional for it] is derived by analogy from the case of a woman suspected of adultery.[11]

A certain Rabbi was once sitting before R. Kahana and recited as follows: The ruling of Ulla applies only to the case where it [the thorn] was found [in the cavity of the gullet], but where it was impacted [in the wall of the gullet] it is to be feared [that it actually pierced the gullet, and it is therefore trefah]. R. Kahana thereupon said to his disciples, 'Do not pay any attention to this Rabbi. The ruling of Ulla was stated concerning a thorn that was impacted in the gullet; for if it were merely found [in the cavity of the gullet] it would not be necessary for Ulla to state it, since all beasts that pasture in the open field eat thorns.'

It was reported: As regards the pharynx,[12] Rab says: The slightest perforation therein [will render the animal[13] trefah]; Samuel says, [It is trefah only if] the greater portion [of its circumference was severed]. Rab said: 'The slightest perforation', because he regards it as being within the area prescribed for slaughtering;[14] Samuel said: 'The greater portion', because he does not regard it as being within the area prescribed for slaughtering. What is considered to be the pharynx? — Mari b. Mar 'Ukba said in the name of Samuel: That part of the gullet which, when cut, opens wide is the pharynx, but that part which, when cut, remains as it was is the gullet proper. R. Papi remarked: But the Master (that is, R. Bibi b. Abaye) did not say sob but thus: That part of the gullet which, when out, remains as it was is the pharynx, but that part which, when cut, closes up is the gullet proper.[15] Jonah[16] said in the name of Zera, [It is that part where] deglutition [takes place]. And what is its extent? — R. 'Awia answered: It is less than [the length of] a grain of barley but more than a grain of wheat.

An ox belonging to the family of R. 'Ukba was slaughtered, the slaughtering having been commenced at the pharynx and completed in the gullet proper. Said Raba, 'I will impose the restriction implied in Rab's view as well as the restriction implied in Samuel's view and will declare it trefah. 'The restriction of Rab's view' — for Rab said that the slightest perforation therein [would render the animal trefah]. But [if you will ask,] does not Rab hold that it is within the area prescribed for slaughtering? [In that respect I rule] in accordance with Samuel's view that it is not within the area prescribed for slaughtering. And [if you will further argue,] does not Samuel hold that it is trefah only if the greater portion of its circumference was severed? [In that respect I am] in accordance with Rab's view that the slightest perforation therein will render the animal trefah'. Meanwhile the case was circulated till at last it was laid before R. Abba. He said to his disciples, 'The ox should have been permitted — whether one accepted the view of Rab or of Samuel.[17] Go, tell the son of Joseph b. Hama[18] to pay the owner the value of the ox'.[19] Mar the son of Rabina said: I can adduce a passage which would confute this dictum of Raba's foes.[20] For it has been taught: 'The halachah is always in accordance with the ruling of Beth Hillel. Nevertheless one who desires to adopt the view of Beth Shammai may do so, and one who desires to adopt the view of Beth Hillel may do so. One who adopts the view of Beth Shammai only when they incline to leniency, and likewise the view of Beth Hillel only when they incline to leniency, is a wicked person.

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(1) As in the circumstances mentioned infra 53b, when it is necessary to examine the gullet for any red patches or drops of blood. This examination can only be carried out by inspecting the inner coat of the gullet which is white; but it is useless to inspect the outer coat, since it is red, and a drop of blood would not be discernible thereon.

(2) So Tosaf. Rashi: or an animal. Cf. next note.

(3) After the slaughtering. V. supra 282.

(4) And the animal is permitted, for the piercing of one coat only of the gullet does not render the animal trefah. The text might also be translated: There is no fear that the wound caused by the perforation had healed, so that there is here only a membrane formed over the wound, which as stated above, is no protection.

(5) In this, as in all the other cases of doubt, the stricter view is adopted, whereas Ulla here adopts a lenient view.

(6) To declare it trefah because of the doubt. This is also the view of Rab, infra 53a.

(7) If a person ate one of these two pieces, not knowing which, he is liable to bring a guilt-offering for this doubt, אשם תלוי.

(8) For it may be that the thorn never pierced the gullet at all.

(9) Where, according to R. Huna, whose view is accepted as law, the slaughtering is invalid, although it is a case of doubt only; v. supra 10a, b.

(10) The knife now is definitely unsatisfactory, and the doubt is whether it was in this condition during the slaughtering or not. In Ulla's case, however, the thorn may not have pierced through the gullet at all.

(11) V. supra 9b. One cannot therefore draw any inferences from it either one way or the other.

(12) תורבין הושט. Lit., 'the forecourt of the gullet', i.e., the pharynx.

(13) Or bird.

(14) It is therefore, like the gullet itself, rendered trefah by the slightest perforation.

(15) The circular fibers on the internal plane of the muscular coat of the gullet cause it to contract when cut, but these are not found in the pharynx.

(16) V. Beth Joseph in Tur Yoreh Deah c. 20, where it is suggested that 'Jonah' means a dove and the statement in the text refers to the pharynx of a dove and is to be rendered: 'As to a dove, Zera said etc.'; this is most probable in view of the statement of R. 'Awia as to its extent.

(17) It is permitted according to Rab because he says it is within the region prescribed for slaughtering, and according to Samuel because only the severance of the greater portion of its circumference is, in his view, a defect.

(18) I.e., Raba.

(19) Raba was liable to make good the loss occasioned by his wrong decision. Cf. Sanh. 6a.

(20) An euphemism for Raba himself.

Talmud - Mas. Chullin 44a

One who adopts the view of Beth Shammai only when they incline to strictness and likewise the view of Beth Hillel only when they incline to strictness, [is a fool and] to such an one applies the verse: But the fool walketh in darkness.[1] But one must either adopt the view of Beth Shammai in all cases, whether they incline to leniency or strictness, or the view of Beth Hillel in all cases, whether they incline to leniency or strictness'. Now is not this statement self-contradictory? At first it says: 'The halachah is always in accordance with the ruling of Beth Hillel', and immediately after it says: 'Nevertheless one who desires to adopt the view of Beth Shammai may do so'? — This is no difficulty. The latter statement relates to the practice before the Heavenly Voice[2] was heard, whilst the former states the law as it is after the Heavenly Voice was heard. Or, you may even say that the latter statement too was made after the Heavenly Voice was heard. [and yet there is no contradiction], for that statement is the view of R. Joshua who exclaimed: We pay no attention to a Heavenly Voice! Nevertheless the question remains?[3] — R. Tabuth said: He [Raba] acted entirely in accordance with Rab's view. For when Rami b. Ezekiel arrived [from palestine] he stated: 'Don't pay any heed to the laws transmitted to you by my brother Judah in the name of Rab; for thus said Rab: The Sages prescribed the limits in the gullet'.[4] Now since he said that the Sages prescribed the limits [in the gullet], it follows that the pharynx is not within the region prescribed for slaughtering; nevertheless, [Rab ruled that] the slightest perforation therein [will render the animal trefah].[5] How far on top?[6] — Said R. Nahman: As far as [the last] hand grip.[7] And how far below? — R. Nahman said in the name of Rabbah b. Abbuha: As far as that part where it is villous.[8] But this cannot be, for Rabina said in the name of Geniba on the authority of Rab that the [last] handbreadth of the gullet close to the rumen was the inner rumen. Now [if you say: 'as far as that part where it is villous',] one would then actually be cutting the rumen![9] — Render thus: The [first] handbreadth in the rumen close to the gullet is the inner rumen.[10] Alternatively, you may say that Rab was referring to an ox in

which the villous portion is found higher up.[11]

R. Nahman said in the name of Samuel: If the pharynx was entirely detached from the jaw,[12] [the animal] is valid. And our Tanna confirms this, for we have learnt: If the lower jaw was removed, [the animal] is valid.[13] R. Papa demurred, saying: But is this not a case of [throat] organs being torn away?[14] — And does not this statement of the Mishnah, 'If the lower jaw was removed, [the animal] is valid', present the same difficulty to R. Papa? — No, the Mishnah does not present any difficulty to R. Papa because in the one case [the organ] was torn away forcibly,[15] whilst in the case [of the Mishnah the jawbone] was merely carved away.[16] Against Samuel, however, the difficulty remains! — Do not read 'entirely', but rather 'the greater portion'. But has not Samuel himself said that if the greater portion of [the circumference of] the pharynx was severed it is trefah?[17] — There it was lacerated, but here it merely came away.[18] But has not Rabbah b. Bar Hana said in the name of Samuel that if the greater part of the [circumference of the] organs of the throat was torn loose the animal is trefah? — R. Shisha the son of R. Idi answered: In that case the organs were forcibly torn loose.[19]

OR THE WINDPIPE SEVERED. It was taught: How much of the windpipe must be severed? The greater part of it. And what is meant by 'the greater part of it'? — Rab says,

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(1) Eccl. II, 14.

(2) V. 'Er. 13a: 'A Heavenly Voice was heard, saying: The law is always in accordance with Beth Hillel'.

(3) Against Raba for adopting the strict side of Rab's view and the strict side of Samuel's view.

(4) I.e., the furthermost limits of the gullet, above and below (v. Tosaf.) within which the slaughtering may be performed.

(5) Despite the fact that it is outside the region prescribed for slaughtering. Raba thus accepted Rab's view in its entirety.

(6) I.e., how far does the region of slaughtering extend in the gullet?

(7) I.e., up to the last three or four fingerbreadths of the gullet towards the head (Rashi). According to Hal. Ged. and Alfasi the text means 'the grip of two fingers', which means either two fingerbreadths, or what can be gripped by two fingers, placing one finger on each side of the gullet, in other words, one fingerbreadth.

(8) Presumably the beginning of the rumen, the mucous membrane of which is covered with minute processes, resembling hair, known as villi.

(9) And this surely is no valid slaughtering.

(10) It is so called because it is enclosed between the ribs.

(11) Extending into the last handbreadth of the gullet.

(12) It must be observed that from the Talmudic viewpoint, as implied in this passage, the pharynx which is a continuation of the gullet, is attached to the lower jaw-bone and to the flesh around it. Accordingly, Samuel teaches that even if the pharynx was entirely detached from its moorings, i.e., torn away both from the jaw-bone and the surrounding flesh so that the gullet now hangs loose, the animal is still valid. As for the difficulty of reconciling this viewpoint with present day knowledge of anatomy v. Katzenelsohn, op. cit. pp. 125-127.

(13) V. infra 54a. With the removal of the lower jaw-bone (and presumably the surrounding flesh with it) the organs of the throat would hang loose, nevertheless the animal is valid, thus in accord with Samuel.

(14) עיקור, one of the conditions which render the slaughtering invalid and is in itself a defect according to Rashi. V. Tosaf. s.v והאיכא.

(15) In the case of עיקור the organ was torn away entirely, from the jawbone and the flesh, in which case the animal is unfit.

(16) But the organ was still attached to the flesh, in which case it is valid.

(17) Whereas here Samuel states that if the greater portion of the pharynx was torn loose from its moorings it is still valid. The text adopted here is that of MS.M. which is also given by Ban in his Glosses. Cur. edd. omit this question and the answer which follows.

(18) Where the organ merely came away from its moorings to the extent of the greater part of its circumference, but in no wise was there any laceration or trauma in the organ, it is still valid; but where the actual body of the organ was severed it is trefah.

(19) By reason of a violent wrench the organ was torn loose and remained attached only by some thin strands of its tissue in a few places. In this case it is trefah, for the attachments in these places are meager and would not hold the organ in Position. On the other hand, Samuel speaks of the case in which the organ came away but not with violence, so that even though the greater part of its circumference on top was detached, what remains is firm and could hold the organ in its place; so he rules the animal still valid.

Talmud - Mas. Chullin 44b

The greater part of the outer circumference [of the windpipe].[1] Others say [in the name of Rab]: The greater part of the inner circumference.[2] An animal with its windpipe severed was brought before Rab. He set about to examine it on the basis of the greater part of the outer circumference; whereupon R. Kahana and R. Assi said: 'But you have taught us, Master, to examine it on the basis of the greater part of the inner circumference!' Rab therefore sent the case to Rabbah b. Bar Hana and he examined it on the basis of the greater part of the inner circumference. He permitted it and actually bought from the meat of the animal to the value of thirteen common istirae.[3] But was he right in doing so? Has it not been taught: 'If a Sage has declared aught unclean his colleague may not declare it clean, or if he has declared aught forbidden his colleague may not permit it'? — This case is different for Rab did not declare it forbidden.[4] And why did he eat of it seeing that a Sage had to make a decision with regard to it? Behold it is written: Then said I, 'Ah Lord God! behold my soul hath not been polluted; for from my youth up even till now have I not eaten of that which dieth of itself or is torn of beasts; neither came there abhorred flesh into my mouth'.[5] And it has been interpreted as follows: 'Behold my soul hath not been polluted', for I did not allow impure thoughts to enter my mind during the day, so as to lead to pollution at night. 'For from my youth up even till now have I not eaten of that which dieth of itself or is torn of beasts', for I have never eaten of the flesh of an animal of which it had been exclaimed: 'Slaughter it! Slaughter it!' Neither came there abhorred flesh into my mouth, for I did not eat the flesh of an animal which a Sage declared to be permitted. It was reported in the name of R. Nathan that this means: I did not eat of an animal from which the priestly dues had not been set apart! — This applies only to a matter which was declared to be permitted as the result of a logical argument; Rabbah b. Bar Hana, however, relied upon his tradition.[6] But, in any case, there is the suspicion?[7] And it has been taught: A judge who decided an issue declaring the one party entitled to a thing and the other disentitled, or who pronounced aught to be unclean or clean, or forbidden or permissible, likewise witnesses who gave evidence in a law suit, these may [in law] buy the matter that was in dispute, but the Sages have said: 'Keep aloof from anything hideous or from whatever seems hideous'! — This applies only to matters which are bought by appraisement;[8] in this case, however, the selling by weight is proof against suspicion. As in the following instance. Raba once declared an animal, a doubtful case of trefah, to be permitted and then bought some of the meat. Whereupon the daughter of R. Hisda[9] said to him, 'My father once permitted a firstling[10] but would not buy of its meat'! To which he replied: 'This [suspicion] applies only in the case of a firstling since it may be sold only by appraisement;[11] in my case, however, the selling by weight is proof against suspicion. What other suspicion can there be? That I receive a choice piece? But every day I am given the choicest meat'.

R. Hisda said: Who is a scholar?[12] He who would declare his own animal trefah.[13]

R. Hisda further said: To whom does this verse apply: He that hateth gifts shall live?[14] To him who would declare his own animal trefah.

Mar Zutra gave the following exposition in the name of R. Hisda: He who studies Scripture and the Mishnah, and attends the lectures of the scholars,[15] and would declare his own animal trefah, of him it is written: When thou eatest the labour of thy hands, happy shalt thou be, and it shall be well with thee.[16] R. Zebid said: He is worthy of inheriting two worlds: this world and the world to come; 'Happy shalt thou be', in this world; 'and it shall be well with thee', in the world to come.

Whenever R. Eleazar was sent a gift from the house of the Nasi[17] he would not accept it, and whenever he was invited out to dine he would not go, for he used to say: '[It seems that] you[18] don't want me to live, for it is written: "He that hateth gifts shall live"'. Whenever R. Zera was sent a gift he would not accept it but whenever he was invited out to dine he would go, for he used to say,

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(1) Lit., 'the greater portion of its thickness'. It must be remembered that the trachea or windpipe is a cylindrical membranous tube, stiffened and held open by a series of many cartilaginous rings. These rings of cartilage are incomplete in part of their circumference, being about one third filled in by fibrous tissue. It is evident, therefore, that the greater part of the outer circumference which includes the thickness of the cartilage would not necessarily be also the greater part of the inner circumference.

(2) Lit., 'the greater part of the cavity of the windpipe'.

(3) Silver coins (staters). 'Common' i.e., provincial coins as opposed to Tyrian coinage.

(4) Rab came to no decision in the case.

(5) Ezek. IV, 14. V. supra p. 201 and notes.

(6) Received from his teachers, that the inner circumference of the windpipe must be examined. Where a master relies upon a tradition he may overrule a decision of a colleague. V. Tosaf. s.v. היכי.

(7) That he was given meat at a cheaper price in return for declaring the animal permissible, so that he appears to be receiving a reward or monetary advantage for deciding a case (Rashi).

(8) I.e., such things as are bought and sold by a general estimation of their weight or an approximate assessment of their value without resorting to the usual practice of weighing or measuring. Only in such a case is there ground for suspicion.

(9) She was the wife of Raba, cf. B.B. 12b.

(10) After the destruction of the Temple a firstling was permitted to be slaughtered and eaten by priests only if it had a physical blemish which would have rendered it unfit for a sacrifice. It was therefore necessary for a Rabbi to examine the blemish and give a ruling on it.

(11) V. Bek. 31a. The meat of a firstling was not permitted to be sold by weight in the butcher's shop but only by an approximate estimation of its value.

(12) To whom a lost object is to be restored on his identifying it by general impression without mentioning any special distinguishing marks; cf. B.M. 24a (Tosaf).

(13) When there has arisen a doubt with regard to it.

(14) Prov. XV, 27.

(15) This sequence is different from the current ed, but is based on many MSS. and on Alfasi; cf. Ber. 47b.

(16) Ps. CXXVIII, 2.

(17) נשיא. 'price', the Patriarch Judah II.

(18) Lit., 'the Master', the Nasi.

Talmud - Mas. Chullin 45a

'They are honoured by [inviting] me'.

Rab Judah said in the name of Rab: If the windpipe was perforated [with many holes] like a sieve, they are reckoned together in order to make up the greater part.[1] R. Jeremiah raised an objection It was taught: If there was one long hole in the skull, or even if there were many small holes in it, in either case the hole or holes are computed to make up the measure of a hole the size of a [surgeon's] drill.[2] We therefore see that if the measure is that of a hole the size of a drill, several small holes are reckoned together so as to make up this measure; similarly we ought to say here, inasmuch as the measure[3] is that of a hole the size of an issar,[4] that several small holes shall be reckoned together to make up a hole the size of an issar? — He [R. Jeremiah] obviously overlooked the dictum of R. Helbo which he reported in the name of R. Hama b. Guria on the authority of Rab: Holes with loss of substance are reckoned together to make up the measure of a hole the size of an issar, but holes without any loss of substance are reckoned together to make up the greater part [of the circumference].[5]

Rabbah b. Bar Hana said in the name of R. Joshua b. Levi: If a strip [of the windpipe] was removed its space[6] is computed to make up a hole the size of an issar.

R. Isaac b. Nahmani enquired of R. Joshua b. Levi: What is the law if the windpipe was perforated like a sieve? — He replied: They have said: Holes with loss of substance are reckoned together to make up the measure of a hole the size of an issar, but holes without any loss of substance are reckoned together to make up the greater part [of the circumference].

What is the test in the case of a bird?[7] — R. Isaac b. Nahmani said: It was explained to me by R. Eleazar thus: It[8] must be cut out[9] and placed over the opening of the windpipe; if it covers the greater part of the windpipe, the bird is trefah, but if not, it is permitted. R. Papa said: And in order to remember this [test] think of a sieve.[10]

R. Nahman said, if the windpipe was lacerated in the shape of a door,[11] it is trefah if an issar can pass through it horizontally.[12]

Rab said, if the windpipe was slit lengthwise it is permitted, provided there remained intact at least one ring[13] at the top and one ring at the lower end. When this was reported to R. Johanan he exclaimed: Why a ring? Why does Rab insist upon a ring? I would rather say: It is permitted — provided there remained a portions no matter how little, intact at the top and at the lower end. When this same ruling was reported to R. Johanan in the name of [the Babylonian] R. Jonathan he exclaimed: Our Babylonian friends know full well how to interpret the law!

R. Hiyya b. Joseph recited in the presence of R. Johanan: The whole of the neck is the appropriate place for slaughtering — that is, from the large ring[14] to the nethermost lobe of the lung. Raba said: 'The nethermost lobe' really means the uppermost lobe,[15] for I hold [that the appropriate place for slaughtering is] the entire extent of the neck observed at the time when the animal is grazing. But on no account may the organs [of the throat] be stretched [by force]. R. Hanina (others say: R. Hanania) enquired: What is the law if the animal of its own accord stretched its neck?[16] It is undecided.

R. Johanan and R. Simeon b. Lakish were once sitting together and the following was established:[17] If one stretched the organs of the throat of an animal by force and slaughtered in the extended part, the slaughtering is invalid. If the windpipe was pierced below the breast it is considered as if the lungs [were pierced].[18]

Our Rabbis taught: What counts as the breast?[19] It is that portion which looks down upon the ground; on top[20] it extends as far as the neck, and below as far as the rumen. Two ribs from the two sides, on this side and on that, are cut away with it.[21] This is the breast which is to be given to the priests.

IF THE MEMBRANE OF THE BRAIN WAS PIERCED. Rab and Samuel both said: If the outer membrane[22] only was pierced, even though the inner was not, [it is trefah]. Others say [that Rab and Samuel both said: It is not trefah] unless the inner membrane was [also][23] pierced. R. Samuel b. Nahmani said: And in order to remember this think of the bag in which the brain lies.[24] Rabbah b. Bar Hana said in the name of R. Joshua b. Levi: The same is to be observed with the stones.[25]

R. Simeon b. Pazzi said in the name of R. Joshua b. Levi on the authority of Bar Kappara: All the marrow that is within the cranium is regarded as the brain; from the point at which it begins to elongate it is counted as the spinal cord. At what point does it begin to elongate? — Said R. Isaac b. Nahmani: It was explained to me by R. Joshua b. Levi: there are two

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(1) I.e., the holes are considered as being adjacent and in a line, and if then it appears that the greater portion of the circumference of the windpipe is severed the animal is trefah.
(2) And if the hole is of the size of a surgeon's drill the skull will no longer convey uncleanness to men or vessels that are in the same 'tent' or under the same roof; V. Ohol. II, 3.
(3) Where the windpipe was perforated, as distinct from where it was merely severed. V. infra 54a.
(4) A coin, the Roman as, one twenty-fourth part of a denar.
(5) And Rab Judah was referring to holes without any loss of substance.
(6) I.e., its area.
(7) If there were several holes in it with loss of substance, or if a strip of the windpipe was removed. The measure of an issar obviously cannot apply to a bird too, since the entire width of its windpipe does not amount to an issar.
(8) Sc. the portion of the windpipe that is perforated with several holes, including even the solid substance between the holes (Rashi).
(9) Lit., 'he rolls it up'.
(10) Which is a cavity covered over by a network of small holes; here too the portion perforated must be placed over the cavity of the windpipe.
(11) I.e., a Portion of the windpipe was cut around on three sides but attached on the fourth side (Rashi). According to Alfasi and Maim., 'The windpipe was perforated from side to side', i.e., there were two holes in the windpipe exactly opposite each other. It is to be observed that 'like a door' is not found in MS.M. nor in the text of Alfasi. Moreover there is considerable doubt whether this case refers to a bird or cattle. V. commentaries.
(12) V. Tosaf. s.v. כדי and Kesef Mishnah on Maim. Yad, Hil. Shech. III, 24.
(13) Or: 'one section consisting of three rings'.
(14) Sc. the cricoid 'cartilage.
(15) It is clear that the top lobe of the lung is meant but the description of it will vary according to the position of the animal. If the animal is suspended by its hind legs the top lobe is really the nethermost.
(16) And the animal was slaughtered in that extended portion of the neck.
(17) Lit., 'the matter emanated from them'.
(18) And the slightest perforation will render the animal trefah.
(19) From all peace-offerings the breast as well as the thigh was presented to the priest; cf. Lev. VII, 34.
(20) This is the better text, so found in Tosef Hul. IX and in many MSS.; so also in Maim. In cur. edd. the directions are reversed.
(21) According to Rashi, one rib is to be cut away on each side; however, in the Tosef. loc. cit. and in Maim. it is expressly stated that two ribs must be cut away on each side. So too R. Hananel, v. Tosaf. ad loc.
(22) I.e., the dura mater, the inner membrane being the pia mater.
(23) V. Asheri and R. Nissim ad loc.
(24) This is a mnemonic for remembering the second opinion, namely, that the inner membrane is the vital one. There is a play upon the word חייתא, which means 'life' and also 'a bag'.
(25) I.e., the testicles of an animal are also invested by two coverings, an inner and outer membrane, like the brain.

Talmud - Mas. Chullin 45b

bean shaped protuberances[1] that lie at the entrance of the cranium; whatsoever lies on the inside of these protuberances is regarded as within [the cranium] and whatsoever lies on the outside of these protuberances is regarded as outside [the cranium]. As to that which lies directly opposite these protuberances, I know not how to regard it. It is the more reasonable view, however, to regard it as within [the cranium]. R. Jeremiah once examined the skull of a bird and found these two bean shaped protuberances at the entrance of the cranium.

IF THE HEART WAS PIERCED AS FAR AS THE CAVITY THEREOF. R. Zera raised the question: Does it mean as far as the small cavity[2] or as far as the large cavity? Thereupon Abaye said to him: Why are you in doubt? Have we not learnt: R. SIMEON SAYS, PROVIDED IT WAS PIERCED AS FAR AS THE MAIN BRONCHI? And this was explained by Rabbah b. Tahlifa in the name of R. Jeremiah b. Abba on the authority of Rab to mean that it [the lung] must be pierced as far

as the large bronchus![3] — He replied: There is no comparison at all! There it says: AS FAR AS THE MAIN BRONCHI,[4] that is the center into which the bronchial tubes converge, but here it says: AS FAR AS THE CAVITY THEREOF; what does it matter whether it is the large or small cavity?[5]

As to the aorta,[6] Rab says: The slightest perforation therein [will render the animal trefah]; Samuel says, [It is trefah only if] the greater portion [of its circumference was severed]. What is the aorta? Said Rabbah b. Isaac in the name of Rab: It is the artery[7] which runs along the [chest] walls. The walls? But that is absurd! Rather it is the artery which runs in the groove between the lungs.[8]

Amemar said in the name of R. Nahman: There are three main vessels, one leads to the heart,[9] the other to the lungs[10] and the third to the liver;[11] the one that leads to the lungs is counted as the lungs,[12] the one that leads to the liver is counted as the liver,[13] but with regard to the one that leads to the heart there is the abovementioned dispute [between Rab and Samuel]. Mar b. Hiyya reports a different version: The one that leads to the lungs is counted as the liver, the one that leads to the liver is counted as the lungs, but with regard to the one that leads to the heart there is the above-mentioned dispute [between Rab and Samuel]. R. Hiyya b. Joseph went and reported Rab's view to Samuel. Said Samuel: If this is what Abba[14] said, then he knows nothing about defects in animals.

IF THE SPINE WAS BROKEN. Our Rabbis taught: Rabbi says: The greater part of the circumference of the spinal cord must be severed. R. Jacob says: Even if it was only pierced [the animal is trefah]. Rabbi, however, decided cases according to the view of R. Jacob. R. Huna said: The halachah is not in accordance with R. Jacob's view. What is meant by 'the greater part'? — Rab said: It means the greater part of the circumference of the membrane[15] [which envelops the cord]. Others say [in the name of Rab]: It means the greater part of the circumference of the medulla.[16] Now those who say: 'the greater part of the circumference of the medulla', will certainly hold [that the severance of] the greater part of the circumference of the membrane [renders the animal trefah]; but as for those who say: 'the greater part of the circumference of the membrane', what would be their view if the greater part of the circumference of the medulla [was severed]? — Come and hear: Niwli said in the name of R. Huna, 'The greater part' of which the Rabbis spoke means the greater part of the circumference of the membrane, for the actual medulla is of no consequence.[17]

R. Nathan b. Abin was once sitting before Rab and was examining the spinal cord for any severance of the greater part of the circumference of the membrane and also for any severance of the greater part of the circumference of the medulla; whereupon [Rab] said to him: If the greater part of the circumference of the membrane is intact [no further examination is necessary, for] the actual medulla is of no consequence.

Rabbah b. Bar Hana said in the name of R. Joshua b. Levi: If [the medulla] liquified, [the animal] is unfit; [likewise] if softened, it is unfit. What is meant by 'liquified' and by 'softened'? 'Liquified' means that it flows out as from a jug; 'softened' means that it cannot stand upright. R. Jeremiah asked: What is the law if it cannot stand upright because of its [abnormal] heaviness? It is Undecided. In the school of Rab it was taught: If it softened, the animal is unfit, but if part wasted away[18] the animal is still fit. The following objection was raised: R. Simeon b. Eleazar said: If part of the spinal substance of an animal wasted away it is trefah. — That was a case where the substance had softened. But surely this is not right,[19] for Levi was once sitting in the public baths when he saw a man shaking his head incessantly[20] and exclaimed: 'Ah, this man's brain has wasted away'. Now he meant to imply, did he not, that he could not continue to live? — No, said Abaye; he meant to imply that he could not procreate.

How far does the spinal cord extend?[21] — Rab Judah said in the name of Samuel: Up to the interval between the branch nerves.[22] As R. Dimi b. Isaac was intending to go to Be Huzai[23] he came to Rab Judah and said: 'Would the Master indicate to me the position of these intervals?' 'Go', he

replied: ‘fetch me a kid and I will show them to you’. He brought them a fat kid so Rab Judah said to him, ‘In this they are too deeply sunken in and are not distinguishable’. He then brought him a lean kid and Rab Judah said to him, ‘In this they protrude too much[24] and are not distinguishable. But come’, said he, ‘and I will teach you the traditional law. Thus said Samuel, [The severance of the cord in any part] up to the first interval[25] is trefah, in the third interval it is permitted, as to the second interval I do not know’.

R. Huna son of R. Joshua raised the point:

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(1) I.e., the occipital condyles which articulate the cranium to the first vertebra.

(2) I.e., the atrium; the large cavity being the ventricle.

(3) Abaye would therefore suggest that even in the case of the heart the hole must reach as far as the main or large cavity, i.e., the ventricle.

(4) Lit., ‘the house (or center) of the bronchial tubes’.

(5) In either case it is trefah.

(6) Heb. קנה הלב ‘the artery of the heart’.

(7) Lit., ‘the fat’. The aorta was regarded as composed of fat by reason of its whiteness.

(8) I.e., the mediastinal cavity.

(9) The aorta.

(10) The trachea or windpipe.

(11) The vena cava inferior.

(12) And the slightest perforation therein will render the animal trefah.

(13) So that it is trefah only if it was gone entirely.

(14) I.e.. Rab. V. supra p. 202, n. 5.

(15) And it is trefah even though the medulla or spinal tissue is intact and has not been affected at all.

(16) If it is severed to this extent it is trefah even though the membrane which envelops the cord is intact.

(17) Lit., ‘neither raises nor lowers’. For a discussion of this passage in the light of medical science v. Katzenelsohn, op. cit. pp. 132-3.

(18) And a cavity was formed (Rashi). V. Alfasi.

(19) To say that a wasting away of part of the spinal cord leaves the animal valid.

(20) Or ‘who struck his head’ (Aruch).

(21) I.e., at what point does the vitality of the spinal cord cease so that any severance of the cord beyond that point would be of no consequence.

(22) Heb. בין הפרשות, ‘between the partings’, i.e., that part of the cord between the pairs of nerves that branch off from the cord (Rashi, first interpretation). It must be observed that the spinal cord is a long, almost cylindrical rod of nerve tissue accommodated in the vertebral canal, and it extends from the skull to about the middle of the sacrum (the bone at the lower end of the spine and is wedged in between the hip bones). At intervals along the entire length of the cord are given off pairs of spinal nerves (thirty-seven in number, classified as eight cervical, thirteen thoracic, six lumbar, five sacral, and five coccygeal) which break up into branches, and these again into smaller ones until almost every tissue in the body is reached. These spinal nerves (called in the text ‘branch nerves’: Heb. פרשות) as they emerge from the vertebral canal are at once concealed in muscles and are not visible, with the exception of the first three sacral nerves which are visible and soon unite to form the sacral plexus from which proceeds the sciatic nerve, the largest nerve in the body. Accordingly the intervals between the branch nerves spoken of in the text will refer to the length of spinal cord between the first pair of sacral nerves and the second, and between the second pair and the third. The significance of Samuel's statement is that any severance of the cord below the interval is of no consequence and the animal is valid.

(23) The modern Khuzistan.

(24) And the hip bones press hard on the nerves so that they are hardly noticeable.

(25) The first interval is that portion of the spinal cord between the branching off of the first sacral nerve and the second, the second interval between the second and third sacral nerves, and the third interval after the third sacral nerve.

Is 'up to' inclusive[1] or not?[2] R. Papa raised the point: If you say that 'up to' is not inclusive, what is the law then [if the spinal cord was severed] at the point where the nerves branch off?[3] R. Jeremiah raised the point: If you say that 'up to' is inclusive, what is the law then if the branch nerve itself[4] [was severed]? — Come and hear: 'The branch nerve is accounted as flesh.'[5] Presumably this refers to the first and second branch nerves, does it not? — No, it refers to the third.[6]

In a bird, says R. Jannai, [the vitality of] the cord extends as far as [the point opposite] the lower extremity of the wings.[7] R. Simeon b. Lakish says: As far as the point opposite the [beginning of the] wings. Ulla said: I was once standing before Ben pazzi when a bird was brought to him for examination. He had examined [the spinal cord] as far as the point opposite the [beginning of the] wings when he was sent for by the Nasi, whereupon he arose and went away. Now I did not know whether [his leaving at this point was] because he did not consider it necessary to examine it any further or only out of respect for the Nasi.

IF THE LIVER WAS GONE AND NAUGHT REMAINED. It follows, however, that if aught remained, even though less than an olive's bulk, it is permitted; but we have learnt: If the liver was gone, provided there remained an olive's bulk thereof, it is permitted![8] — R. Joseph said: There is no contradiction; the one [Mishnah] represents the view of R. Hiyya and the other the view of R. Simeon b. Rabbi. For R. Hiyya used to throw it away,[9] whilst R. Simeon b. Rabbi would eat it.[10] And in order to remember this, think of the saying: 'the rich are parsimonious'.[11]

An army once was stationed at pumbeditha. Rabbah and R. Joseph fled the town and were met on the way by R. Zera, who said to them, 'Fugitives! Remember the olive's bulk of which the Rabbis spoke must be found in the region of the gall-bladder'. R. Adda b. Ahaba said: It must be found in the most vital place.[12] Therefore, said R. Papa, there must be one olive's bulk in the region of the gall-bladder and another in the most vital place.

R. Jeremiah enquired: What is the law if the olive's bulk was [not found in one place but was] obtained by collecting it? or if there only remained of the liver a long, thin strip? R. Ashi asked: What is the law if that which remained of the liver was flattened? These questions remain undecided. R. Zerika enquired of R. Ammi, What is the law if the liver was [for the most part] torn away from its connections though [in parts] it was still attached to the diaphragm? — He replied: In this case of the liver being torn loose I see no difficulty at all, for as to the one who says, there must be an olive's bulk in the region of the gall-bladder, it is so here, and as to the one who says there must be an olive's bulk in the most vital part, that, too, is here.

IF THE LUNG WAS PIERCED. Rab, Samuel and R. Assi say: The outer membrane[13] [must be pierced]; others say [that they said], The inner membrane. R. Joseph b. Manyomi said in the name of R. Nahman, In order to remember this think of the rose-coloured coat in which the lungs lie.[14] It is clear[15] that if the outer membrane was pierced, but not the inner one, [the animal is permitted, for] the inner membrane is a sufficient protection; this being in accordance with Raba's decision, for Raba ruled: That if the outer membrane of the lung was peeled off

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(1) So that the severance of the cord in the first interval is trefah.

(2) And the severance of the cord in the first interval is also a matter of doubt as in the second interval.

(3) I.e., the point in the cord where the first pair of sacral nerves is given off.

(4) I.e., the first sacral nerve (Rashi).

(5) And any severance thereof is of no consequence.

(6) This entire passage has been dealt with in accordance with Rashi's first interpretation. For other interpretations see Rashi and the Commentaries. V. also Glosses of J. H. Dunner on this passage and Katzenelsohn op. cit. pp. 114, 134-7, 280, 282.

(7) V. Tosaf. a.l. and Asheri for meaning of 'extremity of wings'. It might mean either the extremity of the articulation of the humerus (i.e., the bone of the upper arm) to the scapula (i.e., the shoulder blade), or the extremity of the entire wing as it lies on the body of the bird, V. Commentaries.
(8) Infra 54a.
(9) I.e., where there did not remain of the liver an olive's bulk he regarded the animal as trefah.
(10) Lit., 'dipped it' in sauce; i.e., he regarded it as permitted even though there did not remain an olive's bulk of the liver. V. Rashi, however, for another interpretation suggesting the reverse.
(11) Indicating that it was R. Simeon b. Rabbi, son of the Nasi, and a wealthy person, who permitted it.
(12) I.e., where the liver is attached to the diaphragm (by the falciform ligament); others interpret, where the liver is reflected on to the right kidney (by the suprarenal ligament).
(13) Lit., 'the upper' i.e., the membrane which envelops the lungs; v. Katzenelsohn op. cit. p. 139.
(14) This refers to the inner membrane or the pinkish coat which invests the pulmonary substance (the parenchyma pulmonis). R. Nahman is of the opinion that the inner is the vital membrane, and this must be pierced in order to render the animal trefah.
(15) This argument follows the second version that the inner membrane is the vital one.

Talmud - Mas. Chullin 46b

, so that now the lung resembles a red date, it is permitted. [The only question is,] if the inner membrane was pierced, but not the outer one, will the latter afford sufficient protection or not? R. Aha and Rabina disagree, one maintains that it does not afford sufficient protection, the other that it does. The law is that it does afford sufficient protection, and this is in agreement with the decision of R. Joseph. For R. Joseph said: If the lung produces a sound [when inflated] and the source of the sound can be located, we must place over that spot a feather or a straw or spittle; if it stirs[1] the animal is trefah, otherwise it is permitted. If the source cannot be located, we must take a basin of luke warm water and put the lung therein. (The water must not be too hot, for then the lungs would shrivel up, nor too cold, for then they would harden; but it must be luke-warm.) We then inflate the lung; if it bubbles it is trefah, otherwise it is permitted, for then it is certain that the inner membrane only has been perforated, but not the outer one, and the sound is caused merely by the air vibrating between the two membranes.

(Mnemonic: A date. Red. Dry. Scabs.)

The text [stated above]: 'Raba said: If the outer membrane of the lung was peeled off, so that now the lung resembles a red date, the animal is permitted'. Raba further said: If a portion of the lungs turned red, the animal is permitted, but if the whole turned red, it is trefah. Rabina said to Raba, Why is it that where a portion only turned red it is permitted? It is, is it not, because it will eventually recover [its normal colour]? Then surely where the whole turned red it should also be permitted because it will eventually recover [its normal colour]. For it was taught: With regard to other creeping and crawling things[2] [one would not be liable for causing them an injury on the Sabbath] unless the wound bled.[3] Should you argue and say that we ought to compare our case with the case of the 'Eight species of creeping things', about which it has been taught: [One is liable for desecrating the Sabbath by injuring these creatures] if only the blood collected in one spot, though there was no bleeding at all, then I would contend that even if only a portion of the lungs had turned red the animal should be trefah.[4] There is therefore no difference.[5]

Raba further said: If a portion of the lungs became dry [the animal] is trefah. To what extent? — R. Papi said in the name of Raba, [It is so dry] that it crumbles with the nail. Is this view only in accord with the opinion of R. Jose b. ha-Meshullam? For we have learnt: What is meant by 'dried'?[6] That is does not bleed when pierced. R. Jose b. ha-Meshullam says, [It is so dry] that it crumbles with the nail![7] — You can even say that our view is in accord with the opinion of the Rabbis, [but there is, however, this distinction to be drawn]. In the case of the ear of a firstling, inasmuch as it is

constantly exposed to wind, it will not recover;[8] whilst in the case of the lungs, since they are not exposed to wind, they will recover.[9]

Raba further said: If the lungs were covered with scabs or with black patches or with patches of various colours,[10] it is permitted.

Amemar said in the name of Raba, We may not compare cysts with each other.[11]

Raba further said: If two lobes of the lungs adhere to each other [by fibrous tissue], no examination thereof can avail[12] [to render the animal permitted]. This is so, however, only if the lobes were not adjacent,[13] but if they were adjacent [it is permitted, for] this is their natural position.[14]

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(1) Heb. מבצבץ 'to bubble', strictly applied to water. The expression is terse and applies to all three, and the meaning is: if the straw or feather flutters, or the water bubbles, the animal is trefah, for this is an indication that there is here a perforation and the air is escaping through it.

(2) I.e., not of those species enumerated in Lev. XI, 29 and 30.

(3) But any other wound caused, though quite red, if it does not bleed, is not regarded as an injury; hence there is no liability for causing such a wound on the Sabbath. Likewise the fact that the lungs have turned red, even completely red, is not to be regarded as an injury or trauma; accordingly it should not render the animal trefah.

(4) The argument is: If the collection of the blood into one place as a result of a blow is technically an injury, and one who inflicts such a blow desecrates the Sabbath, the reason can only be because in all probability the skin will break, and eventually the blood will flow. It should then likewise be held in our case that the animal is trefah even though only a portion of the lung turned red, for the skin will break eventually and there will be a perforation of the lungs.

(5) And in either case-whether the whole or only part of the lungs turned red-it is permitted (Rashi, Alfasi and Maim). R. Hananel and R. Tam hold that in either case it is trefah.

(6) V. Bek. 37a, where it is taught that if the ear of a firstling dried up it is a blemish; and the Mishnah proceeds to define the term 'dried'.

(7) This is a greater degree of dryness than that mentioned by the first Tanna, which, being stated anonymously, was the general opinion of the Rabbis.

(8) And therefore it is regarded as a blemish even though the ear has not become quite dry and brittle.

(9) Accordingly it is trefah only when it is so dry that it crumbles with the finger nail.

(10) Of course only such colours as do not render trefah, v. infra.

(11) If after slaughtering an animal there is found on the lung a burst cyst (on such a part of it as is not usually handled by the slaughterer) but it is not known whether the cyst had burst before the slaughtering, in which case the animal would be trefah, or after the slaughtering, in which case the animal would be permitted, we may not lance another cyst which happens to be on the same lung and compare the two, with the object that if they now resemble each other the animal will be permitted, for it is held that a burst cyst would present a different condition both in colour and in general appearance at different times.

(12) It is trefah, because every adhesion is caused by the presence of a perforation beneath it (Rashi), or because an adhesion will ultimately cause a perforation when it breaks away (Tosaf.).

(13) E.g., if the first lobe was attached to the third lobe.

(14) This being so the adhesion will act as a firm and effective covering over the underlying perforation, and is therefore permitted; so according to Rashi. The view of Tosaf. is that, the lobes being adjacent, there is no apprehension that the adhesion will snap and cause a perforation.

Talmud - Mas. Chullin 47a

Raba further said: If two cysts are contiguous, no examination thereof can avail.[1] If one cyst appears like two,[2] we must take a thorn and burst it; if [the mucous] runs from one into the other, it is clear that there is here only one cyst, and it is permitted, but if not, there are here two distinct cysts [which are contiguous], and it is trefah.

Raba further said: The lungs have five lobes,[3] three on the right side and two on the left [that is, when held up with] the front facing the examiner.[4] If there was one lobe missing or one too many, or if the number of lobes was transposed,[5] the animal is trefah.

There once was brought before Meremar [a pair of lungs with] an additional lobe. R. Aha who was sitting at the entrance [of Meremar's house] asked [the butcher as he was leaving], 'What did he say about it'? He replied: 'He declared it to be permitted'. 'Then take it in to him again', said R. Aha. Whereupon Meremar said: 'Go, tell him that sits at the door that the law is not in accordance with Raba in the case of an additional lobe'. This is the rule, however, only if the additional lobe was in line with the other lobes, but if it was interjacent between the lungs,[6] it is trefah.

There once was brought before R. Ashi [a pair of lungs that had] an interjacent lobe. He was about to declare it trefah when R. Huna Mar b. Awia said to him, But all beasts that pasture in the open field have this[7] [interjacent lobe], and it is called by butchers 'the little rose-lobe',[8] This is the rule, however, only if it is found in front,

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(1) Raba is of the opinion that where two or more cysts are contiguous they must have been caused by an underlying perforation.

(2) I.e., there appears a dividing line in the cyst.

(3) This does not take into account the main or diaphragmatic lobe which in Hebrew is אומא, as distinguished from אונה, the other lobes.

(4) I.e., when the animal is suspended after the slaughtering by its hind legs ventrally towards-the examiner.

(5) I.e., there were two lobes on the right side and three on the left.

(6) Or anywhere else on the lungs not in line with or in the range of the other lobes.

(7) MS.M. and a number of other MSS. add: 'And others say: All goats that pasture in the open field have it'. V. Tosaf. ad loc.

(8) So called on account of its thinness like the petal of a rose, and also because of its pinkish colour.

Talmud - Mas. Chullin 47b

but if it is found on the back of the lungs, even though it is as small as a myrtle leaf, it is trefah.

Rafram said: If the lung was like wood, it is trefah. Some explain, [like wood] in colour; others, [like wood] in touch. The former say: 'in colour', meaning thereby that when distended it is pale [like wood]; but the others say: 'in touch', meaning thereby that it is hard [like wood], or, as some say, that it is quite smooth and has no fissures marking the lobes.[1]

Raba said: If [the lung was] blue it is permitted, if black like ink it is trefah; for R. Hanina said: Black [blood] is [in reality] red blood which has turned black by disease.[2] If green[3] it is permitted, in accordance with R. Nathan; if red it is also permitted, in accordance with R. Nathan. For it was taught: R. Nathan said: 'I once came to a coastal town and was approached there by a woman who, having circumcised her first son and he died and her second son and he also died, brought her third son to me. I saw that the child was red so I said to her, "My daughter, wait until the blood will become absorbed in him". She accordingly waited and thereafter circumcised her child and he lived and was named Nathan the Babylonian after me. On another occasion when I went to Cappadocia I

was approached by a woman who, having circumcised her first son and he died and her second son and he also died, brought her third son to me. I saw that the child had a greenish colour; I examined him and found that he was anaemic, without blood for circumcision. I said to her, "My daughter, wait until the blood will circulate more freely in the child". She accordingly waited and thereafter circumcised her child and he lived and was named Nathan the Babylonian after me'.

R. Kahana said: If [the lung] resembles liver[4] it is permitted, if it resembles meat[5] it is trefah; and in order to remember this, think of the verse: Flesh that is torn of beasts [trefah] in the field.[6]

R. Sama, son of Raba, said: If the lung resembles cuscuta or the crocus or [the yolk of] an egg, it is trefah. But what is meant by the statement above, 'If green it is permitted'? — That it resembles the leek in colour.[7]

Rabina said: If there is an obstruction[8] in the lung, we must fetch a knife and cut open the obstruction. If there is found there an accumulation of pus, then it is clear that the obstruction was caused by the pus, and it is therefore permitted. If there is no pus, we must then place over the obstruction a feather or spittle; if it stirs, it is permitted,[9] otherwise it is trefah.

R. Joseph said: A membrane which had formed on the lungs in consequence of a wound is not a proper membrane.[10]

R. Joseph further said: If the lung produces a sound [when inflated] and the source of the sound can be located, we must place over that spot a feather or a straw or spittle; if it stirs it is trefah, otherwise it is permitted. If the source cannot be located, we must then take a basin of luke-warm water and put the lung therein. (The water must not be too hot, for then the lungs would shrivel up, nor too cold, for then they would harden; but it must be luke-warm.) We then inflate the lung; if it bubbles it is trefah, otherwise it is permitted, for then it is clear that the inner membrane only has been perforated, but not the outer one, and the sound is caused merely by the air vibrating between the two membranes.[11]

Ulla said in the name of R. Johanan: If the substance of the lung [decayed so that it] tosses about as [water] in a jug, it is permitted. Evidently he is of the opinion that a deficiency of substance within an organ is not considered a defect. R. Abba raised this objection against Ulla. We have learnt: IF THE LUNG WAS PIERCED OR WAS DEFICIENT. Now what does 'DEFICIENT mean? Should you say it means a deficiency from the outside, but that would be identical with 'pierced'.[12] It must mean therefore a deficiency within, thus proving that a deficiency within is considered a defect! — No; it really means a deficiency from the outside and as for your objection that it would then be identical with pierced, [I say that] it is stated in the Mishnah only on account of R. Simeon's view. For he said: PROVIDED IT WAS PIERCED AS FAR AS THE MAIN BRONCHI. Now this is his view only where there is a hole without any loss of substance, but where there is a hole with loss of substance even R. Simeon would agree.[13]

Once when R. Hananiah was in R. Nathan and all the great men of that age came to visit him. There was then brought in to him [R. Hananiah] a lung whose substance [had decayed and] was tossing about within as [water] in a jug, and he declared it to be permitted.

Raba said: Provided, however, the bronchial tubes within were intact. R. Aha, son of Raba, asked R. Ashi, How would we know it? — He replied: We take a glazed earthen basin, [pierce the lung] and pour it out into the basin, if there are seen any white streaks it is trefah,[14] but if not, it is permitted.

R. Nahman said: If the substance of the lung decayed[15] within but the entire external covering was

intact, it is permitted. It was taught likewise: If the substance of the lung decayed within but the entire external covering was intact, it is permitted, even though [the cavity within] would hold a quarter log. If the womb of an animal was gone,

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(1) There are many variants in the text of this passage; the translation, however, follows the text as found in MS.M. and other MSS. V. D.S. V. also Alfasi.

(2) V. Nid. 19a. Hence black is a symptom of decay and disease.

(3) Heb. ירוקה. This may mean either green or yellow. From the second anecdote of R. Nathan (v. infra) it would seem that yellow is intended, for this would very likely be the colour of the anaemic child; but v. p. 255, n. 1.

(4) I.e., hepatization — a consolidation of the lungs resulting in a liver-like solidification; this occurs in pneumonia.

(5) I.e., carnification — a state of certain organs in which the tissue becomes changed so as to resemble flesh.

(6) Ex. XXII, 30. Suggesting that if it is like flesh it is trefah.

(7) ירוקה therefore means green and not the various shades of yellow, for these are trefah. V. p. 254, n. 3.

(8) So that when the lungs are inflated some part will not distend.

(9) For this indicates that the air can penetrate.

(10) It does not form a strong and effective protection over the wound; it will most certainly break and it is therefore trefah.

(11) V. supra 46b.

(12) And in that case it would be unnecessary to state it expressly in the Mishnah.

(13) That it is trefah even though the perforation does not extend as far as the main bronchi.

(14) The white streaks are particles of the bronchial tubes which have been destroyed within.

(15) It is difficult to distinguish this case from that of Ulla supra, and indeed Maim, regards both statements as one. Rashi, however, distinguishes between the two cases and interprets this statement of R. Nahman thus: If the lung was depleted. i.e., a cavity was formed within but the rest of the pulmonary substance was sound etc.

it is permitted. If the liver of an animal was wormy — this was an actual case about which the people of Assia[1] made enquiry when they came up to Jabneh on each of the Three Festivals.[2] On the third time the Rabbis declared it to be permitted. R. Joseph b. Manyomi said in the name of R. Nahman: If the lung adheres to the chest wall there is nothing to be feared;[3] if, however, there is an eruption of ulcers [on the lung close to the adhesion] there is grave fear with regard to it.[4] Mar Judah said in the name of Abimi, In either case there is grave fear with regard to it. What must we do about it? — Said Raba, Rabin b. Shaba explained it to me that we must take a knife with a fine edge and separate [the lung from the chest wall]; if there is a taint upon the wall then we assume that the adhesion was caused by the wall [and the animal is permitted], but if not, we assume that it was caused by the lung and it is trefah.[5] R. Nehemiah b. R. Joseph applied the test of putting it in luke-warm water.[6]

Mar Zutra, son of R. Huna the son of R. Papi, said to Rabina, Do you report the test of R. Nehemiah the son of R. Joseph in connection with the above case? We report it in connection with Raba's case, for Raba said: If two lobes of the lungs adhere to each other [by fibrous tissue], no examination thereof can avail to render the animal permitted. R. Nehemiah the son of R. Joseph, however, used to apply the test of putting the lungs in luke-warm water. R. Ashi demurred: But what is the point of it? In our case the test is reasonable, for we could thereby assume that the disorder was caused by the wall, in which case the animal would be permitted; but in that case [of Raba, what is the point of the test?] If this lobe is found to be perforated the animal is trefah, and if the other lobe is found to be perforated it is also trefah.[7] But did R. Nahman really say this?[8] R. Joseph b. Manyomi surely said in the name of R. Nahman, If the lung was pierced but the perforation was covered up by the [chest] wall, it is permitted! — There is no contradiction: in the latter case the adhesion was formed in that part where by natural development they [sc. the lung and the chest wall] are in contact with each other, whereas in the former case the adhesion was not formed in that part where they are in contact by nature. And at what point is it that by natural development they are in contact with each

other? — At the point where the lung is divided into lobes.[9]

The text [above stated]: 'R. Joseph b. Manyomi said in the name of R. Nahman, If the lung was pierced but the perforation was covered up by the [chest] wall, it is permitted'. Rabina added, provided it had grown into the flesh.[10] R. Joseph asked Rabina, And what would be the law if they had not intergrown? It would [presumably] be trefah, and obviously because we assume that the lung is perforated. But if this be so, even where they had intergrown it should also [be trefah]; for it has been taught: [A man whose privy member] is pierced is unfit,[11] because the flow [of semen] is sluggish [and it does not fertilize]. If the hole had closed up he is fit, for he can procreate. This is an instance where the unfit can in the course of time return to fitness?[12] Now what is excluded by 'this'? presumably such a case as the above?[13] — No. It only excludes the case of a membrane which had formed on the lungs in consequence of a wound, for it is not a [sound] membrane.[14] R. 'Ukba b. Hama demurred: Had the wall above [the perforation of the lung] also been pierced it would be trefah, [would it not]? Why then does not the Tanna of our Mishnah include [in the list of defects] 'the perforation of the wall'? — But even as you will have it, [you are also faced with this type of question]. For R. Isaac b. Joseph said in the name of R. Johanan that if the gall-bladder had been pierced and the liver had completely closed up [the hole] it was permitted. [Now you should ask:] Had the liver above [the hole in the gall-bladder] also been pierced it would be trefah, [would it not]? Why then does not the Tanna of our Mishnah include also 'the perforation of the liver'? It is obvious, however, that the Tanna does not include the perforation of an organ which is not trefah per se. Here, too, the Tanna does not include that which is not trefah per se.[15]

Rabbah b. Bar Hana enquired of Samuel, 'What is the law if there was an eruption of ulcers [on the lungs]'? — He replied: 'It is permitted'. 'I also said so', said the other, 'but the students were hesitant about it,for R. Mattena stated, [If the boils are] full of pus it is trefah; if full of clear water it is permitted'.[16] 'That statement', replied Samuel, 'was made with regard to the kidneys'.

R. Isaac b. Joseph was walking behind R. Jeremiah in the butchers' market and they noticed certain lungs with ulcers. Thereupon he [R. Isaac] said to R. Jeremiah, 'Master, would you care to buy of this meat'?[17] He replied: 'I have no money'. 'I can get it on credit for you', he said .[18] The other answered: 'Why should I put you off'?[19] Whenever such a case as this came before R. Johanan he would always send it to R. Judah son of R. Simeon, and the latter on the authority of R. Eleazar son of R. Simeon always ruled that it was permitted; though he [R. Johanan] himself did not hold that view'.[20]

Raba related, 'When we were walking behind R. Nahman in the leather dealers' market

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(1) V. Sanh., Sonc. ed., p. 151, n. 1.

(2) V. Yeb., Sonc. ed., p. 862, n. 12.

(3) That this adhesion was caused by a perforation in the lung, for it is more likely that the chest wall attracted the lung.

(4) For it is manifest that the lung was the cause of the adhesion, which no doubt arose by reason of a perforation.

(5) In the current ed. are added the words, 'Even though the air does not escape therefrom'. In most MSS. these words are omitted and are obviously superfluous. V. Glos. of Bah.

(6) I.e., where there was found a degeneration in the chest wall to which the lung had adhered, the lung would have to be examined by being placed in a basin of luke-warm water; if the water bubbles — a sign that the air was escaping — it would be trefah.

(7) And there certainly was a perforation in one of the lobes for only that could have caused the adhesion. Of course the reason why the water does not bubble is that a membrane had formed over the perforation.

(8) That where it is definitely established that the lung was perforated — e.g., if there was an eruption of ulcers around the adhesion — it is trefah even though the chest wall securely and firmly covers up the perforation.

(9) I.e., at the top of the chest where the thoracic cavity narrows.

(10) I.e., there was a symphysis of the lung with the intercostal muscles.

(11) I.e., he may not marry an Israelitish woman; V. Deut. XXIII, 2.
(12) Yeb. 76a.
(13) I.e., an animal which has been rendered unfit by reason of a perforation in the lung will never revert to fitness, even though it has grown into the flesh between the ribs; contra R. Nahman.
(14) But it does not exclude the case of the lung, which, though perforated, has intergrown with the flesh between the ribs.
(15) And the perforation of the chest wall is not a defect per se, but only because it no longer affords a secure and effective covering to the perforation in the lung.
(16) And ulcers are sores full of pus.
(17) R. Isaac wished to know whether R. Jeremiah regarded an animal with an ulcerated lung trefah or not.
(18) Reading אקפך; so MS.M.
(19) Lit., 'what shall l do for you?'
(20) He neither declared it permitted nor would he forbid it.

Talmud - Mas. Chullin 48b

(others say: In the public place of the scholars), we noticed lungs covered with large tumors and he [R. Nahman] said nothing about it'. R. Ammi and R. Assi were once passing through the market place of Tiberias when they saw lungs covered with large and hard lumps, and they said nothing to them [the butchers] about it.

It was stated: If a needle was found in the lungs, R. Johanan, R. Eleazar and R. Hanina declare the animal permitted; R. Simeon b. Lakish, R. Mani b. Patish and R. Simeon b. Eliakim declare it trefah. Shall we say that they disagree upon the following law viz., The latter hold that a deficiency within[1] [the lung] is considered to be a defect, whereas the former hold that it is not a defect? — No. All hold that a deficiency within is not a defect, but they disagree in this: the former assume that it entered [the lung] via the bronchus,[2] whereas the latter assume that it pierced [some organ] before it entered.[3]

A needle was once found in a portion of the lung and it was brought before R. Ammi. He was about to declare it permitted when R. Jeremiah (others say: R. Zerika) raised the following objection against him: [We have learnt:] IF THE LUNG WAS PIERCED OR WAS DEFICIENT. Now what does deficient mean? Should you say it means a deficiency from the outside, but that would be identical with 'pierced'. It must mean therefore a deficiency within, thus proving that a deficiency within is considered a defect.[4] The case was then sent to R. Isaac Nappaha, who was also about to declare it permitted when R. Jeremiah (others say: R. Zerika) raised the following objection against him: [We have learnt:] IF THE LUNG WAS PIERCED OR WAS DEFICIENT. Now what does 'deficient' mean? Should you say it means a deficiency from the outside, but that would be identical with 'pierced'. It must therefore mean a deficiency within, thus proving that a deficiency within is considered a defect. The case was then sent back to R. Ammi and he now declared it trefah; whereupon his students said to him, But the Rabbis[5] have declared it permitted. He replied: They permitted it because they saw good grounds for permitting it,[6] but what grounds have we for permitting it? perhaps if the entire lung was before us we should have found it perforated!

Now the reason [for declaring it trefah] was that the entire lung was not before us, but if it were before us and was without perforation it would be permitted. But has not R. Nahman stated that if one of the bronchial tubes was perforated it is trefah?[7] — That is so only where the perforation [in the bronchial tube] lies next to another [bronchial tube].[8] But has not R. Nahman taught that if in the colon an intestine was perforated in that part where it lies next to another [intestine, it is permitted, for] the latter affords a covering? — R. Ashi replied: Are you comparing defects with each other? Amongst the various defects we cannot say that this resembles that; for an animal may be cut in one place and die, and in another place and live.

A needle was once found in the large bronchus. The case was brought before those Rabbis[9] who in the previous case[10] ruled that it was trefah; but they neither forbade nor permitted it. They did not permit it, by reason of their aforementioned view; yet they did not forbid it, because, since it was found in the large bronchus, it most probably[11] entered it [via the windpipe].

A needle was once found in a portion of the liver. Mar, son of R. Joseph, was about to declare [the animal] trefah when R. Ashi said to him, Sir, and if it were found in the flesh [of the animal] would you also declare it trefah?[12] Rather, said R. Ashi, We must see: if the head[13] of the needle is outside [the liver it is trefah, for] it must have pierced [the internal organs] and entered; but if the head is inside [it is permitted, for] it must have entered via the vein![14] This is the rule, however, only in the case of a large needle, but in the case of a fine needle there is no difference whether the head was outside [the liver] or inside,[15] for it is always to be assumed that it pierced [the internal organs] before it entered. And why is this case different from that of a needle which was found

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(1) In this case the needle would corrode the tissues of the lungs, thus forming a deficiency within.

(2) And therefore need not have pierced any of the internal organs; for the needle, it is assumed, passed down the trachea and entered directly, via the bronchus, into the lungs.

(3) These are of the opinion that the needle was swallowed by the animal together with its food and it passed down into the alimentary passages. The needle therefore must have pierced one of these, either the oesophagus or one of the stomachs, and made its way into the lungs.

(4) And around the needle there must have set in decay due to corrosion, which eventually formed a deficiency within.

(5) R. Johanan, R. Eleazar and R. Hanina supra.

(6) As they had the entire lungs before them and saw that there was no perforation in them. The needle therefore could only have entered via the bronchus.

(7) And in our case the needle, conceding even that it came directly via the bronchus, must have pierced one of the bronchial tubes to be found, as indeed it was, in the tissue of the lungs.

(8) I.e., the perforation is at the point where the bronchial tubes branch out. The adjacent tube cannot cover up firmly the hole in this tube as its wall is hard and cartilaginous, whereas elsewhere the tissue of the lung would stop up the perforation.

(9) Sc. R. Mani, Resh Lakish and R. Simeon.

(10) Where the needle was found in the substance of the lungs.

(11) So Rashi. Lit., ‘say’.

(12) Surely not. The perforation of the flesh or of the liver is not a defect.

(13) I.e., the thick head or knob of a pin or nail. It is assumed that a pin in the body would always travel point first and therefore if the point is turned inwards within an organ it must have entered that organ from the outside.

(14) Probably the ductus choledocus. The needle in all probability passed down into the alimentary passage, into the intestines, and thence into the liver via this duct, without piercing any organ. V. Katzenelsohn, pp. 180-183.

(15) In either case it is trefah.

Talmud - Mas. Chullin 49a

in the thick wall of the reticulum, where it is held that if [it protruded only] on one side[1] it is permitted, but if [it protruded] on both sides it is trefah? [Why do we not suggest the test,] ‘Let us see whether the head of the needle is on the outside or on the inside [of the reticulum]’?[2] — I will tell you: in that case since [the reticulum] contains food and drink, it is likely that the food and the drink drove it in.[3]

A needle was once found in the portal vein of the liver. Huna Mar the son of R. Idi declared the animal trefah, whilst R. Adda b. Manyomi permitted it. The case was taken to Rabina for his opinion and he said: ‘Take away the cloaks of those who declare it trefah’.[4]

A date stone was found in the gall-bladder. Said R. Ashi, ‘When we were at the school of R. Kahana he told us that in such a case it is certain that it entered via the portal vein, for although it cannot pass through [easily], it is likely that it was forced through by the movements [of the animal]’. This is so, however, only in the case of a date stone, but an olive stone would most certainly pierce[5] [an internal organ].

R. Johanan said: Why is the lung called reah? — Because it makes the eyes bright.[6] It was asked: Is this so when one eats it [as it is], or only when one uses it medicinally?[7] — Come and hear: R. Huna b. Judah stated that the price of a goose was one zuz, but a goose's lung was four zuzim. Now should you say that when one eats it as it is [it makes the eyes bright], why then should not one buy [the goose] for a zuz and eat also the lungs thereof? It obviously means that when used medicinally [it has this effect].

If the lung was found perforated in a part which is usually handled by the butcher, do we attribute it [to the handling] or not? R. Aha[8] b. Nathan says we do; Mar Zutra the son of R. Mari says we do not. The law is that we do attribute it.[9] R. Samuel the son of R. Abbahu said: ‘My father, one of the heads of the Assemblies[10] under Rafram, said that we do attribute it [to the handling]’. This was reported to Mar Zutra the son of R. Mari, but he would not accept it; whereupon R. Mesharsheya said: It is reasonable to accept the view of my grandfather,[11] since we also attribute a perforation to a wolf.[12] With regard to a worm[13] [found on the lung],there is a difference of opinion between R. Joseph b. Dosai and the Rabbis. One holds that it wormed its way through [the lung] before the slaughtering,[14] the other that it wormed its way through after the slaughtering. The law is that it wormed its way through after the slaughtering[and so it is permitted].

R. SIMEON SAYS, PROVIDED IT WAS PIERCED AS FAR AS THE MAIN BRONCHI. Rabbah b. Tahlifa explained in the name of R. Jeremiah b. Abba, provided it was pierced as far as the large bronchus. R. Aha b. Abba was sitting before R. Huna and recited: R. Maluk said — in the name of R. Joshua b. Levi, The halachah is in accordance with R. Simeon. Whereupon he [R. Huna] said to him, You are quoting Maluk of Arabia, are you not? But he said that the halachah was not in accordance with R. Simeon! When R. Zera went up [to palestine] he found R. Bibi sitting and reciting as follows: R. Maluk said in the name of R. Joshua b. Levi, The halachah is in accordance with R. Simeon. Whereupon he [R. Zera] said to him, ‘By your life! I, R. Hiyya b. Abba and R. Assi happened to be in the town where R. Maluk lived and we asked him, "Did the Master say that the halachah was in accordance with R. Simeon"? And he replied: "I said that the halachah was not in accordance with R. Simeon"’. He [R. Bibi] then said to him [R. Zera], And what tradition have you got in the matter? He replied: Thus said R. Isaac b. Ammi on the authority of R. Joshua b. Levi, The halachah is in accordance with the view of R. Simeon. The halachah, however, is not in accordance with the view of R. Simeon.[15]

IF THE ABOMASUM WAS PIERCED. R. Isaac b. Nahmani said in the name of R. Oshaia, It was the practice of the priests to permit the fat which is on the abomasum [to be eaten], thus agreeing with the view of R. Ishmael which he reported in the name of his ancestors. And in order to remember this,[16] [think of the saying], ‘Ishmael the priest favours the priests’.[17] Where do we see this?[18] — For it was taught; [it is written], On this wise ye shall bless the children of Israel.[19] R. Ishmael said: We observe here a blessing for Israel at the mouth of the priests, but we know of no blessing for the priests themselves; when the verse adds: And I will bless them,[20] it means to say that, the priests bless Israel, and the Holy One, blessed be He, blesses the priests. R. Akiba said: We observe here a blessing for Israel at the mouth of the priests but not from the Almighty; when the verse therefore adds: And I will bless them, it means to say that the priests bless Israel, and the Holy One, blessed be He, approves of it. But whence does R. Akiba derive that the priests also receive a blessing? — R. Nahman b. Isaac said: From the verse: And I will bless them that bless thee.[21] In what respect then does R. Ishmael favour the priests? — In that he establishes in the one verse the

blessing of the priests side by side with the blessing of Israel.

What is this opinion of R. Ishmael which he reported in the name of his ancestors? — It was taught: The fat that covereth the inwards[22]

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(1) It only pierced the inside coat of the reticulum.

(2) And if the head of the pin was embedded in the inner wall of the reticulum with its point protruding into the cavity of the reticulum, according to the foregoing argument it should also be trefah, for in all probability the pin entered from outside having first pierced some internal organ.

(3) Even head first into the wall of the reticulum. Therefore so long as it has not pierced both walls it is permitted.

(4) For they are liable in damages if on their ruling the animal was destroyed as trefah.

(5) It is therefore regarded like a needle. But v. Tosaf. s.v. אבל.

(6) There is here a play upon words: ריאה, 'the lungs', and מאירה, 'makes bright'.

(7) I.e., when prepared with other ingredients and applied to the eyes.

(8) V. Marginal Gloss., cur. edd. Adda.

(9) To the handling of the butcher, and the animal is therefore permitted.

(10) Heb. Kallah. The general assembly of Babylonian students v. B.B., Sonc. ed., p. 60, n. 7.

(11) I.e., R. Ahab. Nathan.

(12) v. supra 9a; where a wolf ran off with the lungs and brought them back perforated the holes are attributed to the teeth of the wolf and the animal is permitted.

(13) This parasite had wormed its way through the lung and had perforated the outer membrane.

(14) Accordingly the lung was perforated before the slaughtering and it is therefore trefah.

(15) This is the final ruling of the Gemara.

(16) Lit.,'and thy sign'.

(17) R. Ishmael was a Priest and he always took a lenient view in any matter which affected priests.

(18) That R. Ishmael rules in favour of the priests.

(19) Num. VI, 23.

(20) Ibid. 27.

(21) Gen. XII, 3.

(22) Lev. III, 3. All fat that was offered upon the altar is forbidden to be eaten.

Talmud - Mas. Chullin 49b

etc., includes the fat upon the intestines;[1] this is the view of R. Ishmael. R. Akiba says: It includes the fat upon the abomasum.

Now this is in conflict with the following: [It is written,] And all the fat that is upon the inwards:[2] this, says R. Ishmael, teaches: as the fat upon the inwards [is characteristic in that it] is covered with a membrane which can be easily peeled off, so all fat [which is to be forbidden] must be covered with a membrane which can be easily peeled off.[3] R. Akiba says: It teaches: as the fat upon the inwards [is characteristic in that it] is an even layer, and is covered with a membrane which can be easily peeled off, so all fat [which is to be forbidden] must be an even layer, and covered with a membrane which can be easily peeled off![4] — Rabin sent this answer in the name of R. Johanan: That is, indeed, the proper construction of the latter Baraitha but [the authorities in] the former [Baraitha] must be reversed. But why do you choose to reverse the authorities in the former rather than in the latter Baraitha? — The position is different in the latter [Baraitha] for a it contains the argument 'As . . . so', it is clear, precision was intended.[5] If so, why does it say above 'thus agreeing with the view of R. Ishmael'? It ought to be 'thus agreeing with the view of R. Akiba'?[6] — R. Nahman b. Isaac answered: He [R. Ishmael] reported the decision in the name of his ancestors, though he himself did not accept it.

Rab said: Clean[7] fat can stop up[8] [a perforation], unclean fat cannot.[9] R. Shesheth said: Either can

stop up [a perforation]. R. Zera asked: What of the fat of a wild beast?[10] Did he [Rab] mean the expression 'clean fat can stop up' to be taken strictly, and as the fat of this is clean [it can stop up a perforation]? Or did he thereby merely imply the reason, namely, that it clings fast, and as this does not cling fast [it cannot stop up a perforation]? — Abaye said to him, What is your difficulty? Though it is permitted to be eaten it obviously does not cling fast.[11]

There came before Raba the case of a perforation that was stopped up by unclean fat. Said Raba, What have we to fear? After all R. Shesheth has ruled that even unclean fat can also stop up; and moreover, 'The Torah doth spare the money of an Israelite'.[12] Whereupon R. Papa said to Raba, But on the other hand, there is Rab's view [to the contrary]; and moreover, it is a question involving a prohibition of the Torah,[13] and you say: 'The Torah doth spare the money of an Israelite'!

Manyomin, a pottery dealer, once left uncovered a pot of honey. He came to Raba [to enquire about it], and Raba said: What have we to fear? In the first place, we have learnt: Three liquids are prohibited if left uncovered,[14] viz., water, wine and milk; and all other liquids are permitted.[15] In the second place, 'The Torah doth spare the money of an Israelite'. Whereupon R. Nahman b. Isaac said to Raba, But on the other hand, there is the view of R. Simeon [to the contrary]; and moreover, it is a question of possible danger to life,[13] and yet you say: 'The Torah doth spare the money of an Israelite'! (Where have we learnt the view of R. Simeon? — In the following Baraitha: These five liquids are not prohibited if left uncovered: brine, vinegar, oil, honey and muries.[16] R. Simeon says: Even these are prohibited if left uncovered. Indeed, added R. Simeon, I once saw at Zaidan[17] a snake drinking brine! To which the Rabbis retorted: That was a foolish snake, and one cannot adduce a proof from fools!) He then said to him,[18] You must at least admit that I am right with regard to brine,[19] for whenever R. Papa, or R. Huna the son of R. Joshua, or any of the other Rabbis had some liquid that had been left uncovered they would pour it into brine.[20] But, replied the other, you must at least admit that I am right with regard to honey [that it is forbidden], for R. Simeon b. Eleazar is in agreement with him [R. Simeon]; as it has been taught: Similarly, R. Simeon b. Eleazar would prohibit honey [that had been left uncovered].

R. Nahman said: Fat which lies helmet-like [upon the organ] cannot stop up a perforation. What is meant? — Some say, the nodules of fat of the rectum; others say, the pericardium.

Raba said: I heard two decisions of R. Nahman, one about the fat [upon the abomasum] called Himza and the other about the fat [upon the abomasum] called Bar Himza; one stops up a perforation and the other does not, but I do not know which does and which does not. R. Huna b. Hinena and R. Huna the son of R. Nahman said: Bar Himza stops up a perforation, while Himza does not. R. Tabuth said: In order to remember this, think of the saying: 'the position of the son is better than that of the father'.[21] What is Himza? and what is Bar Himza? — Come and hear: For R. Nahman remarked: They [in Palestine] eat it;

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(1) I.e., the fat that is upon the duodenum (v. infra 93a) is included within the prohibition. But the fat upon the abomasum is permitted according to R. Ishmael. Thus R. Ishmael favours the priests.

(2) Ibid.

(3) According to this definition the prohibition includes the fat that is upon the abomasum and also the fat upon the duodenum, thus contradicting the preceding statement of R. Ishmael that the fat upon the abomasum is permitted.

(4) The fat which is upon the abomasum is not spread evenly over it but is attached to it in lumps; so, too, the fat upon the intestines. The prohibition therefore does not include these.

(5) Since in this Baraitha the argument is based upon the respective definitions which these Rabbis suggest of the fat that is upon the in wards, it is obvious that the Rabbis were exact and precise in their language, and it is out of the question to say that the authorities here are to be reversed.

(6) The authorities in the former passage having been reversed, it is R. Akiba who permits the fat upon the abomasum and not R. Ishmael.

(7) The expressions ‘clean’ and ‘unclean’ in this passage mean ‘permitted’ and ‘forbidden’ respectively.
(8) I.e., can effectively stop up a perforation in the organ to which this fat is naturally so attached. E.g., the fat upon the intestines, being permitted, would effectively stop up a perforation of the intestine beneath it.
(9) E.g., the fat which covers the inwards, being forbidden, would not effectively stop up a perforation of an internal organ.
(10) In the wild beast all fat is permitted, even the fat which covers the inwards. The question therefore is, according to Rab, would the fat which covers the inwards stop up a perforation.
(11) It therefore cannot stop up effectively any perforation.
(12) Cf., Lev. XIV, 36 and the Sifra thereon. V. Rashi.
(13) We should therefore adopt the stricter view.
(14) It is feared that a snake may have drunk from these liquids and deposited its poison therein. V. supra 10a.
(15) A snake, it is said, has no liking for any other liquids but these three, v. Ter. VIII, 4.
(16) מוריים, a kind of pickle containing fish-hash and wine.
(17) Sidon or Bethsaida.
(18) Raba to R. Nahman b. Isaac.
(19) That there is no fear with regard to it even though it was left uncovered, contra R. Simeon.
(20) And they would use the brine because the pungency of the brine would overcome and render harmless any poison that might have been in the liquid.
(21) V. Shebu. 48a. Bar means ‘the son of’. Here the Bar Himza is more effective in stopping up a perforation than the actual Himza itself.

Talmud - Mas. Chullin 50a

surely for us [Babylonians] it should at least be effective to stop up a perforation![1] Now concerning the fat that is upon the greater curvature [of the abomasum] there is no dispute at all that it is forbidden. The dispute is only concerning the fat that is upon the lesser curvature.[2] (Others report: Concerning the fat that is upon the lesser curvature there is no dispute at all that it is permitted; the dispute is only concerning the fat that is upon the greater curvature.)[3]

This[4] accords with the statement of R. Awia in the name of R. Ammi who said: One must scrape away a little from the surface [of the fat upon the lesser curvature].[5] R. Jannai likewise said in the name of an elder, One must scrape away a little from the surface thereof. R. Awia said: ‘I was once present before R. Ammi and [I saw that] they gave him this fat to eat after having scraped away a little from the surface thereof, and he ate it’. The attendant of R. Hanina was standing in attendance before him when R. Hanina said to him, ‘Scrape away a little from the surface thereof and give me the fat to eat’. As he saw his attendant hesitating, he said to him, ‘You are evidently a Babylonian, so you had better cut it off entirely and throw it away’.

It was taught: R. Simeon b. Gamaliel says: If there was a perforation in the intestines but it was stopped up by mucus, it is permitted. What is this mucus? — It is the viscous substance of the intestines which is removed by great pressure. The Following statement R. Abba's colleague — i.e., R. Zera — learnt from R. Abba[6] (others say: R. Zera's colleague — i.e., R. Abba — learnt from R. Zera): R. Abba the son of R. Hiyya b. Abba said: Thus said R. Hiyya b. Abba in the name of R. Johanan: The halachah is in accordance with the view of R. Simeon b. Gamaliel in the matter of ‘Trefah’ and the halachah is in accordance with the view of R. Simeon in the matter of ‘Mourning’. ‘The halachah is in accordance with the view of R. Simeon b. Gamaliel in the matter of Trefah’, as we have stated it above.[7] But what is this matter of ‘Mourning’ [concerning which the halachah is in accordance with the view of R. Simeon]? — It has been taught: In the first three days of mourning he who arrives from a place nearby counts the days of mourning with the others;[8] [if he arrives] from a far place he must count the days of mourning for himself.[9] After these [three days], even if he arrives from a place nearby, he must count the days of mourning for himself. R. Simeon says: Even on the seventh day he who arrives from a place nearby counts the days of mourning with the others. A

certain Rabbi said: 'I pray that I be granted to go up [to Palestine] and learn the law from the mouth of the Master'.[10] When he came he found R. Abba the son of R. Hiyya b. Abba and asked him, 'Did the Master say that the halachah was in accordance with the view of R. Simeon b. Gamaliel in the matter of Trefah'? — He replied: 'Indeed, I said that the halachah was not in accordance with his view. 'And what about the halachah being in accordance with the view of R. Simeon in the matter of Mourning'? — He replied, 'There is a dispute about this. For it has been stated: R. Hisda said: The halachah is [in accordance with R. Simeon's view]; R. Johanan also said that that was the halachah. R. Nahman, however, said: The halachah is not [in accordance with R. Simeon's view]. The halachah[11] is not in accordance with the View of R. Simeon b. Gamaliel in the matter of Trefah, but the halachah is in accordance with the view of R. Simeon in the matter of Mourning, for Samuel has taught: In matters of mourning the law is always in accordance with him who states the more lenient view.

R. Shimi b. Hiyya said: We may compare defects in the intestines.[12] The intestines of an animal were brought before Raba [containing perforations]. He compared them [with other perforations that he now made] but they did not appear alike; whereupon his son R. Mesharsheya came and handled them,[13] and they now appeared like the others.[14] He [Raba] said to him, 'Whence did you know to do this'? — He replied: 'Think of the number of hands that had handled [the original perforations] before they were brought to my Master'! He exclaimed: 'My son is versed in the laws concerning trefah like R. Johanan'![15]

R. Johanan and R. Eleazar both said: We may compare defects in the lungs. Raba said: This is allowed only in the same lung, but we may not compare the defect in one lung with the defect in the other lung.[16] The law, however, is that the defect in one lung may be compared with the defect in the other lung, the small[17] with the small and the large with the large, but not the large with the small nor the small with the large.

Abaye and Raba both said: We may compare defects in the windpipe. R. Papa said: This is allowed only in the same group[18] [of cartilaginous rings], but we may not compare the defect in one group with the defect in another group [of rings in the same windpipe]. The law, however, is that the defect in the cartilaginous portion of one group may be compared with the defect in the cartilaginous portion of another group; likewise the defect in the membranous portion[19] of one group with the defect in the membranous portion of another group, but we may not compare the defect in the cartilaginous portion with the defect in a membranous portion, nor the defect in the membranous portion with the defect in a cartilaginous portion.

Ze'iri said: If the rectum was perforated it is permitted, for the hips support it, [and close up the perforation]. How much must be mutilated? R. Ila'i said in the name of R. Johanan, Where it is joined [to the hips] only the destruction of the greater part thereof [will render trefah]; where it is not so joined even the slightest perforation [will render trefah]. When the Rabbis reported this statement to Raba in the name of R. Nahman he exclaimed: Have I not told you not to hang on him [R. Nahman]

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(1) This remark of R. Nahman indicates that Bar Himza, which, as stated above, is effective to stop up a perforation, must be the fat which is upon the lesser curvature of the abomasum. For, as immediately follows in the text, it is only this fat (sc. that upon the lesser curvature) which the Palestinians permit themselves to eat and which R. Nahman maintains should at least serve for us to stop up a perforation. The second version in the text (infra) has no bearing upon this remark of R. Nahman. V. Rashi.

(2) The dispute between the Palestinians and the Babylonians revolves about the views of R. Akiba and R. Ishmael (stated supra 49a) as to what constitutes forbidden fat. In this respect it must be remembered that the fat upon the greater curvature of the abomasum is well-nigh flat and lies almost as an even layer upon the abomasum, consequently it is forbidden according to all views, whereas the fat upon the lesser curvature does not lie in an even layer. Now the

Palestinians accepted the view of R. Akiba, that the condition of the fat lying as an even layer is an essential characteristic in the definition of forbidden fat, and this being so they permit the fat that is upon the lesser curvature. The Babylonians, on the other hand, accepted the view of R. Ishmael and consequently forbid this fat.

(3) According to this version all accept the view of R. Akiba that only the fat that lies as an even layer is forbidden; consequently the fat on the lesser curvature is permitted. But the issue between the Babylonians and the Palestinians is as to whether the fat upon the greater curvature is to be regarded as an even layer or not. According to the former it is so, hence it is forbidden; according to the Palestinians it is not so, hence it is permitted.

(4) Sc. the view stated in the first version.

(5) Only the surface of this fat is forbidden as it has been in close proximity to the fat that covers the inwards, which is forbidden. The rest of this fat, however, is allowed to be eaten according to the Palestinian view, and R. Ammi was a Palestinian.

(6) R. Abba, son of R. Hiyya b. Abba, not to be confused with R. Abba mentioned first (Rashi).

(7) That where a perforation in the intestines was stopped up by the viscous substance attached thereto it is permitted.

(8) V. M.K. 21b. A man who was not more than a day's journey away from home when the death of a near relative occurred and who returned to his home within the first three days of the mourning, joins the other mourners in the counting of the Shib'ah, or the traditional seven days of mourning, and his period of mourning comes to an end at the same time as that of the others.

(9) I.e., he must count seven full days of mourning from the time that he arrives, though the other mourners have almost completed their period of mourning.

(10) R. Abba the son of b. R. Hiyya.

(11) This is the final ruling of the Gemara.

(12) I.e., we may compare a perforation found in the intestines concerning which there is a doubt whether it existed before the slaughtering, in which case the animal would be trefah, or it was made after the slaughtering, in which case it is permitted, with a perforation made in that same organ after the slaughtering. If the two perforations are alike in appearance the animal is permitted, for it is clear that they both were made after the slaughtering.

(13) Sc. the newly made perforations.

(14) He therefore declared the animal to be permitted.

(15) V. supra 28b.

(16) I.e., even in the lungs of one animal one may not compare a defect in the right lung with a defect in the left lung, or vice versa.

(17) I.e., the defect in the lungs of a small animal, e.g. sheep or goat, with the defect in the lungs of another small animal: so R. Hananel and first explanation of Rashi. Another suggestion in Rashi is: the defect in the main lobe of one lung with the defect in the main lobe of the other lung, and the defect in the small lobes of one lung with the defect in the small lobes of the other lung.

(18) A section consisting of three rings.

(19) This includes the membranous substance between each of the rings as well as the posterior portion of each ring, for the rings of cartilage are incomplete in part of their circumference, being about one-third filled in by fibrous tissue.

Talmud - Mas. Chullin 50b

empty vessels?[1] Thus said R. Nahman, Where it is joined [to the hips] even if the whole was gone, provided there remained a portion thereof which can be covered by a hand-grasp, it is permitted. How much is this? — A bitra in an ox.[2]

IF THE INNER RUMEN WAS PIERCED. Rab Judah reported in the name of Rab that Nathan b. Shila, chief slaughterer in Sepphoris, testified before Rabbi in the name of R. Nathan as follows: 'What is the inner rumen? It is the sania dibi'.[3] R. Joshua b. Karha also said that it is the sania dibi. R. Ishmael said: It is the entrance of the rumen.[4] R. Assi said in the name of R. Johanan, It is a narrow part in the rumen but I don't know which it is. Said R. Nahman b. Isaac, The rumen has fallen into the well.[5] R. Aha b. 'Awa said in the name of R. Assi, It [the above-mentioned narrow part] is that portion of the rumen where it begins to taper down [to join with the gullet]. R. Jacob b. Nahmani said in the name of Samuel, It is that part of the rumen which has no downy lining. R. Abina said in

the name of Geniba on the authority of Rab: The last handbreadth of the gullet adjoining the rumen is the inner rumen. In the West [Palestine] it was said on the authority of R. Jose b. Hanina, The entire rumen is the inner rumen. And what is the outer rumen? It is the membrane[6] which covers the greater part of the rumen.[7] Rabbah son of R. Huna said: It is the mafra'ta.[8] What is the mafra'ta? R. Awia said: It is that part of the rumen which is exposed when the butcher tears open the abdomen.[9] In Nehardea they acted on the view of Rabbah son Of R. Huna. R. Ashi asked Amemar, But what about all the other views? — He answered: They are all included in the view of Rabbah son of R. Huna. But what about the view of R. Assi in the name of R. Johanan? — He answered: It has already been explained by R. Aha son of R. Awia.[10] And what about the view of R. Abina and of those in the West? — He answered: These are obviously at variance [with the view of Rabbah son of R. Huna].

R. JUDAH SAYS, IN A LARGE ANIMAL etc. R. Benjamin b. Japhet reported in the name of R. Eleazar, LARGE does not mean a large animal nor SMALL a small one, but the meaning is: If it was torn to the extent of a handbreadth but this was not the greater portion [of the rumen, it is trefah], and this is what the Mishnah teaches us by stating IN A LARGE ANIMAL TO THE EXTENT OF A HANDBREADTH; and if the greater portion was torn but it was not the extent of a handbreadth, [it is trefah], and this is what the Mishnah teaches us by stating IN A SMALL ANIMAL THE GREATER PORTION OF IT.[11] But it is obvious, is it not, that where the greater portion was torn, though it was not the extent of a handbreadth, [it is trefah]? — It was only necessary to be stated with regard to such a case as where the laceration [extended over the greater portion but it] would have made up a handbreadth had it only been torn a little more, for then you might have said that it was not trefah until the extent of a handbreadth was torn; he therefore teaches [that it is not so].

Geniba said in the name of R. Assi: If a circular hole was cut out [in the rumen having a diameter] of a sela', it is trefah, for then if you were to stretch out [the circumference thereof] it would amount to a handbreadth. R. Hiyya b. Abba said: Geniba explained it to me on the bridge of Nehardea thus: A hole [having a diameter] of a sela' is permitted; if it is more than a sela' it is trefah. What, for example, is a hole larger than a sela'? — Said R. Joseph. A hole through which three date stones with some of the fruit attached[12] could pass with pressure, or easily without any fruit thereon.

IF THE OMASUM OR RETICULUM WAS PIERCED. Our Rabbis taught: Where a needle was found impacted in the thick wall of the reticulum, if it had protruded only on one side[13] it is permitted. but if it had protruded on both sides it is trefah. If there was found on it a spot of blood

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(1) I.e., do not attribute to R. Nahman absurd views.

(2) בטרא or בטדא. According to Rashi it means, 'one fingerbreadth'; according to Alfasi and Tosaf. (supra 44a) 'four fingerbreadths'.

(3) סניא דיבי, lit., 'disliked by wolves'. It is a certain part at the top of the rumen which is described by this term. For an exhaustive discussion on this passage v. Katzenelsohn op. cit. pp. 186-189.

(4) Lit., 'the stomach of the rumen'. 'Stomach' was frequently used by ancient doctors to describe the entrance to an organ, viz., 'mouth', 'entrance'.

(5) I.e., the matter is far from clear, for R. Johanan has suggested some portion which he cannot identify or locate.

(6) Lit., 'the flesh'.

(7) I.e., the peritoneum.

(8) מפרעתא from root פרע 'to tear open'.

(9) I.e., the anterior half of the rumen.

(10) That it is that portion of the rumen where it begins to taper, and that is included in the anterior half of the rumen.

(11) Either the one measure or the other measure, whichever is the smaller, will render the animal trefah.

(12) I.e., with some of the fruit attached to the stone.

(13) I.e., it had only pierced the inner coat of the reticulum.

it is certain that [the perforation occurred] before the slaughtering;[1] but if there was not found on it a spot of blood [it is permitted,[2] for] it is certain that [the perforation occurred] after slaughtering. If the top of the wound was covered with a crust it is certain that the wound occurred at least three days before the slaughtering;[3] if it was not covered with a crust then the burden of proof lies upon the claimant.[4] Why is this case different from all other cases of perforation of an organ, where the Master declares it to be trefah even though there was not a drop of blood [around the perforation]? — In those cases there was no object to which the blood could cling; here, however, since a needle is impacted [in the reticulum], had it pierced it before the slaughtering some blood would surely have clung to it.

R. Safra said to Abaye: 'Has my Master seen that scholar who came from the West and who goes by the name of R. 'Awira? For he relates that once there came before Rabbi the case of a needle found impacted in the thick wall of the reticulum and which protruded only on one side and he declared it trefah!' Abaye thereupon sent for this scholar, but he would not come; so Abaye went to him. He found him on the roof and he called out, 'Would you come down Sir'? He would not come down; Abaye then went up to him and said: 'Would you tell me the actual facts of that case?' He replied. 'I am in charge of the assemblies[5] to His Excellency the Great Rabbi,[6] and as R. Huna of Sepphoris and R. Jose the Mede were sitting with him there came before Rabbi the case of a needle found impacted in the thick wall of the reticulum. It protruded only on one side, but when Rabbi turned it over he found, on the outside [directly above the needle], a spot of blood, so he declared it to be trefah, saying: "If there was no wound there[7] whence came the spot of blood"'? Abaye exclaimed: You caused me a great deal of trouble [all for nothing]! It is expressly stated in our Mishnah, IF THE OMASUM OR RETICULUM WAS PIERCED ON THE OUTSIDE.[8]

IF [THE ANIMAL] FELL FROM THE ROOF. R. Huna said: If a person left an animal on the roof and when he returned he found it on the ground below, we do not apprehend any lesion of the Internal organs.[9] A goat belonging to Rabina was on the roof and through the sky-light saw some peeled barley below. It jumped and fell down from the roof to the ground. He [Rabina] came before R. Ashi and enquired. Was the reason for R. Huna's statement, 'If a person left an animal on the roof, and returned and found it on the ground we do not apprehend a lesion of the internal organs', that it had something to hold on,[10] but in this case it had nothing to hold on; or was it that it estimated the distance,[11] so that here too it estimated the distance? — He replied. The reason was that it estimated the distance; so that here too it estimated the distance [and it is therefore permitted].

A ewe belonging to R. Habiba was seen dragging along its hind legs. Said R. Yemar, It is suffering from a hip disease.[12] Rabina demurred, perhaps its spinal cord is severed? It was thereupon examined and was found to be as Rabina had thought. Nevertheless the law is in accordance with the view of R. Yemar, for a hip disease is a common disorder, whereas the severance of the spinal cord is not common.

R. Huna said: In the case of rams that attack each other we do not apprehend any lesion of the internal organs, for although they groan with pain the whole time, [we say] it is merely a fever that has taken hold of them. But if they were thrown to the ground we certainly apprehend a lesion of the internal organs. R. Manasseh said: In the case of rams, stolen by thieves,[13] we do not apprehend any lesion of the internal organs. Why? Because when they [the thieves] throw them [over the fence] they throw them in such a manner that they fall on their hips, so that they should run on ahead of them. But it they returned them [by throwing them back over the fence], we certainly apprehend a lesion of the internal organs.[14] This is so, however, only if they returned them on account of fear, but if they returned them by way of repentance they would make proper repentance.[15]

Rab Judah said in the name of Rab: If a man struck an animal [with a stick] upon the head and the

blow reached as far as the tail, or if [he struck it] upon the tail and the blow reached as far as the head, [so that in either case the stick came down] upon the entire length of the backbone, we do not apprehend any lesion of the internal organs. If, however, the stick came to an end in the middle of the backbone, we apprehend a lesion of an internal organ;[16] likewise, if the stick had nodes, or if he struck the animal across the back, we must apprehend a lesion of an internal organ.

R. Nahman said: [The passage of the young through] the womb cannot cause a lesion of the internal organs. Said Raba, to R. Nahman: There is [a Baraitha] taught[17] that supports you, viz., 'A boy, one day old.

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(1) And it is trefah.

(2) Even though the needle protruded on both sides, since there is no blood clinging to it, the animal is permitted. V. Maim. Yad, Shech, VI, 12; also Asheri a.l. and gloss thereto.

(3) So that the sale of this animal, if transacted in these three days, is null and void and the purchaser is entitled to a refund of his money.

(4) There is here a doubt whether the wound occurred before or after the animal had passed from the vendor to the purchaser, and it is for the purchaser who is suing for the return of the purchase money to prove his case, namely, that the animal was already trefah at the time of the sale.

(5) מפטיר כנסיות, 'Janitor at the meetings of scholars', Jast.

(6) I.e., R. Judah Ha-nasi, the Patriarch (Rashi). More probably 'Great Rabbi' is a title of dignity when speaking of the head of the Academy. So, too, the term לעילא is evidently a title of honour 'His Excellency'; cf. the parallel Heb. expression, למעלה, in Men. 103b. (Glosses of S. H. Dunner).

(7) I.e., if the needle had not penetrated both walls of the reticulum.

(8) And in the case in question there was sufficient evidence that the needle had pierced both coats of the reticulum.

(9) It may be slaughtered immediately and there is no necessity to examine all the internal organs.

(10) And so by clinging to the wall it breaks its fall and it is not so severe. In this case, however, where the goat jumped through the skylight, there were no walls to which it might have clung; accordingly we must apprehend a lesion of the internal organs.

(11) And considered it safe for a jump, and therefore there is no fear of any injury to any of the internal organs.

(12) A cramp of the hip-joint, sciatica. The animal however is permitted.

(13) Which are thrown over the fence of the enclosure on to the ground.

(14) For they care not how the animal falls to the ground.

(15) So that when returning them they would take every precaution not to injure the animals.

(16) particularly an injury to the spinal cord.

(17) Nid. 43b.

Talmud - Mas. Chullin 51b

can convey uncleanness by reason of an issue'. Now if there was any ground to fear [that the passage through the womb might cause] a lesion of the internal organs, then [surely he should not convey such uncleanness, for] the rule of the verse should be applied here: Out of his flesh,[1] but not by reason of an accident![2] — It may be dealing there with the case of a child that was extracted from the side of his mother.[3]

Come and hear: A calf that was born on a festival may be slaughtered [the same day] on the festival![4] — Here, too, we must suppose that it was extracted from the side.

Come and hear: 'But they agree[5] that if the firstling was born [on the festival] with a blemish, it is of the class of things designated for food'. Now should you say that this too was extracted from the side, [this cannot be since] a firstling extracted from the side has no sanctity! For R. Johanan has stated. R. Simeon admits[6] that with regard to consecrated animals it [sc. an animal extracted from the side] has no sanctity whatsoever! — We must suppose in this case[7] that it planted its hoofs on the

ground.[8] R. Nahman further said: In the slaughter-house[9] we do not apprehend any lesion of the internal organs. An ox once fell and the noise of its groaning was heard. [When it was slaughtered] R. Isaac b. Samuel b. Martha came and bought of the choicest portions of its meat. Thereupon the Rabbis asked him, Whence do you know this?[10] — He replied. Thus said Rab, The animal [whilst falling] plants its hoofs firmly [on the ground] until it actually reaches the ground.

Rab Judah said in the name of Rab: If the animal [after a fall] stood up, it need not be kept alive for twenty-four hours, but it certainly must be examined [against an internal injury].[11] If it actually walked, there is no need for any examination. R. Hiyya b. Ashi said: In either case it must be examined. R. Jeremiah b. Aba said in the name of Rab, If it stretched out its fore-leg to stand, even though it did not stand, [it is as though it had stood]; or if it moved its hind leg to walk, even though it did not walk, [it is as though it had walked]. R. Hisda said: If it made an effort to stand, even though it did not stand, [it is as though it had stood]. The law is: If it accidentally fell from the roof and stood up but did not walk, it must be examined [against an internal injury], but it need not be kept alive for twenty-four hours; if it walked, it needs no examination.[12]

Amemar said in the name of R. Dimi of Nehardea: The examination of which the Rabbis have spoken in the case of a fall must be carried out in the region of the intestines.[13] Mar Zutra said to him, We rule on the authority of R. Papa that an examination must be carried out on all the internal organs. Huna Mar the grandson of R. Nehemiah enquired of R. Ashi, What about the organs of the throat? — He replied. These organs are unaffected[14] by a fall.

Rab Judah said in the name of Samuel: Where a bird was thrown with force upon water it is sufficient if it swam the length of its body.[15] This is so, however, only if it swam upstream,[16] but if it swam downstream,[17] clearly the current of the water carried it along. If the waters were still then it matters not.[18] And if twigs were strewn upon the water and the bird overtook them,[19] then it has obviously overtaken them [by moving of its own accord]. If a sheet was stretched taut [and a bird fell down upon it], we must apprehend an injury to the internal organs; if it was not stretched taut, we do not apprehend an injury. Likewise if the sheet was folded double,[20] [even though it was stretched taut] we do not apprehend any injury. [If a bird was caught in its flight] by a closely knotted net, we must apprehend an injury to the internal organs; if it was not closely knotted, we do not apprehend any injury. [If a bird fell] on flax[21] tied up in bundles, we must apprehend an injury; on the sides of the bundles we do not apprehend any injury. On bundles of reeds, we must apprehend an Injury. On flax which was pounded and corded, we do not apprehend any injury; on flax which was pounded but not corded, we must apprehend an injury. On flax stalks which contain seed vessels, we must apprehend an injury because of the knots. On coarse tow, we must apprehend an injury; on fine tow, we do not apprehend any injury. On dried bark, we must apprehend an injury; but on crushed bark, we do not apprehend any injury. On sifted ashes, we must apprehend an injury;[22] but on unsifted ashes, we do not apprehend any injury.

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(1) Lev. XV, 2.

(2) V. Zabin II. 2. Any issue in a person caused by an accident or injury does not produce the uncleanness which normally results from an issue. Now if there is any apprehension that a child, whilst passing through the womb, might suffer an injury, he should not then convey uncleanness by reason of his issue, for it might have been caused by an accidental injury in birth.

(3) By a Caesarean operation, the child not having passed through the womb.

(4) V. Bez. 6b. The prohibition of mukzeh does not apply, for the dam as well as its young were designated for food on the Festival, v. supra 14a. There is evidently no apprehension whatsoever of an internal injury caused during calving.

(5) Those Tannaim, who in Bez. 26b differ in the case where a firstling became blemished on the festival whether or not it belongs now to that class of food designated for the festival, agree in this case, where the firstling was born with a blemish on the festival, that it may be slaughtered and eaten on the festival, because it was never at any moment of its life forbidden.

(6) V. Nid. 400. There is a dispute there between R. Simeon and the Rabbis on the question whether a child that had been extracted from the side of its mother by means of an operation is to be regarded as a child 'born', entailing all those conditions of uncleanness upon the mother as stated in Lev. XII, or not. They are, however, in agreement with regard to consecrated animals, that an animal so extracted has no sanctity whatsoever, for it is expressly prohibited as a sacrifice by the interpretation of Lev. XXII. 27; v. supra 38b.
(7) The case adduced from Bez. 26b supra.
(8) In an attempt to stand. This is a sufficient indication that it has not sustained an internal injury at birth; v. infra.
(9) When the animal is cast on to the ground for the slaughtering.
(10) That there is no apprehension whatsoever of any lesion to an internal organ caused by the fall.
(11) It may be slaughtered immediately but the organs that might have been affected by the fall, e.g., the spinal cord and also the ribs and the intestines, must be examined for any injury.
(12) According to Asheri the ruling in the text does not form part of the Gemara. Rashal deletes the passage.
(13) The intestines and the various stomachs must be examined for any perforation or laceration.
(14) Lit., 'hardened against'. Therefore no examination of these organs are necessary where the animal sustained a fall.
(15) This corresponds to walking in the case of cattle. There is no longer any fear that the bird was injured Internally and it may be slaughtered immediately
(16) Lit., 'from below upwards'.
(17) Lit., 'from above downwards'. In this case there is no indication that it moved of its own accord.
(18) In whichever direction it moved, it is permitted.
(19) Even though it only moved downstream.
(20) A sheet which is folded cannot be stretched quite taut, and therefore it would not cause any injury to the bird.
(21) The reason generally in all these cases is that if the substance is hard or closely packed, a bird falling thereon would sustain internal injuries, but if the pile is soft or loose, the bird would not sustain any injuries.
(22) For when it is piled up in a heap it cakes and hardens and would cause an injury to the bird.

Talmud - Mas. Chullin 52a

On fine sand, we do not apprehend any injury; but on coarse sand, we must apprehend an injury. Likewise on dust of the wayside, we apprehend an injury.[1] On straw, if tied in bundles, we must apprehend an injury; but if loose, we do not apprehend any injury. On wheat, or on similar grain, we must apprehend an injury; on barley, or on similar grain, we must apprehend an injury.[2] On all kinds of pulse,[3] except fenugreek,[4] we must apprehend a lesion of the internal organs. On chick-peas, we do not apprehend any lesion of the internal organs; but on lentils, we must apprehend such an injury. This is the rule: on such things as slip away from each other,[5] we do not apprehend any lesion of the internal organs; but on things which do not slip away from each other, we must apprehend a lesion of the internal organs.

If [a bird was] glued,[6] R. Ashi permits it[7] and Amemar forbids it. If it was glued by one wing only, all agree that it is permitted.[8] They disagree only where [it was glued] by both wings. He that forbids it gives as his reason, How can it keep aloft? But he that permits it says: It can keep aloft in the air by the movement of its wings at the joints.[9] Others report as follows: If [it was glued] by both wings, all agree that it is forbidden. They disagree only where [it was glued] by one wing only. He that permits it gives as his reason, It can very well fly with one wing. But he that forbids it says. Since it cannot fly with the one wing [which is glued] it cannot fly with the other [which is free]. The law is: If both wings [were glued to the board], it is forbidden,[10] if one wing only [was glued], it is permitted.

IF MOST OF ITS RIBS WERE FRACTURED. Our Rabbis taught: This is meant by 'most of its ribs': Either six on each side [were fractured] or eleven on one side and one on the other side.[11] Ze'iri added, provided [in each case the fracture was] in that half of the rib nearest the spine. Rabbah b. Bar Hana said in the name of R. Johanan, [We are dealing only] with the large ribs which are filled with marrow. Ulla reported that Ben Zakkai taught: If most of the ribs on one side[12] were dislocated, or if

most of the ribs on both sides were fractured, [the animal is trefah]. R. Johanan said: Whether the ribs were dislocated or fractured, [the animal is trefah] only if most of the ribs on both sides [were dislocated or fractured].

Rab said: If a rib together with its vertebra was dislocated, the animal is trefah.[13] R. Kahana and R. Assi asked Rab, What if the rib on each side of the vertebra was dislocated but the vertebra remained firm in its place? — He replied. Then you are speaking of an animal cut asunder![14] But is not Rab's case too the case of an animal cut asunder?[15] — Rab was speaking of the dislocation of a rib only without the vertebra. But did he not expressly say: 'A rib together with its vertebra'? — He meant, A rib with half of its vertebra. It follows then that R. Kahana and R. Assi were speaking of the case where the ribs [on each side of the vertebra were dislocated] but the vertebra remained firm; would Rab then have replied to them, 'Then you are speaking of an animal cut asunder'? Has not Ulla reported that Ban Zakkai taught: If most of the ribs on one side were dislocated, or if most of the ribs on both sides were fractured, [the animal is trefah]?[16] — He will say: In that case [of Ulla] the ribs were not opposite each other,[17] but in this case the ribs were opposite each other.[18] But did not R. Johanan say that most of the ribs on both sides must either be fractured or dislocated? And in speaking of most of the ribs on both sides it cannot be otherwise but that at least one rib was dislocated opposite the other![19] — There [in the case of R. Johanan] only the rib, but not the facet, [was dislocated], but here [in the case put by R. Kahana and R. Assi] the rib together with its facet[20] [was dislocated]. But if so, is not this case identical with Rab's own statement?[21] — They had not heard of Rab's statement. Then why did they not ask him [about the dislocation of one rib together with its facet] as in the statement of Rab? — They thought, Let us rather ask him one question which would give us the answer to two. For if we were to ask him about [the dislocation of] one rib [with its facet] we would have had satisfaction only if he had answered that it was trefah, since this same ruling would apply with even greater force to the case of the dislocation of two ribs; but had he answered that it was permitted we would still have been in doubt as to two ribs.[22] But even now when they ask him about the dislocation of two ribs [with their facets] the same difficulty presents itself, does it not? For only if he had answered that it was permitted would they have had satisfaction, since this same ruling would apply with even greater force to the case of the dislocation of one rib, but had he answered that it was trefah they would still have been in doubt as to one rib? — They thought, In that case he would have been annoyed and would have replied. Seeing that the dislocation of one rib [with its facet] renders the animal trefah can there be any question about two?[23] But did they not actually ask him [about the dislocation of two ribs], nevertheless he was not annoyed?[24] — His answer: 'Then you are speaking of an animal cut asunder', is the expression of his annoyance.[25]

Rabbah son of R. Shila said in the name of R. Mattena on the authority of Samuel: If a rib was dislodged from its socket,[26] or if the greater portion of the skull was shattered, or if the greater portion of the membrane which covers the greater part of the rumen [was torn] — in each case [the animal] is trefah.

'If a rib was dislodged from its socket'. I can point out a contradiction to this. [For we have learnt]:

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(1) This too hardens and forms into lumps.

(2) In MS.M. this clause is omitted; in other MSS. the reading is, 'We do not apprehend any injury'. As the text stands, it is difficult to understand why this clause was not included together with wheat.

(3) E.g., beans or peas. These are smooth and slippery and cannot be piled up into a solid mass.

(4) Or: linseed.

(5) I.e., which are smooth and round and so could not form a hard mass.

(6) By its wings to a board to prevent it from flying away.

(7) If in an attempt to fly it fell down together with the board to the ground.

(8) For it could at least keep itself aloft in the air by its other wing which is free.
(9) Since only the tips of its wings are glued to the board the bird can in a restricted way jerk its wings at the joints and thus keep aloft.
(10) Unless after its fall it stood up and walked.
(11) The animal has twenty-two large ribs each filled with marrow, eleven ribs on each side. Twelve at least of these ribs must be fractured in order to render the animal trefah.
(12) I.e., six ribs.
(13) Even though it is certain that the spinal cord has not been injured.
(14) And it would be nebelah forthwith, v. supra 21a.
(15) Since a rib together with its vertebra has been dislocated the corresponding rib on the other side of that vertebra has also been loosened, hence the animal is virtually divided into two.
(16) So that at least six ribs must be dislocated in order to render the animal trefah. Rab surely would not have said that where only two ribs were dislocated the animal is virtually cut asunder, and is nebelah!
(17) I.e., each of the ribs was dislocated from a different vertebra, but no two ribs were dislocated from the same vertebra.
(18) I.e., the ribs on either side of the same vertebra were dislocated.
(19) For there are but eleven ribs on each side and twelve must be fractured or dislocated in order to render the animal trefah; hence the ribs on either side of at least one vertebra were dislocated.
(20) Lit., 'the pestle with the mortar'.
(21) For, as we have explained: Rab also was dealing with the dislocation of a rib plus half of its vertebra. i.e., its facet, and he ruled that it was trefah; why then did R. Kahana and R. Assi enquire of Rab as to the dislocation of two ribs and their facets? That would surely be trefah!
(22) They therefore asked him concerning the dislocation of two ribs with their facets.
(23) So that they would have known from the tone of Rab's answer the law about the dislocation of one rib.
(24) Although Rab had already taught that the dislocation of one rib with part of its vertebra i.e., its facet renders the animal trefah.
(25) And this answer of Rab conveyed to them also the information that the dislocation of one rib together with its facet is trefah.
(26) According to Rashi only the rib, but not its facet, was dislodged; according to R. Tam the facet was also dislodged. V. Tos. s.v. נעקרה.

Talmud - Mas. Chullin 52b

'What is considered a deficiency of the spine? Beth Shammai say. If two vertebrae were missing; Beth Hillel say: If only one was missing'. And Rab Judah said in the name of Samuel that their views are the same with regard to rendering the animal trefah![1] — Here we are speaking of a rib [being dislodged] but not the vertebra and there of a vertebra [being dislodged] but not the rib. I can well understand a rib [being dislodged] without its vertebra but how can it happen that the vertebra [should become dislodged] without [dislodging at the same time] the ribs?[2] — It can happen below at the loins.[3] R. Oshaia raised the question, Why is not this dispute[4] included in the list of differences[5] wherein Beth Shammai adopt the more lenient view and Beth Hillel the stricter view? — Raba answered. Because the dispute arose originally with regard to the law of uncleanness and in this respect Beth Shammai hold the stricter view.[6]

'If the greater portion of the skull was shattered'. R. Jeremiah asked: Does it mean the greater portion of the height of the skull or the greater portion of its circumference?[7] This remains undecided.

'If the greater portion of the membrane which covers the greater part of the rumen [was torn]'. R. Ashi asked: Does it mean that the greater portion was torn or that it was gone? But you can surely answer this from our Mishnah which reads: IF THE INNER RUMEN WAS PIERCED OR THE GREATER PART OF THE OUTER COVERING WAS TORN. And this was interpreted by the

scholars in the West [palestine] on the authority of R. Jose b. Hanina thus: The entire rumen is the inner rumen. And what is the outer rumen? It is the membrane which covers the greater part of the rumen![8] — Was not this question raised on the statement of Samuel? But R. Jacob b. Nahmani has reported in the name of Samuel that it [sc. the inner rumen] is that part of the rumen which has no downy lining.[9] IF IT WAS CLAWED BY A WOLF. Rab Judah said in the name of Rab: In the case of cattle from the wolf and upwards,[10] and in the case of birds from the hawk and upwards. What does this exclude? Should you say it excludes the cat, surely we have expressly learnt: IF IT WAS CLAWED BY A WOLF![11] And should you further say that the Mishnah merely wishes to teach that a wolf can claw even large cattle,[12] surely [this is not so, for] our Mishnah adds: R. JUDAH SAYS. SMALL CATTLE IF CLAWED BY A WOLF, AND LARGE CATTLE IF CLAWED BY A LION. And should you further say that R. Judah differs [from the view of the first Tanna],[13] surely [it is not so, for] R. Benjamin b. Japhet has stated in the name of R. Ila'a[14] that the sole purpose of R. Judah's statement was merely to explain [the words of the first Tanna but not to dissent therefrom]! — Do you point out a contradiction between one authority and another![15] If you wish, however, I can say that it [the Mishnah] indeed excludes the cat [and yet R. Judah's statement was necessary], for you might have said [the reason why the Mishnah mentions the wolf was because] it was the more common occurrence;[16] he therefore teaches us [that it is not so].

R. ‘Amram said in the name of R. Hisda: Goats and lambs [are trefah] if clawed either by a cat or a marten, birds if clawed by a weasel. An objection was raised: The clawing by a cat or a hawk or a marten [does not render trefah] unless the claw actually penetrated into [the abdominal] cavity.[17] Now it follows from this that the clawing itself is of no consequence! But how do you explain this? Is the clawing by a hawk of no consequence? Surely we have learnt: IF CLAWED BY A HAWK! — This is no difficulty, for the statement [of our Mishnah] refers to birds [being clawed], whereas the statement [of the Baraitha] refers to goats and lambs; but against R. Hisda [this Baraitha] is indeed an objection! — He [R. Hisda] concurs with the view of the following Tanna. For it was taught: Beribbi[18] said: Only in that case when no one was present to save [the attacked animal] did the Rabbis say that the clawing [by a cat] was of no consequence.[19] but when some one was present to save [the attacked animal] the clawing [by a cat] is of consequence.[20] Do you then hold that when no one is present to save [the animal], the clawing [by a cat] is of no consequence? But it once happened that a hen belonging to R. Kahana was being pursued by a cat and it ran into a room. The door shut in the face of the cat so that [in its fury] it struck the door with its paw. There were then found on it five spots of blood![21] — When the attacked animal tries to save itself it is the same as when others are present to save it. But [does not this incident contradict the view of] the Rabbis?[22] — They maintain that it has venom, but the venom does not burn.[23] Others report the passage thus:[24] The author of that Baraitha is Beribbi.[25] For it was taught: Beribbi said: Only in that case when there was some one present to save [the attacked animal] did the Rabbis say that the clawing [by a cat] was of consequence, but when no one was present to save [the attacked animal] the clawing by a cat is of no consequence. Do you then hold that when no one is present to save [the animal] the clawing [by a cat] is of no consequence? But it once happened that a hen belonging to R. Kahana was being pursued by a cat and it ran into a room. The door shut in the face of the cat so that [in its fury] it struck the door with its paw. There were then found on it five spots of blood! — When the attacked animal tries to save itself it is the same as when others are present to save it.

R. Kahana enquired of Rab:

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(1) V. supra 42b. It is here taught that only the removal of a vertebra renders the animal trefah, but not the dislodgement of a rib.

(2) For as soon as the vertebra is removed the ribs on each side of it are dislodged and fall apart.

(3) In the lumbar region where there are vertebrae but no ribs.

(4) Between Beth Shammai and Beth Hillel as to what deficiency in the backbone would render the animal trefah; according to the former two vertebrae must be missing, and according to the latter only one. Thus Beth Shammai clearly

hold the more lenient view.
(5) In 'Ed. IV.
(6) For they hold that the backbone of a corpse will still convey uncleanness to men and vessels in the same 'tent' although one vertebra thereof was missing.
(7) I.e., does the greater portion refer to the length of the skull commencing from the eyes rising upwards towards the top of the head, or to the width of the skull, i.e., the distance from ear to ear? (R. Gershom).
(8) According to the interpretation of the scholars in the West the Mishnah expressly teaches that if the greater portion of the membrane was torn, it is trefah.
(9) The Mishnah according to Samuel does not deal with the membrane at all, but only with the actual rumen; it cannot therefore throw any light on the elucidation of Samuel's statement here.
(10) I.e., the Mishnah does not mean a wolf exclusively, but it means any other beast of prey which is larger and fiercer than the wolf. The same is the intention of the Mishnah in the case of birds.
(11) And this clearly excludes the cat.
(12) It is argued that the wolf was expressly stated not in order to exclude the cat but to teach that the clawing by a wolf can render even a large cattle, e.g., an ox, trefah. Small cattle however, e.g., sheep, can be clawed even by a cat.
(13) The first Tanna being of the opinion that a wolf can claw even large cattle.
(14) In MS.M. as well as in Rashi the reading is 'R. Eleazar'.
(15) Rab does not agree with the view expressed above in the name of R. Ila'a but holds that R. Judah expressed a dissenting view, the first Tanna being of the opinion that the clawing by a wolf would render trefah even large cattle. Now it might have been inferred from this that the clawing by a cat would render trefah small cattle, e.g., sheep and goats; Rab therefore expressly teaches us that a cat is absolutely excluded, and its clawing is of no consequence.
(16) But not to imply that the clawing by a cat is of no consequence.
(17) And pierced an internal organ. Accordingly the claw is on a par with a thorn or a needle, but it does render trefah solely by the clawing and the poisonous discharge that follows.
(18) V. supra 22b.
(19) As stated in the cited Baraitha.
(20) The presence of a rescuer infuriates the cat so that it becomes fiercer in its attack and discharges its venom. R. Hisda concurs with this view, and only in these circumstances does he maintain that the clawing by a cat renders trefah.
(21) I.e., five red spots of venom were found on the door. This indicates that the cat discharges venom in its attack, even though no one was present to save the victim.
(22) The Rabbis who differ from the view of Beribbi maintain that the clawing by a cat is of no consequence under any circumstances. The question is then, How will they explain away the presence of the venom on the door, which indicates that a cat does discharge venom in its attack?
(23) The discharged venom does not destroy any of the organs.
(24) In answer to the objection raised above against R. Hisda from the Baraitha quoted.
(25) But R. Hisda is of the opinion that in all circumstances the clawing by a cat renders trefah. And he maintains hat the Tanna of our Mishnah also concurs with this view.

Talmud - Mas. Chullin 53a

Is the clawing by a cat of consequence[1] or not? — He replied: Even the clawing by a weasel is of consequence. And is the clawing by a weasel of consequence or not? — He replied. Even the clawing by a cat is of no consequence. And is the clawing by a cat or by a weasel of consequence or not? — He replied: The clawing by a cat is of consequence but the clawing by a weasel is not. Now there is really no contradiction between these replies. For when he said: 'Even the clawing by a weasel is of consequence', he meant with reference to birds; and when he said: 'Even the clawing by a cat is of no consequence', he meant with reference to large sheep; and when he said: 'The clawing by a cat is of consequence but the clawing by a weasel is not', he meant with reference to kids and lambs.

R. Ashi asked: Is the clawing by the other[2] unclean birds of consequence or not? — R. Hillel said to R. Ashi: When we were at the school of R. Kahana he taught us that the clawing by the other

unclean birds was of consequence. But have we not learnt: SMALL FOWL IF CLAWED BY A HAWK?[3] — It means, the clawing by a hawk is of consequence upon other [birds even as large] as itself, while the clawing by other birds is of consequence only upon others smaller than themselves. Others say that it means, the clawing by a hawk is of consequence upon others even larger than itself, while the clawing by other birds is of consequence only upon others as large as themselves.

R. Kahana said in the name of R. Shimi b. Ashi: The clawing by a fox is of no consequence. But this is not so? For when R. Dimi came [from palestine] he related that there once happened a case where a ewe-lamb was clawed by a fox at the baths of Beth Hini,[4] and when the case was brought to the Sages they ruled that the clawing was of consequence! — R. Safra answered: In that case it must have been a cat [and not a fox]. Others report it thus: R. Kahana said in the name of R. Shimi b. Ashi, The clawing by a fox is of consequence. But this is not so? For when R. Dimi came [from Palestine] he related that there once happened a case where a ewe-lamb was clawed by a fox, and when the case was brought to the Sages they ruled that the clawing was of no consequence! — R. Safra answered: It must have been a dog [and not a fox].

R. Joseph said: We have it on tradition that the clawing by a dog is of no consequence.

Abaye said: We have it on tradition that clawing is only with the fore-leg, thus excluding the hind leg; that clawing is only with the claws, thus excluding the teeth; that the clawing must be intentional, thus excluding an unintentional act;[5] and that the clawing must be by a living animal, thus excluding the clawing by a dead animal.[6] But since you have already said it must not be unintentional, is it then at all necessary to say that it must not be by a dead animal? — It is indeed necessary for the case where the animal struck with its claw and it was immediately amputated. Now you might have thought that it discharges the poison at once when it strikes with the claw, we therefore learn that it discharges the poison only when it withdraws the claw.[7]

Rabbah son of R. Huna said in the name of Rab: If a lion had entered amidst oxen and later there was found a nail [from a lion's claw] lodged in the back of one of them, there is no fear that the lion had clawed it. Why? Because although most lions attack with their claws there are a few that do not; moreover, all that do claw do not usually lose a nail, therefore the fact that this ox has a nail lodged in its back suggests that it had rubbed itself against a wall.[8] On the contrary, we should argue thus: Although most oxen rub themselves against a wall there are a few that do not; moreover, all that do rub themselves against a wall do not usually find a nail lodged in their backs, therefore the fact that this ox has a nail lodged in its back suggests that it was clawed by a lion! — One can argue this way and one can argue that way; therefore as there is a doubt whether [the ox] had been clawed or not[9] [it is permitted, for] Rab is consistent in his view that we are in no way apprehensive of an animal about which there is a doubt whether it has been clawed or not. Abaye said: This is the rule only when the nail was actually there [protruding from the back of the ox], but if there was found the mark of the nail [of a claw upon the back], we are certainly apprehensive about it. And even when the nail was actually there this rule[10] applies only if the nail was moist [with blood], but if it was dry it is quite usual for it to fall loose.[11] And even when the nail was moist the rule applies only to a single nail, but if there were two or three nails [upon the back of the animal] we are apprehensive about it; provided, however, they were in the shape of a paw.

It was stated: Rab says: We are in no way apprehensive of fan animal] about which there is a doubt whether it has been clawed or not; Samuel says. We are apprehensive about it.[12] Now all agree as to the following: if there was a doubt whether it [the lion] entered [among the cattle] or not, we may assume that it did not enter. If there was a doubt whether [an animal had been clawed] by a dog or by a cat, we may assume that it was a dog.[13] If it [the lion] entered, and quietly lay down among the cattle, we may assume that it became friendly with them. If it broke the head of one, we may assume that its fury has thereby been assuaged.[14] If the lion was roaring and the cattle were lowing,

we may assume that they are trying to frighten

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(1) So as to render the clawed animal trefah.

(2) Besides the hawk and the falcon which are mentioned in the Mishnah.

(3) Apparently the clawing by other birds is of no consequence.

(4) East of Caesarea, v. Horowitz, I.S. Palestine p. 131.

(5) E.g., where the animal accidentally fell down upon cattle and its claws entered the body of the victim.

(6) Presumably the dead animal had fallen upon cattle and its claws had struck the victim.

(7) So that if the claw had been amputated before it had been withdrawn from the victim, the latter is not trefah, for at the time when the poison is discharged the limb was already dead.

(8) It is so rare an occurrence for a lion to lose a nail while attacking with its claw, that it is much more probable to suggest that the animal got the nail lodged in its back from having scratched itself against a wall in which this nail protruded.

(9) In the current ed. there are added the words: 'We must place it on its former status'. These words are omitted in MS.M., and are evidently redundant. V., however, Glosses of Samuel Strashun.

(10) That we are in no wise apprehensive about it, so that it is permitted.

(11) From the claw during the act of clawing.

(12) And it is trefah.

(13) The clawing of a dog being of no consequence (supra), the animal is permitted.

(14) And there is no fear for the others. It must be assumed, however, that this was the first victim of the lion.

Talmud - Mas. Chullin 53b

each other.[1] Their dispute arises only where the lion was silent and they were lowing; one [Samuel] is of the opinion that this is an indication that it has already attacked them, whereas the other [Rab] is of the opinion that they are lowing out of fear only.

Amemar said: The law is that we must be apprehensive of [an animal] about which there was a doubt whether it had been clawed or not. Whereupon R. Ashi said to Amemar, But what about Rab's view? — He replied: I have not heard of it, by which I mean to say. I don't agree with it. Or else I can say that Rab withdrew his opinion in favour of Samuel's. For it once happened that a basket of [live] birds, about which there was a doubt whether they had been clawed or not, was brought before Rab. He thereupon sent it to Samuel, who at once strangled the birds and threw them into the river. Now if you were to say that Rab had not retracted his view, then why did he not permit them? But you hold, do you not, that Rab had retracted his view; why then did he not himself forbid them? Rather [what you must say is that] it happened in the town where Samuel lived.[2] Why did he need to strangle them? He could have thrown them alive into the river? — They would then fly away.[3] And why did he not keep them alive for twelve months?[4] — One might fall into sin on account of them.[5] And why did he not sell them to gentiles? — They might re-sell them to Israelites. And why did he not strangle them and throw them on to the dung heap? Then you might just as well ask: Why did he not throw them to the dogs? [The answer] rather [is that] he wanted to make known to all this prohibition.

A duck belonging to R. Ashi went among the reeds and emerged with its neck smeared with blood. Said R. Ashi: We hold, do we not, that wherever there is a doubt whether the animal was clawed by a dog or by a cat it may be assumed that it was clawed by a dog? Here, too, there being a doubt whether it was injured by a reed or clawed by a cat, it may be assumed that it was injured by a reed.[6]

The sons of R. Hiyya said: The examination of which the Rabbis have spoken in the case of 'clawing',[7] must be carried out in the region of the intestines.[8] R. Joseph said: This statement of the sons of R. Hiyya was made long ago by Samuel, for Samuel said in the name of R. Hanina b.

Antigonos. The examination of which [the Rabbis] have spoken in the case of clawing, must be carried out in the region of the intestines. Ilfa raised the question: Are the organs of the throat affected by clawing or not? — R. Zera said. The question raised by Ilfa was answered long ago by R. Hanan b. Raba, for R. Hanan b. Raba said in the name of Rab, The examination of which the Rabbis have spoken in the case of clawing, must be carried out over all the internal organs, including even the organs of the throat.

Ilfa raised the question: How much of the organs of the throat must be torn loose [in order to render the animal trefah]? — R. Zera said: The question raised by Ilfa was answered long ago by Rabbah b. Bar Hana, for Rabbah b. Bar Hana said in the name of Samuel, If the greater part [of the circumference] of the organs of the throat was torn loose [from its connection on top], the animal is trefah.

R. Ammi asked: What is the law if decay set in [as a result of clawing]? — R. Zera said: The question raised by R. Ammi was answered long ago by Rab Judah, for Rab Judah said in the name of Rab, In the case of clawing [the animal is not trefah] unless the flesh in the region of the intestines became red. If the flesh decayed it is to be regarded as though it were gone entirely.[9] What is meant by 'decayed'? — R. Huna the son of R. Joshua said: It is all such flesh as is scraped away by the surgeon in order to leave only healthy flesh. R. Ashi said: When we were at the school of R. Kahana there was brought before us a lung which when laid down lay firm, but when lifted up decomposed and fell to pieces, and we declared it to be trefah, in accordance with the view of R. Huna the son of R. Joshua.[10]

R. Nahman said: In the case of a thorn [the animal is not trefah] unless it penetrated into the [abdominal] cavity;[11] in the case of clawing, unless the flesh in the region of the intestines became red. R. Zebid reported thus: In the case of clawing, [the animal is not trefah] unless the flesh in the region of the intestines became red; and if [clawed in the region of] the organs of the throat, unless the organs themselves became red.

R. Papi reported that R. Bibi b. Abaye raised this question:

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(1) And the lion has not yet attacked the cattle.

(2) Rab did not wish to interfere where Samuel had jurisdiction. This incident therefore does not prove that Rab had retracted his view. V. Rashi.

(3) And might then be caught and sold to Jews as permitted birds.

(4) In accordance with the principle, laid down infra 58a, if these birds live through this period it is a certain indication that they are not trefah.

(5) For in the course of this period it might be forgotten that these birds were being kept under a test, and they might be taken and slaughtered.

(6) So that the examination is limited to the organs of the throat and need not be carried out in the region of the intestines (v. infra). For a fuller explanation of the practical result that arises from this view v. R. Nissim a.l.

(7) Where there was a doubt about an animal whether it had been clawed or not (or, according to Tosaf., even if it was certain that the animal was clawed), it must be examined for any red spots, for these indicate the presence of poison injected into the flesh by the claw.

(8) I.e., the back, the flanks and the abdominal region.

(9) And where the absence of the flesh would render the animal trefah, so also would the decaying of the flesh (Rashi). According to Maim. Yad, Shechitah V, 9, it means here that the decay of any flesh as the result of clawing is always regarded as trefah.

(10) Who laid down the principle that any organ which has decayed or decomposed must be regarded as missing. Here, therefore, it is regarded as though the lung was missing and the animal is trefah.

(11) If, however, the thorn penetrated into the abdominal cavity the animal is trefah, and no examination of the internal organs will be of avail; for a perforation of the intestines would not be noticeable even on examination.

Talmud - Mas. Chullin 54a

With regard to the gullet, as the slightest perforation [is sufficient to render the animal trefah], so too is the slightest indication of clawing; but with regard to the windpipe, since [it is established that] there must be a hole the size of an issar,[1] what is the law as to the clawing thereof? — After raising this question he himself answered it thus: In either organ the slightest indication of clawing [will render the animal trefah]. Why? Because the poison gradually burns away more and more.

R. Isaac b. Samuel b. Martha was sitting before R. Nahman and recited: The examination of which the Rabbis have spoken in the case of clawing, must be carried out in the region of the intestines. Thereupon R. Nahman said to him, 'By God! Rab used to rule [that an examination must be made of all the internal organs] from the pan to the hips'. Now what is 'the pan'? Is it the pan of the fore-limb?[2] But then this view would be identical with [that mentioned above] 'in the region of the intestines'.[3] It must mean, therefore, from the pan of the brain to the hips.[4]

When R. Hiyya b. Joseph went up [to Palestine] he found R. Johanan and R. Simeon b. Lakish stating their view, namely, that the examination of which [the Rabbis have] spoken in the case of clawing, must be carried out in the region of the intestines. He thereupon said: 'By God! Rab used to rule [that an examination must be made of all the internal organs] from the pan to the hips'. Resh Lakish retorted: 'Who is this Rab? Who is this Rab? I know him not'. Said R. Johanan to him, 'Do you not remember that disciple who attended the lectures of the Great Rabbi and of R. Hiyya, and, by God! all the years during which that disciple sat before his teachers[5] I remained standing! And in what [do you think] he excelled? He excelled in everything!'[6] Immediately Resh Lakish exclaimed: Verily that man is to be remembered for good! For in his name has the following dictum been reported, viz., If, after slaughtering, [the windpipe] was found to be torn loose,[7] the animal is permitted, for it is impossible to have cut through an organ that had been torn loose.[8] R. Johanan, however, said: He should compare it.[9] R. Nahman said: The rule [of Rab] holds good only if the slaughterer did not grasp the organs [when slaughtering], but if he did grasp the organs, [the slaughtering is invalid, for] then it is possible to cut through an organ that had been torn loose.

THIS IS THE RULE. What cases does it include? — It includes the Seven Statements.[10]

The members of the house of Joseph the fowler used to kill beasts by striking them on the sciatic nerve. When they came to enquire[11] of R. Judah b. Bathyra, he said to them, 'May we then add to the list of defects [which render an animal trefah]? We accept only those enumerated by the Rabbis'. The members of the house of R. Papa b. Abba the fowler used to kill beasts by striking them on the kidney. When they came to enquire[11] of R. Abba, he said to them, 'May we then add to the list of defects? We accept only those enumerated by the Rabbis'. But do we not see that the beast dies [from the blow]? It is established [beyond doubt] that if salves were applied, it would live.

MISHNAH. AND THE FOLLOWING [DEFECTS] DO NOT RENDER CATTLE TREFAH: IF THE WINDPIPE WAS PIERCED, OR SLIT LENGTHWISE;[12] (TO WHAT EXTENT MAY IT BE DEFICIENT? R. SIMEON B. GAMALIEL SAYS, UP TO AN ITALIAN ISSAR).[13] IF PART OF THE SKULL BROKE OFF BUT THE MEMBRANE OF THE BRAIN WAS NOT PIERCED; IF THE HEART WAS PIERCED BUT NOT AS FAR AS THE CAVITY THEREOF; IF THE SPINE WAS BROKEN BUT THE CORD WAS NOT SEVERED; IF THE LIVER WAS GONE BUT AN OLIVE'S SIZE THEREOF REMAINED; IF THE OMASUM AND RETICULUM WERE PIERCED ON THE INSIDE;[14] IF THE SPLEEN WAS GONE, OR THE KIDNEYS, OR THE LOWER JAW-BONE.[15] OR THE WOMB; IF THE LUNG WAS SHRIVELLED UP BY AN ACT OF GOD.[16] IF AN ANIMAL WAS STRIPPED OF ITS HIDE, R. MEIR DECLARES IT VALID BUT THE RABBIS DECLARE IT INVALID.

GEMARA. It was reported: R. Johanan says. The former Mishnah, ‘The following [defects] render cattle trefah’, is to be emphasized; R. Simeon b. Lakish says. This Mishnah, ‘AND THE FOLLOWING [DEFECTS] DO NOT RENDER CATTLE TREFAH’, is to be emphasized. What is the real issue between them? — It is R. Mattena's case. For R. Mattena ruled: If the top of the femur slipped out of its socket, the animal is trefah — Now R. Johanan who said that the former Mishnah, namely, ‘The following [defects] render cattle trefah’, was to be emphasized. argues thus: The Tanna stated various defects and finally added: ‘This is the rule’.

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(1) V. next Mishnah.

(2) I.e., the shoulder-blade or scapula.

(3) For it includes all the internal organs, the lungs and the liver, and these are the organs comprehended within the expression ‘from the scapula to the hips’.

(4) And this would include the organs of the throat too.

(5) I.e., as an advanced student Rab was permitted to sit at the lectures.

(6) Aliter: ‘What kind of man was he? He was a man in everything’.

(7) And it is doubtful whether it was torn loose before or after the slaughtering.

(8) The fact that the organ has been cut in the proper manner proves that it was torn away only after the slaughtering.

(9) Lit., ‘he should bring and compare’. I.e., he should make another cut in this same windpipe, and if the cuts resemble each other the animal would be trefah, for it is evident that just as the second cut so the first cut too was made in an organ that had already been torn loose.

(10) V. supra 42a and b.

(11) To ascertain whether the slaughtering of an animal so struck would be valid or not.

(12) But none of ‘its substance was missing; V. supra 45a

(13) A coin, the Roman as, a twenty-fourth part of a denar.

(14) I.e., the perforation was in that part where one organ lies close to the other without any space intervening. The food therefore would only pass from one organ into the other and could in no way cause an infection of the internal organs.

(15) The organs of the throat, however, remained intact attached to the muscles of the throat.

(16) Lit., ‘by the hands of heaven’. I.e., sclerosis of the lung, here caused by a fright through an act of nature, by thunder or by lightning.

He saw, however, that R. Mattena's case might be admitted [as a trefah] under the clause ‘This is the rule’,[1] for it is well nigh similar to a case where the entire organ was gone, he therefore taught: ‘The following [defects] render cattle trefah’, emphasizing that only the following render cattle trefah, but the defect stated by R. Mattena does not render the animal trefah. R. Simeon b. Lakish who said that this Mishnah, namely, ‘AND THE FOLLOWING [DEFECTS] DO NOT RENDER CATTLE TREFAH’, was to be emphasized, on the other hand, argues thus: The Tanna stated various defects and finally added: ‘This is the rule’. He saw, however, that R. Mattena's case might not be admitted [as a trefah] under the clause ‘This is the rule’, for it is not quite the same as when an organ is pierced or severed or gone entirely, he therefore taught: THE FOLLOWING [DEFECTS] DO NOT RENDER CATTLE TREFAH, emphasizing that only the following do not render an animal trefah, but the defect stated by R. Mattena does.

The text [stated above]: ‘R. Mattena ruled: If the top of the femur slipped out of its socket, the animal is trefah’. Raba, however, ruled that it was permitted; though if the ligaments were severed it is trefah. The law is: Even if the ligaments were severed it is permitted, unless they had decayed.[2]

TO WHAT EXTENT MAY IT BE DEFICIENT? etc. Ze'iri said: ‘You, who have never seen the size [of an Italian issar], may take instead as a standard the size of a Gordian denar,[3] which is equal in size to the small peshita, current among the small coins of Pumbeditha’. R. Hana, the

money-changer, said: ‘Once there stood before me Bar Nappaha who asked me for a Gordian denar with which to measure a defect. I wanted to rise before him but he would not allow me, saying. "Sit down, my son, sit down. Craftsmen are not allowed to rise before scholars whilst they are engaged in their work"’.[4] But are they not? Surely we have learnt: All craftsmen must rise before them,[5] enquire after their welfare and greet them, ‘Our brethren from such and such a place, ye are welcome’. — R. Johanan said: Before them they must rise but not before scholars. Thereupon R. Jose b. Abin remarked: Come and see, how precious is a precept when performed in its due season! for they [craftsmen] must rise before these but not before scholars! But whence do you gather this? Perhaps [they are shown respect] so as not to put a stumblingblock in their way for the future![6]

R. Nahman said: An exact sela’ is regarded as more than a sela’; likewise an exact issar is regarded as more than an issar.[7] This shows that R. Nahman is of the opinion that ‘up to’ is not inclusive.[8] Raba raised an objection against R. Nahman. We have learnt: A string which hangs over from the texture of a bed, [that is of any length] up to five handbreadths, is clean.[9] Presumably if it was exactly five handbreadths it would be regarded as less![10] — No. Exactly five would be regarded as more.[11] Come and hear: If it was from five up to ten handbreadths in length, it is unclean. Presumably if it was exactly ten handbreadths long it would be regarded as less.[12] — No. Exactly ten would be regarded as more.

Come and hear: Small earthenware vessels, or the bottoms or sides [of broken earthenware vessels] that can stand without support.

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(1) Which clause was added for the sole purpose of including other defects not specifically mentioned.

(2) In which case the animal would be trefah.

(3) Name of a gold denar coined by one of the Roman emperors by that name.

(4) I.e., whilst working for others (Rashi). According to Tosaf., however, it may mean that even when they are engaged in their own work they need not stand up.

(5) Sc. those Jews who came to Jerusalem bringing with them the offering of firstfruits to the Temple. V. Bik. III, 3.

(6) For if they were not shown respect when they came, they might refrain from coming again in the future. But it is certainly not the case, as was suggested by R. Jose b. Abin, that their action is more commendable than the study of the Torah.

(7) Wherever the Rabbis fixed the standard of measure, either a sela’, as in the case of a deficiency in the skull or a deficiency in the rumen, or an issar, as in our Mishnah, they intended to convey that where the measure was exactly the size of the standard fixed it was always to be regarded as more than the standard, with all the results consequent thereto.

(8) For when our Mishnah says: UP TO AN ITALIAN ISSAR, It means that up to that size is a deficiency permitted, but the deficiency of an exact issar, being regarded as more than an issar, would render the animal trefah.

(9) V. Kelim XIX, 2. If the bed was rendered unclean, this piece of string which has not yet been cut away from the texture of the bed would not be unclean, for it is insignificant. If, however, it was more than five handbreadths in length it would be unclean, for it would then be of some use — indeed, with this length of string they used to tie up the Passover lambs and hang up the beds. If it was more than ten handbreadths in length it would be clean, for it is considered independent from the texture, and hence cut away from it, and it is established law that a string by itself cannot be rendered unclean.

(10) I.e., less than five handbreadths and it would be clean; thus proving that ‘up to’ is inclusive.

(11) I.e., more than five handbreadths and it would be unclean; for ‘up to’ is exclusive.

(12) And unclean; v. p. 298, n. 6.

Talmud - Mas. Chullin 55a

[can contract uncleanness if they can now hold] enough oil to anoint a limb of a child,[1] [provided that, when unbroken, these vessels could hold any amount] up to a log. Presumably what could hold exactly a log would be regarded as holding less![2] — No. Exactly a log would be regarded as holding more.[3] Come and hear: If [these vessels, when unbroken, could hold anything] from a log up to a

se'ah, [their remnants must now be capable of holding] one quarter log. Presumably what holds exactly a se'ah would be regarded as holding less! — No. Exactly a se'ah would be regarded as holding more.[3] Come and hear: If [these vessels, when unbroken, could hold anything] from one se'ah up to two se'ahs, [their remnants must now be capable of holding] one half log. Presumably what holds exactly two se'ahs would be regarded as holding less! — No. Exactly two se'ahs would be regarded as holding more.[4] But it has been taught: If the vessel, when unbroken, could hold exactly a log it must be regarded as holding less, or if exactly a se'ah it must be regarded as holding less, or if exactly two se'ahs it must be regarded as holding less.[5] — [It must be said that] there [and in all cases] the stricter view is adopted.[6] For R. Abbahu reported in the name of R. Johanan: All standards fixed by the Rabbis are to be applied strictly except the size of a bean, the standard for stains,[7] which is to be applied leniently. And there is, indeed, a support for this ruling; for the following has been taught as a comment [upon that Mishnah]:[8] If it was exactly five handbreadths long it is regarded as more, but if it was exactly ten handbreadths long it is regarded as less.[9]

IF THE SPLEEN WAS GONE. R. ‘Awira said in the name of Raba: This was taught only if it was gone, but should it have been pierced it would be trefah. R. Jose b. Abin (others say: R. Jose b. Zabida) raised this objection. We have learnt: Whatsoever is cut off from the embryo within the womb [of the animal and left inside] may be eaten,[10] but whatsoever is cut off from the spleen or kidneys [of the animal itself and left inside] may not be eaten. It follows, however, that the animal itself is permitted![11] — No; the law is that the animal itself is also forbidden, but only because the Tanna stated in the first clause that it[12] may be eaten did he state in the second clause too that it[12] may not be eaten.[13] Alternatively, I can say: Pierced is one thing but cut another.[14]

IF THE KIDNEYS WERE GONE. Rakish b. Papa said in the name of Rab, If one kidney was diseased it is trefah. In the West it was said: Provided the infection extended

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(1) Whatsoever cannot hold this quantity is not regarded as a receptacle and the law of uncleanness does not apply. On the question whether or not this minimum quantity is essential in an unbroken earthenware vessel, v. Tosaf. a.l. and the commentaries on this Mishnah in Kelim II. 2.

(2) I.e., less than a log; and the standard of ‘enough oil to anoint a limb of a child’ would apply, thus proving that ‘up to’ is inclusive. Log and se'ah are Heb. measures both of liquids and of solids.

(3) And the standard stated in the next clause would apply.

(4) And in order to be able to contract uncleanness the minimum capacity of a remnant of a vessel which, when unbroken, held more than two se'ahs is one whole log. V. Kelim II, 2.

(5) It is evident from this Baraitha that ‘up to’ is always inclusive.

(6) The conclusion therefore is that the expression ‘up to’ sometimes is and sometimes is not inclusive. If, in any context, a matter up to a certain measure is permitted (as in the case of our Mishnah supra 54a), the strict view must be adopted and ‘up to’ will not be inclusive. But, on the other hand, if any matter up to a certain measure is forbidden, or is capable of being rendered unclean, the strict view must again be adopted and ‘up to’ will be inclusive.

(7) If a woman observes a blood stain, the size of a bean, on her under-clothes she becomes unclean, for the stain might be the blood of menstruation. If the stain is exactly, or less than, the size of a bean, she would not be unclean, for she may set it down to the blood of a louse; v. Nid. 58b. The reason for this leniency is because the law relating to stains is merely Rabbinic.

(8) In Kelim XIX, 2. V. supra p. 298, n. 6.

(9) In each case the string is rendered unclean because we adopt throughout the stricter ruling, so that in the first case of this Baraitha ‘up to’ is not inclusive but in the second case it is.

(10) When the animal is slaughtered subsequently. V. infra 68a.

(11) Even though its spleen was cut, which is presumably very much the same as when pierced; thus refuting R. ‘Awira's ruling.

(12) Sc. the actual part that was cut off.

(13) But the animal itself is also trefah by reason of this mutilation of its spleen.

(14) I.e., the law is different in each case. Where the whole or part of the spleen has been removed the animal is

permitted, but where it has pierced it is trefah according to R. ‘Awira. This is a difficult distinction to accept, and indeed it is omitted in many MSS. V. Marginal Gloss and notes on this passage in D.S.

Talmud - Mas. Chullin 55b

up to the hilum [of the kidney]. Where is this? — At the white [calyces in the middle of the kidney] which are immediately below the loins. R. Nehuniah said: I enquired of all those who decide questions of trefah in the West and they told me that the law was in accordance with the ruling of Rakish b. Papa, but that the law was not in accordance with the ruling of R. ‘Awira. This[1] is so, however, only if it [the spleen] was pierced in the flat part, but if it was pierced in the thick part it is trefah. And if there remained [of the spleen] the thickness of a golden denar [that had not been pierced], it is permitted.

It was said in the West: Whatsoever is considered a defect in the lung is not a defect in the kidney, for a perforation is a defect in the lung and is not a defect in the kidney; and of course, whatsoever is not considered a defect in the lung is not a defect in the kidney. R. Tanhuma demurred: Is this a fast rule? But take the case of pus, which [if found] in the lung is not considered a defect, but in the kidney is considered a defect. And indeed, take the case of clear water which [if found] in either organ is not a defect.[2] Rather said R. Ashi: Do you compare defects with each other? Amongst the various defects we cannot say that this resembles that; for an animal may be cut in one place and die, and in another place and live.[3] Now this ruling, that if filled[4] with clear water it is permitted, applies only if the water was pellucid, but if it was turbid it is trefah. And the ruling, that if filled with pellucid water it is permitted, applies only if the water was not fetid, but if it was fetid it is trefah.

If the kidney diminished in size,[5] down to a bean in the case of small cattle, or down to a medium sized grape in the case of large cattle, [it is trefah].[6]

(IF THE LOWER JAW-BONE WAS GONE. R. Zera said: The Mishnah teaches [that it is permitted] only where the animal can continue to live by the stuffing and the pushing of food [into its gullet], but if it cannot continue to live by the stuffing and the pushing of food [into its gullet] it is trefah.)[7]

IF THE WOMB WAS GONE. A Tanna taught: ‘Em, tarpahath, and shalpuhith, are all one and the same thing.[8]

IF THE LUNG WAS SHRIVELLED UP[9] BY AN ACT OF GOD IT IS PERMITTED. Our Rabbis taught: What is harusah?[9] If its lung was shrivelled up; if by an act of God it is permitted, but if by the act of man[10] it is trefah. R. Simeon b. Eleazar says: Even by other creatures. It was asked: Does he [R. Simeon b. Eleazar] refer to the first clause,[11] thus making the law more lenient, or does he refer to the second clause,[12] thus making it more strict? — Come and hear: It was taught: If it was shrivelled up by an act of man it is trefah. R. Simeon b. Eleazar says: Even by other creatures [it is also trefah].

Rabbah b. Bar Hana was once travelling through a desert when he came upon certain rams whose lungs were all shrivelled up.[13] He went and enquired about them at the college, and was told the following: In summer one must take white glazed basins, fill them with cold water, and leave the lungs therein for a period of twenty-four hours; if they return to their normal state it is a sign that it was caused by an act of God, and they are permitted, otherwise they are trefah. In winter one must take dark[14] glazed basins, fill them with warm water, and leave the lungs therein for a period of twenty-four hours; if they return to their normal state they are permitted, otherwise they are trefah.

IF AN ANIMAL WAS STRIPPED OF ITS HIDE. Our Rabbis taught: If it was stripped of its

hide, R. Meir declares it valid, but the Rabbis declare it invalid. Long ago Eleazar the scribe and Johanan b. Gudgada had testified that an animal stripped of its hide was invalid. R. Simeon b. Eleazar said that R. Meir had retracted his view. It would follow, therefore, that according to R. Simeon b. Eleazar R. Meir did dispute the law of an animal stripped of its hide [with the Rabbis]. But Surely it has been taught: R. Simeon b. Eleazar said: There was never any dispute between R. Meir and the Rabbis in the case of an animal stripped of its hide, for it is certainly invalid. Moreover, R. Oshaia, the son of R. Judah the spice-dealer, had testified before R. Akiba on the authority of R. Tarfon, that an animal stripped of its hide was invalid. But if there remained thereof the size of a sela', it was permitted! — R. Nahman b. Isaac answered that the words, 'There was never any dispute', meant that R. Meir did not persist in the controversy.[15]

The Master stated: 'If there remained thereof the size of a sela' it was permitted'. Where must this be? — Rab Judah said in the name of Samuel: Along the entire backbone. It was asked: Does this mean, a long thin strip [along the entire backbone], so that when rolled up it would be the size of a sela', or does it mean, [a strip] the width of a sela' along the entire backbone? — Come and hear, for R. Nehorai explained it on the authority of Samuel to mean, [a strip] the width of a sela' along the entire backbone. Rabbah b. Bar Hana said, [There must be the size of a sela'] at the top of every joint. R. Eleazar b. Antigonos said in the name of R. Eleazar b. R. Jannai, At the navel. R. Jannai son of R. Ishmael raised this question: What if the skin along the entire backbone was gone but all the rest of it remained, or if the skin at the navel was gone but all the rest of it remained, or if the skin at the top of each joint was gone but all the rest of it remained? — This remains undecided.

Rab said: Any [remnant of] skin anywhere [the size of a sela'] saves [the animal from being declared trefah], except the skin around the hoofs.[16] But R. Johanan said: Even the skin around the hoofs saves [the animal from being declared trefah]. R. Assi enquired of R. Johanan, 'Would the skin around the hoofs save [the animal from being declared trefah]?' — He replied: 'It would'. 'But', retorted the other, 'you, our teacher, have taught us, "In the following cases the skin is accounted as flesh: . . . the skin around the hoofs"'.[17] — He replied: 'Do not weary me [with your arguments], for I taught that as the opinion of an individual.[18] For it was taught:[19] If a man slaughtered a burnt-offering purposing to burn an olive's bulk of the skin from under the fat tail[20] at the improper place, the sacrifice is invalid, and he is not liable to the punishment of Kareth,[21] but [if he purposed to burn it] at the improper time, it would be piggul,[21] and he would be liable to the punishment of Kareth. Eliezer b. Judah of Ibelaim[22] stated in the name of R. Jacob, similarly R. Simeon b. Judah of Kefar 'Ikus[23] stated in the name of R. Simeon, [If a man while slaughtering a burnt-offering purposed to burn] either the skin around the hoofs, or the skin of the head of a young calf,[24] or the skin from under the fat tail, or any of the skins which were enumerated by the Sages in connection with the law of uncleanness when they stated that 'In the following cases the skin is as the flesh'[25]

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(1) That R. 'Awira's ruling is not accepted.

(2) This question is unintelligible, and Rashi is at a loss to explain it. The fact that this is clearly implied in the second ruling which followed as a matter of course makes this statement meaningless; but v. Tosaf a.I. It seems that the entire passage is corrupt. R. Gershom comments upon this line, but on the other hand does not seem to have had the second ruling in his text. A very likely original text is to be found in the Alfasi on this passage, q.v.

(3) And consequently some defect may not be accounted trefah in the lung and yet be trefah in the kidney.

(4) Sc. the lung or the kidney.

(5) The kidney shrivelled up or wasted away by disease; this is known as Bright's disease.

(6) So Maim. and Asheri; but v. Hal. Ged.

(7) The whole of this paragraph is omitted in most MSS. Asheri remarks that the law stated in this passage is based on the authority of the Geonim, so that it is clear that it did not form part of the text of the Gemara. Rashal deletes it from current ed.

(8) אם, טרפחות, שלפוחית. They all mean the womb or matrix.

(9) Heb. חרותה, 'engraved, wrinkled or shrunken'.

(10) A person frightened the animal either with a stick or by slaughtering another animal in its presence (Alfasi).
(11) I.e., a fright caused by other creatures, e.g., the roaring of a lion, would come under the category of an act of God, and would be permitted.
(12) That it is in the same category as the act of man, and it would be trefah.
(13) But it was not known whether the lungs were shrivelled up by an act of God or by the act of man.
(14) Or: 'copper basins', and in the former case earthenware basins'.
(15) But finally agreed with the view of the Rabbis.
(16) I.e., the skin of the nethermost limb of either the fore-legs or the hind legs; v. infra 122a. This skin is quite tender and is regarded as flesh and not as hide; consequently such skin would not save the animal from being declared trefah.
(17) V. infra 122a. The skin being tender conveys uncleanness like the flesh.
(18) The opinion in the Mishnah quoted agrees with the second opinion in the following Baraitha, but is not the accepted law.
(19) Zeb. 282.
(20) According to this view this is the only skin that is regarded as flesh.
(21) V. Glos.
(22) Abel in the neighbourhood of Sepphoris; v. Klein Beitrage, p. 28.
(23) A variant for Ketar Acco in lower Galilee.
(24) I.e., only so long as it sucks from the dam.
(25) V. infra 122a.

Talmud - Mas. Chullin 56a

meaning to include the skin of the pudenda[1] at the improper place, the sacrifice would be invalid, and he would not be liable to the punishment of Kareth, but at the improper time it would be piggul, and he would be liable to the punishment of Kareth.

MISHNAH. THE FOLLOWING [DEFECTS][2] RENDER BIRDS TREFAH: IF THE GULLET WAS PIERCED, OR THE WINDPIPE SEVERED; IF A WEASEL STRUCK[3] [THE BIRD] ON THE HEAD IN SUCH A PLACE AS WOULD RENDER IT TREFAH;[4] IF THE GIZZARD OR THE INTESTINES WERE PIERCED. IF IT FELL INTO THE FIRE AND ITS INTERNAL ORGANS WERE SCORCHED AND THEY[5] TURNED GREEN, IT IS INVALID, BUT IF THEY REMAINED RED IT IS VALID. IF ONE TROD UPON IT OR KNOCKED IT AGAINST A WALL OR IF AN ANIMAL TRAMPLED UPON IT,[6] AND IT STILL JERKS ITS LIMBS, AND IT REMAINED ALIVE AFTER THIS FOR TWENTY-FOUR HOURS, AND IT WAS THEREAFTER SLAUGHTERED, IT IS VALID.

GEMARA. Rab, Samuel and Levi say: One should insert the finger into the mouth [of the bird and press upon the upper palate] and apply this test:[7] if the brain substance oozes [through the hole in the skull] it is trefah, but if not it is permitted. This is well, however, only according to him who says[8] that unless the lower membrane of the brain has also been pierced [it would not be trefah]; but according to him who says that [it is trefah] even if only the upper membrane and not the lower had been pierced, we ought to be apprehensive of this test for it might well be that the upper membrane has been pierced and the lower has not.[9] — If it were so, that the upper membrane had been pierced, then the lower on account of its tenderness would most certainly break[10] [by reason of the pressure of the finger].

Ze'iri said: No test is of any avail against [the bite of] a weasel because its teeth are fine. But what does it matter if its teeth are fine? — R. Oshaia corrected: Because its teeth are fine and curved.[11] When he [Ze'iri] went up to Nehardea he sent back word saying. 'That statement which I made before you was wrong. Verily, it has been reported in the name of R. Simeon b. Lakish that one may examine [the membrane of the brain against the bite of] a weasel with the finger but not with a nail,[12] but R. Johanan had said: Even with a nail'. Now they differ upon the same principles as in the

controversy between R. Judah and R. Nehemiah. For one used to make the test with the finger and the other used to make the test with a needle. Said he who made the test with the finger to him who made the test with a needle, 'How long will you go on wasting the money of Israel'![13] Replied he who made the test with a nail to him who made the test with the finger. 'And how long will you go on feeding Israel with nebelah'! Nebelah? But it has been ritually slaughtered! Rather [say] trefah, for the membrane of the brain might have been pierced.[14]

It can be proved that it was R. Judah who used to make the test with the finger, for it has been taught:[15] R. Simeon b. Eleazar says in the name of R. Judah. One may examine [the membrane of the brain against the bite of] a weasel with the finger but not with a nail. If the bone [of the skull] was broken, even though the membrane of the brain had not been pierced, [it is trefah]. It is indeed proved — But is there not a contradiction in this very [Baraitha]? It first says: 'One may examine [the membrane of the brain against the bite of] a weasel with the finger but not with a nail', which shows clearly that the examination is adequate, and then it says. 'If the bone [of the skull] was broken even though the membrane of the brain had not been pierced [it is trefah]', which shows clearly that the examination is of no avail! — The latter statement refers to a water bird for it has no membrane. 'It has no membrane'! Is this possible? — Rather, it means, its membrane is so fine [that the examination is of no avail]. R. Nahman said to R. 'Anan: 'Did you not tell us, Master, that Samuel used to make the test with the finger and would declare the bird permitted?[16] And our colleague Huna also reported that Rab used to make the test with the finger and declare it permitted. But surely Levi has taught. The defects enumerated by the Sages in the case of cattle equally apply [wherever possible] to birds; there is, however, this addition in the case of birds, namely: If the bone [of the skull] was broken even though the membrane of the brain has not been pierced!' — He replied: 'The latter [defect] refers only to a water bird, for it has no membrane'. 'It has no membrane'! Is this possible? — Rather, it means, its membrane is very fine.

A hen belonging to R. Hana was sent to R. Mattena, for the bone of its skull had been broken but the membrane of the brain had not been pierced; and he declared it to be permitted. He [R. Hana] remarked: But Levi has taught: The defects enumerated by the Sages in the case of cattle equally apply to birds; there is, however, this addition in the case of birds, namely: If the bone of the skull was broken even though the membrane of the brain has not been pierced! — He replied: That [defect] refers only to a water bird for it has no membrane. 'It has no membrane'! Is this possible? — Rather, it means, its membrane is very fine. R. Shizbi used to examine [the membrane of the brain of a bird] by the light of the sun. R. Yemar used to examine it with water.[17] R. Aha b. Jacob used to examine it

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(1) Sc. the skin of the female genitalia. This was not expressly stated but had to be included by inference because the Baraitha deals with a burnt-offering which is a male beast.

(2) As a general rule it is accepted that all those defects which render cattle trefah will likewise render birds trefah, v. infra, the dictum of Levi. The Tanna of this Mishnah therefore enumerates only those defects which apply exclusively to birds, except for three or four defects for which there are special reasons for their repetition; v. Rashi.

(3) This must mean that the weasel struck it with its teeth and not with its fore-paw, for then it would have to be considered under the defect of 'clawing'; v. supra 52bff.

(4) I.e., in that part of the skull under which is situated the membrane of the brain.

(5) I.e., those organs which are naturally red, e.g., the heart or the liver or the gizzard. On the other hand, a scorching of those organs which are normally greenish yellow, e.g. the intestines, would render the bird trefah only if they turned red.

(6) In these three cases there is grave fear that it sustained a lesion of the internal organs as in the case of a fall, v. supra 51aff.

(7) In the case of a bird struck on the head by a weasel in order to ascertain whether the membranes of the brain have been pierced or not.

(8) V. supra 450.

(9) So that even though nothing of the brain substance exudes it might nevertheless be trefah because of the perforation

of the upper membrane. Accordingly the test stated is not reliable.

(10) One may therefore be certain that if nothing of the brain substance exudes the upper membrane has not been pierced.

(11) And the hole in the skull would not coincide with the hole in the membrane, so that even in the membrane of the brain were pierced, the bone of the skull that is immediately above it would prevent any of the brain substance from escaping.

(12) The test with a nail (or a needle or a straw, cf. infra) is a delicate operation. The bone of the skull must first be removed and the nail must be passed gently over the surface of the membrane of the brain. If anything catches or holds up the nail in its course it indicates a perforation and it is trefah. The danger in this operation is that the man whilst making this test might inadvertently pierce the membrane with the nail, and he would then have to declare the bird trefah, though it was not really trefah, thus occasioning loss unto the Israelite.

(13) By reason of the danger demonstrated in the preceding note.

(14) And the test with the finger is of no avail since the teeth of a weasel are fine and curved; v. supra. p. 306, n. 6.

(15) Tosef. Hul. III.

(16) It nothing of the brain substance escaped, although there is an obvious hole or crack in the skull.

(17) He would first empty the brain matter out of the membrane and then would fill the latter with water; if the water leaked out it is evident that it had been pierced and it would be trefah. Another method of testing by water is to pour water into the hole of the skull and after a few moments to pour it out into a basin; if the water now appears milky it is a clear indication that some of the brain matter as escaped and mixed with this water, and it would be trefah on account of the perforation of the membrane.

Talmud - Mas. Chullin 56b

with a straw of wheat.[1]

R. Shizbi said: Our geese are regarded as water birds.[2]

IF IT FELL INTO THE FIRE. R. Johanan said on the authority of R. Jose b. Joshua: The size of the green patch [on any of the internal organs required to render a bird trefah] is the same as the size of the hole. Just as a hole, however small, [renders trefah], so does a green patch, however small, [render trefah]. R. Joseph, son of R. Joshua b. Levi, asked R. Joshua b. Levi: What is the law if that part of the liver which lies in front of the entrails turned green? — He replied: It would be trefah. But, retorted the other, it should not be worse than if the liver was gone?[3] — Raba answered: Since the part of the liver which lies in front of the entrails has turned green, one can be certain that the bird had fallen into the fire and its internal organs had been scorched; it is therefore trefah.

R. Joshua b. Levi had a hen which he sent to R. Eleazar ha-Kappar Beribbi.[4] He replied. They[5] are still green; and he declared it permitted. But we have learnt: IF THEY TURNED GREEN IT IS INVALID! — They said: IF THEY TURNED GREEN IT IS INVALID, only with regard to the gizzard, the heart, or the liver[6] There is also a Baraitha that supports this, viz., With regard to which organs did they state the rule [that if they turned green it was invalid]? Only with regard to the gizzard, the heart, or the liver.

R. Isaac b. Joseph had a hen which he sent to R. Abbahu.[4] He replied. They[5] have turned red; and he declared it trefah. But we have learnt: IF THEY REMAINED RED IT IS VALID! — He replied, [The rule is:] If organs which are normally red turned green, or organs which are normally green turned red [it is trefah]; for they said: IF THEY REMAINED RED IT IS VALID, only with regard to the heart, the gizzard, or the liver.

R. Samuel b. Hiyya said in the name of R. Mani: If organs which are normally red turned green [on the hen falling into the fire], but after being cooked turned again to red, it is valid. Why? For it was merely the smoke that had entered into them [and had discoloured them temporarily]. R.

Nahman b. Isaac remarked: Then we too can say likewise: If organs which are normally red did not turn green [on the hen falling into the fire], but after being cooked were found to have turned green, it is invalid. Why? Their shame has only now been brought to light![7] Therefore, said R. Ashi, one should not eat [a hen that had fallen into the fire] without first cooking the internal organs.[8] But this is not right, for we do not assume any taint [without cause].[9]

IF ONE TROD UPON IT OR KNOCKED IT AGAINST A WALL . . . IT IS VALID. R. Eleazar b. Antigonos said in the name of R. Eleazar son of R. Jannai: In each case the bird must be examined.[10]

MISHNAH. AND THE FOLLOWING [DEFECTS] DO NOT RENDER BIRDS TREFAH: IF THE WINDPIPE WAS PIERCED OR SLIT LENGTHWISE; IF A WEASEL STRUCK IT ON THE HEAD IN SUCH A PLACE AS WOULD NOT RENDER IT TREFAH;[11] IF THE CROP WAS PIERCED (RABBI SAYS, EVEN IF IT WAS GONE); IF THE ENTRAILS PROTRUDED [FROM THE BODY] BUT WERE NOT PIERCED; IF ITS WINGS WERE BROKEN, OR ITS LEGS; OR IF ITS FEATHERS WERE PLUCKED OUT. R. JUDAH SAYS, IF ITS DOWN[12] WAS GONE IT IS INVALID.

GEMARA. Our Rabbis taught: It is related of R. Simai and R. Zadok that when they were on their way to Lydda in order to intercalate the year they spent the Sabbath at Ono,[13] and they ruled concerning the womb as Rabbi concerning the crop. It was asked: Does it mean, they ruled that if the womb was gone it was forbidden.[14] and they also ruled, like Rabbi, that if the crop was gone it was permitted? Or, does it mean, they ruled that if the womb was gone it was permitted just as Rabbi rules concerning the crop, but in the case of the crop they do not agree with Rabbi's ruling?[15] — It remains undecided.

Rabbah, others say R. Joshua b. Levi, said: The top of the crop is regarded as the gullet.[16] Where is this? — R. Bibi b. Abaye said: It is that part of the crop at which point it begins to elongate.[17]

IF THE ENTRAILS PROTRUDED. R. Samuel b. R. Isaac said: The Mishnah refers only to the case where they were not twisted[18] [when put back], but if they were twisted [when put back] it would be trefah, for it is written: Hath He not made thee and established thee?[19] which implies that the Holy One, blessed be He, created in man every organ on its foundation,[20] so that if any one organ is twisted man cannot live. It was taught: R. Meir used to expound this verse as follows: Hath He not made thee and established thee? [Israel is] a community[21] wherein all [classes] are to be found: out of them come their priests, out of them their prophets, out of them their princes, out of them their kings, as it is written: Out of them shall come forth the corner-stone, out of them the stake etc.[22]

A gentile[23] once saw a man fall from the roof to the ground so that his belly burst open and his entrails protruded. [The gentile] thereupon brought the son [of the victim] and by an optical illusion made out as if he slaughtered him in the presence of the father.[24]

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(1) V. supra p. 307, n. 1.

(2) And are to be declared trefah if only the bone of the skull had been broken, because the membrane is so very fine.

(3) In which case it would be permitted.

(4) The hen had presumably fallen into the fire.

(5) Sc. the intestines.

(6) I.e., in respect of those organs only which are normally red.

(7) The symptoms of scorching have only now appeared, but it is certainly trefah.

(8) For the symptoms might appear in the organs only after the cooking.

(9) So that as long as there are no evident symptoms of scorching we must not assume any taint in the condition of the bird.

(10) I.e., even where it continued alive for twenty-four hours it must nevertheless be examined in order to ascertain that the spinal cord has not been severed.
(11) l.e., in any part of the head not immediately above the brain. For the meaning of 'struck' v. 2upra p. 305, n. 7.
(12) I.e., the soft and fine feathers which are close to the body of the bird.
(13) A village about three miles to the north of Lydda, mentioned in Ezra II, 33. Its modern name is Kefr Ana.
(14) MS.M. reads 'permitted'. This reading is preferred by Tosaf. s.v. איבעיא.
(15) The question is really this: Did they make two decisions, one affecting the womb and the other the crop, or did they only make one decision and that with regard to the womb?
(16) So that the slightest perforation there would render the bird trefah.
(17) Lit., 'all that stretches with it', i.e., with the oesophagus. It refers to the point at which the crop begins to taper and to form into the tube of the oesophagus.
(18) Because this would cause a deterioration and finally a perforation of the intestines (Tosaf.)
(19) Deut. XXXII. 6. Heb. ויכוננך.
(20) Heb. כוניות, 'fixed on a basis', 'foundations'.
(21) Lit., 'a city'.
(22) Zech. X. 4.
(23) Lit., 'an Aramean'. In MS.M. 'A Roman'; so also in Alfasi.
(24) The purpose of this trick was to horrify him so terribly as to cause him to take in a deep breath and draw in his entrails, thus they would be replaced without the aid of the hand of man.

Talmud - Mas. Chullin 57a

The father became faint, sighed deeply and drew in his entrails; whereupon his belly was immediately stitched up.

IF ITS LEGS WERE BROKEN. A basket full of birds, each bird having its legs broken,[1] was brought before Raba. He examined each at the juncture of the tendons and declared them to be permitted.

Rab Judah said in the name of Rab: If the fore-leg of an animal was dislodged,[2] it is permitted; if the femur of an animal was dislodged, it is trefah; if the femur of a bird was dislodged, it is trefah; if the wing of a bird was dislodged, it is trefah, for we apprehend that the lung has been pierced. Samuel said: It should be examined.[3] R. Johanan also said: It should be examined.

Hezekiah stated: A bird has no lungs. R. Johanan said: It has [lungs] and they are like rose petals situated immediately beneath the wings. What is meant by, 'A bird has no lungs'? Does it mean that it has no lungs at all? But we see that it has! And should it mean that any defect therein would not render trefah? Surely Levi has taught: The defects enumerated by the Sages in the case of cattle apply also to birds, with this addition in the case of birds, namely: If the bone [of the skull] was broken even though the membrane of the brain has not been pierced! — We must therefore say that the statement 'It has no lungs' means that they are in no wise affected, whether the bird falls down [from the roof] or is scorched [in the fire]. Why is it so? — R. Hannah answered: Because they are protected by most of the ribs. But surely since R. Johanan has said that it has [lungs] and they are like rose petals situated immediately beneath the wings, it follows that Hezekiah was of the opinion that it has no [lungs] at all! — In truth, it has been said in the West in the name of R. Jose, son of R. Hanina, 'It is evident from the statement of Beribbi[4] that he knew nothing of fowls'.

R. Huna said in the name of Rab: If the femur of a bird was dislodged, it is permitted. Rabbah, son of R. Huna, said to R. Huna, 'But the Rabbis who came from Pumbeditha reported the statement of Rab Judah in the name of Rab thus: If the femur of a bird was dislodged it is trefah'! — He replied: 'My son, every river has its own course'.[5]

R. Abba once went and found R. Jeremiah b. Abba examining [a bird] at the juncture of the tendons.[6] Said R. Abba, 'Why does the Master go to all this trouble? Has not R. Huna reported in the name of Rab: If the femur of a bird was dislodged it is permitted?'[7] — He replied. 'I know only of the following Mishnah: If the hind legs of an animal were cut off below the knee-joint it is permitted, above the knee joint it is trefah; similarly, if the juncture of the tendons was gone it is trefah.[8] And Rab has said: The same is the law in the case of a bird'.[9] 'Then is there not here a contradiction between the two statements of Rab?' — He [R. Jeremiah] remained silent. The other thereupon suggested. 'Perhaps he [Rab] makes a distinction in law between a limb dislodged and a limb cut off'?[10] — He [R. Jeremiah] then said: 'And you merely suggest this distinction in Rab! Rab has expressly said so: If the femur [of a bird] was dislodged it is permitted, but if cut off it is trefah. And be not amazed at this! For if the animal is cut in one place it will die, and if cut in another place it will live'!

When R. Abba went up [to Palestine] he found R. Zera sitting and reciting as follows: R. Huna said in the name of Rab: If the femur of a bird was dislodged it is trefah. R. Abba said to him, 'By your life! Since the day you left [Babylon] to go up here[11]

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(1) אנקורי. According to Jast. 'a bird with traces of bites or wounds on its legs'. Rashi gives as a second explanation of this word, which he quotes as the view of the Geonim, viz., 'black birds with white spots on their heads'.

(2) In all these cases of dislodgement of a limb it must be assumed that the ligaments were destroyed, so Rashi and Tosaf.

(3) I.e., the lung must be inflated, and if no air escapes from it it is permitted.

(4) A title of honour, applied to Hezekiah.

(5) Meaning that every district has its own customs and usages. Rab indeed was of the opinion that if the femur of the bird was dislodged it was permitted, but where the practice obtained, as in Pumbeditha, to regard it as trefah, Rab would not interfere with or overrule the prevailing custom. This, however, gave rise to the belief that Rab also held it to be trefah.

(6) The femur of this bird had been dislodged and he was therefore examining the bird in order to ascertain that the juncture of the tendons was unaffected.

(7) And we are not concerned about the juncture of the tendons as to whether it has been affected or not.

(8) Infra 76a.

(9) I.e., if the juncture of the tendons in a bird was gone or destroyed it would be trefah.

(10) Where the limb was dislodged and detached from the body, although the juncture of the tendons is now gone entirely, the animal is permitted, but where the limb was cut on the juncture of the tendons it would be trefah, for the constant pain of this injury would affect the general condition of the animal.

(11) R. Zera had also left Babylon some time before R. Abba in order to continue his studies in Palestine.

Talmud - Mas. Chullin 57b

we had an opportunity of asking R. Huna about this and he told us. If the femur of a bird was dislodged it was permitted. Moreover, I once found R. Jeremiah b. Aba sitting and examining [the femur of a bird) at the juncture of the tendons, and I put to him the question. "Does not the Master concur with the view reported by R. Huna in the name of Rab that if the femur of a bird was dislodged it was permitted"? and he replied. "I know only of the Mishnah: If the hind legs of an animal were cut off below the knee joint it is permitted, above the knee joint it is trefah; similarly, if the juncture of the tendons was gone it is trefah. And Rab has said. The same is the law in the case of a bird". I then said to him, "Then is there not here a contradiction between the two statements of Rab"? At this he remained silent, and I thereupon suggested: "Perhaps Rab makes a distinction in law between a limb dislodged and a limb cut off"? And he replied, "And you merely suggest this distinction in Rab! Rab has expressly said so: If the femur [of a bird] was dislodged it is permitted, but if cut off it is trefah". Now what further traditions have you about it'? — [He replied,] 'Thus said R. Hiyya b. Ashi in the name of Rab. If the femur of a bird was dislodged it is trefah'. So, too, did R.

Jacob b. Idi say in the name of R. Johanan. If the femur of a bird was dislodged it is trefah. And R. Jacob b. Idi further said: Had R. Johanan been present there when the leading scholars[1] ruled that it was permitted, he would not have raised a voice against it.[2] For R. Hanina reported in the name of Rabbi: If the femur of a bird was dislodged it is permitted. Indeed, R. Hanina once had a hen the femur of which had become dislodged and he brought it to Rabbi, and the latter declared it to be permitted. Thereupon R. Hanina preserved it in salt and used it to demonstrate the law to the pupils: 'This did Rabbi permit to me, this did Rabbi permit to me'.

The law, however, does not rest with any of the above views [that declare it to be permitted], but it is as stated in the following incident:[3] R. Jose b. Nehorai asked R. Joshua b. Levi, 'How large must a hole in the windpipe be [in order to render the animal trefah]?' He replied. 'We have learnt it as a clear statement in our Mishnah, viz., Up to an Italian issar'. The other retorted: 'But there was a lamb in our neighbourhood in whose windpipe there was a [large] hole and they inserted in it a tube of reed and it recovered'! He rejoined. 'And can you rely upon this? Is not the law widespread in Israel that if the femur of a bird is dislodged it is trefah? Nevertheless it is related that R. Simeon b. Halafta had a hen whose femur was dislodged, and they prepared for it a tube of reed [as a support] and it recovered! You can only suggest in explanation [that it recovered] within twelve months[4] [of the injury], so in the former case too you must say [that it recovered] within twelve months [of the injury].

It was said of R. Simeon b. Halafta that he was an experimenter in all things. Indeed he once made an experiment to disprove R. Judah's view. For we have learnt: R. JUDAH SAYS, IF ITS DOWN WAS GONE IT IS INVALID. Now R. Simeon b. Halafta once had a hen whose down was gone entirely. He put it into the oven, having first wrapped it in the [warm] leather apron used by bronze workers, and it grew feathers even larger than the original ones. But perhaps R. Judah maintains that a trefah can improve?[5] — Surely not in that very physical blemish which rendered it trefah! For here it grew feathers even larger than the original ones.[6] Why was he called an experimenter? — R. Mesharsheya said: It is written: Go to the ant, thou sluggard; consider her ways and be wise: which having no chief, overseer, or ruler, provideth her bread in the summer.[7] He [R. Simeon b. Halafta] said: I shall go and find out whether it is true that they have no king. He went at the summer solstice,[8] and spread his coat over an ant-hill. When one [ant] came out he marked it, and it immediately entered and informed the others that shadows had fallen,[9] whereupon they all came forth. He then removed his coat and the sun beat down upon them. Thereupon they set upon this ant and killed it.[10] He then said: It is clear that they have no king, for otherwise they would surely have required to obtain royal sanction![11] R. Aha, son of Raba, said to R. Ashi: But perhaps the king was with them, or they had royal authority,[12] or it was during an interregnum [when they were under no law], as it is written: In those days there was no king in Israel: every man did that which was right in his own eyes![13] Rather must you take the word of Solomon for it.

R. Huna said: The test for a trefah is twelve months.[14] An objection was raised. It was taught: The test for a trefah is that it cannot bring forth young.[15] R. Simon b. Gamaliel says. If it improves in health it is certainly[16] fit, if it wastes away it is certainly trefah. Rabbi says: The test for a trefah is thirty days. But they said to him: Is it not a fact that many continue to live for two or three years?[17] — Tannaim differ in this, for it was taught: If in the skull there was one long hole or if there were many small holes in it — in either case the hole or holes are computed to make up the measure of a hole the size of a [surgical] drill.[18] R. Jose b. ha-Meshullam said: It happened at 'Ain Ibl[19] that a person had a hole in his skull and they put over it a plaster of a gourd-shell and he recovered. But R. Simeon said to him: Do you mean to prove your case from that? It happened in the summer months but when winter set in he died.[20]

R. Aha b. Jacob said: The halachah is that a trefah animal can bring forth young and can also improve.

Amemar said: As to the eggs of a bird that was [rendered] trefah.

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(1) Lit., 'collegiates'.

(2) Lit., 'he would not have moved'.

(3) Cf. infra: 'The law is widespread in Israel that if the femur of a bird is dislodged it is trefah'.

(4) I.e., it was only a temporary recovery and could not continue to live for full twelve months after the injury, for the principle is well established that a trefah cannot continue to live for twelve months after the injury.

(5) R. Judah would hold that it is not unlikely for an animal though trefah to improve temporarily in its physical condition.

(6) Inasmuch as the loss of its feathers was the cause of the bird being regarded trefah it surely would not now increase its plumage.

(7) Prov. VI, 6-8.

(8) Lit., 'at the cycle of Tammuz', i.e., the quarter of the year following June 21 st, the summer solstice.

(9) For ants shun the fierce heat of the sun and only venture forth in the shade.

(10) For having deceived them.

(11) For the execution of the delinquent ant.

(12) I.e., they acted within the law which provides that one that deceives others shall be put to death.

(13) Jud. XVII, 6.

(14) If an animal about which there arose a doubt whether it was trefah or not continued to live twelve months — or according to Rabbi, infra, thirty days — it certainly was not trefah.

(15) This does not mean to say that if it cannot bring forth young it is certainly trefah, for this may be due to various causes; but it means that if it does bring forth young it is certainly not trefah (Tosaf.).

(16) Lit., 'it is known'.

(17) The objection against R. Huna is that none of the teachers in this Baraitha mention the test period of twelve months.

(18) V. supra 45a.

(19) 'Ain Ibl North West of Saffed. Klein's N.B., p. 41.

(20) The man did not, as R. Jose imagined, live on for years. He did not live full twelve months, for as soon as the winter set in he died. It is therefore indicated in this Baraitha that a trefah cannot live through a winter and a summer, i.e., twelve months, thus agreeing with R. Huna.

those of the first set are forbidden[1] but the subsequent ones are permitted, for they are the product of two causes.[2] R. Ashi raised this objection against Amemar. [We have learnt:] But they agree[3] that the egg of a bird that was trefah is forbidden because it developed in what was forbidden.[4] — In that case the bird was fertilized through friction in the dust.[5] But why did he not reply that the egg was of the first set? — Because if so it should have said 'it was finished' and not 'it developed'.[6] But then what of [the following Baraitha]. It was taught: R. Eliezer says. The calf of a cow which was trefah may not be offered as a sacrifice upon the altar; R. Joshua says: It may. Now what are the circumstances of the case in which they differ? It must be, surely, that the animal was first rendered trefah and then impregnated,[7] R. Eliezer maintaining that the product of two causes is prohibited, and R. Joshua maintaining that it is permitted. This being so, why do they differ as to its validity for sacred purposes? Why do they not rather differ as to its validity for ordinary purposes? — In order to set forth the view of R. Joshua, that it is valid even for sacred purposes. But why do they not differ as to its validity for ordinary purposes so as to set forth the view of R. Eliezer, that it is invalid even for ordinary purposes? — It is preferable to set forth the view which shows leniency. Nevertheless they agree that the egg of a bird which was trefah is forbidden, if the bird was fertilized through friction in the dust, for then the egg is the product of one cause.

R. Aha accepts the view of R. Aha b. Jacob[8] and accordingly reports the statement of Amemar as we have stated it above.[9] Rabina, however, does not accept the view of R. Aha b. Jacob, and

therefore reports the statement of Amemar in this form: Amemar said: As to the eggs of a bird about which there arose a doubt whether it was [rendered] trefah or not, those of the first set must be held over; if the bird continues to lay eggs[10] then these are permitted, but if not these are forbidden. R. Ashi raised this objection against Amemar. [It was taught]: But they agree that the egg of a bird that was trefah is forbidden because it developed in what was forbidden![11] — He replied: That refers to the egg of the first set. If so, it should have said 'it was finished' and not 'it developed'.[12] — Read then, 'it was finished'. But what of [the Baraitha] which was taught: R. Eliezer says. The calf of a cow which was trefah may not be offered as a sacrifice upon the altar; R. Joshua says: It may. Now what are the circumstances of the case in which they differ? It must be, surely, that the animal was first impregnated and then became trefah.[13] R. Eliezer maintaining that the embryo is part of its mother,[14] and R. Joshua maintaining that the embryo is not part of its mother. This being so, why do they differ as to its validity for sacred purposes? Why do they not rather differ as to its validity for ordinary purposes? — In order to set forth the view of R. Joshua. But why do they not differ as to its validity for ordinary purposes so setting forth the view of R. Eliezer? — It is preferable to set forth the view which shows leniency. Nevertheless they agree that the egg of a bird that was trefah beyond doubt, is forbidden, if it was one of the first set, because it is part of the body [of the bird].[15] The law is: In a male twelve months is a criterion, and in a female, if it cannot bring forth young.[16]

R. Huna said: All invertebrates cannot live for twelve months. Said R. Papa: We can infer from R Huna's statement, having regard to Samuel's statement, namely, that a cucumber which became wormy in its growth was forbidden,[17]

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(1) I.e., those that were in the bird at the time that it was rendered trefah.

(2) The egg is the product of the hen which is forbidden and the cock which is permitted; and it is held that the product of two causes, one of which is prohibited and the other permitted, is permitted.

(3) R. Eliezer and R. Joshua; although they differ concerning the calf of a cow that was trefah, v. infra; so Rashi. According to Tosaf (s.v. וישויין) Beth Shammai and Beth Hillel are in agreement here, although they differ concerning the egg of a bird that was nebelah; v. 'Ed. V, 1.

(4) And no distinction is made between the eggs of the first set and of the subsequent sets; presumably the egg is forbidden in every case, contra R. Huna.

(5) Parthenogenesis: thus the egg is the product of the hen alone; and as the hen is trefah all the eggs that it produces would be forbidden.

(6) With regard to the eggs of the first set it should have used the term 'finished', for these commenced to form before the hen was rendered trefah. 'Developed' implies the entire forming and fashioning of the egg.

(7) For in this case only is the calf regarded as the product of two combined causes, i.e., of the cow which is trefah and of the bull which is permitted. Where the cow was already with young when it became trefah the calf, according to all views, would be forbidden, since it was rendered trefah together with its dam.

(8) V. supra 57b, that an animal even though trefah can continue to bring forth young, and similarly a bird even though trefah can continue to lay eggs.

(9) That there is a distinction made between the eggs of the first set, i.e., those laid immediately after the bird was rendered trefah, and those of subsequent sets.

(10) This according to Rabina is an indication that it is not trefah.

(11) Thus proving that a bird that was trefah can lay eggs.

(12) V. p. 317, n. 9.

(13) It cannot be otherwise, for according to the view now held an animal which is trefah can no more become pregnant.

(14) Lit., 'is a thigh of'. And when the cow was rendered trefah the embryo was at the same time rendered invalid.

(15) And so was rendered trefah simultaneously with the mother bird.

(16) So that if a male or female animal has continued to live for twelve months after the day on which a doubt arose about it, or if a female animal has brought forth young, there is no longer any doubt about it and it is permitted.

(17) From Lev. XI, 41 is derived the law that only such worms and creeping things as have crawled upon the earth are forbidden to be eaten, but those that generated in fruit and vegetables and had never crawled upon the ground are permitted. In this case of Samuel, since the cucumber is in the course of growth and has not yet been plucked up from

the ground, the worms found crawling in it are deemed to be crawling upon the ground and are therefore forbidden.

Talmud - Mas. Chullin 58b

that dates which were kept in a vessel [and which became wormy][1] are permitted after twelve months.[2]

Rab said: No gnat lives a complete day, and no fly lives a complete year. R. Papa said to Abaye. But there is a popular story, 'For seven years the she-gnat quarrelled with the he-gnat. Said she to him, "I was once watching a resident of Mahza bathing in the sea, and when he came out and wrapped himself in a sheet you came and settled down on him and sucked his blood, but you did not tell me of it"'. — He replied: If as you suggest [that it is to be taken literally], behold that other popular saying. 'A weight of sixty minas of iron is suspended on the gnat's proboscis'.[3] Is this possible? How much does the whole [gnat] weigh? Obviously it speaks of their minas,[4] so in the previous saying it speaks of their years.[4]

We have learnt elsewhere:[5] An animal that has five legs or only three is considered with blemish.[6] R. Huna said: This was stated only of a fore-leg that is wanting or too many, but if a hind leg is wanting or too many it is even trefah. Why? Because every addition [of a limb] is deemed equal to the loss [of the limb].[7]

An animal having two sania dibi[8] was brought before Rabina, and he declared it trefah because of R. Huna's principle. If, however, they run into each other it would be permitted.[9]

A tube running from the reticulum to the omasum was once found in an animal. R. Ashi was about to declare it trefah when R. Huna Mar b. Hiyya said to him, But all animals that feed in the open fields have this tube! A tube running from the reticulum to the rumen was once found in an animal. R. Ashi was about to declare it permitted when R. Oshaia said to him, Did you weave them all in one web?[10] Where it has been expressly stated[11] it has been stated, but where it has not been expressly stated it has not been stated.[12]

Nathan b. Shila, chief slaughterer in Sepphoris, testified before Rabbi: If two sets of intestines issue concurrently from the [abomasum of the animal].[13] it is trefah; in a bird, however, [an abnormality] such as this would b permitted.[14] This is the rule only if they emerge from two separate parts [of the abomasum], but if they emerge from the same place [in the abomasum] and coalesce within a fingerbreadth,[15] it is permitted. R. Ammi and R. Assi differ; one says they must be fused into one; the other says they need not be fused into one. Now it is well according to him who says that they must be fused into one, for that would be the meaning of the phrase 'within a fingerbreadth';[16] but according to him who says that they need not be fused into one, what does 'within a fingerbreadth' mean? — It means, [that they are in fact fused into one] in the last fingerbreadth below.[17]

R. JUDAH SAYS, IF ITS DOWN WAS GONE IT IS INVALID. R. Johanan said that R. Judah and R. Ishmael both taught the same rule.[18] R. Judah we have just quoted. R. Ishmael we find in the following Mishnah: The down is to be reckoned[19] [with the flesh]. Raba said: Perhaps it is not so? It may be that R. Judah said so only with regard to the law of trefah, for there is nothing else to protect [the bird], but in respect of the law of piggul he would agree with the Rabbis.[20] And, on the other hand, it may be that R. Ishmael said so only with regard to the law of piggul, but in respect of the law of trefah he would hold that it at no time afforded any protection.[21]

MISHNAH. IF AN ANIMAL SUFFERED FROM CONGESTION OF THE BLOOD, OR WAS OVERCOME BY FUMES OR BY THE COLD, OR IF IT ATE OLEANDER[22] OR HENS' DUNG,

OR IF IT DRANK NOXIOUS WATER, IT IS PERMITTED. IF IT ATE POISON OR WAS BITTEN BY A SNAKE, IT IS NOT FORBIDDEN AS TREFAH BUT IT IS FORBIDDEN AS A DANGER TO LIFE.

GEMARA. Samuel said: If it swallowed asafoetida it is trefah. Why? Because it will perforate the internal organs. R. Shizbi raised the following objection. It was taught: If an animal suffered from congestion of the blood, or was overcome by fumes, or if it ate oleander or hens' dung, or if it drank noxious water, or if it swallowed crowfoot, asafoetida or pepper, or if it ate poison, it is permitted. If it was bitten by a snake or a mad dog, it is not forbidden as trefah but is forbidden as a danger to life. Is there not here a contradiction in the matter of asafoetida,[23] and also in the matter of poison?[24] — In the matter of asafoetida there is no contradiction, because one[25] speaks of the drops of asafoetida and the other[26] of the leaves.[27] And in the matter of poison there is also no contradiction, because cine[26] speaks of poison for animals[28] and the other[29] of poison for man. But if it is only a poison for animals then it is the same as oleander? — It mentions two kinds of poison. What is crowfoot? — Rab Judah said,

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(1) But it is not known whether the worms entered the dates whilst yet in growth or only after they were plucked from the tree.

(2) l.e., if twelve months have elapsed since the dates were picked from the tree. Worms found then in the dates are certainly permitted, for they could not possibly have crawled in the fruit whilst it was yet on the tree, since they could not have existed for so long.

(3) I.e., its sting is virulent. Amino is a weight equivalent to a hundred zuz.

(4) I.e., according to their ideas of weight and time.

(5) Bek. 40a.

(6) And is unfit for a sacrifice. But it is not trefah, and therefore may be slaughtered for general use.

(7) The abnormal addition of a limb or organ is treated in law as if both the abnormal and also the normal limb or organ were gone. So that if in the absence of a certain limb the animal would be trefah, it would likewise be trefah if there were two of those limbs. (Rashi).

(8) Lit., 'disliked by wolves'. A popular name for the inner rumen; v. supra 50b.

(9) For it is really one stomach divided into two bags.

(10) I.e., you cannot bring all cases under one category.

(11) That such a tube is usually found in animals that pasture in the open field.

(12) In such cases it is regarded as an abnormal addition and is trefah in accordance with R. Huna's principle supra.

(13) From two parts of the abomasum. This is the interpretation of Rashi and R. Gershom. Alfasi and Maim. interpret quite differently. According to them the passage deals not with a double set of intestines but with an appendix that branches off the main intestines.

(14) For it is not uncommon to find two sets of intestines in a bird. V. Rashi.

(15) I.e., they have not been separate for more than a fingerbreadth. The word וכלין, generally translated 'and they end', may be derived from the root כלל which means to merge into one, to coalesce. The dispute between R. Ammi and R. Assi which follows arises from the meaning given by each to this word; v. Hal. Ged. ed. Hildesheimer, p. 538.

(16) I.e., within the space of a finger breadth they become fused into one.

(17) At the entrance of the rectum. This is Rashi's interpretation; v. R. Nissim a.l.

(18) Namely, that the down of a bird is regarded on the same footing as the skin on an animal.

(19) So as to make up an olive's size. The reference is to Toh. I, 2, and, according to Rashi and the present text of the Gemara is to be explained as follows: If the priest, whilst nipping off the head of a sin-offering of a bird, expressed the intention of eating an olive's bulk of it at the improper time, and this olive's bulk was made up partly of the flesh and partly of the down of the bird, it would be piggul (v. Glos.), and he would be liable to the penalty of Kareth. In MS.M. and in the old editions, as evidenced by the views of R. Gershom, Tosaf., R. Samson and others, there are found the words 'the law of uncleanness' in place of the words in our text 'the law of piggul'. The interpretation accordingly is as follows: R. Ishmael holds that the down is to be reckoned together with the flesh so as to make the size of an egg — this being the minimum size — in order to convey uncleanness. In other words the down is deemed to be a foodstuff as the flesh.

(20) That the down is not deemed to be a foodstuff.
(21) And therefore if the down was gone it is of no consequence and it would still be permitted.
(22) This and the other herbs mentioned in this passage, as asafoetida, crowfoot, succory, are species of plants some of which exude poisonous juices while others have poisonous leaves.
(23) Between the ruling of this Baraitha and that of Samuel.
(24) Between the ruling of this Baraitha and that of our Mishnah.
(25) Sc. Samuel.
(26) Sc. the Baraitha.
(27) The leaves, not being poisonous, will not affect the animal that eats them.
(28) As the poison in question has no injurious effect upon man, the Baraitha therefore teaches that the animal that took it is still valid.
(29) Sc. our Mishnah.

Talmud - Mas. Chullin 59a

It is the root of succory.

R. Judah said: He who eats three tiklas[1] of asafoetida on an empty stomach will shed his skin. R. Abbahu said: It actually happened with me when I once ate one tikla of asafoetida; and, indeed, had I not sat in water,[2] I should have lost my skin. I thus applied to myself the verse: Wisdom preserveth the life of him that hath it.[3]

R. Joseph said: He who eats sixteen eggs, forty nuts and seven caperberries, and drinks one quarter of a log of honey [in one meal] on an empty stomach, in the summer months,[4] snaps his heart strings[5] asunder.

There came before the Resh Galutha[6] a young deer whose hind legs were broken. Rab examined it in the region of the juncture of the tendons and declared it to be permitted. He was about to eat a portion of it grilled.[7] when Samuel said to him, 'Master, have you no fears lest it has been bitten by a snake'. 'Then, what is the remedy'? he asked. 'Let it be put into an oven and it will expose itself'. It was immediately put into an oven and it fell to pieces. Samuel applied to Rab the verse: There shall no mischief befall the righteous,[8] and Rab applied to Samuel the verse: No secret troubleth thee.[9]

MISHNAH. THE CHARACTERISTICS[10] OF CATTLE AND OF WILD ANIMALS ARE STATED IN THE TORAH. THE CHARACTERISTICS OF BIRDS ARE NOT STATED, BUT THE SAGES HAVE SAID, EVERY BIRD THAT SEIZES ITS PREY[11] IS UNCLEAN. EVERY BIRD THAT HAS AN EXTRA TOE,[12] A CROP, AND A GIZZARD THAT CAN BE PEELED,[13] IS CLEAN. R. ELIEZER, SON OF R. ZADOK SAYS, EVERY BIRD THAT PARTS ITS TOES[14] IS UNCLEAN. OF LOCUSTS: ALL THAT HAVE FOUR LEGS, FOUR WINGS, LEAPING LEGS, AND WINGS COVERING THE GREATER PART OF THE BODY, [ARE CLEAN]. R. JOSE SAYS, IT MUST ALSO BEAR THE NAME LOCUST'. OF FISHES: ALL THAT HAVE FINS AND SCALES ARE CLEAN. R. JUDAH SAYS, THERE MUST BE [AT LEAST] TWO SCALES AND ONE FIN. THE SCALES ARE THOSE [THIN DISCS] WHICH ARE ATTACHED TO THE FISH, THE FINS ARE THOSE [WINGS] BY WHICH IT SWIMS. GEMARA. Our Rabbis taught: The following are the characteristics of cattle: Every beast that parteth its hoof etc.[15] If an animal chews the cud one may be certain that it has no upper teeth and it is therefore clean. Is this a general rule? Behold the camel chews the cud and has no upper teeth and yet is unclean! — The camel has canines. But the young camel has not even canines![16] Furthermore, the rock-badger and the hare chew the cud, nevertheless they have upper teeth and are unclean! Now are teeth mentioned at all in the Torah? — Rather this is the meaning of the passage: If an animal has no upper teeth[17] one may be certain that it chews the cud and parts the hoof, and it is therefore clean. But one can examine its hoofs? — We must suppose that its hoofs were cut off. And this accords with R. Hisda's

statement, for R. Hisda said: If a man was walking in the desert and found an animal with its hoofs cut off, he should examine its mouth; if it has no upper teeth he may be certain that it is clean, otherwise he may be certain that it is unclean; provided, however, he recognizes the camel. But the camel has canines! — Read, provided he recognizes the young camel. You admit then that there is the young camel [which is the exception to the rule]. But there might well be other species similar to the young camel? — That should not enter your mind. For a Tanna of the school of R. Ishmael taught: It is written: The camel because it cheweth the cud.[18] The Ruler of the universe knows that there is no other beast that chews the cud and is unclean except the camel; therefore the verse particularly stated 'it'. R. Hisda further said: If a man was walking in the desert[19] and found an animal with its mouth mutilated, he should examine its hoofs; if they are parted he may be certain that it is clean, but if not he may be certain that it is unclean; provided, however, he recognizes the swine. You admit then that there is the swine [which is the exception to the rule]. But there might well be other species similar to the swine? — That should not enter your mind. For a Tanna of the school of R. Ishmael taught: It is written: And the swine because it parteth the hoof.[20] The Ruler of the universe knows that there is no other beast that parts the hoof and is unclean except the swine; therefore the verse particularly stated 'it'. R. Hisda further said: If a man was walking in the desert and found an animal with its hoofs cut off and its mouth mutilated, he should examine its flesh; if it runs crosswise[21] he may be certain that it is clean, but if not he may be certain that it is unclean; provided however, he recognizes the 'arod.[22] You admit then that there is the 'arod [which is the exception to the rule]. But there might well be other species similar to the 'arod? — There is a tradition that there are not. Where should he examine the flesh? — Abaye (others say: R. Hisda) said: Under the rump.

THE CHARACTERISTICS OF WILD ANIMALS. Our Rabbis taught: The following are the characteristics of wild animals . . . But surely the wild animal is included under cattle with regard to the characteristics [of cleanness]![23] — R. Zera said,

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(1) A tikla is a weight equal to half a shekel.

(2) In order to cool himself of the fever.

(3) Eccl. VII, 12.

(4) Lit., 'at the summer solstice'. V. supra 57b, p. 316, n. 2.

(5) It probably means he overtaxes his stomach by such gross excesses in eating.

(6) רישׁ גלותא, the Exilarch.

(7) Or, 'raw'.

(8) Prov. XII, 21.

(9) Dan. IV, 6.

(10) I.e., the features which distinguish an animal as clean. Throughout this passage until the end of this chapter the terms clean and unclean mean permitted to be eaten and forbidden respectively.

(11) Heb. דורס, to tread or attack with the claws. Here it has a special and technical meaning and various interpretations have been suggested: (i) a bird which seizes prey in flight without alighting upon the ground (R. Gershom); (ii) a bird which holds down the prey with its claws whilst it pecks away with its beak to eat it (Rashi and Maim.); (iii) a bird which eats its prey whilst it still lives and does not wait until it dies (Tosaf. s.v. הדורס p. 61a).

(12) I.e., a toe behind, the hallux. According to R. Nissim it means that the middle toe in front is longer than the others.

(13) The inner bag or lining of the gizzard can with ease be separated from the outside muscular portion.

(14) I.e., whenever it perches on a bar or rope it divides its toes evenly, two toes on each side.

(15) Deut. XIV, 6. Lev. XI, 3.

(16) It should therefore be clean, seeing that it chews the cud and has no upper teeth, not even canines!

(17) Sc. the incisors of the upper jaw. The absence of the upper incisors and canines is a characteristic of all ruminants. The camel forms the exception to this order for it has canines in both jaws.

(18) Lev. XI, 4.

(19) Lit., 'on the way'.

(20) Lev. XI, 7.

(21) I.e., the muscles at the rump under the tail run in a crisscross fashion, one series of muscles running downward and another running transversely.
(22) עָרוֹד, v. Job XXXIX, 5, where it is translated as the wild ass. It is certainly a forbidden animal.
(23) The same characteristics which distinguish the clean cattle also distinguish the clean wild animals. Indeed, Lev. XI, 2 expressly mentions the wild animal in the same verse with cattle.

Talmud - Mas. Chullin 59b

[It must be distinguished from cattle] in order that its fat be permitted to be eaten.[1] And it should read thus: The following are the characteristics of wild animals whose fat is permitted: All that have horns and [sharp pointed] hoofs. R. Dosa says — Those that have horns need not be examined as to their hoofs, but those that have [sharp pointed] hoofs must still be examined as to their horns. And the Keresh,[2] though it has but one horn, is permitted. But is this a general rule? Behold the goat has horns and [sharp pointed] hoofs, nevertheless its fat is forbidden! — We mean horns that are rounded.[3] But are not the horns of an ox rounded, yet its fat is forbidden? — We mean horns that are notched.[4] But are not the horns of the goat notched, nevertheless its fat is forbidden?[5] — We mean horns that are forked.[6] But the horns of the deer[7] are not forked, nevertheless its fat is permitted! — We mean horns that are pointed.[8] Therefore, if its horns are forked, there is no question at all about it.[9] But if they are not forked, we then require them to be rounded and pointed and also notched, and the notches must run one into the other. This indeed is the doubt in connection with the Karkuz goat.[10]

Once there was taken out of a Karkuz goat belonging to the Resh Galutha a basketful of fat. R. Ahai forbade it, but R. Samuel the son of R. Abbahu ate of it, and applied to himself the verse: A man's belly shall be filled with the fruit of his mouth.[11] They sent word from there[12] saying: The law accords with R. Samuel the son of R. Abbahu, nevertheless give heed to the opinion of R. Ahai for he enlightens the eyes of the exile.

'And the Keresh, though it has but one horn, is permitted'. Rab Judah said: The Keresh is the deer of Be-Ila'i,[13] the Tigris is the lion of Be-Ila'i.[13] R. Kahana said: There is a distance of nine cubits from one ear to the other ear of the lion of Be-Ila'i. R. Joseph said: The hide of the deer of Be-Ila'i is sixteen cubits long.

The Emperor once said to R. Joshua b. Hananiah, 'Your God is likened to a lion, for it is written: The lion hath roared, who will not fear? The Lord God hath spoken, who can but prophesy?[14] But what is the greatness of this? A horseman can kill the lion'! He replied: 'He has not been likened to the ordinary lion, but to the lion of Be-Ilai'i!' 'I desire', said the Emperor, 'that you show it to me'. He replied: 'You cannot behold it'. 'Indeed', said the Emperor, 'I will see it'. He [R. Joshua b. Hananiah] prayed and the lion set out from its place. When it was four hundred parasangs distant it roared once, and all pregnant women miscarried and the walls of Rome fell. When it was three hundred parasangs distant it roared again and all the molars and incisors of man fell out; even the Emperor himself fell from his throne to the ground. 'I beseech you', he implored, 'pray that it return to its place'. He prayed and it returned to its place.

Another time the Emperor said to R. Joshua b. Hananiah, 'I wish to see your God'. He replied: 'You cannot see him'. 'Indeed', said the Emperor,

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(1) The fat of cattle, such as was offered upon the altar in Temple times, is forbidden to be eaten, v. supra 49b, whereas the fat of wild animals is permitted; hence it is essential to distinguish between the two species.
(2) קֶרֶשׁ, a kind of antelope.
(3) Heb. כְּרוּכוֹת. Horns consisting mainly of tubes which are very close together and near the root are encircled by variable rings, as in the case of the ox. (Rashi and Aruch).

(4) Heb. חרוקות, in other texts חדוקות, meaning rough, full of notches.
(5) It must be now assumed that 'notched' is the only characteristic feature necessary for the purpose and that roundness is no longer essential.
(6) Heb. מפוצלות, forked and branched like antlers (Rashi); or, bent or hooked at the end (Tosaf.).
(7) Heb. צבי, usually translated 'deer'; according to Rashi, however, it cannot be the deer because the deer has certainly forked horns. Possibly the pronghorn antelope is meant.
(8) Heb. חדורות, or הדורות, meaning 'rounded and cylindrical'; in other texts חדודות, 'pointed'. The latter reading is adopted by Aruch and preferred by Rashi.
(9) Lit., 'there is neither judgment nor judge', i.e., it is certainly a wild animal.
(10) According to Lewysohn, Zoologie des Talmuds, p. 126, it is the gazelle. The Aruch adopts the reading כרבין, which would be the name of a place, v. Neub. Geog. p. 393. The doubt in connection with this goat is that it has all the characteristics that distinguish the horns of wild animals except that the notches do not run into each other (Tosaf.); it has all the characteristics of wild animals save that it bears the name 'goat' (Rashi).
(11) prov. XVIII, 20. By virtue of his learning and the traditions he received from his teachers he was able to enjoy to the full the fat of this animal.
(12) Sc. Palestine.
(13) A forest of this name (Rashi). V. Lewysohn, op. cit. p. 70. According to Jastrow it refers to the mountains of interior Asia, v. Dict. p. 520.
(14) Amos III, 8.

Talmud - Mas. Chullin 60a

'I will see him'. He went and placed the Emperor facing the sun during the summer solstice and said to him, 'Look up at it'. He replied: 'I cannot'. Said R. Joshua, 'If at the sun which is but one of the ministers that attend the Holy One, blessed be He, you cannot look, how then can you presume to look upon the divine presence'!

On another occasion the Emperor said to R. Joshua b. Hananiah, 'I wish to prepare a banquet for your God'. He replied: 'You could not undertake it'. 'Why'? 'Because his attendants are too numerous'. 'Indeed, I will do it'. 'Then go and prepare it on the spacious banks of Rebitha'.[1] He [the Emperor] spent the six months of summer in making preparations when a tempest arose and swept everything into the sea. He then spent the six months of winter in making preparations when rain fell and washed everything into the sea. 'What is [the meaning of] this'? asked the Emperor. 'They are but the sweepers and sprinklers that march before him'! 'In that case', said the Emperor, 'I cannot do it'.

The Emperor's daughter once said to R. Joshua b. Hananiah, 'Your God is a carpenter, for it is written: Who layeth the beams of His upper chambers in the waters.[2] Ask him to make for me a spool!' He replied: 'Very well'. He prayed for her and she was smitten with leprosy. She was then removed to the open square of Rome and was given a spool. (For so it was the custom in Rome, whoever was smitten with leprosy was given a spool and removed to the open square, and was given skeins to wind, so that people may see them and pray for their recovery). One day as R. Joshua was passing he saw her sitting in the open square of Rome and winding the skeins on to the spool. He remarked: 'My God has given you a beautiful spool'! She said: 'I pray you, ask your God to take back what He has given me'. He replied: 'Our God grants a request, but [when granted] never takes it back'.

Rab Judah said: An ox has a large belly, large hoofs, a large head and a long tail; an ass has just the reverse. What is the point of this? — For commercial transactions.[3]

Rab Judah further said: The bullock which Adam sacrificed had but one horn in its forehead, as it is said: And it shall please the Lord better than a bullock that hath horns [makrin] and hoofs'.[4] But

does not makrin imply two horns? — R. Nahman said: Mkrn is written.[5]

Rab Judah further said: The bullock which Adam sacrificed had fully developed horns before it had hoofs,[6] as it is said: 'And it shall please the Lord better than a bullock that hath horns and hoofs'; the verse first says: 'that hath horns' and then 'hoofs'. This supports R. Joshua b. Levi, who said: All the animals of the creation were created in their full-grown stature, with their consent, and according to the shape of their own choice, for it is written: And the heaven and the earth were finished, and all the host of them[7] read not zeba'am[8] but zibyonam.[9]

R. Hanina b. Papa expounded: May the glory of the Lord endure for ever; let the Lord rejoice in His works![10] This verse was said by the Angel of the Universe.[11] For when the Holy One, blessed be He, enjoined after its kind[12] upon the trees, the plants applied unto themselves an a fortiori argument, saying: 'If the Holy One, blessed be He, desired a motley growth, why did He enjoin "after its kind" upon the trees? Moreover, is there not here an a fortiori argument? If upon trees which by nature do not grow up in a motley growth the Holy One, blessed be He, enjoined "after its kind", how much more so does it apply to us'! Immediately each plant came forth after its kind. Thereupon the Angel of the Universe declared: 'May the glory of the Lord endure for ever: let the Lord rejoice in His works!'

Rabina propounded the question: If a man grafted one plant on to another,

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(1) The name of a river; v. however, Neub. Geog. p. 277-8, where it is suggested that the correct text is 'on the shore of the Great Sea'. V. D.S.

(2) Ps. CIV, 3.

(3) I.e., one who is about to purchase an ox or an ass should look for these particular qualities in the ox and the reverse in the ass.

(4) Ps. LXIX, 32. Heb. מקרין; so according to traditional reading. The verse alludes to the sacrifice offered by Adam.

(5) מקרן The word is written defectively without the 'yod', and this suggests the peculiarity of a single horn, as the word may be read מקרן

(6) Which is just the reverse of the natural development in the bullock. Since the full-grown animal was brought forth from the ground (Gen. I 24) in an upright stature (v. infra) its horns obviously appeared first and then its hoofs.

(7) Gen. II, 1.

(8) צבאם, 'the host of them'.

(9) צביונם. The three ideas of the text are suggested by the slight variations and different meanings of the originals word צבאם: (i) from the root נצב, meaning upstanding, full-grown; (ii) from צבי, meaning desire, consent; and (iii) from צביון meaning pleasure, choice. V. R.H. 11a.

(10) Ps. CIV, 31.

(11) The angel Metatron, v. Tosaf. ad loc.

(12) Gen. I, 11. This phrase is stated in connection with the trees but not with plants.

Talmud - Mas. Chullin 60b

what would be the law according to the view of R. Hanina b. Papa?[1] Since 'after its kind' is not expressly stated with regard to plants one should not be liable; or, seeing that the Lord approved of their action, it is regarded as if 'after its kind' were expressly stated [and one would be liable]. The question remains undecided.

R. Simeon b. Pazzi pointed out a contradiction [between verses]. One verse says: And God made the two great lights,[2] and immediately the verse continues: The greater light . . . and the lesser light. The moon said unto the Holy One, blessed be He, 'Sovereign of the Universe! Is it possible for two kings to wear one crown'? He answered: 'Go then and make thyself smaller'. 'Sovereign of the Universe'! cried the moon, 'Because I have suggested that which is proper must I then make myself

smaller'? He replied: 'Go and thou wilt rule by day and by night'. 'But what is the value of this'? cried the moon; 'Of what use is a lamp in broad daylight'? He replied: 'Go. Israel shall reckon by thee the days and the years'. 'But it is impossible', said the moon, 'to do without the sun for the reckoning of the seasons, as it is written: And let them be for signs, and for seasons, and for days and years'.[3] 'Go. The righteous shall be named after thee[4] as we find, Jacob the Small,[5] Samuel the Small,[6] David the Small',[7] On seeing that it would not be consoled the Holy One, blessed be He, said: 'Bring an atonement for Me for making the moon smaller'. This is what was meant by R. Simeon b. Lakish when he declared: Why is it that the he-goat offered on the new moon is distinguished in that there is written concerning it unto the Lord?[8] Because the Holy One, blessed be He, said: Let this he-goat be an atonement for Me for making the moon smaller.

R. Assi pointed out a contradiction [between verses]. One verse says: And the earth brought forth grass,[9] referring to the third day, whereas another verse when speaking of the sixth day says: No shrub of the field was yet in the earth.[10] This teaches us that the plants commenced to grow but stopped just as they were about to break through the soil, until Adam came and prayed for rain for them; and when rain fell they sprouted forth. This teaches you that the Holy One, blessed be He, longs for the prayers of the righteous. R. Nahman b. Papa had a garden and he sowed in it seeds but they did not grow. He prayed; immediately rain came and they began to grow. That, he exclaimed, is what R. Assi had taught.

R. Hanan b. Raba said: The shesu'ah[11] is a specific creature that has two backs and two spinal columns. Was Moses a hunter or an archer? This refutes those who maintain that the Torah was not divinely revealed.[12] R. Hisda said to R. Tahlifa b. Abina, 'Go, write down the words for "hunter"[13] and "archer"[14] in your homiletic note-book and explain them so'.

It is written: The five lords of the Philistines: the Gazite and the Ashdodite, the Ashkelonite, the Gittite and the Ekronite; also the Avvim.[15] The verse says five but enumerates six! — R. Jonathan said: Their overlords[16] were five in number. R. Hisda said to R. Tahlifa b. Abina, 'Write down the word for "overlord"[16] in your homiletic notebook and explain it so'.

This interpretation differs from Rab's view, for Rab had declared that the Avvim originally came from Teman.[17] There is also a Baraitha in support of this, viz., The Avvim originally came from Teman, and were named Avvim because they laid waste ['iwwethu][18] their home. Another interpretation: They were named Avvim because they longed for ['iwwu][19] many gods.

A further interpretation: They were named Avvim because whosoever looked at them was seized with trembling ['awwith].[20] R. Joseph said: Every one of them had sixteen rows of teeth.

R. Simeon b. Lakish said: There are many verses which to all appearances ought to be burnt[21] but are really essential elements in the Torah. [E.g.] It is written: And the Avvim that dwelt in villages as far as Gaza.[22] In what way does this concern us? Inasmuch as Abimelech adjured Abraham saying: Thou wilt not deal falsely with me, nor with my son, nor with my son's son,[23] the Holy One, blessed be He, said: Let the Kaphtorim come and take away the land from the Avvim, who are philistines, and then Israel may come and take it away from the Kaphtorim.[24] Similarly you must explain the verse: For Heshbon was the city of Sihon the King of the Amorites, who had fought against the former King of Moab.[25] In what way does this concern us? Inasmuch as the Holy One, blessed be He, had commanded Israel: Be not at enmity with Moab,[26] He therefore said: Let Sihon come and take away the land from Moab and then Israel may come and take it from Sihon. This, indeed, explains the saying of R. Papa, 'Ammon and Moab were rendered clean [unto Israel] through Sihon'.[27]

Hermon the Sidonians call Sirion and the Amorites call it Senir.[28] A Tanna taught: Senir and

Sirion are mountains in the land of Israel; this verse, however, teaches us that every one of the nations of the world went and built for itself a large city naming it after a mountain of the land of Israel, thus teaching you that even the mountains of the land of Israel are dear to the nations of the world.

In another instance it is written: And as for the people, he removed them city by city.[29] In what way does this concern us? — In order that his brothers be not called strangers.[30]

THE CHARACTERISTICS OF BIRDS ARE NOT STATED. Are they not? But it has been taught: [It is written,] The eagle,[31]

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(1) The expression 'after its kind' suggests separateness and so implies a prohibition against grafting one kind on to another. Since, however, this is not expressly stated with reference to plants, but they acted so merely of their own accord, it is doubtful therefore whether there is with regard to plants an implied prohibition against grafting.

(2) Gen. I, 16.

(3) Ibid. 14.

(4) Righteous men shall be named 'the Small' after the moon which was reduced to become the small luminary.

(5) Cf. Amos VII, 2: How shall Jacob stand? for he is small.

(6) A renowned Tanna of the first century, called 'the Small' on account of his humility.

(7) Cf. I Sam. XVII, 14: And David was the youngest (smallest).

(8) Num. XXVIII, 15: And a he-goat for a sin-offering unto the Lord. These words, 'unto the Lord', are not found in connection with sacrifices on other festive seasons.

(9) Gen. I, 12.

(10) Gen. II, 5.

(11) V. Deut. XIV, 7. According to Rabbinic tradition the word השסועה, which in the E.V. is translated as 'cloven', is the name of a specific creature with the Peculiarities here stated.

(12) For Moses could not of his own knowledge have described the various animals mentioned in the Torah, nor could he have known so well the nature of them all.

(13) קניגי from Gr. **, a hunter.

(14) בליסטרי from 'ballistarius', one who attends to the catapult, an archer. R. Tahlifa was advised to note these words as foreign words.

(15) Josh. XIII, 3.

(16) ארונקי (there are many variations: MS.M. אדודנקי; Aruch אדנדקי; Musafia אדונקי) meaning chiefs, overlords. The etymology of the word is doubtful, v. Jast. and Aruch.

(17) They were not indigenous to Philistia but came from Teman (a region in the country of Edom) and settled with the Philistines.

(18) There is here a play upon the words עוים, Avvim, and עותו or, as in some texts, עוו, which means they destroyed or laid waste.

(19) אוו, they desired.

(20) עויית, convulsions.

(21) In many MSS. are added the words 'like the books of Miram' or' of minim', i.e., heretics. These words were obviously struck out by the censor from the Present editions. As to 'Miram', v. Jastrow Dict. s.v. המירם, p. 355.

(22) Deut. II, 23.

(23) Gen. XXI, 23.

(24) The Israelites, being bound by the oath of Abraham not to molest the Philistines, indirectly, however, gained possession of their land by dispossessing the Kaphtorim who had vanquished the Philistines.

(25) Num. XXI, 26.

(26) Deut. II, 9.

(27) I.e., Israel by defeating Sihon indirectly got possession of the land of Ammon and Moab. V. Git. 38a; Sanh. 94b.

(28) Ibid. III, 9.

(29) Gen. XLVII, 21.

(30) For now the Egyptians too were rendered homeless, and were themselves strangers in the cities wherein Joseph had

settled them.

(31) Lev. XI, 13 and Deut. XIV, 12. Heb. נשר, usually translated 'eagle', but the griffon vulture or great vulture is probably intended. It must be observed that the identification of the various birds dealt with in this chapter is extremely doubtful and the suggestions made are merely tentative; v. Tosaf. infra 63a, s.v. נץ. For the most part the identifications of Lewysohn, discussed in his work, Die Zoologie des Talmuds, have been adopted.

Talmud - Mas. 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 it[7] 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]!

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(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 Baraitha 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.

Talmud - Mas. Chullin 61b

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 peres[2] 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 the Divine Law specified the eagle, but had it not done so we should have inferred it[4] 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,

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

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

(3) Heb. עזניה, ‘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.

Talmud - Mas. Chullin 62a

To one who is familiar with these birds[1] 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 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 are 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 Rabbi[13] Judah: The tasil[14] is disqualified [for sacrifice] as a turtle dove but is not disqualified as a young pigeon.[15] Dazife[14] and the turtle doves of Rehabah[14] 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

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(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 it 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.

Talmud - Mas. Chullin 62b

render invalid the waters of purification[1] 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: Zuzinian[4] 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 Kohalith[7] 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: Karze[11] 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: Zarda[13] is permitted but barda[13] is forbidden; and in order to remember this think of the expression, 'Keep aloof [bar] from it'.[14] As to marda[15] 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 Ammonitess'.[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 androfata[22] is permitted, piruz androfata[22] is forbidden; and to remember this think of 'the wicked piruz'.[23] R. Huna said: Bunia[24] is permitted, parwa[24] 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,

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(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 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. ברזי, 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 posses, 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 פרז 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.

Talmud - Mas. Chullin 63a

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 shakitna[3] 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 shalak[7] is the bird that catches fish out of the sea; the dukifath[8] 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] Amemar said: Lakni[11] and batni[11] are permitted; as for shaknai[11] 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: Kua[14] and kakuai[14] are forbidden, but kaku'atha[14] 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 tinshemeth[15] is the bawath[16] 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'ath[18] is the sea crow, raham[19] 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 them[21] and gather them.[22] R. Adda b. Shimi said to Mar the son of R. Iddi: Did not [a raham] once settle upon a ploughed 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: Raven[24] 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 skin[28] 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 nez[30] 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 hasidah[31] is the white stork. And why is it called hasidah? Because it shows kindness [hasiduth] to its companions. The anafah[32] 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 name of R. Hanan, son of Raba, on the authority of Rab, There are twenty-four unclean birds [enumerated in the Torah]. Where? In Leviticus[33] there are only twenty enumerated, and in Deuteronomy[34] there are but twenty-one! And should you say that the da'ah[35] 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'ah[37] are one and the same. For should you say that they are two distinct birds

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(1) מזגא חמרא and בת מזגא חמרא; possibly the lapwing and the stock pigeon respectively.
(2) V. supra 49b.
(3) The flamingo.
(4) מורזמא, a kind of flamingo which was known to be permitted.
(5) V. Bek. 45b.
(6) V. supra 56a.
(7) Lev. XI, 27. Heb. שלך, 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) באות, the night-bird (noctua), the owl, from the root בות, to pass the night' Others באות, '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. רחם.
(20) רחמים, 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. נץ.
(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, ראה, איה 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.

Talmud - Mas. Chullin 63b

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? — 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[6] [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 espies 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 ayyah 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 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

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(1) Both the אִיָּה and the דַּיָּה 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.

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? — This[1] 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] — 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]

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(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.

Talmud - Mas. Chullin 64b

includes [in its prohibition] chicks that have not yet opened their eyes![1] — This [latter] prohibition is only Rabbinic[2] and the verse adduced is merely a support.

Our Rabbis taught: The exudation of eggs is permitted.[3] Addled[4] 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 rule[7] 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-Kathil[10] 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 name?[14] — This cannot be, for it is

written: The daughter of my people is become cruel, like the ye'enim[15] [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 honour Me, the jackals and the benoth ya'anah [ostriches],[19] and if you were to say that it[20] 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

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(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 cicatricula 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 UNCLEAN]. 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 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

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(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 כדר לעמר

(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 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 'generalisation and specification' for each of the four

specifications. V. infra p. 66a top.

Talmud - Mas. Chullin 65b

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 karsefeth[5] 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 arbeh[7] 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.

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(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.

(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?

Talmud - Mas. Chullin 66a

Wherein is there a difference between the Tanna of the school of Rab[1] 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 legs[3] . . . [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 kind[7] 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 sultanith[11] and the 'afian,[12] it is permitted; if it has them now but sheds them when drawn out of the water, as

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

Talmud - Mas. 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 scales[4] [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 verse[6] 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 verse[7] 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 he[8] 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 water[11] 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 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 proposition[15] '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

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(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.

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 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 mat 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 it[5] 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 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

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(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 bc 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 ra1sed 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.

Talmud - Mas. Chullin 67b

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? For one [Baraitha] 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 [Baraitha], 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 [Baraitha] speaks of [insects found in] the fruit, and [yet there is no contradiction between them, for] the latter [Baraitha] 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 [Baraitha] refers to [insects found in] the actual fruit[5] 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 Baraitha], '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 frui[6] 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. Shesheth[11] the son of R. Idi said: Parasites[12] 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]

Maggots[16] [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 Baraitha]: [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 belly[19] 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 leviathan[20] 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.

CHAPTER IV

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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 he 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.

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 foetus [that is within]. If it refers to the foetus, why does [the Tanna] say AND WITHDREW IT? Even if it did not withdraw it [the foetus 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 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 inheritance[8] 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 it[15] 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 foetus [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 labour and the foetus 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 outside[19] 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,

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

(2) V. Gemara. The general principle is that with the slaughtering of an animal everything that is within it, e.g., a foetus,

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 (derived by the Rabbis by interpreting ראשית אונו, 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 foetus was contained in that part of the afterbirth which emerged, in which case the foetus 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 foetus 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 foetus 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.

Talmud - Mas. Chullin 68b

the flesh[1] 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 foetus 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 foetus. But if it refers to the foetus, [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 foetus, 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 Huzai[5] he brought with him the following teaching: 'If [the foetus] withdrew the hoof[6] within, you

may eat, and if it withdrew two hoofs[6] 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 foetus. But if it refers to the foetus, why does it state 'if it withdrew [the hoof]'? Even if it did not withdraw it [the foetus 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 off[10] and the other teaches that a foetus 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.

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 Firstfruits, 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 Firstfruits, 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 it[18] 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 foetus 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 foetus had emerged? Are we to say that here it is obvious that the greater portion of the foetus 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 foetus 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 foetus 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 foetus emerged at one time? — Come and hear. [We have learnt:]

(1) Of the foetus 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 foetus 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 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 foetus 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 foetus 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 foetus 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 foetus 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 foetus 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 eases 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 foetus 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 through 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) l.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 be 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.

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

Talmud - Mas. Chullin 69a

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 foetus 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 foetus [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 this[4] [sc. the foetus]; or it is not the bounds for this [foetus], for the bounds of the foetus 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 foetus are the womb of its dam; then in the previous question too we must say that the bounds of the foetus are the womb of the dam.[6]

Ilfa raised this question: What is the law if a foetus 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 male[10] 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 it[13] 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 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 nerve[20] 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![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 foetus. 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 foetus, or a foetus for a consecrated limb, or a limb or a foetus 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 foetus. 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'?

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

(2) I.e., where a small portion only of the foetus remained within the womb, although the greater part of the foetus 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 foetus 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 foetus 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 of that cutting was twofold, (a) to render the limb of the foetus 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 foetus 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 foetus, 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 foetus, 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 foetus 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 foetus 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 foetus 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 foetus in the womb of its dam, is permitted by the slaughtering of the dam.

(25) That the foetus 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 foetus 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.

Talmud - Mas. 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]

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 foetus[6] so also the law of substitution does not apply to limbs or a foetus. 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 realised 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 FORTH[17] 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 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.

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(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 foetus also.

(5) Cf. Lev. XXVII, 32. According to those Rabbis, however, who do not agree with R. Simeon, the law is clear that a foetus 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.

Talmud - Mas. 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 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 FORTH[3] 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 up[11] in bast, or in a garment, or in its afterbirth? [You ask] 'In its afterbirth'? But that is the normal condition! — Render, ln the afterbirth of another animal. What if She[12] 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 it[18] 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 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]

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(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 אחזתו 'she got hold of it' the reading is אחותו '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 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 he deemed a firstling.
(15) Since it was not brought forth naturally but was extracted by the weasel it would not he 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. עד, and also Tosaf. Yeb. 102b s.v. ומי.

Talmud - Mas. Chullin 70b

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 UNCLEAN ANIMAL.[1] R. JOSE THE GALILEAN SAYS, IF IT WAS AN UNCLEAN ANIMAL HE WOULD BE UNCLEAN, 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 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 eight[5] [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 hoofs[8] 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',

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(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, wag a permitted animal as it was born of a clean animal.

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

(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 observe[10] [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 Mldwlfe IS RENDERED UNCLEAN FOR SEVEN DAYS, BUT THE MOTHER IS CLEAN UNTIL THE FOETUS COMES OUT.

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 purpose[21] [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 up[26] breaks through upwards to the sky), nevertheless protects any clean matter that is within it from becoming unclean,[27]

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(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 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: הניחא 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 uncleanness 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.

Talmud - Mas. Chullin 71b

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, 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 tarries there the length of time required for eating half a loaf[9] 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 himself[14] 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]

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

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

(4) Ie., 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) l.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. כי.

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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 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. Hoshaia 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 this[14] 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 FLESH[22] IS UNCLEAN LIKE THAT WHICH HAD TOUCHED NEBELAH: SO R. MEIR. BUT THE SAGES SAY, IT IS UNCLEAN[23] LIKE THAT WHICH HAD TOUCHED A SLAUGHTERED TREFAH [ANIMAL];[24]

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(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.

(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. עד; 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.

Talmud - Mas. Chullin 72b

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. 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 CLEAN[1] 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 FIT[2] [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] GEMARA. Wherefore [is the foetus rendered unclean]? It has made covert contact with uncleanness[5] and covert contact with uncleanness does not render [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 uncleanness[9] but is unclean by reason of its contact[10] 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., They[14] 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

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(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.

Talmud - Mas. Chullin 73a

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 measure[2] [that has been determined]. R. Judah[3] 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 Baraitha] 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 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 they[10] 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?

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(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.

Talmud - Mas. Chullin 73b

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] 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? — One[4] 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, they[10] 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 entirely 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.
(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.

Talmud - Mas. Chullin 74a

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 this[2] 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 it[8] 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 live[10] 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 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. Hoshaia 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 formed[18] 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 OPEN[20] 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]

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(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 במותם, 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 במותם, 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 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'.

Talmud - Mas. Chullin 74b

R. SIMEON SHEZURI SAYS: EVEN IF IT IS FIVE YEARS OLD AND IS PLOUGHING 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 fat[1] 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 principle[4] 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] top[5] [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

interbreeding[8] and ploughing 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. 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 blood[15] one would not be liable for the blood that oozes out.

The question was raised: May one redeem[16] [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 Rabbis[18] 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 here[20] 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 it[31] 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.

Talmud - Mas. 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 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 so[11] 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 so[13] 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 world[18] 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] 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 other[27] 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,

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(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. **מאי**.

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

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. 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 view[14] 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] [

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(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.

(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.

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 TENDONS[3] 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 with 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 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? — Abaye[19] 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 (ירך or קולית) 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 הגידין. 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 (ערקומא 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 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 porge the meat; it is immediately above the tuber calcis.
(19) This amud contains no footnotes.

Talmud - Mas. Chullin 76b

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] both[5] 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 forbidden[6] 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 view[8] 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 vital[9] 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 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 they[12] 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 Arioch[15] 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

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(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.

(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.

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 scattered[9] [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 was slit, or the inner layer[10] [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 case 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 IT[19] 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;

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(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.

(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 יריה 'fibers', and not דידה, 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. נפש היפה, 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 (נדמה, 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?

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 view[5] [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 it[6] 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 it[6] 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]

There is [a Baraitha] 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

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(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.

(12) Heb. נדמה '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.

Talmud - Mas. 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 YOUNG[5] 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 STRIPES[12] AND IT IS INVALID. IF [THE FIRST WAS SLAUGHTERED] 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 STRIPES[16] 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 STRIPES[16] 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 hybrid[20] and to a koy?[21] And [there is] also [this difficulty] for it is written here, sheep, and Raba has declared,

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(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 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 מחוסר 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) כוי 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.

Talmud - Mas. Chullin 78b

This[1] 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, it[4] therefore teaches us [that it is not so]! — Disjunction is indicated in the expression 'its young'.[5] But it[4] 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 here[12] 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 this[14] of 'The dam and its young', since [it has this distinctiveness, in that] the law does not 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.)

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(1) The verse in Deut. XIV, 4 (Rashi); or in Ex. XII, 5 (Tosaf.).

(2) In Lev. XXII, 28. Heb. **או**. 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 **את אביו ואת אמו**, 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 plough 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. **אותו**, lit., 'him'.

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[1] 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 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 offspring[5] 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 horse[12] 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 other[15] 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]

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(1) So MS.M. Cur. edd., the law is הלכתא.

(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 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 פרד, '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.

Talmud - Mas. Chullin 79b

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]

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 maw[17] 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 him[19] one half [of the dues][20] and even as regards the other half[21] 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? —

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(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.

(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 ease 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.

Talmud - Mas. 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] prohibition[3] [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 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[5] 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 goats[6] 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 si

nce 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 beast[10] 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 Teo[11] 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 ox[13] 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 Targum[14] 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. Hanan[15] said to R. Ashi: Amemar permitted the fat of these [to be eaten].

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]

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(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 (אקו) and the pygarg and the wild ox (תאו) and the chamois (זמר). 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 תאו.

(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.

Talmud - Mas. Chullin 80b

Accordingly as the first [animal] was merely killed[1] 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 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 he[3] 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

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(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, 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.

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. Aptoriki's exposition? For R. Aptoriki 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[5] 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. Hamnuna 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;

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(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 he 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. שחיטה.

(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.

Talmud - Mas. 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 so[9] 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'].

They[14] are indeed consistent in their views. For when R. Dimi came [from Palestine] he reported

as follows:[15] He who committed inadvertently[16] 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. 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].

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(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 built 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.

Talmud - Mas. Chullin 82a

And R. Simeon b. Lakish said: R. Simeon Used to say that the Red Cow may be redeemed[1] 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 there[6] it was before it was taken down to the rugged valley and here[7] after it was taken down! — R. Phinehas the son of R. Ammi replied. We report the statement[8] 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 here[14] 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.

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(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.

(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: ולקח.

(15) Deut. XXI, 3. ולקחו. 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.

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 here[6] 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 here[6] the reason is 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 nazir[10] 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] simultaneously[12] 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]

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(1) I.e., if one slaughtered the dam and another its young the law has not been infringed.

(2) לא ישחטו; 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 be 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 only 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.

Talmud - Mas. Chullin 83a

Scripture here came and provided a positive precept as a remedy for[1] the [disregarded] prohibition to indicate that 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 DAY[9] 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 DENARS[12] 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 make[16] [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; 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 rule[20] that one may act to another's advantage in his absence; whereas at other times of the year it is a disadvantage for him[21] 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 meshikah[22] 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 CREATION[26] 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.

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(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.

(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.

Talmud - Mas. 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 BLOOD[1] 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 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 sacrifice[13] it would indeed be so, but here [in our Mishnah] we are speaking of a bird consecrated for the Temple treasury.[14]

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(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.

Talmud - Mas. Chullin 84a

And why should he not redeem it[1] 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 all[3] [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 all[5] 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 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[8] is because] Scripture says. Any wild animal or bird,[9] and just as it cannot refer to a consecrated wild animal[10] 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 Min[14] 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 maneh[26] may buy for his stew a litra[27] 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: Abba[30] 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 then 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 maidens[35] 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,

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(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.

Talmud - Mas. 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 fortune[3] 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 Sabbath[10] 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 Beribbi[15] 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 precept[19] so the case of the covering up of the blood 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]

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(1) V. Tosaf. s.v. הרוצה.

(2) Deut. VII, 13. There is here a play upon the words: עשתרות 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.

Talmud - Mas. 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 woman[2] 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] — 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 STONED[9] — 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 STABBED[8] T[11] 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 view[12]

in connection with the law of 'It and its young' and stated it in the Mishnah[13] 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 here[14] 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 food[15] 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? — 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,

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(1) l.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. ושב.
(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.

Talmud - Mas. 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 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] — This[2] 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[3] 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 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]? —

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(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.

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. 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 Exile[5] 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 kab[9] 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, ONE[10] 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 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 presumption[19] 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]

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(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.

Talmud - Mas. 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. 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 man[5] 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 this[7] 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 animal[8] includes all wild animals, whether many or few; [the expression] bird[8] 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 of the blood he is bound to say another Benediction![16] —

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(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.

Talmud - Mas. 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? — Come and hear from the following incident. A certain min[9] 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 CATTLE[20]

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(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 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 he covered up.

Talmud - Mas. Chullin 87b

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 ruling[5] 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 it[9] 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 Neharbel[14] says. It refers to the thin blood.[15] R. Jeremiah of Difti said: He[16] incurs the penalty of Kareth, but only if there was an olive's bulk.[17] In a Baraitha it was taught: It[18] 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 liquids[21] that issue from a corpse are clean excepting blood. As long as it[18] 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 yom[23] are like the liquids which he touches:

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(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.

(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) צללתא 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.

Talmud - Mas. Chullin 88a

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] reptile[2] 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 liquids[5] 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: 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 vital[8] 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 POTSHERD 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,

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(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.

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 dust[2] 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 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 l 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,

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(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).

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 pursuit[26] 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 uprightly[27] the sons of men.

R. Ze'ira, others say Rabbah b. Jeremiah, said: One may cover up [the blood] with the dust[28] of a 'condemned city'.[29] Why is this? Is it not forbidden for all uses?[30] — Ze'iri answered: It can only refer to the earth[31] 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 lulab[36] 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. There[37]

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(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) האמנם ‘indeed’, is homiletically associated with אומנות ‘occupation, pursuit’.

(27) מישרים ‘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.

a minimum size is prescribed, and since it has been used for idolatry it is regarded as though the size were diminished,[1] whereas here the more broken up it is the better it is for covering up.[2]

C H A P T E R V I I

MISHNAH. [THE PROHIBITION OF] THE SCIATIC NERVE[3] IS IN FORCE BOTH WITHIN THE HOLY LAND AND OUTSIDE IT, BOTH DURING THE EXISTENCE OF THE TEMPLE AND AFTER IT, IN RESPECT OF BOTH UNCONSECRATED AND CONSECRATED [ANIMALS]. IT APPLIES TO CATTLE AND TO WILD ANIMALS, TO THE RIGHT AND LEFT HIP, BUT IT DOES NOT APPLY TO BIRDS BECAUSE THEY HAVE NO SPOON-SHAPED HIP.[4] IT ALSO APPLIES TO A FOETUS. R. JUDAH SAYS, IT DOES NOT APPLY TO A FOETUS. AND ITS[5] FAT IS PERMITTED. BUTCHERS ARE NOT TRUSTWORTHY WITH REGARD TO THE [REMOVAL OF THE] SCIATIC NERVE:[6] SO R. MEIR. THE SAGES SAY, THEY ARE TRUSTWORTHY WITH REGARD TO IT AS WELL AS WITH REGARD TO THE [FORBIDDEN] FAT.

GEMARA. IN RESPECT OF . . . CONSECRATED [ANIMALS]. But is not this obvious? Surely because one consecrated the animal the prohibition of the nerve has not thereby vanished![7] And if you were to say that [our Tanna] is of the opinion that nerves impart a taste [to the meat], and [he teaches us] that the prohibition of a consecrated animal can be superimposed upon the prohibition of the nerve,[8] then the Tanna should have said: 'The prohibition of [eating] consecrated meat applies to the nerve too'! — Rather we must say that he is of the opinion that nerves do not impart a taste, [and he thus teaches us[9] that] in regard to [the sciatic nerve of] a consecrated [animal] there is only the prohibition of the nerve but not the prohibition of consecrated things.[10] But does our Tanna hold that nerves do not impart a taste? Surely we have learnt: If a thigh was cooked together with the sciatic nerve it is forbidden if it imparts a taste[11] [into the thigh]! — Rather we must suppose that he is dealing with the young of consecrated animals.[12] And he is of the opinion that it [sc. the prohibition of the sciatic nerve] applies to a foetus, and also that the young of a consecrated animal is holy even when in its dam's womb; accordingly the prohibition of the nerve and the prohibition of consecrated things come into force simultaneously.[13] But how can you suggest that the Mishnah is dealing with a foetus? Surely since in a subsequent clause it says. IT ALSO APPLIES TO A FOETUS, it is obvious that the first clause is not dealing with a foetus! — This is what he means: This[14] is indeed a matter of dispute between R. Judah and the Rabbis. But how can you say that both [prohibitions] come into force simultaneously? Surely we have learnt:[15] By reason of uncleanness contracted from the following sources the Nazirite must shave [his head]:[16] a corpse, an olive's bulk of [the flesh of] a corpse etc. Now the question was asked: If he must shave [his head] on account of an olive's bulk of [the flesh of] a corpse, then surely he must shave [his head] for the whole corpse! And R. Johanan answered that it was necessary [to mention the corpse itself] only for the case of an abortion whose limbs were not yet knit together by nerves.[17]

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(1) Lit., 'broken up' and reduced below the minimum; this in accordance with the Rabbinic dictum: Whatsoever is to be destroyed is deemed destroyed forthwith.

(2) And the use of the forbidden ashes for the fulfilment of a precept cannot be considered a use in accordance with Raba's dictum.

(3) Gen XXXII, 33. In the whole of this chapter the sciatic nerve is often referred to as 'the nerve'.

(4) The muscles upon the hip bone (or femur) of a bird lie flat and are not raised and convex like those of cattle. In cattle the entire hip is very much like the back of a spoon or like a club. This feature is expressly specified in the prohibition, כף הירך, the spoon of the thigh, i.e., 'the convex prominence of the thigh'. Gen. ibid.

(5) The fat of the foetus; or, according to others, the fat surrounding the sciatic nerve.

(6) For it entails hard and careful work, and it is doubtful whether the butcher would follow it up in all its ramifications;

consequently one may not rely upon him.

(7) The prohibition of the sciatic nerve attached to the animal the moment it was born.

(8) So that one who eats the sciatic nerve of a consecrated animal would incur stripes on two counts, first for eating the sciatic nerve which is expressly prohibited whether it is edible or not, and secondly for eating 'flesh' (for nerves are edible as flesh) of a consecrated animal.

(9) In stating that the law of the sciatic nerve applies to consecrated animals.

(10) For the nerve is inedible and is not accounted as flesh.

(11) I.e., if the thigh that was cooked was not sixty times greater than the forbidden nerve; for the Rabbis have estimated that if there were more than sixty parts of permitted matter as against one part prohibited, the latter cannot impart a flavour unto the former. From this Mishnah, however, it is apparent that nerves do impart a taste; and as it is (infra 96b) in the same chapter as our Mishnah it was taught presumably by the same Tanna.

(12) E.g. the young of a peace-offering which is consecrated the moment it was formed, even while in its dam's womb. At this same moment the prohibition of the sciatic nerve attaches to it.

(13) I.e., the moment the foetus was formed within the dam's womb.

(14) Whether the prohibition of the sciatic nerve applies to a foetus or not.

(15) Naz. 49b.

(16) If he was rendered unclean during the continuance of the Nazirite vow. Cf. Num. VI, 9ff.

(17) In which case the abortion, even though in the whole of it there is not an olive's bulk of flesh, would render the Nazirite unclean.

Talmud - Mas. Chullin 90a

Hence [it is possible for] the prohibition of consecrated things to come into force first![1] — Notwithstanding that the prohibition of consecrated things comes into force first, the prohibition of the nerve can be superimposed upon it, for its prohibition is binding even upon the sons of Noah.[2] Whom did you hear maintain this view?[3] R. Judah, is it not? But our Mishnah cannot be in agreement with R. Judah, for it reads IT APPLIES TO CATTLE AND TO WILD ANIMALS, TO THE RIGHT AND LEFT HIP![4] — This Tanna [of our Mishnah] agrees with him [R. Judah] on one point[3] and disagrees on the other point. But perhaps you heard R. Judah apply this argument only to the case of an unclean animal since it is forbidden by a prohibition only;[5] but have you heard him apply it also to consecrated things for which there is a penalty of Kareth?[6] — Rather it must be that we are dealing with the case of a firstling which is consecrated only [when it comes forth out of] the womb.[7] Alternatively, you may say that the young of consecrated animals are themselves consecrated only when they come into being.[8]

R. Hiyya b. Joseph said: They taught this only concerning consecrated animals that may be eaten,[9] but with regard to consecrated animals that are not eaten[10] the prohibition of the nerve does not apply. But R. Johanan said: The prohibition of the nerve applies both to consecrated animals that may be eaten and to those that are not eaten. Said R. Papa: There is really no dispute between them, for the one refers to the question of stripes[11] whereas the other refers to the question of offering it.[12] Others report R. Papa's statement thus: There is really no dispute between them, for the one refers to the removal thereof[13] whereas the other refers to the offering up of it.[14] R. Nahman b. Isaac said: They disagree about offering it up.[15] For it was taught: And the Priest shall burn the whole upon the altar,[16] this includes bones, nerves, horns and hoofs. I might think that [it is so] even if they were severed,[17] the text therefore states: And thou shalt offer thy burnt-offerings, the flesh and the blood.[18] But since it is written 'the flesh and the blood', I might think that one must first cut away the nerves and bones and then offer the flesh upon the altar, it is therefore written: 'And the priest shall burn the whole upon the altar'. How [are these verses to be reconciled]? If they[19] are still attached [to the limb], they may be offered up; if they are severed, even if they are already on the top of the altar, they must come down.[20]

Now which Tanna have you heard say that if they were severed [and offered up] they must come

down? It is Rabbi. For it has been taught: 'And the priest shall burn the whole', this includes bones, nerves, horns and hoofs, even if they are severed. And how do I explain the verse: 'And thou shalt offer thy burnt-offerings, the flesh and the blood'? With reference to those portions which have jumped off [the altar]; thus, only half-burnt flesh you may replace [if it had jumped off the altar], but you may not replace half-burnt nerves and bones. Rabbi says: One verse reads: 'And the priest shall burn the whole', which includes [everything], whilst another verse reads: 'And thou shalt offer thy burnt-offerings, the flesh and the blood', which excludes [everything else]. How [are the verses to be reconciled]? Thus if they[19] are still attached [to the limb], they may be offered up; if they are severed, even if they are on the top of the altar, they must come down. And the Rabbis? — They maintain that when they are still attached [to the limb] no verse is necessary to include them, for they are on the same footing as the head of a burnt-offering;[21] consequently the verse is only necessary to include them when severed. And Rabbi? — [He says,] as regards the permitted parts which are still attached [to the limb, I admit that]

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(1) For as soon as the embryo is formed it is consecrated by reason of the consecration of its dam whereas the prohibition of the sciatic nerve only comes into force later when the network of nerves is firmly knit together.

(2) Where the later prohibition is comprehensive in that it is binding upon a large class of people it can be superimposed upon an existing prohibition which is less comprehensive in its application.

(3) That the prohibition against eating the sciatic nerve is binding upon the sons of Noah. (V. infra 100b).

(4) Whereas R. Judah holds that only the nerve of one thigh (the right) is prohibited.

(5) V. n. 5. Inasmuch as the existing prohibition (sc. that of an unclean animal) is only punishable by stripes a further prohibition (sc. that of the sciatic nerve) can be superimposed.

(6) In certain circumstances e.g. if consecrated meat is eaten in a state of uncleanness. The penalty therefore being so severe, no further prohibitions can be superimposed.

(7) The prohibition of the sciatic nerve applies only to a firstling since this prohibition and the prohibition of consecrated things attach simultaneously, but it does not apply to other consecrated animals for they are consecrated even while a foetus in the womb, so that the prohibition of the sciatic nerve cannot be superimposed later.

(8) I.e., as soon as they are born, and not as was assumed previously in the embryonic state. The prohibition of the sciatic nerve, however, came into force earlier when it was a foetus in the womb.

(9) E.g., peace-offerings, and sin-offerings.

(10) I.e., burnt-offerings.

(11) R. Johanan meant that the prohibition applies in that he who eats it incurs stripes.

(12) R. Hiyya b. Joseph meant that the prohibition does not apply and it may be offered up upon the altar. R. Gershom interprets just the reverse: R. Hiyya b. Joseph teaches that he that eats it does not suffer stripes, and R. Johanan teaches that it may not be offered upon the altar.

(13) According to R. Hiyya b. Joseph the prohibition does not apply, that is, it need not be removed from the thigh before offering up the animal upon the altar.

(14) According to R. Johanan the prohibition applies, i.e., if the nerve was extracted it may not be offered separately upon the altar.

(15) Even together with the thigh. According to R. Hiyya b. Joseph this may be done, and according to R. Johanan it may not. In many MS.S. the reading in the text is: 'They disagree about the removal of it'; i.e., according to R. Hiyya b. Joseph it need not be removed, according to R. Johanan it must. It seems that before Rashi both texts were in the Gemara. V. D.S. a.l.

(16) Lev. I, 9.

(17) I.e., even if the nerves and bones were cut away from the flesh they must be offered separately upon the altar.

(18) Deut. XII, 27. The flesh and blood only shall be offered up but not nerves and bones.

(19) Sc. the nerves and bones.

(20) They may not be offered separately, and if offered up they must be taken down from the altar.

(21) The head of a burnt-offering had to be offered up whole upon the altar although it contains many bones; likewise every complete limb may be offered although it contains bones and nerves.

Talmud - Mas. Chullin 90b

no verse is necessary to include them, but a verse is necessary to include the [forbidden] sciatic nerve when still attached [to the thigh]. And the Rabbis? — [They say,] It is written: 'From the liquor of Israel',[1] that is, from that which is permitted to Israel. And Rabbi? — [He says,] It is on the same footing as the [forbidden] fat and blood.[2] And the Rabbis? — [They say,] These are on a different footing, since with regard to these there is an express command.[3]

R. Huna said: The sciatic nerve of a burnt-offering must be cut away [and thrown] on to the ash-heap.[4] Said to him R. Hisda: O master of this [teaching]! Is it written: 'Therefore the altar shall not consume'? It is written: Therefore the children of Israel do not eat.[5] And R. Huna? — [He maintains,] It is written: 'From the liquor of Israel', that is, from that which is permitted to Israel.

An objection was raised from the following: The sciatic nerve of a peace-offering[6] must be swept into the channel,[7] that of a burnt-offering must be offered up. Presumably this means, it must be offered up and burnt! — No, it means, it must be offered up and then cut away. But if he must cut it away why is it necessary to offer it up? Because it is written: Present it now unto thy governor.[8] There was taught a Baraitha which supports R. Huna, viz., The sciatic nerve of a peace-offering must be swept into the channel, and that of a burnt-offering must be cut away [and thrown] on to the ash-heap.

We have learnt there:[9] 'There was an ash-heap in the middle of the altar and sometimes there were on it about three hundred kor[10] [of ashes]'. Said Raba: It is an exaggeration. 'They gave [the lamb which was to be] the Daily Offering to drink from a cup of gold'.[11] Said Raba: It is an exaggeration. R. Ammi said: The Torah, the prophets, and the Sages sometimes spoke in exaggerated terms. The Sages spoke in exaggerated terms as in the cases we have just quoted. The Torah spoke in exaggerated terms as in the verse: The cities are great and fortified up to heaven.[12] The prophets spoke in exaggerated terms as in the verse: So that the earth rent with the sound of them.[13]

R. Isaac b. Nahmani said in the name of Samuel: In three places the Sages spoke in exaggerated terms, namely, about the ash-heap, the vine, and the curtain. About the ash-heap as we have quoted above. About the vine, we have learnt:[14] A golden vine stood at the entrance to the Temple trained over posts, and whosoever presented a leaf or a berry or a cluster[15] would bring it and hang it thereon. R. Eleazar b. R. Zadok said: It once happened that three hundred priests were appointed to clear it.[16] About the curtain we have learnt:[17] R. Simeon b. Gamaliel said in the name of R. Simeon the Deputy [High-priest]: The curtain was a handbreadth thick and was woven on seventy-two strands, and each strand consisted of twenty-four threads; 'its length was forty cubits and its breadth twenty cubits, and was made up out of eighty-two myriads [of threads].[18] They used to make two every year; and three hundred priests were required to immerse it.[19]

TO THE RIGHT AND LEFT HIP. Our Mishnah does not agree with R. Judah, for it was taught: R. Judah says: It only applies to one [hip], and reason decides in favour of the right [hip].[20] It was asked: Was R. Judah certain about it and by 'reason' he meant the reasoned interpretation of the Torah, or was he in doubt about it and by 'reason' he meant the probable meaning? — Come and hear: It was taught: The bones and nerves [of the Paschal lamb] and also [the flesh] that was left over must be burnt on the sixteenth day.[21] And we argued upon it as follows: What nerves are meant? If you say, the nerves in the flesh,[22] then why does he not eat them? And if they happened to be left over, then they came under the heading of [flesh] 'that was left over'? And if you say, the nerves of the throat, but surely since they are not like flesh he may throw them away.[23] And R. Hisda suggested: It can only refer to the sciatic nerve, and the Tanna adopts the view of R. Judah who said that it only applies to the one hip. Now if you say that he was in doubt about it,[24] it is well;[25] but if you say that he was certain about it,[24] then he should eat the permitted one and throw away the forbidden one! — R. Ika b. Hanina said: Indeed I maintain that he was certain about it, but here we

must suppose that they[26] were first distinguished but subsequently were mixed up.[27]

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(1) Ezek. XLV. 15; with reference to the drink-offering. The inference is that whatsoever is forbidden to Israel may not be offered upon the altar, hence under no circumstances can the forbidden sciatic nerve be offered upon the altar.
(2) Which though forbidden to an Israelite are offered upon the altar; so it is, too, with the forbidden nerve.
(3) For the essential part of the sacrifice is the offering of the fat and the blood upon the altar.
(4) Which was in the middle of the altar on to which the priest used to pile up the ashes of the burned sacrifices.
(5) Gen. XXXII, 33.
(6) It is obvious that the Tanna is referring to the nerve of such consecrated meat as was eaten within the Temple precincts; the peace-offering, however, could be eaten anywhere within the city of Jerusalem. Accordingly Rashi prefers to strike out, 'peace-offering' and substitute 'sin-offering or guilt-offering', for the meat of these could only be eaten by the priests within the Sanctuary. If 'peace-offering' is to be retained, Rashi and Tosaf. offer the suggestion that it refers to the eating by the priests either of their own peace-offerings or of the priestly dues of the 'breast and thigh' portions, and these the priests usually ate within the Sanctuary. MS.M. reads: 'Peace-offering or sin-offering or guilt-offering'.
(7) The water-channel which ran through the Temple courtyard; v. Mid. III, 2.
(8) Mal. I, 8. An expression generally used whenever it is considered improper to offer any particular thing upon the altar. A limb which has been cut up for the removal of the sciatic nerve does not present a fine appearance, and it is therefore suggested that the limb must first be brought up whole upon the altar and while on the altar the nerve must be removed from it.
(9) Tam. II, 2, 28b.
(10) A measure of capacity equal to 30 se'ah.
(11) Tam. III, 4, 30a.
(12) Deut. I, 28.
(13) I Kings I, 40.
(14) Mid. III, 8; 36a.
(15) I.e., gold in any of these shapes.
(16) Of the enormous amount of gold that had accumulated on the vine.
(17) Shek. VIII, 5; Tam. 29a and b.
(18) Var. lec. 'it was made by eighty-two maidens'; or 'the cost of it was eighty-two myriads of denars'.
(19) If it became unclean. The number three hundred, here as well as in the previous cases, is clearly an exaggeration.
(20) Tosef. Hul. VII; Pes. 83b.
(21) Of the month of Nisan; i.e., it must be burnt after the Festival and not on the Festival (cf. Shab. 24b).
(22) Which are tender like flesh.
(23) And it is not necessary to burn them.
(24) As to which hip contains the forbidden sciatic nerve.
(25) That both must be left over and both burnt because of the doubt, for one (sc. the permitted one) must certainly be burnt as nothar i.e., consecrated flesh kept longer than the period prescribed for its consumption.
(26) The sciatic nerves of the right and left hips.
(27) So that the doubt arose through their having been mixed up but not because R. Judah was in doubt which one was forbidden and which permitted.

Talmud - Mas. Chullin 91a

R. Ashi said: It can only refer to the fat thereof.[1] For it was taught: The fat thereof is permitted, but Israel being a holy people have treated it as forbidden.[2] Rabina said: It can only be explained according to the statement of Rab Judah in the name of Samuel. For Rab Judah said in the name of Samuel: It[3] consists of two nerves, the inner, next the bone is forbidden and one is liable[4] on account of it; the outer next to the flesh is forbidden but one is not liable on account of it.[5]

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 sciatic nerve] of the other [thigh],[6] he has incurred eighty stripes. R. Judah says: He has only incurred forty stripes. Now if you say that he was certain about it, then it is well;[7] but if

you say that he was in doubt about it, then the warning [with regard to each] was dubious, and we have heard that according to R. Judah a dubious warning is no warning. For it was taught: If he[8] struck one and then struck the other, or if he cursed one and then cursed the other, or if he struck them both simultaneously, or if he cursed them both simultaneously, he is liable [to the death penalty]. R. Judah says: If simultaneously he is liable; if one after the other, he is not liable![9] — This Tanna [who expressed the view of R. Judah] is in agreement with that other Tanna who declares, also in the name of R. Judah, that a dubious warning is a warning. For it was taught: And ye shall let nothing of it remain until the morning; [and that which remaineth of it until the morning ye shall burn with fire].[10] Scripture here came and provided a positive precept as a remedy for the [disregarded] prohibition to indicate that the prohibition is not punishable by stripes: so R. Judah.[11] R. Jacob says: This is not the reason for it, 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.

Come and hear! If a person ate two [sciatic] nerves from two thighs of two animals, he has incurred eighty stripes. R. Judah says: He has only incurred forty stripes. Now since it says: 'From two thighs of two animals' it is obvious that the prohibited one of each is intended;[12] and the case was necessary to be stated in order to set forth R. Judah's view;[13] it follows therefore that he was certain about it.[14] This stands proved. But if he [R. Judah] was certain about it why does he incur forty stripes and no more? Surely he should incur eighty! — We must suppose here that [in one alone] there was not as much as an olive's bulk. As it has been taught: If a person ate it and [the whole of] it was not as much as an olive's bulk, he is nevertheless liable [to stripes]. R. Judah says, [He is not liable] unless there is as much as an olive's bulk of it.

And what is the reason?[15] — Raba said: The verse says: The thigh,[16] this implies the right thigh. And the Rabbis? — [They would say,] That [verse indicates that the prohibited nerve] is the one that is spread over the whole of the thigh, [namely, the inner one] but not the outer one.[17] R. Joshua b. Levi said. [The reason[18] is this,] The verse says. As he wrestled with him,[19] [which suggests] as when a person locks another [in his arms] and his [right] hand reaches the hollow of that other's right thigh.[20]

R. Samuel b. Nahmani said: He appeared to him[21] as a heathen, and the Master has said: If an Israelite is joined by a heathen on the way he should let him walk on his right.[22] R. Samuel b. Aha said in the name of Raba b. Ulla in the presence of R. Papa: He appeared to him as one of the wise, and the Master has said: Whosoever walks at the right hand of his teacher is uncultured.[23] And the Rabbis? [They say,] He [the angel] came from behind and dislocated both [thighs]. And how do these Rabbis interpret the verse: 'As he wrestled with him'? — They interpret it as in the other statement of R. Joshua b. Levi. For R. Joshua b. Levi said, [This verse] teaches that they threw up the dust of their feet to the Throne of Glory, for it is written here, 'As he wrestled [behe'abko] with him' and it is written there. And, the clouds are the dust ['abak] of his feet.[24]

R. Joshua b. Levi also said: Why is it [the sciatic nerve] called gid ha-nasheh?[25] Because it slipped away [nashah] from its place and rose up; for so it is said: Their strength hath slipped away, they are become as women.[26]

R. Jose b. R. Hanina said: What is the meaning of the verse: The Lord sent a word unto Jacob and it hath lighted upon Israel?[27] 'The Lord sent a word unto Jacob', that is the [injury to his] sciatic nerve; 'and it hath lighted upon Israel', for the prohibition thereof has spread throughout Israel.

R. Jose b. R. Hanina also said: What is the meaning of the verse: And slaughter the animals and prepare the meat?[28] 'And slaughter the animals', that is, uncover for them the place that has been slaughtered;[29] 'and prepare the meat', that is, remove the sciatic nerve in their presence: this is in

accordance with the view that the sciatic nerve was prohibited to the sons of Noah.

And Jacob was left alone.[30] Said R. Eleazar: He remained behind for the sake of some small jars.[31] Hence [it is learnt] that to the righteous their money is dearer than their body; and why is this? Because they do not stretch out their hands to robbery.[32]

And there wrestled a man with him until the breaking of the day.[33] Said R. Isaac: Hence [it is learnt] that a scholar should not go out alone at night.[34] R. Abba b. Kahana said, [You can derive it] from the verse,

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(1) I.e., the fat around the sciatic nerve. In the Baraitha the term 'nerves' means this fat.

(2) Consequently it is left over from the Paschal lamb, but since by the law of the Torah it may be eaten it must therefore be burnt as nothar.

(3) Sc. the sciatic nerve.

(4) To stripes.

(5) The outer one therefore must be left over; yet it must also be burnt as nothar, since according to Biblical Law it is permitted.

(6) I.e., he was warned against eating the nerve of the right thigh and was also separately warned against eating the nerve of the left thigh of the same animal (v. supra 82b).

(7) He has incurred stripes for eating the nerve of the right thigh and the warning with regard to it was a warning against a certain prohibition.

(8) One in doubt as to which of two men is his father struck first one and then the other. V. supra 82b and notes thereon, p. 461.

(9) For the warning with regard to each one when taken separately is a dubious warning, which is no warning, hence he is not liable.

(10) Ex. XII. 10. V. supra p. 462.

(11) It is evident from this that R. Judah is of the opinion that a dubious warning — as here, for the offender can always render the warning futile by replying, 'I have yet time to eat' — is a proper warning, for the only reason here why the punishment of stripes is not inflicted is that the remedial measure provided by the Torah weakens the force of the prohibition.

(12) I.e., the right thigh of each animal, for otherwise it would have been sufficient to speak of the two thighs of the one animal.

(13) That even though both are prohibited, for each is the nerve of the right thigh, he has incurred only forty stripes and no more. V. infra.

(14) For if R. Judah were in doubt as to which was the prohibited thigh the punishment of stripes could not be inflicted at all.

(15) For R. Judah's view that only that of the right thigh is prohibited.

(16) Gen. XXXII, 33.

(17) V. supra, the statement of Rab Judah in the name of Samuel, p. 000.

(18) V. p. 509, n. 6.

(19) Gen. XXXII. 26.

(20) So it was with Jacob, and it was his right thigh only that was injured.

(21) The angel appeared to Jacob.

(22) A.Z. 25b. The Israelite should have his right hand nearest to the heathen so as to protect himself the more easily against a sudden attack from the heathen. So did Jacob act too; and the angel injured that thigh of Jacob which was nearest to him, i.e., the right thigh.

(23) Jacob regarding the angel as a scholar took his place at the left hand of the other and so was injured in his right thigh, the side nearest to the angel.

(24) Nahum I, 3.

(25) גיד הנשה.

(26) Jer. LI, 30. The verb used is נשתה from נשה, to slip away, to fail.

(27) Isa. IX, 7.

(28) Gen. XLIII. 16.

(29) To convince the sons of Jacob that the slaughtering was according to ritual.

(30) Ibid. XXXII, 25.

(31) He had already taken across that which he had (ibid. 24), but he must have returned for some small vessels.

(32) And whatever they acquire by their toil and honest dealing is therefore very dear to them.

(33) Ibid. XXXII. 25.

(34) For Jacob was in danger only during the night, but with the break of day the danger was past.

Talmud - Mas. Chullin 91b

Behold he winnoweth barley tonight in the threshing floor.[1] R. Abbahu said, [You can derive it] from the verse: And Abraham rose early in the morning, and saddled his ass.[2] The Rabbis say, [You can derive it] from the verse: Go now, see whether it is well with thy brethren, and well with the flock.[3] Rab says, [You can derive it] from the verse: And the sun rose upon him.[4]

R. Akiba said: I once asked R. Gamaliel and R. Joshua in the meatmarket of Emmaus where they had gone to buy a beast for the wedding feast of R. Gamaliel's son: It is written: And the sun rose upon him. Did the sun rise upon him only? Did it not rise upon the whole world? R. Isaac said: It means that the sun which had set for his sake now rose for him. For it is written: And Jacob went out from Beer-Sheba, and went toward Haran.[5] And it is further written: And he lighted upon the place.[6] When he reached Haran he said [to himself], 'Shall I have passed through the place where my fathers prayed and not have prayed too?' He immediately resolved to return, but no sooner had he thought of this than the earth contracted and he immediately lighted upon the place. After he prayed he wished to return [to where he was], but the Holy One, blessed be He said: 'This righteous man has come to my habitation; shall he depart without a night's rest?' Thereupon the sun set.

It is written: And he took of the stones of the place;[6] but it is also written: And he took the stone![7] — R. Isaac said: This tells us that all the stones gathered themselves together into one place and each one said: 'Upon me shall this righteous man rest his head'. Thereupon all [the stones], a Tanna taught, were merged into one.

And he dreamed, and behold a ladder set up on the earth.[8] A Tanna taught: What was the width of the ladder? Eight thousand parasangs. For it is written: And behold the angels of God ascending and descending on it.[8] At least two were ascending and two descending, and when they met each other [on the ladder] there were four; and of an angel it is written: His body was like the Tarshish,[9] and we have a tradition that the Tarshish is two thousand parasangs long.[10] A Tanna taught: They ascended to look at the image above[11] and descended to look at the image below. They wished to hurt him, when Behold, the Lord stood beside him.[12] R. Simeon b. Lakish said: Were it not expressly stated in the Scripture, we would not dare to say it. [God is made to appear] like a man who is fanning his son.[13]

The land whereon thou liest, [to thee will I give it, and to thy seed].[12] What is the greatness of this?[14] — Said R. Isaac: This teaches us that the Holy One, blessed be He, rolled up the whole of the land of Israel and put it under our father Jacob, [to indicate to him] that it would be very easily conquered by his descendants.[15]

And he said: Let me go, for the day breaketh.[16] [Jacob] said to him, 'Are you a thief or a rogue[17] that you are afraid of the morning?' He replied: 'I am an angel, and from the day that I was created my time to sing praises [to the Lord] had not come until now'. This[18] supports the statement of R. Hananel in the name of Rab. For R. Hananel said in the name of Rab: Three divisions of ministering angels sing praises [to the Lord] daily; one proclaims: Holy, the other proclaims: Holy, and the third proclaims: Holy is the Lord of hosts.[19] An objection was raised: Israel are dearer to the Holy One,

blessed be He, than the ministering angels, for Israel sing praises to the Lord every hour, whereas the ministering angels sing praises but once a day. (Others say: Once a week; and others say: Once a month; and others say: Once a year; and others say: Once in seven years; and others say: Once in a jubilee; and others say: Once in eternity.) And whereas Israel mention the name of God after two words, as it is said: Hear, Israel, the Lord[20] etc., the ministering angels only mention the name of God after three words, as it is written: Holy, holy, holy, the Lord of hosts.[19] Moreover, the ministering angels do not begin to sing praises in heaven until Israel have sung below on earth, for it is said: When the morning stars sang together, then all the sons of God shouted for joy![21] — It must be this: One [division of angels] says: Holy; the other says: Holy, holy; and the third says: Holy, holy, holy, the Lord of hosts. But is there not the praise of 'Blessed'?[22]

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(1) Ruth III, 2. Naomi was certain that Boaz would not leave the threshing floor that night, for since he was working late into the night he would not go out alone at night on his homeward journey.

(2) Gen. XXII, 3. Abraham did not set out at night even though in this case he was accompanied by Isaac and two young men.

(3) Ibid. XXXVII, 14. 'And see', i.e., at a time when one can see, namely, during the day.

(4) Ibid. XXXII, 32. Only then did Jacob go on his way but not earlier.

(5) Gen. XXVIII, 10.

(6) Ibid. 11.

(7) Ibid. 18. The contradiction is that one verse speaks of 'stones' in the plural, whereas the other speaks of 'the stone'.

(8) Ibid. 12.

(9) Dan. X, 6. תרשיש usually translated 'beryl' or some other precious stone. According to Rabbinic tradition it is the name of a sea which extends for two thousand parasangs (Persian miles). V. Jonah I, 3. Rashi (on Dan. ibid.) identifies it with the sea of Africa; probably the Mediterranean Sea.

(10) So that if four angels were to be at the same time on one rung of the ladder it would have to be eight thousand parasangs wide.

(11) V. Ezek. I, 10. Around the Throne of Glory was the likeness of four living creatures, one being the likeness of a man, and according to Rabbinic tradition the likeness of man was the image of Jacob.

(12) Gen. XXVIII. 13.

(13) To protect him from the heat of the sun; so God stood over Jacob to protect him from the envy of the angels.

(14) Of the promise to give Jacob the land on which he lay, which would be four cubits at most!

(15) As the four cubits of ground upon which he lay.

(16) Gen. XXXII, 27.

(17) קוביוסטום, a kidnapper (Rashi); a gambler (Tosaf.).

(18) That angels sing praises, or that they are limited to an allotted time for song (Tosaf.).

(19) Isa. VI, 3.

(20) Deut. VI, 4.

(21) Job XXXVIII, 7. The morning stars are Israel who are likened to the stars, and the sons of God are the angels. The objection therefore is: How then can it be said above that a division of ministering angels sing: Holy (is) the Lord of hosts, thus mentioning the name of God after one word?

(22) Blessed-be the-glory-of the-Lord Ezek. III, 12. In this song of praise by the angels the name of God is mentioned after two words.

— 'Blessed' is recited by the Ophanim.[1] Or you may say: Since permission has once been granted it is granted.[2]

Yea, he strove with an angel, and prevailed; he wept, and made supplication unto him.[3] I know not, who prevailed over whom. But when it says. For thou hast striven with God and with men and hast prevailed,[4] I know that Jacob became master over the angel. He wept and made supplication unto him![5] I know not who wept unto whom. But when it says: And he said: Let me go,[6] I know that the angel wept unto Jacob. 'For thou hast striven with God and with men': Said Rabbah: He intimated to him that two princes were destined to come from him: the Exilarch in Babylon and the Prince in the Land of Israel;[7] this was also an intimation to him of the exile.

And in the vine were three branches.[8] R. Hiyya b. Abba said in the name of Rab: These are the three men of excellence that come forth in Israel in every generation; sometimes two are here [in Babylon] and one is in the land of Israel, and sometimes two are in the land of Israel and one is here. And the Rabbis set their eyes upon Rabbana 'Ukba and Rabbana Nehemiah, the sons of Rab's daughter. Raba said: These are the three princes[9] of the nations who plead in Israel's favour in every generation.

It was taught: R. Eliezer says: The 'vine' is the world, the 'three branches' are [the patriarchs] Abraham, Isaac and Jacob; 'and as it was budding its blossoms shot forth',[10] these are the matriarchs; 'ad the clusters thereof brought forth ripe grapes',[10] these are the tribes. Thereupon R. Joshua said to him: Is a man shown [in a dream] what has happened? Surely he is only shown what is to happen! Therefore, I say: The 'vine' is the Torah, the 'three branches' are Moses, Aaron and Miriam; 'and as it was budding its blossoms shot forth', these are [the members of] the Sanhedrin;[11] 'and the clusters thereof brought forth ripe grapes', are the righteous people of every generation. R. Gamaliel said: We still stand in need of the Modiite, for he explains the verse as referring to one place.[12] For R. Eleazar the Modiite[13] says. The 'vine' is Jerusalem, the 'three branches' are the Temple, the King and the High priest; 'and as it was budding its blossoms shot forth', these are the young priests; 'and the clusters thereof brought forth ripe grapes', these are the drink-offerings. R. Joshua b. Levi interprets it in regard to the gifts [bestowed by God upon Israel]. For R. Joshua b. Levi said: The 'vine' is the Torah, the 'three branches' are the well, the pillar of smoke, and the manna;[14] 'and as it was budding its blossom,s shot forth', these are the first fruits;[15] 'and the clusters thereof brought forth ripe grapes', these are the drink-offerings.

R. Jeremiah b. Abba said: The 'vine' is Israel, for so it is written: Thou didst pluck up a vine out of Egypt.[16] The 'three branches' are the three Festivals on which Israel go up [to the Temple] every year. 'And as it was budding': the time Is come for Israel to be fruitful and to multiply, for so it is written: And the children of Israel were fruitful, and increased abundantly.[17] 'Its blossoms shot forth': the time is come for Israel to be redeemed. for so it is written: And their lifeblood is dashed against My garments, and I have stained all My raiment.[18] 'And the clusters thereof brought forth ripe grapes': the time is come for Egypt to drink the cup of staggering. And this is in accordance with what Raba had said: Why are three cups mentioned in connection with Egypt?[19] One [refers to the cup] which she drank in the days of Moses; the other to that which she drank in the days of Pharaoh-Necho;[20] and the third to that which she is destined to drink together with all the nations. R. Abba said to R. Jeremiah b. Abba: When Rab expounded [this verse] in an Aggadic lecture he expounded it as you have done.

R. Simeon b. Lakish said: This people [Israel] is like unto a vine: its branches are the aristocracy, its clusters the scholars, its leaves the common people, its twigs those in Israel that are void of learning. This is what was meant when word was sent from there [Palestine]. 'Let the clusters pray

for the leaves, for were it not for the leaves the clusters could not exist'.[21]

So I bought her [wa-ekreha] to me for fifteen pieces of silver [and a homer of barley, and a half-homer of barley].[22] Said R. Johanan in the name of R. Simeon b. Jehozadak: The word 'Kirah'[23] must mean 'buying',[24] for so it is written: In my grave which I bought [karithi] for me.[25] 'For fifteen': that is the fifteenth day of Nisan when Israel was redeemed out of Egypt. 'Pieces of silver': these are the righteous, for so it is written: He has taken the bag of silver with him.[26] 'And a homer of barley and a half-homer of barley:'[27] these are the forty-five righteous men on account of whom the world continues to exist. But I know not whether thirty of them are here [in Babylon] and fifteen in the land of Israel, or thirty in the land of Israel and fifteen here [in Babylon]; but when the verse says. And I took the thirty pieces of silver and cast them into the treasury, in the house of the Lord,[28] I know that thirty [righteous men] are in the land of Israel and fifteen here. Said Abaye: Most of them are to be found in the synagogue under the side chamber.[29] And I said to them: If ye think good, give me my hire; and if not, forbear. So they weighed out for my hire thirty pieces of silver.[30] Said Rab Judah: These are the thirty righteous men among the nations of the world[31] by whose virtue the nations of the world continue to exist. Ulla said: These are the thirty commandments[32] which the sons of Noah took upon themselves but they observe three of them, namely,

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(1) Not by the ministering angels but by the Ophanim, a higher rank of angels forming part of the Throne of Glory; cf. Ezek. I.

(2) I.e., once they have mentioned the name of God after three words they may thereafter mention it as often as it occurs, even when it occurs after two words or even after one word.

(3) Hosea XII, 5.

(4) Gen. XXXII, 29.

(5) Hosea XII, 5.

(6) Gen. XXXII, 27.

(7) The heads of Jewry in Babylon and Palestine, the latter being designated as 'Gods' for they were ordained as judges and leaders, the former as men.

(8) Ibid. XL, 10.

(9) Angels (Rashi).

(10) Gen XL, 10.

(11) The supreme council of Israel.

(12) I.e., to the various institutions in Jerusalem.

(13) Of Modiim, near Jerusalem, the ancient home of the Maccabean family.

(14) These gifts of water (cf. Num. XXI, 16ff), protection by clouds, and food were bestowed by God upon Israel during their wanderings in the wilderness because of the merits of Miriam, Aaron and Moses respectively.

(15) The reference is to the gift of a fertile land which yielded abundant fruits from which the first ripe fruits were offered.

(16) Ps. LXXX, 9.

(17) Ex. I, 7.

(18) Isa. LXIII, 3. The word נצה, 'its blossom' is interpreted as נצחם, 'their strength, lifeblood'.

(19) The word cup occurs three times in the one verse: Gen. XL, 11. For the cup as a symbol of calamity, cf. Isa. LI, 17: The cup of staggering.

(20) When Egypt was defeated by the Babylonians, cf. Jer. XLVI, 2, 13.

(21) Every class is essential to the well-being of the community.

(22) Hos. III. 2. The entire verse is here homiletically expounded, phrase by phrase. ואכרה from the root כרה, to buy.

(23) כירה the noun formed from the above root.

(24) Lit., 'selling, sale'; here it means a transaction by buying and selling.

(25) Gen. L, 5: כריתי also from the root כרה.

(26) Prov. VII, 20. V. Sanh. 96b where this verse is interpreted as referring to the righteous in Israel.

(27) A homer (in Talmud Kor) consisted of thirty se'ah; so that the verse speaks of thirty units (se'ah) plus fifteen units.

(28) Zech. XI, 13. Thus the thirty righteous are always to be found in the house of the Lord, sc. Palestine.
(29) I.e., most of the righteous men in Palestine. The reference is unknown.
(30) Ibid. 12.
(31) [MS.M. omits 'among the nations of the world'.]
(32) [These are comprised in the seven Noahide precepts. For reference v. Ronsberg Glosses.]

Talmud - Mas. Chullin 92b

(i) they do not draw up a kethubah document for males,[1] (ii) they do not weigh flesh of the dead in the market,[2] and (iii) they respect the Torah.

IT DOES NOT APPLY TO BIRDS, [BECAUSE THEY HAVE NO SPOON-SHAPED HIP]. But we see that they have it? — They have it indeed, but it is not convex.[3] R. Jeremiah raised the question. What if a bird happened to have it convex, or if an animal happened to have it [flat and] not convex? Do we consider the particular creature by itself, or do we consider the class to which it belongs? — It is undecided.

IT ALSO APPLIES TO A FOETUS. Samuel said: The ruling: ITS FAT IS PERMITTED, is agreed to by all. What fat? Should you say, that of a foetus, but this is a matter of dispute. For it has been taught:[4] It[5] applies to a foetus, and its[6] fat is forbidden: so R. Meir. R. Judah says: It does not apply to a foetus, and its[6] fat is permitted. And R. Eleazar said in the name of R. Oshaia: They differ in the case of a nine months' fetus which was [extracted] alive [from its dam's womb]; R. Meir therefore ruling according to his principle[7] and R. Judah according to his.[8] And should you say, the fat of the nerve, but there too there is a dispute about it. For it has been taught: As to the sciatic nerve, one must follow it up as far as it goes and must cut away the fat thereof at its source;[9] so R. Meir. R. Judah says: One merely cuts it away from off the cap of the bone![10] — In truth, it refers to the fat of the nerve; Samuel however agrees that according to R. Meir it is forbidden by Rabbinic decree. For it has been taught: Its fat is permitted, but Israel being a holy people have regarded it as forbidden.[11] And presumably the author [of this Baraitha] is R. Meir who maintains that by the law of the Torah it is permitted but is forbidden by Rabbinic decree! But whence this? Perhaps it is R. Judah, but according to R. Meir it is forbidden even by the law of the Torah! — You cannot think of this; for it has been taught: As to the sciatic nerve, one must follow it up as far as it goes, and its fat is permitted. Now whom have you heard say that it is necessary to 'follow it up?' R. Meir; and here it expressly says, its fat is permitted.[12]

R. Isaac b. Samuel b. Martha said in the name of Rab: The Torah forbade only the branch nerves of it.[13] Ulla said, [Although] it is like wood the Torah makes one liable for it.[14] Abaye said: The view of Ulla is the more probable, for R. Shesheth said in the name of R. Assi. The veins in fat are forbidden but one is not liable [to the penalty of Kareth] on account of them. It is evident therefore that the Divine Law forbade the fat but not the veins, likewise the Divine Law forbade the nerve but not the branch nerves.

[To turn to] the main text. 'R. Shesheth said in the name of R. Assi: The veins in fat are forbidden but one is not liable on account of them'. The veins in the kidney are forbidden but one is not liable on account of them. As to the white substance of the kidney[15] there is a difference of opinion between Rabbi and R. Hiyya, one forbids it and the other permits it . Rabbah used to scrape it all away.[16] R. Johanan also used to scrape it all away. R. Assi used to cut away only the surface thereof.[17] Abaye said: The view of R. Assi is the more probable, for R. Abba said in the name of Rab Judah on the authority of Samuel,

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(1) Although they are suspected of indecent practices and sodomy they do not go to that length of writing a 'marriage' deed for the purpose. כתובה here means a marriage deed; for specific meanings v. Introduction to Keth., Sonc. ed., p.

XI, n. 1.
(2) Although they eat human flesh they do not sell it openly in the market. Rashi also suggests: They do not sell the flesh of an animal that had not been slain but had died a natural death.
(3) The muscles around the upper part of the hip bone of a bird are flat and not rounded and raised like a ball. V. supra p. 500, n. 2.
(4) V. supra 74b; Tosef. Hul. VII.
(5) Sc. the prohibition of the sciatic nerve.
(6) Sc. of a foetus.
(7) R. Meir holds that a nine months' foetus which was extracted alive out of the womb is not rendered permitted by the slaughtering of its dam but must be slaughtered itself and is in every respect like an ordinary animal, hence its fat is forbidden and also the sciatic nerve.
(8) R. Judah maintains that this foetus is permitted by the slaughtering of its dam, and the whole of it may be eaten, the fat as well as the sciatic nerve.
(9) Wherever the fat is found, in all its ramifications.
(10) I.e., only that fat which is in close proximity to the nerve must be cut away, and this only for appearance sake, since strictly the whole of the fat is permitted.
(11) Pes. 83b and supra 91a.
(12) Accordingly R. Meir's view is that strictly by the law of the Torah it is permitted, but it is only forbidden by Rabbinic decree. This then was the purport of Samuel's teaching.
(13) Only the nerves that branch off the main sciatic nerve are prohibited, for these are tender and could impart a flavour into the substance that is cooked with it, but the actual sciatic nerve is hard like wood and is not forbidden.
(14) But the branch nerves are permitted. As to whether or not they are prohibited Rabbinically v. Tosaf. s.v. כוותיה.
(15) Which is in the middle of the kidney but goes deep into the actual kidney.
(16) Even that which is deep in the kidney.
(17) I.e., only that portion which is in the middle of the kidney but not that which is covered up by the kidney.

Talmud - Mas. Chullin 93a

Fat that is covered with flesh is permitted. It is evident therefore that the Divine Law spoke of that which is 'upon the loins'[1] and not of that which is in the loins; likewise here, the Divine Law spoke of that which is 'above the kidneys'[1] and not of that which is in the kidneys.

[To revert to] the above text. 'R. Abba said in the name of Rab Judah on the authority of Samuel: Fat that is covered with flesh is permitted'. But this cannot be, for has not R. Abba also said in the name of Rab Judah on the authority of Samuel that the fat which is under the loins is forbidden?[2] Abaye answered: An animal whilst alive has its limbs dislocated.[3] Even as R. Johanan said: 'I am no butcher nor the son of a butcher, but I remember this statement that was generally quoted in the Beth-Hamidrash, "An animal whilst alive has its limbs dislocated"'.

R. Abba said in the name of Rab Judah who said it in the name of Samuel: The fat which is upon the omasum and reticulum is forbidden and one is liable to the penalty of Kareth on account of it; this is the fat that is 'upon the in wards'.[4]

R. Abba further said in the name of Rab Judah who said it in the name of Samuel: The fat which is upon the innominate bone[5] is forbidden and one is liable to the penalty of Kareth on account of it; this is the 'fat which is upon the loins'.

R. Abba also said in the name of Rab Judah who said it in the name of Samuel: The small veins in the fore-limb are forbidden. Said R. Safra: You Moses![6] Does the Divine Law forbid the eating of meat? — Raba replied: You Moses! Does the Divine Law allow the eating of blood? But if it [the fore-limb] was cut and salted it may even [be cooked] in a pot.[7]

Rab Judah said in the name of Samuel: [The fat upon] the first cubit of the intestines must be scraped away; this is the fat upon the intestines.[8] Rab Judah said: The veins[9] in the rump are forbidden.

There are five veins[9] in the loins, three on the right side and two on the left. Each one of the three veins branches into two, and each one of the two veins branches into three. The practical importance of this is that if one removes then, while the flesh is still warm they will slip out easily, otherwise one must follow them up [to this number].

Abaye (others say: Rab Judah) said: There are five[10] veins, three are forbidden on account of fat and two on account of blood. The veins in the spleen, in the loins and in the kidneys are forbidden on account of fat; those in the fore-limb and in the cheeks on account of blood.[11] What is the practical difference here? — Those forbidden on account of blood, if cut up and salted may be eaten; but the others have no remedy at all.

R. Kahana (others say: Rab Judah) said: There are five membranes, three are forbidden on account of fat, and two on account of blood; that of the spleen, the loins, and the kidneys is forbidden on account of fat; that of the testicles and of the brain on account of blood.

R. Judah b. Oshaia was once scraping [the fat from] the spleen for Levi the son of R. Huna b. Hiyya, and was cutting away [the fat] only at the upper end,[12] whereupon the latter said to him, 'Go lower down too'. When his father came and found him doing this, he said: Thus said your mother's father (that is, R. Jeremiah b. Abba) in the name of Rab: The Torah forbade only [the fat] at the top.[13] But this surely cannot be, for R. Hamnuna reported that a Tanna taught: The membrane which is upon the spleen is forbidden but one is not liable on account of it. Now what can this mean? If it means, [the fat] which is at the top, then why is one not liable on account of it? It must therefore mean the fat over the whole [of the spleen]! — He replied: If it was so taught then it was taught.[14]

[To revert to] the main text. 'R. Hamnuna reported, that a Tanna taught: The membrane which is upon the spleen is forbidden but one is not liable on account of it'. The membrane which is upon the kidney is forbidden but one is not liable on account of it. But it has been taught: One is liable on account of it![15] — With regard to the spleen there is no contradiction because the latter ruling refers to the fat which is at the top and the former to that which is not at the top. And with regard to the kidney there is no contradiction because the latter ruling refers to the upper membrane[16] and the former to the lower membrane.

As to crushed[17] testicles [there is a dispute between] R. Ammi and R. Assi, one forbids them and the other permits them. He who forbids them [argues thus]:

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(1) In connection with sacrifices, e.g., Lev. III, 4. The prohibition of fat applies only to such fat as was burnt in a sacrifice on the altar.

(2) Although this fat is covered by the loins.

(3) When the animal is in motion its limbs and muscles slip away from their normal positions and are temporarily dislocated. Consequently the fat under the loins is not always covered with flesh, and it is therefore forbidden.

(4) Referred to frequently in Scripture in connection with sacrifices, e.g., Lev. III, 3.

(5) I.e., the hip-bone. According to Rashi the text refers to the sacrum. V. Katzenelsohn, p. 269, n. 2.

(6) A title of honour; or a form of oath, 'By Moses'! Cf. Bezah 38b.

(7) The veins in the fore-limb are forbidden only on account of the blood contained in them; if therefore the meat was cut up and the veins cut too, it is permitted for all purposes.

(8) About which there was a dispute between R. Akiba and R. Ishmael, v. supra 49b.

(9) These 'veins' or stringy fibers are forbidden as fat and are included in the prohibition of fat.

(10) I.e., there are five places where the veins are prohibited, either because of fat or of blood.

(11) The arteries of the neck, i.e., the carotid arteries, are certainly forbidden because of their blood; here however only the minor veins are reckoned.

(12) At the thick part, i.e., the area of attachment to the rumen.

(13) Lit., 'on the breast'; i.e., the membrane which lies over the thick part of the spleen.

(14) But I shall not alter my opinion on account of it. V. Rashi Nid. 23b s.v. אי תניא תניא.

(15) Both with regard to the spleen and the kidney.

(16) This is absolutely forbidden and entails the penalty of kareth.

(17) According to others, the testicles had been torn away and were lying loose in the scrotum.

Talmud - Mas. Chullin 93b

since they will never recover, they are to be considered as a limb torn loose from the living animal. And he who permits them [argues thus]: since they do not rot there is obviously vitality in them. And the former? — He maintains that they do not rot only because the outside air does not penetrate into them. And the latter? — He maintains that they do not recover only because emaciation has set in. R. Johanan said to R. Shaman b. Abba: Crushed testicles are permitted, but you must not eat them for it is written: Forsake not the teaching of thy mother.[1]

Mar son of R. Ashi said: The testicles of a kid[2] that is not yet thirty days old, are permitted without having to peel off the membrane; thereafter, if they contain semen they are forbidden,[3] if they do not contain semen they are permitted. How does one know this? — If there are red streaks [in the membrane], they are forbidden;[4] I if there are no red streaks, they are permitted.

As to [dark red] meat, testicles, and the arteries [of the neck], there is a dispute between R. Aha and Rabina. (In any law of the Torah [whenever there is a dispute between them], Rabina always adopts the lenient view and R. Aha the strict view, and the law is always in accordance with Rabina's view thus tending towards leniency; excepting in these three cases, where R. Aha adopts the lenient view and Rabina the strict view, and, the law is in accordance with R. Aha's view and thus tending towards leniency.) As to dark red meat[5] if it was cut up and salted, it is even permitted [to be cooked] in a pot; if it was thrust on a spit [and held over the fire], the blood would easily flow out; if it was placed on the coals, in this there is a dispute between R. Aha and Rabina: one says that they [the coals] would draw out the blood, and the other says that they would cause [the meat] to contract.[6] The same rules apply to the testicles, and also to the arteries [of the neck].

If a head was put on hot ashes[7] and it was made to stand up upon the open cut of the neck, the blood would then flow out and it is permitted; if it was placed upon its side, the blood would become clotted and it is forbidden; if it was made to stand up upon its nostrils and something was thrust into them,[8] it is permitted; otherwise it is forbidden. Some there are who say, [If it was made to stand up] upon its nostrils or upon the cut of the neck, the blood would flow out; if it was placed upon its side and it was pierced with something it is permitted, otherwise it is forbidden.

[To revert to] the above text:[9] Rab Judah said in the name of Samuel, 'It[10] consists of two nerves, the inner,[11] next to the bone, is forbidden, and one is liable on account of it, the outer,[11] next to the flesh, is forbidden, but one is not liable on account of it'. But it was taught that the inner is nearer the flesh! — R. Aha explained in the name of R. Kahana, [That is so further on] where it is embedded in the flesh. But it was taught that the outer is nearer the bone! — Rab Judah answered: That is so only [at the part] where the butchers cut it open.[12]

It was stated: If a butcher was found to have overlooked forbidden fat, even only as much as a barley grain, says Rab Judah, [he is punishable]. R. Johanan says, [Only if he overlooked] as much as an olive's bulk. R. Papa said: They do not disagree, for here it is a question of punishing him with stripes,[13] and there of removing him.[14] Mar Zutra said, [If there was found] as much as a barley grain

in one place or as much as an olive's bulk scattered in two or three places [he is punishable].[15] The law is: in order to punish him with stripes [he must have overlooked] as much as an olive's bulk, and in order to remove him even if [he overlooked] only as much as a barley grain.[16]

BUTCHERS ARE NOT TRUSTWORTHY etc. R. Hiyya b. Abba said in the name of R. Johanan. Later they held that they were to be trusted.[17] R. Nahman exclaimed: Have the generations become more virtuous? — At first they [the Sages] held the view of R. Meir[18] and so they were not to be trusted, but later they held the view of R. Judah.[19]

Others report this with reference to the last clause, THE SAGES SAY, THEY ARE TRUSTWORTHY WITH REGARD TO IT AS WELL AS WITH REGARD TO THE [FORBIDDEN] FAT. R. Hiyya b. Abba said in the name of R. Johanan: Later they held that they were not to be trusted. R. Nahman said: Today they are to be trusted. Have the generations then become more virtuous? — At first they [the Sages] held the view of R. Judah, and later they held the view of R. Meir; and as long as people still remembered the view of R. Judah, they were not to be trusted, but now that R. Judah's view has been forgotten they are to be trusted.

AS WELL AS WITH REGARD TO THE [FORBIDDEN] FAT. But who has mentioned the forbidden fat at all? — This is what he [R. Meir] said: They are not trustworthy with regard to it nor with regard to the forbidden fat. But the Sages say: They are trustworthy with regard to it as well as with regard to the forbidden fat.[20]

MISHNAH. ONE MAY SEND TO A GENTILE A THIGH IN WHICH THERE IS YET THE SCIATIC NERVE, BECAUSE ITS PLACE IS KNOWN.[21]

GEMARA. Only a whole thigh one may [send] but not if it was cut up.[22] But what are the circumstances? If we are speaking of a place where they do not proclaim it,[23]

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(1) Prov. I, 8. R. Shaman came from Babylon where the rule was not to eat them because of the difference of opinion between R. Ammi and R. Assi.

(2) Or any other young animal.

(3) If the membrane has not been removed because of the blood it contains.

(4) V. p. 522, n. 7.

(5) Caused by a blow which the animal received while alive and the blood was congested in this spot; v. Marginal note. [Aliter: meat pickled in vinegar.]

(6) So that the blood would not flow out and it is therefore forbidden.

(7) In order to remove the hair the more easily.

(8) To keep clear the passage in the nostrils so as to allow the blood to run out freely.

(9) Inserted by Bah. V. Supra 91a.

(10) Sc. the sciatic nerve.

(11) The great sciatic nerve is derived from the lumbosacral plexus and as it emerges from the pelvis it descends first behind the hip joint and then behind the femur in the thigh. It gives off branches to the muscles behind the femur, but its longest branch is the common peroneal. The ‘inner’ is probably the great sciatic nerve, and the ‘outer’ the common peroneal.

(12) When they are about to ‘porge’ the meat. There the outer nerve is near to the bone.

(13) In that case he must have overlooked at least an olive's bulk of fat. In addition to stripes he is barred from trading as a butcher (R. Nissim). ‘Stripes’ here is not that ordained by the Torah but corporal punishment inflicted for disobeying a Rabbinic law, i.e., Makkath Marduth, stripes for rebellion. (cf. Yoreh Deah, LXIV, 21).

(14) From trading as a butcher. This is so even though he only overlooked as much as a barley grain of fat.

(15) It is not clear what is to be his punishment, removal from his trade or stripes. V. however Rashal. a.l.

(16) [He is however reinstated on undertaking never to repeat the offence. V. דברי חמודות on Asheri a.l.]

(17) With regard to the sciatic nerve (Tosaf.).

(18) That the sciatic nerve must be removed with all its roots; and as this entailed much trouble the butchers were not be trusted for it.
(19) That only the upper surface of the nerve must be removed; for this all butchers were trustworthy.
(20) This paragraph is not found in MS.M.
(21) We need not apprehend lest another Jew, seeing the gentile receiving the thigh from this Jew, will assume that the nerve had been removed and will buy it from the gentile, because it can easily be seen whether the nerve has been removed or not.
(22) I.e., a portion of the thigh. This is the inference from our Mishnah which states A THIGH, implying a whole thigh.
(23) Sc. that an animal was found to be trefah. This is the custom where all the butchers are Jews. Where the practice of announcing it is not in vogue, there Jews are not allowed to buy meat from gentiles under any circumstances, for the Jewish butchers may have disposed of the trefah animal to a gentile and did not trouble to make this fact known.

Talmud - Mas. Chullin 94a

then one should be allowed to send it even though it was cut up, for no [Jew] would buy it from him. And if we are speaking of a place where they do proclaim it,[1] then one should not be allowed to send even an entire thigh,[2] for he [the gentile] will cut it up and sell it! — If you wish I can say that it is a place where they do proclaim it, and if you wish I can say that it is a place where they do not proclaim it. If you wish, I can say that it is a place where they do proclaim it , [and yet there is nothing to fear] because the cutting up [of the thigh] by a gentile is recognizable.[3] 'And if you wish, I can say that it is a place where they do not proclaim it', [and yet it is forbidden to send a portion] lest he should give it to the gentile in the presence of another Israelite.[4] Alternatively, I can say, [it is forbidden] because he thereby deceives him,[5] and Samuel holds that it is forbidden to deceive people even gentiles.

This view of Samuel was not expressly stated but was inferred from the following incident. Samuel was once crossing on a ferryboat and he said to his attendant, 'Reward the ferryman'. He rewarded him, but [Samuel] became angry. Why was he angry? — Abaye said: Because he [the attendant] had a trefah hen and he gave it to the ferryman representing it as one that was ritually slaughtered. Raba said: Because he [Samuel] told him to give him [the gentile] anpaka[6] to drink, and he gave him mixed wine to drink.[7] And what if it was only inferred? — Because according to him who says that he gave him a trefah hen, it can be said [that Samuel was angry with his attendant] for keeping with him [a forbidden thing].[8] And according to him who says that he told him to give him anpaka, it can be said [that Samuel was angry] because anpaka really means unmixed wine.[9]

It was taught: R. Meir used to say: A man should not urge his friend to dine with him when he knows that his friend will not do so.[10] And he should not offer him many gifts when he knows that his friend will not accept them. And he should not open [for a guest] casks of wine which are to be sold by the shopkeeper,[11] unless he informs [the guest] of it. And he should not invite him to anoint himself with oil[12] if the jar is empty. If, however, the purpose is to show the guest great respect, it is permitted. But surely this cannot be right. For Ulla once came to Rab Judah's house and the latter opened up for him casks that were later to be sold by the shopkeeper! — He must have informed him of this fact. Or if you wish, I can say that the case of Ulla is different, for he was so dear to Rab Judah that he would have opened for him even those that were not [to be sold by the shopkeeper].

Our Rabbis taught: A man should not go to the house of a mourner[13] with a bottle in which the wine shakes about;[14] neither should he fill it with water because he thereby deceives him. If, however, there is a large assembly[15] present, it is permitted.

Our Rabbis taught: A man should not sell to his neighbour shoes made of the hide of an animal which died, [representing them] as made of the hide of a living animal which was slaughtered, for two reasons: first, because he is deceiving him, and secondly, because of the danger.[16] A man should

not send to his neighbour a barrel of wine with oil floating at the mouth of it.[17] It once happened that a man sent his friend a barrel of wine, and there was oil floating at the mouth of the barrel. He went and invited some guests to partake of it. When they came and he found that it was only wine he went and hanged himself.[18] The guests may not give from what is set before them to the son or daughter of the host, unless they have the host's permission to, do so. It once happened that a man in a time of scarcity invited three guests to his house and he only had three eggs[19] to set before them. When the child of the host entered, one of the guests took his portion and gave it to him, the second guest did likewise, and so did the third. When the father of the child came and saw him stuffing one [egg] in his mouth and holding two in his hands, he [in rage] knocked him to the ground so that he died. When the child's mother saw this she went up to the roof and threw herself down and died. He too went up to the roof and threw himself down and died. R. Eliezer b. Jacob said: Because of this three souls in Israel perished. What does he [R. Eliezer b. Jacob] tell us? — It means that the whole story was related by R. Eliezer b. Jacob.

Our Rabbis taught: If a man sends to his friend a whole thigh he need not remove beforehand the sciatic nerve; if [he sends it] cut up he must remove beforehand the sciatic nerve. To a gentile, however, whether he sends it cut up or whole, he need not remove beforehand the sciatic nerve. And for two reasons they said, a man should not sell to a gentile animals that have become nebelah or trefah:[20] first because he is deceiving him,[21] and secondly because he in turn might sell it to another Israelite. A man should not say to a gentile. 'Buy for me meat with this denar', for two reasons:

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(1) So that on any day when no proclamation about trefah has been made Jews may buy meat without hesitation from gentiles.

(2) Unless the nerve had been removed beforehand, for the gentile might cut it up in portions and sell it to Jews, and when cut up it is no longer easy to ascertain whether the nerve has been removed or not.

(3) A whole thigh, therefore, may be sent but not a portion of one.

(4) Although in this place it is not the practice for Jews to buy meat from gentiles, in this particular case where the Jew sees the gentile receiving the meat, even if only a portion, from his fellow Jew, he might buy it and assume that the nerve had been removed.

(5) Lit., 'steals his mind', i.e., creates a false impression upon him. The gentile would be delighted in the thought that his Jewish friend is sending him meat fit for his own table, and would be the more grateful to him, whereas in reality the meat sent was not fit for his own table as the nerve had not been removed therefrom, and so the gratitude of the gentile will have been falsely earned.

(6) **אנפקא**, a form of the word **אנבג** (v. Jast. s.v.), strictly, a small cup the capacity of one fourth of a log, cf. B.B. 58b. A popular term also for strong, unmixed wine.

(7) And the gentile thought it was unmixed wine.

(8) And not because he deceived the gentile.

(9) And by giving mixed wine he disregarded the orders of Samuel. Hence his anger.

(10) He is merely gaining the gratitude of his friend through something which he had no intention of doing. This is the reason in all the cases mentioned.

(11) It was not unusual for a private person when about to open a barrel of wine for his table to make arrangements with a shopkeeper to dispose of that which is left after the meal; a necessary arrangement, for once the barrel has been opened the wine will in a very short time turn sour. To open up a barrel of wine for a guest without informing him of the arrangement with the shopkeeper is taking credit for something one has not merited.

(12) Knowing full well that his friend will not do so.

(13) It was the custom to drink wine at the house of a mourner, and over each cup of wine certain Benedictions and appropriate words of consolation to the mourners were recited; v. Keth. 8b. The visitors would come bringing with them bottles of wine; and one must not deceive people by coming with a bottle filled with water or only half-filled with wine.

(14) I.e., it contains only a little wine and therefore shakes about in the bottle.

(15) **חבר עיר** Lit., 'an assembly of the city'. If this man also wishes to show his respect to the mourners among the large gathering of people and he cannot afford to bring wine he may adopt this deception, for the motive justifies the means. [Aliter: a town scholar, vocalizing **חבר**; i.e., if there is a scholar among the visitors and the man wishes to show

his respect to the scholar present, cf. Meg. (Sonc. ed.) p. 164, n. 1.]

(16) As the animal may have died through the bit of a serpent and the hide of the animal may thereby have become contaminated.

(17) Leading him to believe that the whole barrel contains oil.

(18) Because of shame, for he had nothing else prepared to set before his guests.

(19) So Bah. Cur. edd. as (the size of) three eggs.

(20) Without informing him of this fact.

(21) For a gentile when buying meat of a Jew believes that he is buying the meat of an animal that has been ritually slaughtered, and it is forbidden to take advantage of his ignorance and to pass on to him trefah meat.

Talmud - Mas. Chullin 94b

first because of the violent ones among them,[1] and secondly because they might sell him meat of a nebelah or trefah animal.

The Master said: 'To a gentile, however, whether [he sends it] cut up or whole, he need not remove beforehand the sciatic nerve'. But what are the circumstances? If we are dealing with a place where they do proclaim it,[2] then in the case where it has been cut up why [do you say,] he need not remove beforehand the sciatic nerve? [Is it not to be feared that,] since no proclamation was made, people will buy from him? Obviously then we are dealing with a place where they do not proclaim it. Consider now the middle clause which reads: 'For two reasons, they said, a man should not sell to a gentile animals that have become nebelah or trefah: first because he is deceiving him, and secondly because he in turn might sell it to another Israelite'. If, as you say, we are dealing with a place where they do not proclaim it, then surely no one would buy from him. Obviously then we are dealing with the place where they do proclaim it.[3] Consider now the final clause which reads: 'A man should not say to a gentile. "Buy for me meat with this denar", for two reasons: first because of the violent ones among them, and secondly because they might sell him meat of a nebelah or trefah animal'. Now if, as you say, it is a place where they do proclaim it, then surely if there happened a trefah it would have been proclaimed.[4] Obviously then we are dealing with the place where they do not proclaim it; so that the position is: The first and last clauses deal with a place where they do not proclaim it, whilst the middle clause deals with a place where they do proclaim it! — Abaye answered: It is so. The first and last clauses deal with a place where they do not proclaim it, but the middle clause deals with a place where they do proclaim it. Raba answered: The whole [Baraitha] deals with a place where they do proclaim it; and in the first and last clauses the case was that a proclamation had been made [this day],[5] but in the middle clause the case was that no proclamation had been made.[6] R. Ashi answered: The whole [Baraitha] deals with a place where they do not proclaim it;[7] but the ruling in the middle clause[8] is merely a precautionary measure lest he sell it to the gentile in the presence of another Israelite.[9] What is the form of the proclamation? — R. Isaac b. Joseph said: 'Meat has fallen into our hands for the army'.[10] And why not proclaim, 'Trefah meat has fallen into our hands for the army'? — They would not then buy it. Are we not then deceiving them? — No. They are deceiving themselves.[11] As in the following incident. Mar Zutra the son of R. Nahman was once going from Sikara[12] to Mahuza, while Raba and R. Safra were going to Sikara; and they met on the way. Believing that they had come to meet him he said: 'Why did the Rabbis take this trouble to come so far [to meet me]?' R. Safra replied: 'We did not know that the Master was coming; had we known of it we should have put ourselves out more than this'. Raba said to him, 'Why did you tell him this; you have now upset him'? He replied: 'But we would be deceiving him otherwise'. 'No. He would be deceiving himself'.[13]

A butcher once said to his fellow,

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(1) Who would keep the denar for themselves and at the same time force the butcher to supply them with meat to the value of a denar without payment.

(2) That this day a trefah animal was supplied to the gentile. On that day Jews would refrain from buying meat from the gentile. For the form of the proclamation v. infra.
(3) But for some unaccountable reason no proclamation was made on this day, so that there is the danger of Jews buying trefah meat from the gentiles without being aware of the fact.
(4) Since there was no proclamation on this day then the Jew should have no hesitation in sending the gentile to buy meat for him.
(5) So that all know that this day the gentile has been supplied with trefah meat.
(6) Although such a proclamation should have been made.
(7) So that generally Jews would not buy meat from gentiles for they are supplied with trefah meat and no announcement is made of this fact.
(8) Sc. that it is forbidden to sell to a gentile nebelah or trefah.
(9) Who, on seeing the gentile receiving it from the Jew and not knowing that it is trefah, would permit himself to buy it from the gentile. In the first clause, however, we do not apprehend this, for there it refers to a private transaction, where a Jew sends a thigh to the gentile, and it is not likely that any other Jew would know of this; hence there is no reasonable ground for imposing a precautionary measure. On the other hand, the Tanna of our Mishnah does feel the necessity for such a measure. V. Rashi.
(10) Sc. the gentiles. In towns where Jews mainly settled, it was not unusual to find that the only gentiles in the town were the soldiers of the army who were stationed there.
(11) For they do not take the trouble to enquire whether the meat is trefah or not.
(12) Near Mahuza.
(13) Thinking that they had specially come to meet him.

Talmud - Mas. Chullin 95a

'If only you had been on good terms with me, I would have given you a portion of the fatted ox which I had prepared yesterday!' He replied: 'I did eat of the choicest meat'. 'Where did you get it?' asked the other. 'That gentile who bought [the animal from you] gave me a portion', he replied. Said the other, 'I did indeed prepare two, but that one became trefah'. Said Rabbi, Are we to prohibit all the meat stalls [today] because of that fool who acted improperly?[1] Rabbi here is consistent with his principle, for he said: Where the meat stalls [kept by gentiles are supplied with meat by] Israelite butchers, any meat found in the possession of the gentile[2] is permitted. Some there are who give this version: Rabbi said: 'Are we to prohibit all the meat stalls because of that fool who wanted to annoy his fellow'?[3] Now the only reason is because he wanted to annoy his fellow, but where there was no such intention [all the meat stalls would be] forbidden. Surely it was taught: Rabbi says: Where the meat stalls [kept by gentiles are supplied with meat by] Israelite butchers, any meat found in the possession of the gentile is permitted! — Here it is different, for the forbidden meat is clearly established.[4]

Rab said: Meat which had disappeared from sight[5] is forbidden.[6] An objection was raised. Rabbi says: Where the meat stalls [kept by gentiles are supplied with meat by] Israelite butchers, any meat found in the possession of the gentile is permitted![7] — It is different where it is found in the possession of the gentile.[8]

Come and hear: If there were nine meat shops, all of them selling ritually slaughtered meat and one shop selling carrion, and a man bought meat from one of them but he does not know from which of them he bought, it is forbidden because of the doubt;[9] but if meat was found,[10] one goes after the majority.[11] — Here too [we must suppose] that it was found in the hand of a gentile.

Come and hear: We have learnt: If one found[10] [raw] meat in the city one must determine [the meat] according to the majority of butchers; if it was cooked meat one must determine it according to the majority of the people that eat meat.[12] And should you say that here too [we must suppose] that it was found in the hand of a gentile, [then why is it said.] 'If it was cooked one must determine

it according to the majority of the people that eat meat'? Let us see whether the gentile has it in his possession or the Israelite![13] — Here we must suppose that he [the finder] was standing by and kept his eye on it all the time.[14]

Come and hear: [We have learnt:] If meat was found within the borders,[15] if it was an entire limb it is deemed to be nebelah,[16] but if it was a cut [from a limb] it is permitted.[17] And should you say that here too we must suppose that he [the finder] stood by keeping his eye on it all the time, then why is it deemed to be nebelah in the case of an entire limb?[18] — Is not this intended [as an objection] against Rab's teaching? But with regard to it there has been reported: Rab said: It is permitted only in so far as it is not deemed to be nebelah,[19] Levi however said, it is permitted to be eaten.

This rule of Rab[20] was not expressly stated but was inferred from the following incident. Rab was once sitting by the ford of the Ishtatith Canal[21] when he saw a man

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(1) Since the meat sold in all the stalls, even those kept by gentiles, is supplied by Jewish butchers, the Jews have accustomed themselves to buying meat from gentile stalls without hesitation. The improper act of this man surely will not have the effect of altering the status quo so as to place a restriction upon all stalls kept by gentiles!

(2) I.e., on his stall.

(3) We assume therefore that he lied to his fellow merely in order to annoy him, but that he did not actually sell the gentile trefah meat.

(4) He had definitely sold trefah meat to this gentile, and he might have done so to others too, therefore all the meat on the stalls kept by the gentiles is forbidden.

(5) Even if one lost sight of it or turned one's back on it for a moment.

(6) For it might have been exchanged for trefah meat.

(7) Here the meat was not kept in sight by the Jew the whole time, nevertheless it is permitted.

(8) The gentile has had this meat in his care all the time, and since all the meat supplied to him is ritually slaughtered, for no Jew would supply him with trefah meat to sell in the market, it is permitted. Where, however, nobody was in charge of it, it is forbidden, for a raven might have carried it away and brought back trefah meat from elsewhere.

(9) Because of the principle that everything prohibited which has a fixed place (kabua') among things permitted, is not deemed as a minority among the majority, but rather as in the proportion of half to half. In this case therefore the meat, bought from one of the shops amongst which that shop which sells carrion has its place fixed and determined, is forbidden, for the doubt with regard to this meat is even.

(10) Presumably in the market place, and evidently it had disappeared from sight.

(11) And the meat is permitted for the majority of shops sell ritually slaughtered meat.

(12) Maksh. II, 9. If the majority of butchers, or in the case of cooked meat if the majority of people that eat meat, are Jews, the meat found may be eaten.

(13) And this would easily determine the doubt, for if the gentile has it then it is forbidden for presumably he has cooked it. The case must therefore be that the meat was found on the ground and not in the possession of anyone, nevertheless it is permitted, contra Rab.

(14) From the moment that it fell from the owner.

(15) Of the Land of Israel but outside Jerusalem.

(16) For whenever an animal becomes nebelah it is usually cut up into limbs and thrown away.

(17) Shek. VII, 6. It is to be assumed, of course, that the majority of butchers in the town are Jews. Nevertheless it is permitted even though it was lost and presumably out of sight.

(18) After all the meat had only accidentally fallen from the owner and was not thrown away as nebelah.

(19) I.e., it does not defile, but on no account may it be eaten since it had not been kept in sight the whole time.

(20) That meat which had even for one moment disappeared from sight is forbidden.

(21) [Near Sura, v. Obermeyer, p. 300.]

washing the head [of an animal in the water]. It fell out of his hand, so he went and fetched a basket, threw it [into the water] and brought up two heads. Said Rab, 'Is this what usually happens?'[1] And he forbade him both [heads]. Thereupon R. Kahana and R. Assi said to Rab, 'Are only forbidden [heads] found here and not permitted ones?'[2] He replied. 'The forbidden ones are more frequently found'. But what if it was only inferred?[3] — It was a jetty frequented mostly by gentiles. Indeed you may be certain of this from his reply: 'The forbidden ones are more frequently found [here]'.[4]

According to this how could Rab eat meat?[5] — You may say [that he ate meat] soon [after the slaughtering], so that he did not lose sight of it; or only if it was wrapped up and sealed, or if it bore some distinguishing mark. Thus Rabbah son of R. Huna used to cut up [the meat] in the shape of a triangle.

Rab was once going to his son-in-law R. Hanan when he saw a ferry-boat coming towards him. Said he to himself: When the ferry-boat comes to meet one it is a good omen.[6] As he came to the door he looked through the crack of the door and he saw the meat of an animal hanging up. He then knocked at the door and everybody came out to meet him, even the butchers too. Rab however did not take his eyes off [the meat] and said to them: 'If that is how [you look after things], then you are giving my daughter's children forbidden meat to eat'. And Rab did not eat of that meat. But why? If because of meat that had disappeared from sight, but here he did not lose sight of it; and if because of the omen,[7] but Rab himself has said: An omen which is not after the form pronounced by Eliezer,[8] Abraham's servant, or by Jonathan[9] the son of Saul, is not considered a divination![10] — [The reason is that] it was a meal of free choice[11] and Rab would not partake of a meal of free choice.

Rab used to regard a ferry-boat as a sign. Samuel a [passage in a] book,[12] and R. Johanan [a verse quoted] by a child. During the lifetime of Rab, R. Johanan used to address him thus in his letters: Greetings to our Master in Babylon! After Rab's death R. Johanan used to address Samuel thus: Greetings to our colleague in Babylon! Said Samuel to himself, 'Is there nothing in which I am his master'? He thereupon sent [to R. Johanan] the calculations for the intercalation of months for sixty years. Said [R. Johanan], 'He only knows mere calculations'. So he [Samuel] wrote out and sent [R. Johanan] thirteen camel loads[13] of questions concerning doubtful cases of trefah. Said [R. Johanan], 'It is clear that I have a Master in Babylon; I must go and see him'. So he said to a child, 'Tell me the [last] verse you have learnt'. He answered: 'Now Samuel was dead'.[14] Said [R. Johanan], 'This means that Samuel has died'. But it was not the case; Samuel was not dead then, and [this happened] only that R. Johanan should not trouble himself.[15]

It was taught: R. Simeon b. Eleazar says: Although a house or a child or a marriage must not be used for divination, they may be taken as a sign.[16] R. Eleazar added: Provided it was established so on three occasions,[17] for it is written: Joseph is not, and Simeon is not, and ye will take Benjamin away; upon me all these things come.[18]

R. Huna enquired of Rab: What if [pieces of meat were] strung together?[19] — He replied: Don't be a fool; if strung together it is certainly a distinguishing sign. Others report this as follows:[20] R. Huna said in the name of Rab, If pieces of meat were strung together this is regarded as a distinguishing sign.

R. Nahman[21] of Nehardea once came to R. Kahana at Pum Nahara[22] on the eve of the day of Atonement when they saw ravens dropping [from their beaks] pieces of liver and kidneys. Said [R. Kahana] to the other, pick them up and eat them, for to-day that which is permitted is more common.[23]

R. Hiyya b. Abin once lost the large intestine of an animal amongst a stack of barrels [and subsequently found it] and he came to enquire about it of R. Huna. 'Have you a distinguishing mark

on it'? asked [R. Huna]. 'No', he replied. 'Would you be able to recognize it [by general impression]? 'Yes', he replied. 'Then you may go and take it.'

R. Hanina Hoza'ah[24] once lost a side of meat [and subsequently found it]. He came to R. Nahman who said to him, 'Have you a distinguishing mark on it?' He replied: 'No'. 'Would you be able to recognize it?' He replied: 'Yes'. 'Then you may go and take it'.

R. Nathan b. Abaye once lost a ball of blue wool.[25] He came before R. Hisda who said to him, 'Have you a distinguishing mark on it?' He replied: 'No'. 'Would you be able to recognize it'? He replied: 'Yes'. 'Then you may use it'.

Raba said: At first I thought that [identification by] a distinguishing mark was more reliable than [identification by] general impression,[26] since we must return a lost article [to anyone who mentions] a distinguishing mark on it,

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(1) On losing one thing to find two.

(2) The second head might very well have been a permitted one which had previously fallen into the river.

(3) This incident clearly shows Rab's view as stated above (p. 533, n. 9).

(4) Which can only be explained by the fact that the place was frequented mostly by gentiles. In other districts, however, both heads might have been permitted, even though they had been out of sight for some time. Thus Rab's principle cannot be definitely inferred from this incident.

(5) Since it would be forbidden if only it was, for one moment, out of sight.

(6) Lit., 'it will be a good day in there', i.e., at the place where he proposed to go.

(7) Which he had expressed about the ferry-boat coming towards him.

(8) Cf. Gen. XXIV, 14.

(9) Cf. I Sam. XIV, 9, 10.

(10) In the sense that is forbidden by Lev. XIX, 26. In the two cases mentioned the action to be taken was entirely dependent upon the happening of a certain event, and this is prohibited. But to interpret a certain event as an omen either for good or evil, is not prohibited.

(11) As opposed to a meal in fulfilment of a religious precept.

(12) If the ferry-boat was coming towards one, or if a passage selected at random from a book or the verse quoted by a child was of a happy nature, — each was regarded as a good omen for a successful venture.

(13) Reading גמלי. According to R. Han.: גוילי, 'parchment scrolls'.

(14) I Sam. XXVIII, 3.

(15) To go to Babylon to visit Samuel.

(16) If a man's first undertaking immediately after a great day in his life, such as the building of a house, the birth of a child or his marriage, proves to be successful, he may regard it as suspicious and as a prognostic of success, and may view cheerfully all future undertakings of a similar nature. If, on the other hand, it proves to be unsuccessful, he should in the future view similar undertakings with apprehension. To place implicit faith and absolute reliance upon the outcome of the first undertaking is forbidden by the Torah as augury and divination (v. Lev. XIX, 26). One may, nevertheless, regard it as an indication of the future.

(17) I.e., he met with a sequence of three successes or three reverses.

(18) Gen. XLII, 36.

(19) And the entire string of meat had disappeared for a moment from sight.

(20) Not as a question put by R. Huna but as a definite statement of the law.

(21) MS.M. R. Hanan.

(22) On the Tigris.

(23) For much meat was eaten on the eve of the Day of Atonement in preparation for the fast, v. supra 83a, and therefore any meat found, or carried away by ravens, would in all probability be meat that was ritually slaughtered.

(24) Of Hozae, the modern Khuzistan.

(25) Which was prepared for use in the Zizith (cf. Num. XV, 38). The blue dye was very scarce and every precaution had to be taken to guard against imitations and spurious kinds.

(26) Lit., ‘impression of the eye’.

Talmud - Mas. Chullin 96a

whereas we do not return it [to anyone who recognizes it] by mere general impressions.[1] But now, having heard the above decisions, I maintain that [identification by] general impression is the more reliable. For should you not say so, how is it that a blind man is permitted [to cohabit] with his wife, or all people with their wives at night? It is only by recognition of the voice; so in all cases general impression [is reliable]. R. Isaac, son of R. Mesharsheya said: You may know it from this too; for if two witnesses were to come and say: ‘So-and-so who has this or that distinguishing mark killed a person’,[2] we should not put him to death, but if they were to say: ‘We recognize him’, we would put him to death. R. Ashi said: You may also know it from this; for if a man were to say to his messenger. ‘Call So-and-so who has this or that distinguishing mark’, there is a doubt whether he would know him or not, but if he [the messenger] is able to recognize him, when he sees him he would certainly know him.

MISHNAH. WHEN A PERSON REMOVES THE SCIATIC NERVE HE MUST REMOVE ALL OF IT.[3] R. JUDAH SAYS, ONLY SO MUCH AS IS NECESSARY TO FULFIL THE PRECEPT OF REMOVING IT.[4] IF A PERSON ATE AN OLIVE'S BULK OF THE SCIATIC NERVE, HE HAS INCURRED FORTY STRIPES. IF HE ATE THE WHOLE OF IT AND IT WAS NOT AS MUCH AS AN OLIVE'S BULK, HE IS NEVERTHELESS LIABLE.[5] IF HE ATE AN OLIVE'S BULK OF IT FROM ONE THIGH AND ANOTHER OLIVE'S BULK OF IT FROM THE OTHER THIGH, HE HAS INCURRED EIGHTY STRIPES. R. JUDAH SAYS, HE HAS INCURRED ONLY FORTY STRIPES.[6]

GEMARA. Bar Piuli was standing in the presence of Samuel and was porging[7] a side of meat. He was only cutting away the surface [of the nerve], so Samuel said to him, ‘Go down deeper; had I not seen you, you might have given me forbidden meat to eat’. He was alarmed at this, and the knife fell out of his hand. Said Samuel to him, ‘Be not alarmed, for he who taught you this taught you according to the view of R. Judah’. R. Shesheth said: That part which Bar Piuli had removed, is according to R. Judah forbidden by the Torah. Then it follows, does it not, that the part which he [Bar Piuli] did not remove, is according to R. Judah forbidden Rabbinically? If so, according to whose view was he [Bar Piuli] taught this?[8] — R. Shesheth therefore said: That part which Bar Piuli had removed, is [according to R. Meir][9] forbidden by the Torah, but that part which he did not remove, is forbidden Rabbinically, only according to R. Meir, for according to R. Judah it is permitted even Rabbinically.[10]

IF A PERSON ATE AN OLIVE'S BULK OF THE SCIATIC NERVE etc. Samuel said: The Torah forbade only that part [of the nerve] which is on the spoon,[11] for it is written: Which is upon the spoon of the thigh.[12] R. Papa said: This [statement of Samuel] is the subject of dispute between Tannaim; for it was taught: If a person ate [the whole of] it and it was not as much as an olive's bulk, he is nevertheless liable. R. Judah Says, [He is not liable] unless it was as much as an olive's bulk. What is the reason of the Rabbis? — Because it is a complete entity in itself.[13]

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(1) But only to a scholar, cf. B.M. 23b.

(2) These witnesses do not claim to know the murderer except that he had certain distinguishing marks.

(3) This is the view of R. Meir, supra 92b, that one must follow up the tracks of the nerve in all its ramifications.

(4) It is sufficient if one removes the upper part of the nerve, i.e., that part which is visible at the hip-joint.

(5) Although the minimum quantity for constituting eating is an olive's bulk, where the thing prohibited by the Torah is in its entirety less than the size of an olive, e.g., an ant, one incurs the penalty for eating the whole of it.

(6) Because the Prohibition according to R. Judah applies only to one thigh, the right thigh.

(7) I.e., removing the sciatic nerve from the thigh.

(8) Lit., 'he who taught him according to whose view did he teach him'? For it is clear that the whole of the nerve must be removed if only by Rabbinic injunction. The question therefore is: Whose view did Bar Piuli adopt by cutting away only the surface?

(9) So MS.M., and also according to Bah's gloss. This is also the view of R. Judah.

(10) So that Bar Piuli acted entirely in accordance with R. Judah's view.

(11) The muscles at the proximal end of the thigh are rounded and convex like the back of a spoon. Only that part of the sciatic nerve which runs in these muscles, says Samuel, is prohibited.

(12) Gen. XXXII, 33. V. supra, p. 500, n. 2.

(13) And this was prohibited by the Torah even though the whole of it is not as large as an olive.

Talmud - Mas. Chullin 96b

And what does R. Judah [say to this]? — The term 'eating' is used in connection therewith.[1] And the Rabbis? — The term 'eating' is to teach that if it [the sciatic nerve] consisted of four or five olives' bulk and he ate thereof the size of one olive, he is liable.[2] And R. Judah? — That is derived from the expression. 'Which is upon the spoon of the thigh'.[3] And the Rabbis? — This verse is required for Samuel's teaching, for Samuel said: The Torah forbade only that part [of the nerve] which is on the spoon. And R. Judah? — It is written 'the thigh', that is, the entire thigh.[4] And the Rabbis? — That is to indicate that the prohibited nerve is the one that is spread over the whole of the thigh, [namely the inner one], and not the outer one;[5] but of course only [so much of it is prohibited as is] upon the spoon. But is not the expression 'spoon' required to teach that [the prohibition of the sciatic nerve] does not apply to birds as they have not a spoon-shaped hip? — The word 'spoon' is written twice [in the verse].[6]

MISHNAH. IF A THIGH WAS COOKED TOGETHER WITH THE SCIATIC NERVE AND THERE WAS SO MUCH [OF THE NERVE] AS TO IMPART A FLAVOUR [TO THE THIGH], IT IS FORBIDDEN. HOW DOES ONE MEASURE THIS? AS IF IT WERE MEAT [COOKED] WITH TURNIPS.[7] IF THE SCIATIC NERVE WAS COOKED WITH OTHER NERVES[8] [IN A BROTH] AND IT CAN STILL BE RECOGNIZED,[9] THEN IT DEPENDS WHETHER IT IMPARTED A FLAVOUR OR NOT;[10] BUT IF IT CAN NO LONGER [BE RECOGNIZED] THEN ALL [THE NERVES] ARE FORBIDDEN;[11] AND AS FOR THE BROTH IT DEPENDS WHETHER IT [THE SCIATIC NERVE] IMPARTED A FLAVOUR OR NOT. AND SO IT IS WITH A PIECE OF NEBELAH, OR A PIECE OF AN UNCLEAN FISH. THAT WAS COOKED TOGETHER WITH OTHER PIECES OF FLESH [OR FISH]: IF IT CAN STILL BE RECOGNIZED, THEN IT DEPENDS WHETHER IT IMPARTED A FLAVOUR OR NOT; AND IF IT CAN NO LONGER [BE RECOGNIZED]. THEN ALL PIECES ARE FORBIDDEN; AND AS FOR THE BROTH IT DEPENDS WHETHER IT[12] IMPARTED A FLAVOUR OR NOT.

GEMARA. Samuel said: This [ruling of our Mishnah] applies only to the case where they were cooked together,[13] but if they were roasted together one may then cut away [the meat] and eat it until one reaches the nerve.[14] But Surely this is not so, for did not R. Huna say that if a kid was roasted together with its forbidden fat it is forbidden to eat even of the tip of its ear?[15] —

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(1) And the minimum quantity for constituting 'eating' is an olive's hulk.

(2) For it might have been thought that only the eating of the whole of it renders one liable to stripes.

(3) I.e., for eating the portion which is upon the spoon of the thigh, even though it is not the whole, one is liable, provided always it consisted of an olive's bulk.

(4) And the prohibition applies even to that part which is not upon the spoon, contra Samuel.

(5) V. supra 93b.

(6) Ibid., XXXII, 33.

(7) If when meat and turnips are cooked together, in the same proportions as here the nerve and the thigh respectively, the meat imparts its flavour to the turnips, then the thigh would be forbidden on account of the taste of the forbidden

nerve. It is estimated by the Rabbis that meat cannot impart its taste to any substance that is cooked with it if the latter is sixty times as large in bulk as the meat.

(8) Which are not forbidden.

(9) It must then be removed, and the only consideration is with regard to the flavour thereof that has remained in the pot.

(10) Lit., '(it is forbidden only) if it imparted a flavour'. I.e., whether the other nerves were sixty times as large in bulk as the forbidden nerve or not. In the former case they would be permitted, in the latter they would not.

(11) For each nerve might be the forbidden sciatic nerve.

(12) Sc. the forbidden piece.

(13) In cooking the flavour extracted spreads equally in the whole pot.

(14) The heat of the fire dries up and constricts the nerves so that no flavour or essence is spread in the meat, and therefore the entire meat is permitted save for the nerve itself.

(15) It is here evident that by roasting the essence is carried throughout the whole meat.

Talmud - Mas. Chullin 97a

It is different with fat for it spreads [throughout the flesh]. Is it then forbidden in the case of fat? But Surely Rabbah b. Bar Hana has related a case which came before R. Johanan at the synagogue of Ma'on of a kid that was roasted with its fat, and on enquiring of R. Johanan he ruled that one may cut away [the meat] and eat it until one reaches the fat! — That was a lean kid.[1] R. Huna b. Judah suggested that it was the case of a kidney roasted with its fat, and he [R. Johanan] declared it to be permitted.[2] Rabin son of R. Ada said: It was the case of a kilkith[3] that was found in a pot of stew, and on enquiring of R. Johanan he ruled that a gentile cook should taste it.[4]

Raba said: In the past the following was always a difficulty to me. It was taught: In a pot wherein meat had been cooked a person may not boil milk, and if he did boil [milk] therein, it depends whether the pot imparted a flavour [to the milk] or not.[5] [In a pot wherein] terumah[6] food [had been cooked] a person may not cook common food, and if he did cook [common food] therein, it depends whether the pot imparted a flavour [to the common food] or not. Now in the case of terumah it is clear, for a priest could taste the food;[7] but in the case of meat and milk who may taste it?[8] But now that R. Johanan ruled that we can rely upon a gentile cook, in this case too we could rely upon a gentile cook.

Raba also said, [In certain cases] the Rabbis ruled that the test whether or not it imparts a flavour applies, and [in other cases] the Rabbis ruled that one may rely upon a [gentile] cook,

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(1) And it had little fat; or the fat of a lean animal would not spread (Tosaf.).

(2) For the forbidden fat of the kidney could not penetrate the kidney by reason of the strong membrane which separates them.

(3) A small fish that may not be eaten; probably the stickleback.

(4) To ascertain whether the flavour of the fish is discernible in the stew. The cook's opinion, even though he is a gentile, would be relied upon only so long as he is ignorant of the issue that is involved.

(5) V. supra p. 540, n. 4.

(6) V. Glos.

(7) For to a priest both terumah and common food are permitted. He therefore could taste the common food to ascertain whether it contains any flavour of the terumah food which had previously been cooked in this pot.

(8) For if one actually imparts a flavour into the other then it is forbidden to everyone, even only to taste thereof.

Talmud - Mas. Chullin 97b

and yet [in other cases] the Rabbis ruled that the test is sixty [to one]. Therefore we say, where substances of different kinds, each kind being permitted by itself, were mixed together, the test is whether or not one imparts a flavour to the other;[1] and if one of the substances was forbidden[2] then

we rely upon the opinion of a gentile cook. Where substances of like kind were mixed together, in which case it is impossible to discern whether one imparts a flavour to the other; or where substances of different kinds, one of which was forbidden, were mixed together, and no [gentile] cook is available, then the test is sixty [to one].[3]

In the house of the Exilarch, sides of meat were once salted with the sciatic nerve in them. Rabina declared them to be forbidden, whilst R. Aha son of R. Ashi[4] declared them to be permitted. When this case was put to Mar son of R. Ashi he said: My father declared them to be permitted. Then said R. Aha son of R. [Ashi] to Rabina: What is the reason for your view? Is it not Samuel's dictum that whatsoever is salted is counted as hot[5] and whatsoever is preserved is counted as cooked?[6] But [remember,] did not Samuel say. This ruling [of our Mishnah] applies only to the case where they were cooked together, but if they were roasted together one may then cut away [the meat] and eat it until one reaches the nerve? And should you say that the term counted as hot' means hot as when cooked, surely [this cannot be, for] since he said: 'whatsoever is preserved is counted as cooked', it follows that [in the first clause 'counted as hot' means] hot as when roasted![7] This is indeed a difficulty.

R. Hanina said: When measuring[8] one should measure the broth, the sediments, the pieces, and the pot.[9] Some say: The actual thickness of the] pot must be taken into account;[10] but others say: Only that which is absorbed in the pot is to be taken into account.[11]

R. Abbahu said in the name of R. Johanan. As regards all things prohibited by the Torah[12] one should measure them as though they were onions or leeks.[13] R. Abba said to Abaye: Why not measure as though they were pepper or spices, in which case the flavour would not become neutralized even in a thousand-fold? — He replied: The Rabbis have estimated that among forbidden substances there is none that can impart a stronger flavour than onions or leeks.

R. Nahman said: The [sciatic] nerve [is neutralized] in sixty-fold, but the nerve itself is not to be included to make up this number.[14] The udder is neutralized in sixty-fold, but the udder itself is to be included.[15] An egg[16] is neutralized in sixty-fold, but the egg itself is not to be included. R. Isaac the son of R. Mesharsheya said: But the udder itself is forbidden,[17] and if it fell into another pot it renders [the contents] forbidden.

R. Ashi said: When we were at R. Kahana's the question was put before us: When measuring, should one measure [the prohibited substance] itself or only the essence which exuded from it?[18] — It is obvious, surely, that one should measure the substance itself, for if only the essence which exuded from it, [the question arises,] How do we know [how much it is]? — But if so, if it[19] subsequently fell into another, pot it should not render [the contents] forbidden?[20] — Since R. Isaac the son of R. Mesharsheya had said that the udder itself was forbidden, the Rabbis declared it to be as a piece of nebelah.[21]

'An egg is neutralized in sixty-fold, but the egg itself is not to be included [to make up this number']. R. Idi b. Abin said to Abaye. Can it be said that it imparts a flavour?[22] but people usually say: 'As the mere water of eggs'! — He replied: We are dealing here

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(1) E.g., where terumah was mixed with common food the mixture is permitted to a priest, and he could taste it and give his opinion as to whether the terumah does impart a flavour in the common food, in which case the mixture is forbidden to all save priests, or does not, in which case the mixture is permitted to all.

(2) E.g., where one of the substances was flesh of an unclean animal, or where both substances separately are permitted but when mixed are forbidden to all, e.g., milk food mixed with meat.

(3) I.e., the flavour of the forbidden substance is neutralized and lost if the bulk of the permitted substance is sixty times as large as the bulk of the forbidden substance.

(4) So in cur. edd. In MS.M.: R. Aha b. Rab. Most probably it should be: R. Aha b. Raba, who was a contemporary of Rabina and R. Ashi.
(5) If two substances, one permitted and the other forbidden, were salted together they are regarded as having been roasted (or cooked? v. infra) together.
(6) If substances were preserved in vinegar and in spices for at least twenty-four hours they are regarded as having been cooked together.
(7) And therefore meat salted together with the sciatic nerve is permitted just as if it was roasted with it; so that Rabina's view cannot be upheld.
(8) To ascertain whether the permitted substance is sixty times as much as the forbidden substance or not.
(9) All these should be included to make up the sixty-fold as against the forbidden substance.
(10) One should reckon the volume of the thickness of the pot as well as the quantity of meat and broth etc. in order to make up the required sixty-fold.
(11) The absorption of the pot is considered to be the difference in the weight between the raw flesh and the flesh when cooked.
(12) Except the sciatic nerve, for which the standard is 'meat and turnips', v. our Mishnah.
(13) If by substituting onions or leeks for the amount of the forbidden substance the taste of the onions or leeks could be felt in the rest of the stew of the pot, the contents of the pot would be prohibited on account of the forbidden substance, which evidently imparts its flavour so that it can be felt. This method was resorted to before the standard of sixty-fold was fixed.
(14) I.e., there must be sixty times the volume of the forbidden nerve.
(15) If an udder which was not emptied of its milk was cooked together with meat, the entire contents of the pot would be forbidden unless there was in the pot sixty times as much as the milk of the udder. (The quantity of milk in the udder is regarded as equal to the volume of the udder). Now the udder can also be included to make up this sixty-fold since it is not the udder that is forbidden but only the milk contained in it. In other words, there must be in the pot fifty-nine times the quantity of the udder; v. infra 109a.
(16) Of an unclean bird which was boiled with eggs of clean birds. V. infra.
(17) Even though the pot contained sixty times the quantity of the udder, in which case everything else in the pot is permitted, the udder itself is forbidden, for the meat in the pot imparted its flavour into it.
(18) For the actual forbidden substance has now been removed from the pot, and the question is only with regard to the essence that exuded from it.
(19) Sc. any forbidden substance which was cooked with sixty times as much permitted food and which when taken out subsequently fell into another pot of meat which did not contain the sixty-fold. According to Tosaf. this question deals specifically with the case of the udder mentioned above.
(20) For the essence and flavour of the forbidden substance has entirely exuded and has become neutralized and nullified in the first pot, consequently it cannot render forbidden any other foodstuff.
(21) The neutralization in the first pot only came about gradually, so that before there was the necessary sixty-fold it was forbidden; accordingly the forbidden substance is always regarded as a piece of nebelah which renders forbidden the contents of any and every pot into which it fell.
(22) I.e., an egg when cooked with others imparts a flavour in them.

Talmud - Mas. Chullin 98a

with an egg which contained a chicken,[1] but not with an egg of an unclean bird.

He raised an objection against him. [It was taught:] If clean eggs were cooked with unclean eggs and the latter can impart a flavour in the others, they are all forbidden![2] — Here, too, we must suppose that they contained in them chickens. Why then are they called 'unclean'? — Since they contain chickens they are called 'unclean'. But surely since the following clause [deals with eggs containing chickens, for it reads]. 'If eggs were cooked together and in one of them was found a chicken, and this one can impart its flavour into the others, all are forbidden', it follows that the first clause deals with eggs which do not contain chickens! — The one clause is merely explanatory of the other thus: 'If clean eggs were cooked with unclean eggs and the latter can impart a flavour in the

others, all are forbidden; as for instance, if they were cooked together and in one of them was found a chicken'. This indeed stands to reason. For if you assume that the first clause deals with eggs that have no chickens in them, seeing that the exudation of eggs that have no chickens in them can render forbidden, is it necessary to teach this in the case where they had chickens in them? — This is not a conclusive argument. It may be that the second clause was stated to make clear the first: lest you might think that the first clause deals with eggs that have chickens in them, leaving us to infer that if they had no chickens in them all the eggs would be permitted, he therefore adds the second clause which deals with eggs that have chickens in them, which shows that the first clause speaks of eggs that have no chickens in them, and even so render the others forbidden.

An olive's bulk of [forbidden] fat once fell into a pot of meat.[3] R. Ashi intended to include in the measuring [all the meat] that was absorbed in the [sides of the] pot, whereupon the Rabbis said to R. Ashi: Has it absorbed only that which is permitted and not that which is forbidden?[4]

A half an olive's bulk of [forbidden] fat once fell into a pot of meat. Mar the son of R. Ashi intended to measure it by the standard of thirty-fold,[5] whereupon his father said to him, 'Have I not told you not to treat lightly the standard measures [even in matters which are forbidden only] by Rabbinic ruling? Moreover, R. Johanan has declared that half the legal quantity [of a forbidden matter] is forbidden by the law of the Torah'.[6]

R. Shaman b. Abba said in the name of R. Idi b. Idi b. Gershom who said it in the name of Levi b. Perata who said it in the name of R. Nahum who said it in the name of R. Biraim who said it in the name of a certain old man whose name was R. Jacob, as follows: Those of the Nasi's house said: A forbidden egg[7] among sixty eggs[8] renders them all forbidden, a forbidden egg among sixty-one eggs renders them all permitted. Thereupon R. Zera said to R. Shaman b. Abba: Look, you are stating a definite point at which they are permitted, whereas the two greatest men of the day did not give a definite ruling on this matter. For R. Jacob b. Idi and R. Samuel b. Nahmani both reported in the name of R. Joshua b. Levi that a forbidden egg among sixty eggs rendered them all forbidden, and a forbidden egg among sixty-one eggs rendered them all permitted. And when the question was put to them: Does 'sixty-one' include it [the forbidden egg] or exclude it? they were unable to give a definite answer; and you seem to be so certain of it! It was stated: R. Helbo said in the name of R. Huna: With regard to a [forbidden] egg [cooked with permitted ones], if there were sixty besides this one they are forbidden, but if there were sixty-one besides this one they are permitted.

A certain man once came before R. Gamaliel the son of Rabbi [with his case].[9] Said [R. Gamaliel]: Did not my father [permit such a case] by the standard of forty-seven-fold? Then I might just as well be satisfied with forty-five-fold.[10]

A certain man once came before R. Simeon the son of Rabbi [with his case]. I said [R. Simeon]: Did not my father [permit such a case] by the standard of forty-five-fold? Then I might just as well be satisfied with forty-three-fold.

A certain man once came before R. Hiyya [with his case].[9] Said [R. Hiyya]: But there is not here thirty-fold! The reason then [why he declared it forbidden] was because there was not thirty-fold, but if there was thirty-fold could we then adopt this standard?[11] — R. Hanina answered: It was merely an exaggerated expression.[12]

R. Hiyya b. Abba said in the name of R. Joshua b. Levi who said it in the name of Bar Kappara: All prohibited substances of the Torah are [neutralized] in sixty-fold.[13] Thereupon R. Samuel son of R. Isaac said to him: Master, do you say so? But R. Assi stated in the name of R. Joshua b. Levi who said it in the name of Bar Kappara. All prohibited substances of the Torah are [neutralized] in a hundred-fold. Now both derived their views from 'the cooked shoulder', as it is written: And the

priest shall take the cooked shoulder.[14] And it was taught. 'Cooked'

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(1) The exudation from the egg is of no consequence, it is as mere water, but that of the chicken within the egg is of consequence.

(2) Tosaf. Terum. IX.

(3) Which was cooking on the fire.

(4) For if it is to be assumed that the meat in the pot has been diminished by the absorption in the pot, then the bulk of fat has likewise been diminished. In fact one should not take into consideration the absorption of the pot at all, and the measuring must take into account only the visible contents of the pot.

(5) Since there was not the minimum legal quantity (i.e., an olive's bulk, v. Yoma 73b) of forbidden fat, he was inclined not to insist on the sixty-fold standard, but was prepared to permit the meat in the pot even though it was only thirty times as much as the fat.

(6) The sixty-fold standard must be adhered to even though there was only half an olive's bulk of the forbidden substance, for, according to R. Johanan, even this quantity is forbidden by the Torah, v. Yoma 73b. The minimum legal quantity of an olive's bulk is necessary only to render the offender liable to stripes.

(7) I.e., an egg in which a chicken had developed. So throughout this passage.

(8) All the other eggs being, of course, permitted ones.

(9) Viz., a half-olive's bulk of a forbidden substance was cooked with permitted food.

(10) Since in this and in the following cases the amount of forbidden substance was less than the minimum legal quantity, the standard of sixty-fold is not rigidly adhered to but smaller standards e.g., of forty-seven-fold, forty-five-fold and forty-three-fold would suffice to render the mixture permitted. According to another interpretation in Rashi the reverse decision is arrived at thus: 'My father did not adopt a standard of forty-seven-fold, shall I then permit by the standard of forty-five-fold'? The case, accordingly, was of an entire olive's bulk that was cooked with permitted food.

(11) Surely not.

(12) What he meant to say was that there was no question of neutralization in this case for there was not even thirty-fold!

(13) Provided the taste of the forbidden substance can no longer be felt in the mixture, for so long as the taste can be felt it will not become neutralized (Rashi). V. however Tosaf. s.v. כל.

(14) Num. VI, 19. The shoulder of the ram of the Nazirite's sacrifice was given to the priests to be eaten by priests only, but the rest of the sacrifice was consumed by the owners.

Talmud - Mas. Chullin 98b

implies that it must be whole.[1] R. Simeon b. Yohai says. 'Cooked' implies that it must have been cooked together with the ram. Now in fact both[2] agree that it must be cooked with the ram, but [they differ in the following]: one holds that it must first be cut away and then cooked,[3] and the other holds that it must first be cooked and then cut away.[4] Alternatively, I can say, all agree that it must first be cut away and then cooked, but [they differ in this]: one[5] holds that it must be cooked together with the ram [in the same pot], and the other holds that it must be cooked in a separate pot. Now according to the first version from either view and according to the second version from the view of R. Simeon b. Yohai [can the required standard be derived].[6] He who holds the sixty-fold standard maintains that the flesh and bone [of the shoulder] must be measured against the flesh and bone [of the ram], and the latter is sixty times as much as the former. But he who holds the hundred-fold standard maintains that only the flesh [of the shoulder] must be measured against the flesh [of the ram] and the latter is a hundred times as much as the former.[7]

But can one derive the standard from the above? Surely it has been taught: This[8] is a case of a substance being permitted even though it has absorbed a forbidden substance.[9] Now what does 'this' exclude? Presumably it excludes every other substance which has absorbed any matter forbidden by the Torah?[10] — Abaye answered, [The exclusion] was necessary only according to R. Judah who maintains that [in all other cases] homogeneous substances cannot neutralize each other; hence we are taught that here they do neutralize each other.[11] But why does he not infer the rule from here?[12] — Because the Divine Law has expressly stated: And he shall take of the blood of the bullock and of

the blood of the goat,[13] which shows that though they are both [mixed up] together one does not neutralize the other. But why do you prefer to infer [the rule of non-neutralization of homogeneous substances] from this [verse] rather than from the other?[14] Because that is an anomaly,[15] and one cannot draw any inferences from an anomaly. If so, how may we infer [the rule of neutralization] in hundredfold or in sixty-fold from it?[16] — Forsooth, do we infer leniency from it? We infer a restriction, for according to the rule of the Torah a substance is neutralized in a bare majority [of other substances].[17]

Raba answered: [The exclusion][18] was necessary with reference to the rule that the taste[19] [of a forbidden substance] is [treated] as the substance itself. Now as this [sc. the taste] is forbidden in the case of consecrated matter, we are therefore taught that here[20] it is permitted.[21]

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(1) The inference from the word 'cooked' is obscure (Rashi).

(2) The first Tanna and R. Simeon b. Yohai.

(3) The first Tanna maintains that the shoulder must be cut away from the ram and then cooked in the same pot as the ram. And the term 'whole' implies that the shoulder must in no wise be cut up in pieces. So Rashi; according to Tosaf. s.v. מר, this is the opinion of R. Simeon b. Yohai.

(4) R. Simeon b. Yohai maintains that the shoulder must be cut away only after the whole ram has been cooked. According to Tosaf. this is the opinion of the first Tanna.

(5) R. Simeon b. Yohai.

(6) Either the sixty-fold or hundred-fold standard. It must be observed that in the case of the ram of the Nazirite sacrifice resort must be had to the principle of neutralization and it must be assumed that the essence and flavour of the shoulder, which is forbidden to all but priests, is nullified by the rest of the flesh of the ram, for otherwise the Nazirite, an Israelite, would not be allowed to partake of the flesh of the ram since it must be cooked together with the shoulder according to both views in the first version, or according to the view of R. Simeon b. Yohai in the second version.

(7) For the shoulder consists in the greater part of bone and has but little flesh on it, and the Rabbis have estimated that if taken bulk for bulk the ram would be only sixty times as much as the shoulder, but if only the proportion of the flesh is considered it will be found that the ram is one hundred times as much as the flesh of the shoulder.

(8) Sc. the ram of the Nazirite sacrifice.

(9) I.e., the forbidden shoulder.

(10) I.e., that neutralization does not take place. So that the principle of neutralization either in sixty-fold or in a hundred, fold cannot be derived from here.

(11) Even though the shoulder and the rest of the ram are homogeneous substances. One can however derive from here the principle of neutralization with regard to heterogeneous substances.

(12) Why does not R. Judah infer from the case of the ram of the Nazirite sacrifice that in all cases homogeneous substances can neutralize each other?

(13) Lev. XVI, 18. The blood of the goat, although mixed with the blood of the bullock and though considerably less in quantity than the blood of the bullock, nevertheless retains its identity and is not neutralized by the latter, obviously because they are homogeneous substances and cannot neutralize each other.

(14) I.e., from the case of the ram of the Nazirite sacrifice. The inference from this case would be that even homogeneous substances can neutralize each other.

(15) In that the Torah allows at the outset the neutralization of a forbidden substance, contrary to all Rabbinic dicta. V. Bez. 4b.

(16) In respect of heterogeneous substances according to R. Judah, or in respect of all substances according to the Rabbis. V. supra p. 549, n. 5.

(17) But for the inference from the ram of the Nazirite, we should have acted in accordance with the Biblical principle, 'Decide the issue according to the majority', based on Ex. XXIII, 2. One may infer conditions of stringency (namely, that there must be sixty times or a hundred times the quantity of the prohibited substance) even from an anomaly.

(18) In the statement 'This is a case of a substance etc.'.

(19) Even though the taste is barely perceptible and is certainly less than one sixtieth or one hundredth part of the entire mixture. (Rashi, but see Tosaf. ad loc.).

(20) Sc. in the case of the ram of the Nazirite sacrifice.

(21) Likewise with regard to unconsecrated matter the taste is neutralized either in sixty-fold or in hundred-fold.

Talmud - Mas. Chullin 99a

Why then does he not infer the rule from this?[1] — Because the Divine Law has expressly stated with regard to the sin-offering. Whatsoever shall touch the flesh thereof shall be holy,[2] that is to say, [it shall be] as [the sin-offering] itself.[3] If the latter is ritually unfit to be eaten, the other[4] is also unfit, and if it is permitted, the other[4] is also permitted to be eaten but only under the conditions of stringency as [the sin-offering] itself.[5] But why do you prefer to infer it[6] from this [verse] rather than from the other?[7] — Because that is an anomaly, and one cannot draw any inferences from an anomaly. If so, how may we infer [the rule of neutralization] in hundred-fold or in sixty-fold from it? — Forsooth, do we infer leniency from it? We infer a restriction, for according to the rule of the Torah a substance is neutralized in a bare majority [of other substances].[8]

Rabina said: The [exclusion] was necessary only in regard to the side of the cut; for generally it is said that the side of the cut is forbidden[9] but here it is permitted.[10]

R. Dimi was sitting and reciting this statement [of R. Samuel b. R. Isaac][11] when Abaye said to him: Are then all forbidden substances of the Torah neutralized only in hundred-fold? Surely we have learnt:[12] With regard to what did they say that every [substance of terumah] which leavens, or flavours, or is mixed with [common food], must be treated with stringency? It is with regard to homogeneous substances. [And with regard to what did they say that every substance of terumah which leavens etc.] must be treated with leniency as well as with stringency? It is with regard to heterogeneous substances. And in the next clause it reads: With regard to heterogeneous substances there is leniency as well as stringency — thus if crushed beans [of terumah] were cooked with lentils [of common food] and they impart a flavour [to the lentils], the whole is forbidden, whether there was so little [of the beans] as to be neutralized in a hundred and one or not.[13] If they do not impart a flavour [to the lentils] they are permitted, whether there was so little [of the beans] as to be neutralized in a hundred and one or not.[14] Now in the case where there was not so little [of the beans] as to be neutralized in a hundred and one, is it not to be assumed [that there was little enough to be neutralized] in sixty?[15] —

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(1) Sc. from the case of the ram of the Nazirite sacrifice which is also consecrated matter; and the inference would be that even consecrated matter is neutralized in sixty-fold or hundred-fold.

(2) Lev. VI, 20. I.e., whatsoever shall have absorbed from the flesh of the sin-offering, however minute, must be treated as the sin-offering itself, for the taste or essence of the sin-offering can never be neutralized.

(3) V. Pes., (Sonc. ed.,) p. 212 and notes.

(4) That which has absorbed from the sin-offering.

(5) V. Zeb. 97b. The sin-offering could be eaten only by the males of the priesthood, within the hangings of the Sanctuary, the same day and the evening following until midnight. With regard to other sacrificial meat less stringent regulations obtained. From this verse, quoted in the text, is derived the rule that a consecrated substance can never be neutralized. Hence an inference from the ram of the Nazirite to the contrary cannot be made.

(6) Sc. the rule that consecrated matter can never be neutralized, for the taste thereof is as the substance itself.

(7) V. supra p. 550, n. 8.

(8) V. supra p. 550, n. 1, 2 and 3.

(9) V. supra 68b. Whenever a matter is partly permitted and partly forbidden and it is necessary to separate these parts, when they are cut away from each other the surface of the cut on the side of the permitted part which was in contact with the forbidden part must be pared off.

(10) So that when the shoulder is cut away from the rest of the ram there is no necessity to pare off the surface of the cut.

(11) Supra p. 548.

(12) V. ‘Orlah II, 6, 7.

(13) This is the standard quantity for neutralizing terumah in any mixture, derived from Num. XVIII, 29; cf. Sifre on that

verse. The rule here is one of stringency for even though there were a hundred and one times as much lentils as the beans of terumah, the mixture is forbidden because of the flavour that is still perceptible.

(14) This is a rule of leniency in that the standard of a hundred and one is not insisted upon in the case where the flavour of the terumah substance is not perceptible. This lenient rule applies only to a mixture of heterogeneous substances, but in the case of a mixture of homogeneous substances conditions of stringency always obtain; and in order that a mixture of homogeneous substances be permitted, two conditions are essential, first the absence of any flavour of the terumah substance, and secondly the requisite standard of a hundred and one; v. infra.

(15) And in such a case the mixture would be permitted provided that the flavour of the terumah substance was not perceptible. Hence it is evident that the standard of neutralization where the flavour is not perceptible is sixty-fold, contra R. Dimi who quoted R. Samuel b. R. Isaac.

Talmud - Mas. Chullin 99b

No, [it could be neutralized] in a hundred.[1] But surely since the first clause deals with neutralization in a hundred the second deals with neutralization in sixty![2] For it reads in the first [clause as follows]: With regard to homogeneous substances there is always stringency — thus if wheaten leaven [of terumah] fell into wheaten dough [of common food], and there was sufficient of it to leaven the dough,[3] it is forbidden, whether there was so little of the leaven as to be neutralized in a hundred and one or not. If there was not so little of the leaven as to be neutralized in a hundred and one, it is forbidden, whether it could leaven the dough or not.[4] Can it then be said that both the first and second clauses are [alike in that neutralization takes place only] in a hundred?[5] — No, the first clause deals with neutralization in a hundred and one,[6] whereas the second clause deals with neutralization in a hundred.[7] Why is it then, where there were a hundred and one times [the quantity of the forbidden leaven], even though it can still leaven the dough, that it is not neutralized?[8] He [R. Dimi] remained silent. Said [Abaye] to him: Perhaps it is different with leaven for leaven is very sharp! Said [R. Dimi] to him: You have now reminded me of that statement of R. Jose son of R. Hanina, viz., Not all standards are alike,[9] for in the case of brine the standard of neutralization is almost two hundred. For we have learnt:[10] [Where unclean fish was pickled together with clean fish, if in a barrel holding two se'ahs there was the weight of ten zuz Judean measure (which is five sela's Galilean measure)] of unclean fish, the brine thereof is forbidden. R. Judah says. [It is forbidden if there was] a quarter log [of unclean brine] in two se'ahs[11] [clean brine]. But has not R. Judah said that homogeneous substances cannot be neutralized? — It is different with brine for it is only the moisture[12] [of the fish].

HOW DOES ONE MEASURE THIS? R. Huna said: As if it were meat [cooked] with turnip-heads.[13] Our Mishnah is not in agreement with the following Tanna, for it was taught: R. Ishmael the son of R. Johanan b. Beroka says that nerves cannot impart a flavour.[14]

A man once came in before R. Hanina,[15] and R. Judah b. Zebina was sitting at the doorstep [of R. Hanina's house]. When the man came out he [R. Judah] asked him, ‘How did he [R. Hanina] decide’? ‘He permitted it unto me’, he replied. ‘Then go in again to him’, [said R. Judah b. Zebina]. Thereupon [R. Hanina] said: ‘ Who is this that worries me so. Go, tell him who is sitting at the doorstep that nerves cannot impart any flavour’.

When a person [with such a case] came to R. Ammi he would always send him to R. Isaac b. Halob who used to rule that it was permitted on the authority of R. Joshua b. Levi, although he [R. Ammi] himself was not of that opinion.

The law is: Nerves cannot impart a flavour.

IF THE SCIATIC NERVE WAS COOKED WITH OTHER NERVES etc. Why is it not neutralized in the larger quantity [of other nerves]?[16] —

(1) So that in the case of a mixture of heterogeneous substances and in the absence of any flavour from the forbidden substance the standard of neutralization of a hundred (instead of a hundred and one) would be adopted as sufficient.
(2) Since it has been clearly laid down that a mixture of homogeneous substances is always to be treated with stringency, which is not the case with heterogeneous substances, and since in the case of a homogeneous mixture, in the absence of a perceptible flavour, a standard of a hundred would be adopted as sufficient to render the mixture permitted, it follows that with regard to a mixture of heterogeneous substances even this standard would not be required, but a standard of sixty-fold would be regarded as sufficient.
(3) This is identical with the expression 'and it imparts a flavour in the dough'.
(4) If, however, there was not sufficient of the leaven to serve for the dough, and there was the standard of a hundred and one, the mixture would be permitted even though it consisted of homogeneous substances. It is assumed, for the present, that by 'the standard of a hundred and one' is meant a hundred parts of the permitted substance to one part of the forbidden substance.
(5) This cannot be, for neutralization in connection with heterogeneous substance is of a lenient character and presumably a standard of sixty-fold would be sufficient.
(6) In other words the assumption that 'the standard of a hundred and one' meant a hundred parts of one to one part of the other was erroneous, for by 'the standard of a hundred and one' is meant a hundred and one parts of the permitted substance to one part of the other.
(7) V. supra p. 55 2, n. 4.
(8) Surely the flavour of the leaven would not be perceptible if there were a hundred and one times as much dough as leaven.
(9) The standard of neutralization varies according to the nature of the forbidden substance.
(10) V. Ter. X, 8. Ten zuz is one part in nine hundred and sixty of two se'ahs (one se'ah is twenty-four logs; one log is two litras; one litra is one hundred zuz).
(11) I.e., a proportion of one in one hundred and ninety-two. (One se'ah is six kabs, and one kab is four logs). If, however, the proportion of the substances was less than this (e.g., if the forbidden substance was one in two hundred), the mixture would be permitted, even though the substances are of like kind.
(12) As it is forbidden only by Rabbinic injunction R. Judah allows neutralization with regard to it.
(13) Or 'turnip roots' (Tosaf.). V. supra p. 540, n. 1.
(14) And if cooked with meat it need only be removed and the meat is permitted, for the nerve is as dry as wood and cannot impart a flavour. According to our Mishnah even though the nerve has been removed the meat would be forbidden because of the flavour of the nerve.
(15) With the case where the sciatic nerve was cooked together with meat.
(16) In the case where the sciatic nerve was not recognizable.

Talmud - Mas. Chullin 100a

It is different with the case of a separate entity.[1]

AND SO IT IS WITH A PIECE OF NEBELAH etc. Why is it not neutralized in the larger quantity [of the other substances in the mixture]? Now this is well according to him who says that the expression 'whatsoever one is wont to count'[2] was used;[3] but according to him who says that the expression '[only] that which one is wont to count'[4] was used, what shall we say? — It is different with a whole piece since it is suitable to be offered to guests.[5] Now both cases were necessary to be stated [in the Mishnah]. For if we were taught only the case of the [sciatic] nerve, [we should have said that it is not neutralized] because it is a specific entity, but this is not so with the case of a piece [of meat]; and if we were taught the case of a piece [of meat we should have said that it is not neutralized] because it is a piece suitable to be offered to guests, but this is not so with the case of the [sciatic] nerve. Therefore both cases were necessary [to be stated].

Rabbah b. Bar Hana stated in a public lecture: A piece of nebelah[6] or a piece of an unclean fish[6] will not render forbidden [the mixture in which it is] until it imparts a flavour to the broth, in the

sediments and in the pieces [of the stew]. Rab thereupon appointed an Amora[7] who stated as follows: As soon as it [the piece of nebelah] imparted its flavour to one piece that piece[8] itself is rendered [forbidden] like nebelah,[9] and it[8] in turn renders all the other pieces forbidden[10] for they are of like kind. R. Safra said to Abaye. Consider, Rab's ruling agrees, does it not, with the opinion of R. Judah who maintained that homogeneous substances cannot neutralize each other [in a mixture]? Why then [does he declare], 'As soon as it imparted its flavour'? Surely even if it did not impart any flavour to it[8] it would also [render the entire contents of the pot forbidden]?[11] — He replied: We are dealing here with the case where he straightway removed it.[12] Raba replied,

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(1) Since it is complete in itself it will not be neutralized in any quantity, however large.

(2) In M. 'Orlah III, 6, 7 in the list of substances which are not neutralized in any quantity, however large.

(3) All things which a man might sell by number, even though this is not the invariable practice with regard to them for a man might sell them by weight or by bulk too, are not neutralized in any quantity. Pieces of meat, too, a man might sell by number, and therefore would come within the category of substances which do not become neutralized in a larger quantity.

(4) Whatsoever is more comprehensive than that. According to the former teaching neutralization is not permitted in the case of objects which are regarded as of sufficiently high commercial value to be sold in units rather than in bulk. According to the latter teaching neutralization is permitted in all cases except those where the objects are of such high value as not to be sold save by counting single units. Those things, however, which are sold by weight as well as by number would be neutralized in the larger mixture, v. Yeb. (Sonc. ed.) p. 551, n. 11. The question therefore remains, why is not the piece of nebelah neutralized in the larger mixture?

(5) Being a piece suitable for presentation it will never lose its identity or be neutralized in any quantity, however large.

(6) Which was recognizable in the mixture and so was removed therefrom. The only consideration being the essence or flavour that exuded from it.

(7) 'Speaker', 'interpreter'; the person who attended upon the lecturer for the purpose of expounding at length and in popular style the main points of the discourse given to him by the latter.

(8) Sc. the piece which was first in the pot together with the piece of nebelah before the other pieces were put in, or the piece which was nearest the piece of nebelah and which therefore absorbed most of the essence of the latter.

(9) Since it was not sixty times as large as the piece of nebelah.

(10) Even though the other pieces in the pot were as much as sixty times the volume of the piece of nebelah plus the one next to it.

(11) For the forbidden substance is of the same kind as the rest of the contents of the pot.

(12) The piece of nebelah as well as the broth in the pot was removed before the other pieces were put in, leaving behind only one piece. If this piece therefore which remained contains the flavour of the nebelah, it is then regarded as nebelah itself and will render forbidden the pieces which are subsequently put in with it.

Talmud - Mas. Chullin 100b

You may even say that he did not remove it at once, but this is a case of one kind being mixed with a like kind and also with a different kind,[1] and wherever one kind is mixed with a like and also with a different kind you must disregard the like kind as if it were not present, and if the different kind is more [than the forbidden substance] it will neutralize it.[2]

MISHNAH. IT[3] APPLIES TO CLEAN ANIMALS BUT NOT TO UNCLEAN.[4] R. JUDAH SAYS, EVEN TO UNCLEAN ANIMALS. R. JUDAH ARGUED, WAS NOT THE SCIATIC NERVE PROHIBITED FROM THE TIME OF THE SONS OF JACOB, AND AT THAT TIME UNCLEAN ANIMALS WERE STILL PERMITTED TO THEM?[5] THEY REPLIED, THIS LAW WAS ORDAINED AT SINAI BUT WAS WRITTEN IN ITS PROPER PLACE.[6]

GEMARA. Is R. Judah of the opinion that a prohibition can be superimposed upon an existing prohibition?[7] Surely it has been taught: R. Judah says: I might have thought that the carcass of an unclean bird whilst in the gullet should render clothes unclean,[8] the verse therefore reads: That

which dieth of itself or is not of beasts he shall not eat to defile himself therewith,[9] that is to say, this[10] applies only to that [carcass] which bears the prohibition of eating nebelah but not to that which does not bear the prohibition of eating nebelah but the prohibition of eating what is unclean![11] Should you, however, say that he [R. Judah] is of the opinion that nerves do not impart a flavour, so that in the case [where one ate the nerve] of an unclean animal there is only the prohibition of the nerve but not the prohibition of [eating] what is unclean;[12] but are we right in assuming that R. Judah is of the opinion that nerves do not impart a flavour? Behold it has been taught: If a person ate the sciatic nerve of an unclean animal, R. Judah declares that he has incurred guilt twice;[13] but R. Simeon holds that he has not incurred guilt at all?[14] — In truth he [R. Judah] is of the opinion that nerves do impart a flavour, but he also holds that it [sc. the prohibition of the sciatic nerve] applies to a foetus too, so that the prohibition of the nerve and the prohibition on account of uncleanness come into force simultaneously.[15] But how can you assume [that R. Judah holds] it applies to a foetus? Behold we have learnt: It[16] also applies to a foetus; but R. Judah says: It does not apply to a foetus. And its fat is permitted! — That is so only with regard to a clean animal concerning which the Divine Law declares: Everything . . . in the beast ye may eat,[17] but with regard to an unclean animal the prohibition of the nerve applies. But again how can you assume that both [prohibitions] come into force simultaneously? Behold we have learnt:[18] By reason of uncleanness contracted from the following sources the Nazirite must shave [his head]: a corpse, an olive's bulk of [the flesh of] a corpse, [etc.] And the question was asked: If he must shave [his head] on account of an olive's bulk of a corpse, then surely he must shave [his head] on account of an entire corpse! But R. Johanan answered that it was only necessary [to mention the corpse itself] for the case of an abortion whose limbs were not yet knit together by nerves. Hence we see that the prohibition of uncleanness comes first![19] — Notwithstanding the fact that the prohibition of uncleanness comes first the prohibition of the nerve can indeed be superimposed, because this latter prohibition is binding even upon the sons of Noah.[20] And this is precisely implied [in the teaching of the Mishnah]: R. JUDAH ARGUED, WAS NOT THE SCIATIC NERVE PROHIBITED FROM THE TIME OF THE SONS OF JACOB, AND AT THAT TIME UNCLEAN ANIMALS WERE STILL PERMITTED TO THEM?

The [above] text [stated]: ‘If a person ate the sciatic nerve of an unclean animal, R. Judah declares that he has incurred guilt twice;

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(1) For the mixture consists of nebelah (a forbidden substance), other pieces of meat (permitted substances of like kind as nebelah), and broth and spices (permitted substances of a different kind).

(2) If then the first permitted piece absorbed the flavour of the forbidden piece, although we may disregard all the other pieces in the pot as being of like kind, we must nevertheless be satisfied, in order that the mixture be permitted, that the broth contains sixty times as much as the forbidden piece plus the first permitted piece, which, as we have seen, is regarded as the nebelah itself.

(3) The prohibition of the sciatic nerve.

(4) So that if a person were to eat the sciatic nerve of an unclean animal he would not incur guilt on account of the nerve, though he would be liable on account of eating meat of an unclean animal (provided, of course, it is held that nerves are considered as meat).

(5) The sciatic nerve when first prohibited (cf. Gen. XXXII, 33) applied to all animals, clean as well as unclean, for in the patriarchal epoch there was no distinction between the clean and unclean, all were permitted. And the prohibition as it was then continued in force even subsequent to the giving of the Torah at Sinai when the distinction was made between clean and unclean beasts.

(6) The prohibition was first promulgated at Sinai but was merely recorded in the Torah in connection with the incident of Jacob's strife with the angel (Gen. XXXII, 25ff) which provided the reason for the subsequent prohibition.

(7) For R. Judah states in the Mishnah that it applies EVEN TO UNCLEAN ANIMALS, by which he no doubt meant to imply that he who eats the nerve of an unclean animal incurs guilt on two counts, viz., for eating the sciatic nerve and for eating of an unclean animal.

(8) The carcass of a bird does not render unclean by the usual media of contact or carrying; its only defiling effect is that it renders unclean the clothes of the person who eats of it, and only while he is in the act of swallowing it.

(9) Lev. XXII, 8. In the Sifra and in Nid. 42b this verse has been interpreted as referring to the carcass of a bird.
(10) I.e., this peculiar and unique form of defilement; v. supra II, 5.
(11) V. Nid. 42b. It is thus evident that the prohibition of nebelah cannot be superimposed upon the pre-existing prohibition of an unclean bird
(12) The sciatic nerve of an unclean animal is only forbidden qua nerve and not as unclean meat, for the nerve is tasteless and hard as wood.
(13) Obviously because by eating the nerve he has also eaten of the meat of an unclean animal.
(14) Pes. 22a.
(15) I.e., at the time of the formation of the embryo in the womb. As both prohibitions come into force simultaneously one is liable for the transgression of both.
(16) Sc. the prohibition of the sciatic nerve. V. supra folio 89b.
(17) Deut. XIV, 6. Every part of the foetus that is within the womb of the dam may be eaten, the nerve as well as fat: so according to R. Judah. This verse applies only to clean beasts, i.e., those which may be eaten, but not to unclean beasts.
(18) V. supra 89b.
(19) For the abortion is forbidden as an unclean animal before the formation of the nerves.
(20) Where the later prohibition is more stringent in that it applies to a larger number of people than the existing prohibition, it can be superimposed upon the latter. And the sciatic nerve (as stated by R. Judah in the Mishnah) was forbidden to all the sons of Noah, for it was declared forbidden even before the giving of the Torah at Sinai to the sons of Jacob who at that time were deemed sons of Noah.

Talmud - Mas. Chullin 101a

but R. Simeon holds that he has not incurred guilt at all'. But whatever you think is the opinion of R. Simeon [there is always a difficulty]! If he holds that one prohibition can be superimposed upon a pre-existing prohibition, then he should have incurred guilt on account of the nerve too; and if he holds that one prohibition cannot be superimposed upon a pre-existing prohibition, then he should have incurred guilt on account of uncleanness, for that came first;[1] and if he holds that nerves do not impart a flavour,[2] then he should have incurred guilt [at least] on account of the nerve! — Raba answered: In truth he holds that nerves do not impart a flavour, but it is different in that case[3] for the verse says: Therefore the children of Israel eat not the sciatic nerves,[4] that is, the nerve is forbidden but the flesh permitted; this case therefore must be excluded since the nerve would be forbidden and the flesh forbidden too.[5] Rab Judah said in the name of Rab: If a person ate the sciatic nerve of a nebelah he has, according to R. Meir, incurred guilt twice; but the Sages hold that he has incurred guilt once only.[6] The Sages, however, agree with R. Meir that if a person ate the sciatic nerve of a burnt-offering or of an ox that was condemned to be stoned he would have incurred guilt twice.[7]

Who is this authority[8] who holds that a comprehensive prohibition alone cannot be superimposed upon an existing prohibition whereas a comprehensive prohibition which also imposes a graver penalty can? — Raba said: It is R. Jose the Galilean. For we have learnt: If a person that was unclean ate either unclean or clean consecrated food, he is liable.[9] R. Jose the Galilean says: If a person that was unclean ate clean consecrated food he is liable, but if he ate unclean consecrated food he is not liable, for he has only eaten what was unclean.[10] They replied to him: Even where he that was unclean ate what was clean, as soon as he touched it he has rendered it unclean![11] [Now it was asked thereon]: The Rabbis have surely replied well to R. Jose the Galilean? And Raba explained that where the person was rendered unclean and only later the meat was rendered unclean, all agree that he is liable,[12] for the prohibition involving the penalty of kareth came first.[13] They differ only where the meat was first rendered unclean and later the person became unclean.[14] The Rabbis adopt the principle of a comprehensive prohibition, arguing thus: Since he[15] would now be liable[12] for [eating] any piece of [consecrated] food that was clean he is also liable for [eating] a piece that was unclean. R. Jose the Galilean does not adopt the principle of a comprehensive prohibition, for he does not accept the argument 'since'. But according to R. Jose the Galilean, even though he holds that the comprehensive prohibition which involves only a light penalty cannot [be superimposed upon an

existing prohibition], surely the comprehensive prohibition which involves a graver penalty ought to be superimposed upon the prohibition with the light penalty! And what is [the gravity] here? It is in respect of the uncleanness of the person, since it involves the penalty of kareth! — R. Ashi replied: But who shall say that it is in respect of the uncleanness of the person that the gravity lies, perhaps the gravity is in respect of the uncleanness of the meat, since it can never be rendered clean by [immersion in] a mikweh?[16]

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(1) Namely, while it was still an embryo in the womb before the formation of the nerves; v. supra n. 1.

(2) And consequently he is not liable for eating the meat of an unclean animal.

(3) In the case of an unclean animal.

(4) Gen. XXXII, 33.

(5) And this was not intended by the verse. Hence the sciatic nerve of an unclean animal is not forbidden qua nerve; neither is it forbidden as part of an unclean animal, for R. Simeon is of the opinion that nerves are tasteless and hard as wood.

(6) For the prohibition of nebelah, which only comes into force when the animal has died, cannot be superimposed upon the already existing prohibition of the sciatic nerve, even though the later prohibition is more comprehensive than the first, in that it applies to every part of the animal.

(7) The prohibition of a burnt-offering or of an ox condemned to be stoned (for having killed a human being, cf. Ex. XXI, 28) can be superimposed upon the existing prohibition of the sciatic nerve, for in the first place it is more comprehensive than the existing prohibition in that it applies to every part of the animal, whereas the existing prohibition applied only to the nerve, and secondly, it imposes a graver restriction, for now the sciatic nerve of the animal is forbidden for all purposes (אסור בהנאה) whereas before it was only forbidden to be eaten.

(8) The opinion expressed above as that of 'the Sages'.

(9) To the penalty of kareth (cf. Lev. VII, 20, 21) if he did so deliberately, or to bring a sin-offering if he did so inadvertently.

(10) And for eating consecrated food that was unclean there is only the penalty of stripes but not kareth.

(11) And yet he is liable. V. Zeb. 106a.

(12) V. p. 60, n. 4.

(13) As soon as a person has become unclean he is precluded from eating consecrated food under the penalty of kareth, and this restriction enforced by the penalty of kareth is not removed even if the consecrated meat has subsequently become unclean.

(14) When consecrated meat is rendered unclean all are precluded from eating it under the penalty of stripes, and if subsequently a person becomes unclean he is still precluded from eating the unclean meat but now under the penalty of kareth; moreover, the restriction in his ease now is comprehensive in that he is now precluded from all consecrated food, clean as well as unclean.

(15) Sc. the person that is unclean.

(16) Whereas the unclean person would become clean after immersion in a ritual bath (מקוה). The position therefore is that although R. Jose maintains generally that a comprehensive prohibition cannot be superimposed upon an existing prohibition there is no reason to suppose that he would hold this view in respect of a comprehensive prohibition involving a graver restriction. Thus he is in agreement with the view of 'the Sages' supra.

Talmud - Mas. Chullin 101b

And does R. Jose the Galilean hold the view that a comprehensive prohibition cannot [be superimposed upon an existing prohibition]? Behold it has been taught: If the Day of Atonement happened to fall on the Sabbath and a person inadvertently did work thereon, whence do we know that he is guilty for each separately?[1] Because it is written: It is a sabbath,[2] and also: It is the day of atonement;[3] so R. Jose the Galilean. R. Akiba says: He has only incurred guilt once.[4] — Rabin sent [from Palestine the following message] in the name of R. Jose son of R. Hanina: The construction of the teaching is as stated save that the authorities must be reversed.[5] R. Isaac b. Jacob b. Giori sent the following in the name of R. Johanan: According to the view of R. Jose the Galilean, now that we have reversed the authorities, if a person being unaware that it was the Sabbath but knowing full well

that it was the Day of Atonement [did work thereon] he is liable,[6] if [he did so] knowing full well that it was the Sabbath but being unaware that it was the Day of Atonement, he is not liable. What is the reason [for this distinction]? — Abaye answered: The Sabbath is fixed and determined from all time, but the Day of Atonement is determined by the Beth Din.[7] Said Raba to him: But in fact both [prohibitions] set in simultaneously! — Rather explained Raba:[8] It was a time of religious persecution,[9] and they sent word from there [Palestine] that the Day of Atonement of that year should be observed on a Sabbath.[10] When Rabin came and also all those who came down [from Palestine to Babylon], they explained it as Raba did.

R. JUDAH ARGUED, WAS NOT THE SCIATIC NERVE FORBIDDEN FROM THE TIME OF THE SONS OF JACOB? etc. It was taught: [The Rabbis] said to R. Judah: Does it say [in the Torah], 'Therefore the children of Jacob eat not'? Surely it says: Therefore the children of Israel eat not.[11] Now they were first styled the children of Israel only at [the giving of the law at] Sinai; therefore [we must say that] the law [of the sciatic nerve] was given at Sinai, but was written in its present place to indicate the reason why it was prohibited. Raba raised an objection against this. It is written: And the sons of Israel carried Jacob their father![12] — That was after the incident.[13] R. Aha the son of Raba said to R. Ashi: Then it should be prohibited from that time[14] onwards, should it not? — He replied: Was the Torah given at various times? And that time[15] was neither the time of the incident nor the time of the giving of the Law.[16]

Our Rabbis taught: The [prohibition of eating a] limb [severed] from a living creature applies to cattle, wild beasts and to birds, whether they be clean or unclean: so R. Judah and R. Eleazar; but the Sages say: It applies only to the clean animals. Said R. Johanan: Both views were inferred from the same verse, viz., Only be steadfast in not eating the blood, for the blood is the life;

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(1) And must bring two sin-offerings, i.e., for breaking the Sabbath and also for profaning the Day of Atonement.

(2) Lev. XXIII, 3.

(3) Ibid. 27. Here the prohibitions of the Sabbath and of the Day of Atonement come into force simultaneously, i.e., on the Friday evening after sunset; nevertheless R. Jose regards the person guilty for transgressing both prohibitions. Now if R. Jose were to hold that a comprehensive prohibition or one that involves a graver penalty can be superimposed upon an existing prohibition, then it is clear to understand his view here with regard to simultaneous prohibitions; since whichever of the two prohibitions were to set in first the other could be superimposed. For the Sabbath involves a graver penalty than that of the Day of Atonement (the former death and the latter kareth); and, on the other hand, the prohibition of the Day of Atonement is more comprehensive than that of the Sabbath (on the Sabbath only work is prohibited whilst on the Day of Atonement eating is also prohibited). If, however, R. Jose were to hold that a comprehensive prohibition or one that involves a graver penalty cannot be superimposed upon an existing prohibition, what is his reason here for holding that two prohibitions can come into force simultaneously?

(4) Tosef. Ker. II.

(5) And it was R. Jose who said that the offender had only incurred guilt once; for according to R. Jose in no circumstances can a prohibition be superimposed upon another prohibition, whether both come into force simultaneously or the later one is a comprehensive prohibition or one that involves a graver penalty.

(6) To bring a sin-offering for breaking the Sabbath inadvertently.

(7) It is therefore considered as if the Sabbath set in first, so that the prohibition of the Day of Atonement cannot be superimposed upon the existing prohibition of the Sabbath. Consequently the only prohibition that enters into consideration is that of the Sabbath, and if a person did work knowing full well that it was the Sabbath, he is not liable to bring a sin-offering, for no offering may be brought for a deliberate transgression.

(8) The original statement of R. Isaac b. Jacob had no reference to the opinion of R. Jose the Galilean, but dealt with a special ease that arose because of religious persecution.

(9) And the observance of the Day of Atonement in its proper time was proscribed.

(10) Although that day was not the correct date of the Day of Atonement. Consequently any breach of the sanctity of that day can only be considered as a transgression of the Sabbath but not as a transgression of the Day of Atonement.

(11) Gen. XXXII, 33.

(12) Ibid. XLVI,5. The reference is to the children of Jacob carrying their father to Egypt; thus they are styled 'the children of Israel' before the giving of the Law at mount Sinai.

(13) When Jacob wrestled with the angel, after which incident God changed his name from Jacob to Israel.

(14) I.e., from the time that they were first designated 'children of Israel', that is, when Jacob was taken to Egypt.

(15) V. p. 563, n. 8.

(16) A particular law could have been ordained either generally at the giving of the Law at Sinai, or specially, even before Sinai, at the occurrence of the event that gave rise to that law, but at no other period.

Talmud - Mas. Chullin 102a

and thou shalt not eat the life with the flesh.[1] R. Judah and R. Eleazar hold that where you are forbidden the blood [of an animal] you are also forbidden the limbs severed therefrom, and as you are forbidden the blood of unclean animals[2] you are also forbidden the limbs severed therefrom. The Sages, however, maintain: It is written: 'And thou shalt not eat the life with the flesh', but the flesh alone [you may eat]; therefore, where you are permitted the flesh [of the animal] you are forbidden the limbs severed therefrom, but where you are not permitted the flesh [of the animal] you are not forbidden the limbs severed therefrom.[3]

Why is the verse necessary to explain R. Judah's view? Surely the prohibition of the 'limb' can be superimposed upon the prohibition of uncleanness, since the prohibition of the former applies even to the sons of Noah![4] — Indeed this is so, and the verse is necessary only to explain R. Eleazar's view.

It has been taught likewise: The [prohibition of the] limb of a living creature applies to cattle, wild beasts and birds, either clean or unclean, for it is written: 'Only be steadfast in not eating the blood etc.', that is to say, where you are forbidden the blood you are also forbidden the limbs severed therefrom, and where you are not forbidden the blood of an animal[5] you are not forbidden the limbs severed therefrom: so R. Eleazar. The Sages say. It applies only to clean animals, for it is written: 'Thou shalt not eat the life with the flesh, but the flesh alone [you may eat]; therefore, where you are permitted the flesh you are then forbidden the limbs' severed therefrom, but where you are not permitted the flesh you are then not forbidden the limbs severed therefrom. R. Meir says: It applies only to clean cattle. (Mnemonic: Samuel, Shila, Shimi). Rabbah b. Samuel said in the name of R. Hisda or, as some say: R. Joseph; others say. Rabbah b. Shila said in the name of R. Hisda or, as some say. R. Joseph; and others say: Rabbah b. Shimi said in the name of R. Hisda or, as some say. R. Joseph: What is the reason for R. Meir's view? Because the verse reads: Thou shalt kill of thy herd and of thy flock.[6]

R. Giddal said in the name of Rab: The dispute[7] refers only to an Israelite, but as for a descendant of Noah all agree that he is warned against [eating the limb of] unclean as well as clean animals. It has been taught likewise: As to the limb of a living creature a descendant of Noah is warned against [eating] it, whether it be of a clean or unclean animal, whereas an Israelite is warned only against [eating] the limb of a clean animal. Some read 'of a clean one' '[8] and it is in accordance with R. Meir's view; but others read 'of clean ones',[9] and it is in accordance with the view of the Sages.

R. Shizbi said: We have also learnt it [in the following Mishnah].[10] If a person ate a limb [severed] from it[11] whilst alive, he does not suffer forty stripes; and the slaughtering thereof does not render it clean.[12] Of whom is this said? Should you say of an Israelite, but is it not obvious that the slaughtering does not render it clean? It could only have been said of a descendant of Noah,[13] and this proves that it is forbidden to him. R. Mani b. Pattish pointed out a contradiction between the first clause and the second clause[14] and resolved it thus: The first clause speaks of an Israelite, but the second clause of a descendant of Noah.

Rab [Judah] said [in the name of Rab]:[15] The [prohibition of a] limb severed from a living creature requires [at least] an olive's bulk, because the expression 'eating'[16] is used with regard to it. R. 'Amram raised an objection [against this]. [We have learnt:] If a person ate a limb from it[17] whilst alive, he does not suffer forty stripes; and the slaughtering thereof does not render it clean. Now if you were to hold that there must be an olive's bulk, then guilt is established because of eating an olive's bulk [of what is unclean]?[18] — As R. Nahman suggested elsewhere that there was only a little flesh but the sinews and bones [combined to make up the olive's bulk], so here too, we must say that there was only a little flesh but the sinews and bones [combined to make up the olive's bulk].[19]

Come and hear from the following statement of Rab:

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(1) Deut. XII, 23. This verse contains two prohibitions: against eating blood and against eating the limb of a living creature, for the latter part of the verse is interpreted as: Thou shalt not eat the flesh whilst the animal is still alive.

(2) V. M. Ker. V, 1.

(3) But of course there is the prohibition of the flesh of an unclean animal.

(4) V. supra 100b. The sons of Noah were forbidden to eat the limb of a living animal, cf. Gen. IX, 4. This was one of the seven commandments imposed upon them. Cf. Sanh. 56a.

(5) E.g. the blood of fish and of locusts.

(6) Deut. XII, 21. This verse precedes the law of the limb of a living animal (verse 23) and as it expressly mentions herds and flocks wild beasts and birds are excluded.

(7) Between R. Eleazar, the Sages, and R. Meir.

(8) In the feminine singular, which refers to cattle only and excludes wild beasts and birds.

(9) In the masculine plural, so as to include every living creature that is clean.

(10) Toh. I, 3.

(11) Sc. an unclean bird, i.e., one that is forbidden to be eaten.

(12) I.e., does not render it permitted to be eaten. 'Clean' cannot mean here 'free from defilement' because no uncleanness whatsoever is attached to the carcass of a bird that is forbidden to be eaten.

(13) And the implication is that even after the slaughtering the descendant of Noah is not permitted to eat of it until it ia quite dead, for otherwise he would be eating the limb of a living animal and this is forbidden to him.

(14) For the first clause implies that the prohibition of a limb severed from a living creature does not apply to unclean animals since it rules that he who eats it does not suffer stripes, whereas the inference from the second clause is that the limb of an unclean living animal is forbidden. V. prec. n.

(15) So MS.M.

(16) An olive's bulk is the minimum amount to constitute 'eating'.

(17) Sc. an unclean bird, i.e., one that is forbidden to be eaten.

(18) For which he would incur stripes, quite apart from any consideration regarding the limb of a living creature.

(19) This would not involve the prohibition of flesh of an unclean animal since there must be an olive's bulk of flesh excluding bones and sinews; on the other hand, a limb consisting of flesh, bones and sinews, in all the size of an olive, is subject to the prohibition of a limb severed from a living creature.

Talmud - Mas. Chullin 102b

If a person ate a clean bird whilst it was yet alive, however small it was [he is liable],[1] if dead, only if it was as large as an olive's bulk.[2] [If he ate] an unclean bird, whether alive or dead, however small it was, [he is liable].[3] — Here too we must suppose there was only a little flesh but the sinews and bones [combined to make up the olive's bulk].[4]

Come and hear: [It was taught]:[5] If a person took a [clean] bird, the whole of which was not as large as an olive's bulk, and ate it, Rabbi holds that he is not liable,[6] and R. Eleazar son of R. Simeon declares him liable. R. Eleazar son of R. Simeon said: Is there not here an a fortiori argument? If he is liable for a limb thereof,[7] surely he is liable for the whole of it! If he strangled it and ate it, all agree that there must be as much as an olive's bulk [in order to render him liable].[8] Now their

disagreement is only on this point, viz., one holds that [an animal even] whilst alive stands to be dismembered into limbs,[9] and the other holds that whilst alive it does not stand to be dismembered into limbs;[10] but thus far they are agreed, namely, that [in the case of a limb] the size of an olive's bulk is not necessary! — Said R. Nahman, [it is a case where] there was only a little flesh but the sinews and bones [combined to make up the olive's bulk].[11] But is there such a creature, the whole of which does not carry an olive's bulk of flesh and yet in one limb there is as much as an olive's bulk made up of a little flesh and sinews and bones? — R. Sherebia replied: Yes, it is the kallanitha.[12] Consider then the final clause. It reads: 'If he strangled it and ate it, all agree that there must be as much as an olive's bulk [in order to render him liable]'. Is not the kallanitha an unclean bird? and Rab has stated, [If a person ate] an unclean bird, whether alive or dead, however small it was,[he is liable]! — What was meant was a [clean] bird like the kallanitha.

Raba said: If you can find authority for saying that Rabbi holds, an intention with regard to foodstuffs is of consequence,[13] then if a person intended to eat this bird[14] limb by limb but actually ate it whole, he is liable.[15] Said to him Abaye: Is there anything which if another were to eat, that other would not be liable,[16] and if this person were to eat he would be liable? — He replied: Each man is considered according to his intention with regard to it.

Raba also said: If you can find authority for saying that R. Eleazar son of R. Simeon holds, an intention with regard to foodstuffs is of consequence, then if a person intended to eat the bird[14] dead[17] and he ate it alive, he is not liable. Said to him Abaye: Is there anything which if another were to eat, that other would be liable, and if this person were to eat he would not be liable? — He replied: Each man is considered according to his intention with regard to it.

R. Johanan said: The verse: Thou salt not eat the life with the flesh,[18] refers to a limb [severed] from a living creature; and the verse: Ye shall not eat any flesh in the field, that is trefah [torn of beasts],[19] refers to flesh [severed] from a living creature and also to flesh of a trefah animal. R. Simeon b. Lakish said: The verse: 'Thou shalt not eat the life with the flesh', refers to a limb [severed] from the living creature and also to flesh [severed] from a living creature; and the verse: ' Ye shall not eat any flesh in the field, that is trefah [torn of beasts]', refers to flesh of a trefah animal. If a person ate a limb [severed] from a living creature and also flesh [severed] from a living creature,[20] according to R. Johanan he is liable twice,[21] and according to R. Simeon b. Lakish he is liable but once.[22] If a person ate flesh [severed] from a living creature and also flesh of a trefah animal, according to R. Simeon b. Lakish he is liable twice, and according to R. Johanan he is liable but once. If a person ate a limb [severed] from a living creature and also flesh of a trefah animal, according to both he is liable twice. A contradiction was pointed out from the following:

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(1) He is liable for transgressing the prohibition of a limb of a living creature, for the eating of the entire bird alive is certainly equivalent to the eating of a limb severed from the living bird. It is apparent, therefore, that Rab does not insist upon the minimum quantity of an olive's bulk with regard to this prohibition, thus contradicting his own previous statement.

(2) He is liable for eating nebelah for which there must be the minimum quantity of an olive's bulk.

(3) Because it is a complete entity expressly prohibited by the Torah, and one is liable for it no matter how small it is. Cf. Mak. 13a.

(4) The expression 'however small it was' refers to the amount of flesh, but actually a whole olive's bulk was eaten which included the sinews and bones,

(5) Tosef. A.Z. IX.

(6) pot the law concerning the limb of a living animal refers specifically to a limb and does not include the entire living creature.

(7) Even though the whole limb was not as large as an olive's bulk. This is not disputed by Rabbi, hence the objection is apparent against Rab.

(8) As the prohibition here is that of nebelah, the minimum quantity of an olive's bulk is essential,

(9) So that the prohibition of a limb of a living creature attaches to the animal whilst yet whole, and if a man eats an entire living creature he has certainly eaten a limb of a living creature as comprehended within the prohibition. In fact he has eaten many such limbs, nevertheless he is liable but once since presumably he received only one warning. This is the view of R. Eleazar b, R. Simeon.
(10) The prohibition of a limb of a living creature only comes about when the limb is actually severed from the body; such is the opinion of Rabbi.
(11) The expression 'the whole of which was not as large as an olive's bulk' refers to the flesh only, but with the bones and sinews there certainly was as much as an olive's bulk.
(12) A thin and scraggly bird. According to Levysohn, Zoologie des Talmuds, p. 183, a species of gull, probably the blue-footed gull.
(13) Lit., 'its name is an intention',
(14) I.e., a bird the whole of which was not as large as an olive's bulk.
(15) Since this person had expressed his intention to eat the bird limb by limb the prohibition of the limb of a living creature attaches forthwith, and he would be liable even though he ate it whole.
(16) So long as that other person had expressed no intention with regard to it.
(17) It is evident from the expressed intention that the bird was not to be dismembered whilst alive; therefore the prohibition of the limb of a living creature does not apply to it.
(18) Deut. XII, 23. I.e., thou shalt not eat a limb whilst there is yet life in the flesh. The word נפש, 'nefesh' (soul) in the verse refers to an entire limb, for once a limb is gone it cannot return or be replaced just as when the soul is gone.
(19) Ex. XXII, 30. The interpretation is, flesh in the field i.e., cut away from its place in the living animal, or flesh of a trefah animal, ye shall not eat.
(20) At one meal and the offender was only given one warning.
(21) For the transgression of two prohibitions, since each prohibition is derived from separate verses. 'Liable' throughout this passage means liable to the penalty of stripes unless expressly stated otherwise.
(22) For both these prohibitions are derived from the same verse.

Talmud - Mas. Chullin 103a

If a person ate a limb [severed] from a living animal that was trefah, R. Johanan says: He is liable twice; but R. Simeon b. Lakish says: He is liable but once. I grant that this is right according to R. Johanan, but according to R. Simeon b. Lakish this is a difficulty, is it not?[1] — R. Joseph answered, It is no difficulty, for one case deals with one animal and the other case with two animals. In the case of two animals[2] he is liable twice [according to both views], but in the case of one animal[3] they differ.

On what principle do they differ in the case of one animal? — Abaye said: It is a case where the animal was rendered trefah as soon as the greater part of it had come forth [out of the womb]. One [R. Johanan] holds that an animal [even] whilst alive stands to be dismembered into limbs, so that the prohibitions of trefah and of the limb from a living creature come Into force simultaneously. The other [R. Simeon b. Lakish] holds that an animal whilst alive does not stand to be dismembered into limbs, so that the prohibition of the 'limb' [when it does arise][4] cannot be superimposed upon the [already existing] prohibition of trefah.

Alternatively, you may say, all agree that an animal whilst alive does not stand to be dismembered into limbs, but they differ whether or no the prohibition of the limb [severed from a living creature] can be superimposed upon the [existing] prohibition of trefah. One [R. Johanan] holds that the prohibition of the limb can be superimposed upon the [existing] prohibition of trefah;[5] and the other [R. Simeon b. Lakish] holds that the prohibition of the 'limb' cannot be superimposed upon the [existing] prohibition of trefah.

Alternatively, you may say, all agree that an animal whilst alive stands to be dismembered into limbs,[6] but in this case the animal was rendered trefah later on [and not at birth], and they differ

whether or no the prohibition of trefah can be superimposed upon the [existing] prohibition of the limb. One [R. Johanan] holds that it can be superimposed;[7] and the other [R. Simeon b. Lakish] holds that it cannot.[8]

Raba said: It is a case where the person tore away a limb from the living animal and thereby rendered it trefah.[9] One [R. Johanan] holds that an animal whilst alive does not stand to be dismembered into limbs, so that the prohibitions of trefah and of the 'limb' come into force simultaneously. The other [R. Simeon b. Lakish] holds that an animal [even] whilst alive stands to be dismembered into limbs, so that the prohibition of trefah cannot be superimposed upon the [existing] prohibition of the 'limb'.

R. Hiyya b. Abba said in the name of R. Johanan: If a person ate forbidden fat [which was torn away] from a living animal, which was trefah, he is liable twice.[10] Whereupon R. Ammi said to him: And why do you not say thrice? Indeed l say [in the name of R. Johanan that he is liable] thrice. And it has been reported: R. Abbahu said in the name of R. Johanan: If a person ate forbidden fat [torn away] from a living animal, that was trefah, he is liable thrice.

On what principle do they differ? — The animal in this case was rendered trefah as soon as the greater part of it had come forth [out of the womb]. Now he who says [he is liable] thrice, is of the opinion that an animal [even] whilst alive stands to be dismembered into limbs, so that the prohibitions of the forbidden fat, of the limb [from a living creature], and of trefah come into force simultaneously;[11] but he who says [he is liable] twice, is of the opinion that an animal whilst alive does not stand to be dismembered into limbs, so that there are [present from the time of birth] the prohibitions of the forbidden fat and of trefah, and the prohibition of the limb [from a living creature] cannot be superimposed upon them.

Alternatively, you may say, all agree that an animal whilst alive does not stand to be dismembered into limbs, but they differ whether or no the prohibition of the limb [from a living creature] can be superimposed upon the [existing] prohibitions of the forbidden fat and of trefah. One holds that it can be superimposed upon them, and the other holds that it cannot.

Alternatively, you may say, all agree that an animal [even] whilst alive stands to be dismembered into limbs, but in this case the animal was rendered trefah later on [and not at birth], and they differ whether or no the prohibition of trefah can be superimposed upon the prohibition of the limb [from a living creature]. One holds it can be superimposed,[12] just as it is the case with the forbidden fat, for a Master has said: The Torah has expressly indicated that the prohibition of nebelah can be superimposed upon the prohibition of forbidden fat, and that the prohibition of trefah can be superimposed upon the prohibition of forbidden fat.[13] The other, however, maintains that it [sc. the prohibition of trefah] can indeed be superimposed upon the prohibition of forbidden fat inasmuch as there is an exception

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(1) For it is agreed by all that where the two prohibitions are derived from separate verses, as here, the offender is liable twice.

(2) I.e., he ate a limb severed from a living animal and also flesh taken from another animal which was trefah.

(3) I.e., he ate a limb severed from a living animal that was trefah.

(4) I.e., when it was actually dismembered.

(5) Since the prohibition of the limb severed from a living creature is a grave restriction for it applies to the sons of Noah. V. supra 100b and 102a.

(6) Consequently the prohibition of the 'limb' came into force at the birth of the animal.

(7) For R. Johanan is of the opinion that a prohibition can always be superimposed upon an existing prohibition.

(8) The prohibition of trefah can only come into force after the animal has been slaughtered when the prohibition of the limb of a living animal has gone.

(9) E.g., he cut off the leg of a living animal above the knee-joint, v. supra 76a, and he ate it.

(10) Although he has infringed three prohibitions, (i) of forbidden fat, (ii) of fat (i.e., a limb) taken from a living animal, and (iii) of trefah, he is only liable for two; v. infra.

(11) I.e., at the moment of birth these three prohibitions came into force, for whilst a fetus within the womb the whole of its fat was permitted; v. supra 69a. V. however, Tosaf. s.v. דאיסור.

(12) And liability is incurred for each of these three prohibitions.

(13) V. supra 37a, and Zeb. 70a.

Talmud - Mas. Chullin 103b

to its general [restriction],[1] but it cannot [be superimposed] upon the prohibition of the 'limb' inasmuch as there is no exception to its general [restriction].

When R. Dimi came [from Palestine] he reported that R. Simeon b. Lakish put the following question to R. Johanan: What is the law if he divided it outside?[2] and he replied: He is not liable. And what if he divided it inside [his mouth]?[3] and he replied: He is liable.

When Rabin came [from Palestine] he reported as follows: If he divided it outside he is not liable. If he divided it inside [his mouth], R. Johanan says, he is liable; R. Simeon b. Lakish says, he is not liable. 'R. Johanan says he is liable', because his gullet has derived enjoyment from an olive's bulk. 'R. Simeon b. Lakish says he is not liable', because there must enter in his stomach [at one time] the full amount that constitutes 'eating', and this is not the case here. (But [it will be asked], according to R. Simeon b. Lakish, how can it ever happen that one [who eats an olive's bulk of the limb] should be liable?[4] — R. Kahana suggested: In the case [where he ate] a small bone.)[5] R. Eleazar however said: Even if he divided it outside he is also liable, because the fact that it is not consumed in one whole does not render it an incomplete act.[6]

R. Simeon b. Lakish said: The quantity of an olive's bulk of which they [the Rabbis] have spoken does not include that which is between the teeth.[7] R. Johanan said: It includes even that which remains between the teeth. Said R. Papa: As to that which remains between the teeth they certainly do not disagree,[8] they disagree only as to that which remains in the palate and tongue. One [R. Johanan] maintains [that he is liable], since his gullet has derived enjoyment from a whole olive's bulk; the other [R. Simeon b. Lakish] maintains [that he is not liable, because] there must enter his stomach the full amount which constitutes 'eating'.

R. Assi said in the name of R. Johanan: If a person ate one half-olive's bulk [of a forbidden substance] and vomited it forth, and then[9] ate another half-olive's bulk, he is liable. Why? Because his gullet has derived enjoyment from an olive's bulk.[10]

R. Eleazar enquired of R. Assi: What is the law if a person ate one half-olive's bulk [of a forbidden substance], vomited it forth and then ate it once again? [Let us see], what was his real question? If the question was whether it [sc. what has been vomited forth] is considered as digested food or not, then he might have put the question with regard to a complete olive's bulk;[11] and if the question was whether we regard [eating from the enjoyment of] the gullet or [from the enjoyment of] the stomach, then he might have solved this himself from R. Assi's statement above?[12] — R. Assi had forgotten the tradition [he had received from R. Johanan], and R. Eleazar came and reminded him of it in the following manner:[13] 'Why speak of another half-olive's bulk?[14] The Master could have dealt with the same [half-olive's bulk], by which two results would have been established, viz., we would have learnt from if that it [sc. what is vomited forth] was not considered as digested food, and we would also have learnt from it that [one is liable if only] the gullet had derived enjoyment from an olive's bulk'. He remained silent and made no reply at all. Thereupon he [R. Eleazar] said to him, 'O wonder of the generation! Did you not often say this[15] before R. Johanan and he agreed with you

saying: "His gullet has in fact derived enjoyment from an olive's bulk"'?

C H A P T E R V I I I

MISHNAH. EVERY KIND OF FLESH IS FORBIDDEN TO BE COOKED IN MILK;[16] EXCEPTING THE FLESH OF FISH AND OF LOCUSTS; AND IT IS ALSO FORBIDDEN TO PLACE UPON THE TABLE [FLESH] WITH CHEESE,[17] EXCEPTING THE FLESH OF FISH AND OF LOCUSTS.

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(1) For the whole of the fat of a wild animal is permitted.

(2) A person took an olive's bulk from a limb that had been severed from a living animal, divided it into halves outside, i.e., before putting it into his mouth, and then swallowed each half separately. In connection with other prohibited substances this raises no doubt at all, for so long as he consumed the required quantity, namely an olive's bulk, within the time it takes to eat a half-loaf, he is deemed to have eaten the requisite amount and he is liable; v. Yoma 80b. With regard to the limb severed from the living animal, however, since it is exceptional in that the required quantity may be made up of bones and sinews to which no prohibition applies elsewhere, it might be said that this whole quantity must be eaten at one time.

(3) And swallowed each half separately.

(4) For one does not usually swallow an olive's bulk in one whole; one cuts it up with the teeth so that it enters the stomach in separate parts, and this according to R. Simeon b. Lakish does not constitute 'eating'.

(5) According to Rashi, the patella, which has but a moiety of flesh on it, but together with the sinews attached to it is of the size of an olive. This is usually swallowed whole.

(6) Lit., 'what is lacking as regards being brought together is not lacking as to the act'. I.e., the fact that the olive's bulk was put into the mouth in parts, one following the other, does not exempt the person from liability, for after all he has eaten a complete olive's bulk.

(7) This and the subsequent cases until the end of the chapter apparently refer to all prohibited substances. According to R. Simeon b. Lakish a person is liable only if he swallowed a whole olive's bulk, i.e., this quantity entered his stomach, but not if he put an exact olive's bulk into his mouth, for in the process of mastication some of the substance would certainly adhere between the teeth and this cannot be reckoned together with the amount swallowed.

(8) All hold that it cannot be reckoned together with that which has been swallowed, for neither the gullet nor the stomach has derived any enjoyment therefrom.

(9) I.e., within the period of time taken to eat a half-loaf of the size of four (according to Maim. three) ordinary eggs.

(10) [R. Assi does not accept the statement reported (supra) by R. Dimi in the name of R. Johanan exempting from liability where the olive's bulk was divided outside (Rashi).]

(11) I.e., if a person ate an olive's bulk of a forbidden substance, vomited it forth, and swallowed it again, would he be liable twice or once only?

(12) In the preceding passage where R. Assi expressly states that the main factor of eating is the enjoyment of the gullet.

(13) R. Eleazar himself was not in doubt at all about the law, but he put the case before R. Assi in the form of a question in order to remind him in the most respectful manner of the decision given by R. Johanan.

(14) Which the person swallowed after he had vomited forth a half-olive's bulk.

(15) That he is liable even in the case of the sane half-olive's bulk.

(16) Including even the flesh of fowls and of wild beasts. The prohibition of 'flesh cooked in milk' relating to the cooking, or to the eating, or to the enjoyment of any benefit therefrom, is derived from the thrice-repeated Biblical prohibition: Thou shalt not seethe a kid in its mother's milk (Ex. XXIII, 19; XXXIV, 26; Deut. XIV, 21).

(17) This is a Rabbinic measure as a precaution against eating the two together.

Talmud - Mas. Chullin 104a

IF A PERSON VOWED TO ABSTAIN FROM FLESH. HE MAY PARTAKE OF THE FLESH OF FISH AND OF LOCUSTS.[1]

GEMARA. It follows [from our Mishnah] that the flesh of fowls is prohibited by the law of the

Torah;[2] now in accordance with whose view would this be? It surely is not in accordance with R. Akiba's view, for R. Akiba maintains that the flesh of wild animals and of fowls is not prohibited by the law of the Torah. Consider now the final clause: IF A PERSON VOWED TO ABSTAIN FROM FLESH, HE MAY PARTAKE OF THE FLESH OF FISH AND OF LOCUSTS. It follows however that he is forbidden the flesh of fowl, which is in accordance with R. Akiba's view, namely, that any variation concerning which the agent would ask for special instructions is deemed to be of the same species.[3] For we have learnt:[4] If a person vowed to abstain from vegetables, he is permitted gourds; R. Akiba forbids them. They said to R. Akiba: Is it not a fact that when a man says to his agent. 'Bring me vegetables', the other might [come back and] say. 'I can only obtain gourds'?[5] He replied. Exactly so; for he surely would not come back and say. 'I can only obtain pulse'.[6] This proves that gourds are included among vegetables and pulse is not included among vegetables. [Must it then be that] the first clause of our Mishnah is in accordance with the view of the Rabbis, and the second clause is in accordance with R. Akiba's view? — R. Joseph said: The author [of our Mishnah] is Rabbi who incorporated the views of various Tannaim: with regard to vows he adopted the view of R. Akiba, and with regard to flesh [cooked] in milk he adopted the view of the Rabbis. R. Ashi said: The whole of our Mishnah is in accordance with R. Akiba's view, for this is what it means, EVERY KIND OF FLESH IS FORBIDDEN TO BE COOKED IN MILK: some[7] being forbidden by the law of the Torah and others[8] by the enactment of the Scribes, EXCEPTING THE FLESH OF FISH AND OF LOCUSTS, which are neither prohibited by the law of the Torah nor by the enactment of the Scribes.[9] AND IT IS ALSO FORBIDDEN TO PLACE etc. R. Joseph said: You can infer from this that the flesh of fowl [cooked] in milk is prohibited by the law of the Torah, for were it only [prohibited by the enactment] of the Rabbis, seeing that the actual eating thereof is [prohibited only as] a precautionary measure, would we forbid the placing [of them together upon the table] as a safeguard against the eating thereof?[10] And whence do you derive the rule that we do not impose a precautionary measure upon a precautionary measure? — From the following [Mishnah] which we have learnt:[11] The dough-offering[12] [of produce grown] outside the Land [of Israel]

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(1) For the usual connotation of 'flesh', as used in ordinary speech, includes all kinds of flesh excepting that of fish and of locusts. The interpretation of expressions used in vows is always in accordance with the general use of the ordinary man.

(2) It is assumed for the present that the prohibition in the first clause of our Mishnah — which includes fowls — is Biblical, otherwise the precautionary measure imposed in the second clause would not be applied to fowls (v. Tosaf.).

(3) Anything which is not quite the same as the original thing requested but about which an agent would consider it proper to consult his principal is regarded as of the same species as the original thing requested; for were it not so, the agent would reject it immediately:without even consulting his principal. In the case of our Mishnah, if a person were to send another to buy flesh, the latter, if unable to obtain flesh of cattle, would certainly return and ask his principle whether or not he may buy fowls. Hence fowl is included in the term 'flesh'.

(4) Ned. 54a.

(5) Thus proving that gourds are not vegetables since the agent considers it necessary to obtain special authority to buy them.

(6) Since it is common knowledge that pulse is not included among vegetables, an agent sent to buy vegetables and not being able to obtain any would certainly not return to his principle and say: 'I can only obtain pulse'. He might as well reply, 'I could only obtain fish or cheese'. Most probably and rightly he would say: 'I could not obtain any vegetables'. The fact that he replies, 'I could only obtain gourds', proves, according to R. Akiba, that they are included among vegetables.

(7) The flesh of cattle.

(8) The flesh of wild beasts and of fowls.

(9) [As to the precautionary measure in the second clause (cf. p. 576, n. 4) R. Ashi accepts the explanation of Abaye infra pp. 578-9; v. Adreth, חידושים.]

(10) This would be imposing a precautionary measure (sc. restriction of placing them together on the table) upon a precautionary measure (sc. the restriction of eating fowls cooked in milk) which is not done.

(11) Hal. IV, 8.

(12) Cf. Num. XV, 20; Of the first of your dough you shall offer up a cake for a heave-offering. This law only applied to Palestine, i.e., to dough made from produce grown in the land of Israel (cf. ibid. 18), but the Rabbis ordained that it be observed outside Palestine, i.e., in respect of dough made from produce grown outside the Land of Israel, as a precautionary measure safeguarding the dough-offering of Palestinian produce. If, therefore, a non-priest ate the dough-offering offered from produce grown outside the Land of Israel he has transgressed a Rabbinic enactment

Talmud - Mas. Chullin 104b

may be eaten [by a priest] in company with a non-priest at the table,[1] and may be given to any priest one likes.[2] Said Abaye to him, I grant you, if we were told that the dough-offering [of produce grown] outside the Land [may be eaten] in the Land[3] [in company with a non-priest at the table], in which case there would be good cause to enact a precautionary measure on account of the dough-offering [of produce grown] in the Land which is ordained by the Torah, and yet we do not take this precaution, that the inference can be made. But outside the Land of Israel [it is allowed] surely because there is no reason to take any precautionary measure.[4] In the case [of our Mishnah], however, if you permit one to place [upon the table] fowl and cheese, one might even place [upon the table] flesh and cheese, and so come to eat flesh with milk which is prohibited by the law of the Torah.[5]

R. Shesheth demurred saying: Yet after all[6] it is but cold [food] with cold [food]! — Abaye answered: It is prohibited lest it be placed upon the table in a boiling pot. But even In that case it is only in a 'second vessel'[7] and a second vessel cannot bring anything to the boil! — It is only prohibited lest it be placed upon the table in the 'first vessel'.[8]

MISHNAH. A FOWL MAY BE PLACED UPON THE TABLE TOGETHER WITH CHEESE BUT MAY NOT BE EATEN WITH IT: SO BETH SHAMMAI. BETH HILLEL SAY: IT MAY NEITHER BE PLACED [UPON THE TABLE TOGETHER WITH CHEESE] NOR EATEN WITH IT. R. JOSE SAID: THIS IS AN INSTANCE WHERE BETH SHAMMAI ADOPT THE LENIENT RULING AND BETH HILLEL THE STRICT RULING.[9] OF WHAT TABLE DID THEY SPEAK? OF THE TABLE UPON WHICH ONE EATS; BUT ON THE TABLE WHEREON THE FOOD IS SET OUT ONE MAY WITHOUT ANY HESITATION PLACE THE ONE [FOOD] BESIDE THE OTHER.

GEMARA. Is not R. Jose's opinion identical with that of the first Tanna? And should you say that there is a difference between them with regard to the actual eating [of fowl with cheese], the first Tanna maintaining that they[10] differ only with regard to the placing [upon the table] but not with regard to the eating thereof,[11] whereas R. Jose says that they differ even with regard to the eating thereof, Beth Shammai adopting the lenient ruling and Beth Hillel the strict ruling — but surely we have already learnt: R. Jose reports six cases in which Beth Shammai adopt the lenient ruling and Beth Hillel the strict ruling, and this is one of them, viz., A fowl may be placed upon the table together with cheese but may not be eaten with it; so Beth Shammai; but Beth Hillel say: It may neither be placed together with it nor eaten with it.[12] — Rather what the [teacher of our Mishnah] tells us is merely that the first Tanna [whose opinion is expressed anonymously] is R. Jose; for whosoever reports a thing in the name of him that said it brings deliverance into the world, as it is said: And Esther told the king in the name of Mordecai.[13]

Agra, the father-in-law of R. Abba, recited: A fowl and cheese may be eaten without restriction.[14] He recited it[15] and he himself explained it thus: it means without washing the hands or cleaning the mouth [between the eating of the one and the other].

R. Isaac the son of R. Mesharsheya once visited the house of R. Ashi. He was served with cheese which he ate and then was served with meat which he also ate without washing his hands [between

the courses]. They said to him: Has not Agra the father-in-law of R. Abba recited that a fowl and cheese may be eaten without restriction? A fowl and cheese, yes; but meat and cheese, no! — He replied: That is the rule only at night, but by day I can see [that my hands are clean].[16]

It was taught: Beth Shammai say. One must[17] clean [the mouth];[18] Beth Hillel say. One must rinse it.[19] Now what is meant by 'one must clean' and 'one must rinse'?

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(1) And we do not apprehend lest the non-priest eat of it. To prohibit this would be to impose a precautionary measure upon a precautionary measure.

(2) Even to a priest an 'am ha-arez (v. Glos.) i.e., one who does not observe the strict rules of levitical cleanness. With regard to the dough-offering taken from produce grown in the Land of Israel this was not allowed, for only those priests who upheld the laws of the Torah were entitled to receive the priestly dues (cf. II Chron. XXXI, 4).

(3) I.e., it was brought into the Land of Israel.

(4) For outside the Land of Israel there cannot possibly occur any infringement of the law of dough.offering.

(5) There is virtually but one precautionary measure here, namely, the placing of fowl and cheese on the table is declared forbidden as a safeguard against the placing of flesh and cheese on the table, for the placing of the two together on the table will almost certainly lead to the eating thereof, thus involving the transgression of a Biblical prohibition. Cf. Torath Hayyim, a.l.

(6) Even if it is held that fowl with milk is prohibited by the law of the Torah there can still be shown two precautionary measures before one approaches the actual prohibition of the Torah. For it must be remembered that the Torah forbade flesh and milk that had been cooked together in the one pot; but if the flesh and the milk were in the same pot, not cooked together, they would be permitted by the law of the Torah but forbidden by the Rabbis only as a precautionary measure. Now to prohibit the placing together upon the table of these two cold foods as a safeguard against the eating thereof is again superimposing precautionary measures one upon the other.

(7) I.e., a vessel into which boiling food or liquid has been poured, in contradistinction from 'a first vessel', i.e., a vessel taken direct from the fire where it has been at the boil. A 'first vessel' can bring other foodstuffs to the boil even when removed from the fire, and in the case of 'flesh and milk' would involve a transgression of the law of the Torah.

(8) Lit., 'stew pot'.

(9) In the majority of cases the position is the reverse, i.e., Beth Hillel adopt the lenient ruling and Beth Shammai the strict ruling.

(10) Beth Shammai and Beth Hillel.

(11) For in this case all agree that it is forbidden to eat the two (sc. fowl and cheese) together.

(12) 'Ed. V, 2.

(13) Esther, II, 22.

(14) באפיקורן 'freely', from root פקר. V. Alfasi a.l. for the variant באפיקולים, explained as referring to the opinion of אפיקולים or אבקולם mentioned in Tosef. Hul. VIII, 3.

(15) Having received it on tradition from his teacher (Rashi).

(16) There is therefore no need to wash the hands between the courses at all.

(17) After eating cheese and before eating meat.

(18) By eating some dry bread, v. infra.

(19) Sc. the mouth; so apparently according to Rashi. R. Nissim, Torath Hayyim, and others, however, refer the rinsing to the hands.

Talmud - Mas. Chullin 105a

Should you say it means this: Beth Shammai say: One must clean [the mouth] and not rinse it,[1] and Beth Hillel Say. One must rinse [the mouth] and not clean it, then the statement of R. Zera viz., Cleaning the mouth must be done with bread only, would agree with the view of Beth Shammai, would it not?[2] And if you say it means this: Beth Shammai say: One must clean [the mouth] and not rinse it, and Beth Hillel Say. One must also rinse it, then it is a case in which Beth Shammai adopt the lenient ruling and Beth Hillel the strict ruling; why then is this not taught among the cases[3] in which Beth Shammai adopt the lenient ruling and Beth Hillel the strict ruling? — Rather this must

be the interpretation: Beth Shammai say: One must clean [the mouth], and also rinse it; Beth Hillel say. One must rinse [the mouth], and also clean it. But one [school] mentions one [requirement], the other [school] another, and they do not really differ.[4] The [above] text [stated]: 'R. Zera said: Cleaning the mouth must be done with bread only'. This means only with wheaten bread but not with barley bread.[5] And even with wheaten bread it is allowed only if it is cold, but not if it is still warm, for it cleaves [to the palate]. And it must be soft and not hard.[5] The law is: Cleaning [the mouth] may be done with everything except flour, dates and vegetables.

R. Assi enquired of R. Johanan: How long must one wait between flesh and cheese?[6] — He replied. Nothing at all. But this cannot be, for R. Hisda said: If a person ate flesh he is forbidden to eat [after it] cheese, if he ate cheese he is permitted to eat [after it] flesh! — This indeed was the question. How long must one wait between cheese and flesh? And he replied. Nothing at all.

The [above] text [stated]: 'R. Hisda said: If a person ate flesh he is forbidden to eat [after it] cheese, if he ate cheese he is permitted to eat [after it] flesh'. R. Aha b. Joseph asked R. Hisda: What about the flesh that is between the teeth?[7] — He quoted [in reply] the verse: While the flesh was yet between their teeth.[8]

Mar 'Ukba said: In this matter I am as vinegar is to wine[9] compared with my father. For if my father were to eat flesh now he would not eat cheese until this very hour to-morrow, whereas I do not eat [cheese] in the same meal but I do eat it in my next meal.

Samuel said: In this matter I am as vinegar is to wine compared with my father. For my father used to inspect his property twice a day, but I do so only once a day. Samuel here follows his maxim, for Samuel declared: He who inspects his property daily will find an istira.[10] Abaye used to inspect his property daily. One day he met his farmer-tenant carrying away a bundle of twigs. Said to him [Abaye]. Where is this going to? He replied. To my master's house. Said Abaye. The Rabbis have long ago anticipated you.[11]

R. Assi used to inspect his property daily. He exclaimed: Where are all those istiras of the Master Samuel? One day he saw that a pipe had burst on his land. He took off his coat, rolled it up and stuffed it into the hole. He then raised his voice and people came and stopped it up. He exclaimed: Now I have found all those istiras of the Master Samuel.[12]

R. Idi b. Abin said in the name of R. Isaac b. Ashian: The first washing[13] [of the hands] is a meritorious act, the last washing[14] is a bounden duty. An objection was raised from the following: The first and last washing [of the hands] are bounden duties,[15] the middle washing[16] is a matter of free choice. — A meritorious act as compared with a matter of free choice can well be termed a bounden duty.

[To return to] the main text: 'The first and last washing [of the hands] are bounden duties, the middle washing is a matter of free choice'. The first washing may be performed either over a vessel or over the ground; the last washing must be performed over a vessel. Others read: The last washing may not be performed over the ground. (What is the real difference between these [two versions]? There is a difference, [where one washes over] twigs.)[17] The first washing may be With either hot or cold water; the last washing must be with cold water only, because hot water softens the hands and does not remove the grease.[18]

'The first washing may be with either hot or cold water'. R. Isaac b. Joseph said in the name of R. Jannai. They said this only of [hot] water wherein the hand is not

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(1) I.e., rinsing the mouth with water would not be sufficient and so would not serve the purpose; so Rashi adopting the

reading which omits the words 'need not' before 'rinse it' in cur. edd. V. MS.M. v. also Tosaf. s.v. אילימא

(2) For Beth Hillel do not mention 'cleaning the mouth', accordingly R. Zera's statement is based upon Beth Shammai's view.

(3) 'Ed. IV, V.

(4) For they are agreed that both requirements are essential, namely, and cleaning and rinsing the mouth. As for washing the hands v. Asheri a.l. and Tur, Yoreh Deah, LXXXIX.

(5) Because it crumbles in the mouth and does not clean the mouth well.

(6) I.e, after eating flesh how long must one wait before being allowed to eat cheese?

(7) Must it be removed before one is about to eat cheese?

(8) Num. XI. 33. The suggestion is that the particles of flesh between the teeth are still termed 'flesh', and therefore must be removed before one may eat cheese.

(9) Lit., 'vinegar the son of wine', i.e., 'I am inferior to my father', applied both in a religious and secular sense.

(10) A silver coin equal to half a zuz. The meaning is that he who inspects his property daily will derive much profit, for he will be able to see that everything is in proper order, and no workman of his could take advantage of his absence.

(11) By their advice to inspect one's property daily, whereby pilfering and theft is put a stop to.

(12) By being on the spot he was able to repair in time what might have been a serious disaster through inundation.

(13) Lit., 'the first water'; i.e., the washing of the hands before the meal.

(14) Lit., 'the last water ; i.e., the washing of the hands after the meal.

(15) Whereas previously it was stated the washing before the meal was merely a meritorious act but not a duty.

(16) Lit., 'the middle water'; i.e., the washing of the hands during the meal.

(17) The water does not run directly on to the ground, neither can it be said that it runs into a vessel: according to the second version this would be allowed, according to the first version it would not.

(18) Which becomes absorbed all the more in the hands through hot water.

Talmud - Mas. Chullin 105b

scalded, but one may not wash the hands with water wherein the hand would be scalded. Others refer this [distinction] to the final clause thus,

'The last washing must be With cold Water only', and not with hot water. R. Isaac b. Joseph said in the name of R. Jannai. They said this only of [hot] water wherein the hand is scalded, but one may wash the hands with water wherein the hand is not scalded. It follows, however, from this that for the first washing one may use even water wherein the hand is scalded.

'The middle washing is a matter of free choice'. R. Nahman said: They said this only [of the washing] between one course and another course,[1] but between a [meat] course and cheese it is a bounden duty to do so.

R. Judah the son of R. Hiyya said: Why did [the Rabbis] say that it was a bounden duty to wash the hands after the meal? Because of a certain salt of Sodom which makes the eyes blind.[2] Said Abaye. One grain of this is found in a kor of ordinary salt. R. Aha the son of Raba asked R. Ashi: What is the rule if one measured out salt?[3] — He replied: Undoubtedly.[4]

Abaye said: At first I thought the reason why the last washing may not be performed over the ground was that it made a mess, but now my Master[5] has told me: It is because an evil spirit rests upon it.

Abaye also said: At first I thought the reason why one should not remove anything from the table whilst another is holding a cup and drinking was the fear lest there occur a mishap at the table,[6] but now my Master has told me: It is because it may cause vertigo. This applies, however, only if [the thing is] taken away and not returned, but if taken and returned it does not matter. Moreover, it applies only if the thing is taken away a distance of more than four cubits [from the table], but if it

remains within four cubits' distance it does not matter. Moreover, it applies only to such things as may be required at the table, but if it is not required at the table it does not matter. Mar son of R. Ashi used to be particular even about [the removal of] a pestle and mortar for [pounding] spices, for these are required at the table.

Abaye also said: At first I thought the reason why one collects the crumbs [from the floor] was mere tidiness, but now my Master has told me: It is because it might lead to poverty.[7] Once the angel of poverty was following a certain man but could not prevail over him, because the man was extremely careful about [collecting the] crumbs. One day he ate some bread upon the grass. 'Now'.[said the angel] 'he will certainly fall into my hand'.[8] After he had eaten he took a spade, dug up the grass, and threw it all into a river. He then heard [the angel] exclaiming. 'Alas, he has driven me[9] out of his house'.

Abaye also said: At first I thought the reason why one does not drink froth was that it was nauseous, but now my Master has told me: It is because it may cause catarrh. To drink it may cause catarrh, to blow it away may cause headache, and to skim it [with the hand] may cause poverty. What then should one do? One must let it settle down by itself. For catarrh [contracted from drinking the froth] of wine [one should drink] beer, for that from beer one should drink water, for that from water there is no remedy. This bears out the popular saying, poverty follows the poor.[10]

Abaye also said: At first I thought the reason why one should not eat vegetables from the bunch which was tied up by the gardener was because it had the appearance of gluttony, but now my Master has told me, it is because one lays oneself open thereby to the dangers of magic. R. Hisda and Rabbah b. R. Huna once were travelling on a ship. A certain lady said to them, 'Take me with you'; but they would not. She then pronounced a spell and the ship was held fast. They [in return] pronounced a spell and it was freed. She said: 'What power have I over you? seeing that you do not cleanse yourselves with a potsherd.[11] neither do you crush a louse on your clothes, nor do you eat vegetables from a bunch tied up by the gardener.

Abaye also said: At first I thought that the reason why one does not eat vegetables which had fallen on to the tray was because it was not clean, but now my Master has told me: It is because It causes a foul smell in the mouth.

Abaye also said: At first I thought the reason why one does not sit under a drain pipe was that there was waste water there, but my Master has told me. It is because demons are to be found there. Certain carriers were once carrying a barrel of wine. Wishing to take a rest they put it down under a drain pipe, whereupon the barrel burst, so they came to Mar son of R. Ashi. He brought forth trumpets and exorcised the demon who now stood before him. Said he to the devil, 'Why did you do such a thing?' He replied. 'What else could I do, seeing that they put it down on my ear'? The other [Mar son Of R. Ashi] retorted: 'What business had you in a public place? It is you that are in the wrong, you must therefore pay for the damage'. Said the devil, 'Will the Master give me a time wherein to pay'? A date was fixed. When the day arrived he defaulted. He came to court and [Mar b. R. Ashi] said to him, 'Why did you not keep your time?' He replied. 'We have no right to take away anything that is tied up sealed, measured or counted; but only if we find something that has been abandoned'.

Abaye also said: At first I thought the reason why one pours off [a little water] from the mouth of the jug [before drinking therefrom] was the fear of scraps [that may be on the surface], but now my Master has told me: It is because of evil waters.[12] A demon in the service of R. Papa once went to fetch water from the river but was away a long time. When he returned he was asked. 'Why were you so long?' He replied. '[I waited] until the evil waters had all gone'. In the meantime

(1) Both being meat dishes or milk dishes; cf. however, Tosaf. s.v. אל.
(2) If one touches the eyes after having handled this salt.
(3) Must he wash his hands after it or not?
(4) He must certainly wash his hands.
(5) Rabbah b. Nahmani.
(6) Lit., 'at the meal'. He who is drinking may be annoyed at the removal of those things and may choke in his anger.
(7) If one leaves the crumbs strewn on the floor.
(8) Believing that this man would certainly fail to pick up all the crumbs from the grass.
(9) Lit., 'this person'.
(10) The poor man not having anything but water to drink is afflicted by that disease for which there is no remedy.
(11) After an evacuation. V. Shab. 81b.
(12) I.e., water from which demons had drunk.

Talmud - Mas. Chullin 106a

he saw them pouring off [a little water] from the mouth of the jug; he exclaimed. 'Had I known that you were in the habit of doing this I would not have been away so long'.

When R. Dimi came [from Palestine] he reported. The omission to wash the hands before the meal caused one to eat swine's flesh,[1] and the omission to wash the hands after the meal caused a separation of a wife from her husband.[2] When Rabin came [from Palestine] he reported. The omission to wash before the meal caused one to eat nebelah.[3] and the omission to wash after the meal caused a murder.[2] R. Nahman b. Isaac said, [In order to remember the statements of each bear in mind] the following mnemonic: 'R. Dimi came [first] and separated her, and then Rabin came and killed her'.[4] R. Abba reported the graver result in each case.[5]

It was stated: As regards water heated by fire, Hezekiah says: One may not wash the hands therewith;[6] but R. Johanan says: One may wash the hands therewith. R. Johanan related: I enquired of R. Gamaliel the son of Rabbi, who used to eat all his food in conditions of levitical purity, and he told me that all the great men of Galilee did so.[7] As regards the hot springs of Tiberias, Hezekiah says: One may not wash the hands therewith, but one may immerse the hands therein.[8] R. Johanan says. One may immerse the body therein, but not the face, hands or feet.[9] But surely, if one may immerse therein the whole body, how much more so the face, hands or feet![10] — R. Papa said: At the source there is no dispute at all that it is permitted;[11] moreover, to take some away in a vessel, there is no dispute at all that it is forbidden.[12] They disagree only in the case where the water [from the spring] was run off into a channel;[13] one holds that we must forbid the case of a channel on account of a vessel,[14] the other holds we do not impose this precautionary measure.

Tannaim differ on this point. [It was taught:] Water which is unfit for cattle to drink,[15] if it is in a vessel, is invalid [for the immersion of the hands], but if it is on the ground it is valid. R. Simeon b. Eleazar says: Even if it is on the ground one may immerse therein the whole body, but not the face, hands or feet. But surely if one may immerse therein the whole body, how much more so the face, hands or feet! This therefore must be a case where the water was run off into a channel, and they differ in this: one[16] is of the opinion that we must forbid a channel on account of a vessel, and the other is of the opinion that we do not impose this precautionary measure.

R. Idi b. Abin said in the name of R. Isaac b. Ashian: The washing of the hands for common food was ordained only in order to acquire the habit with regard to terumah;[17] moreover, it is a meritorious act.[18] What is this meritorious act? — Abaye answered: It is a meritorious act to hearken to the words of the Sages. Raba answered: It is a meritorious act to hearken to the words of R. Eleazar b. 'Arach. [For It was taught:] It is written: And whomsoever he that hath the issue toucheth, without having rinsed his hands in water:[19] herein, said R. Eleazar b. 'Arach, the Sages found a

Biblical support for the law of washing the hands. Raba asked R. Nahman: Wherein is this indicated? For it is written: 'Without having rinsed his hands in water'. Can this mean that if he had rinsed his hands, [whatsoever he touched] would be clean? Surely he requires immersion, does he not? The meaning must be: And any other person that has not rinsed his hands is unclean.[20]

R. Eleazar said in the name of R. Oshaia: They enjoined the washing of the hands before eating fruit only for reasons of cleanliness The disciples understood from this that it was not a duty but that it was nevertheless a meritorious act. Raba, however, said to them: It is neither a duty nor a meritorious act, but is merely an act of free choice. This opinion [of Raba] differs from that of R. Nahman, for R. Nahman said: Whosoever washes his hands for fruit is of those that are haughty in spirit.[21]

Rabbah b. Bar Hana said: I was once standing in the presence of R. Ammi and R. Assi when a basket of fruit was brought before them. They ate without first washing their hands, they gave me none of it, and each said the Grace [after meals] for himself. Draw three conclusions from this: (i) that the law of washing the hands does not apply to fruit; (ii) that the law of Common Grace does not apply to fruit;[22] and (iii) that if two ate together. It is a meritorious act on their part to separate.[23] It has also been taught to the same effect: If two ate together, it is a meritorious act on their part to separate. This is so only if both of them are learned;[24] but if one is learned and the other illiterate, the former says Grace and the other fulfils his obligation [by listening].

Our Rabbis taught: The washing of the hands for common food [must reach] up to the joint:[25] for terumah [it must reach]

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(1) A person once entered an inn and sat down to the table without first washing his hands. He was taken for a non-Jew and was served with swine's flesh.

(2) V. Yoma 83b, where it is related that certain Rabbis had entrusted their purses to a certain man who later denied all knowledge of them. They noticed that the man had traces of lentils on his upper lip, so they immediately went off to his home and asked his wife in the name of her husband to hand them the purses. On her asking them to prove their bona fides they told her that her husband had eaten lentils that day. She thereupon handed them the purses. When the husband came home and learnt what his wife had done he immediately divorced her, or as some say, killed her. Now had the husband been particular about washing the hands (and naturally also the lips) after the meal, this tragedy of a divorce or a murder would not have happened.

(3) Cf. n. 2.

(4) R. Dimi came to Palestine before R. Abin and reported what could have occurred only earlier before the murder reported by R. Abin.

(5) With regard to the omission of washing before the meal the graver outcome was the eating of swine's flesh, and with regard to the omission of washing after the meal it was the taking of a life.

(6) Before the meal.

(7) I.e., wash their hands before the meal with hot water.

(8) Provided there was the requisite quantity of water, viz., forty se'ah.

(9) If the hands were unclean and one immersed them in these hot springs they are not thereby rendered clean, neither are they regarded as washed for the meal. The terms 'face' and 'feet' are quite irrelevant and are added here only on account of the fullness of the expression. 'face, hands and feet'.

(10) For it established that the immersion of the whole body is accounted as the immersion of the hands and certainly as the washing of the hands before the meal.

(11) For all purposes, immersion as well as washing. For by immersing the hands at the source of the spring it is like an immersion in a fountain or mikweh.

(12) I.e., to fill a vessel with water from these springs and to pour it over the hands would not be deemed a valid 'washing' of the hands. For washing the hands by means of a vessel was primarily confined to the use of cold water, and although the Rabbis permitted water that had been heated, the permission did not extend to include the water from hot springs, for, being ever hot, it never came within the scope of the institution.

(13) I.e., the water from the hot springs had been run off in a small channel in which there was not the requisite quantity of water for immersion but which was connected with the source.
(14) Such is the view of Hezekiah, hence his ruling that one may not wash the hands therewith; the following view is that of R. Johanan. V. Asheri a.l. and Alfasi on Ber. VIII, 44b.
(15) Either foul water or water from the hot springs of Tiberias (Rashi).
(16) R. Simeon b. Eleazar.
(17) For hands are accounted unclean in the second degree and so can only impart their uncleanness to consecrated food or terumah but not to common food.
(18) [I.e., apart from the consideration of terumah, the fact that the washing of the hands was instituted by the Sages makes it into a meritorious act, v. Adreth Hiddushim.]
(19) Lev. XV, 11.
(20) It is interpreted as a distinct rule and does not refer to the person that has an issue. Of course it is not intended thereby to convey that the law of washing the hands is of Biblical origin, the Rabbis merely supported their enactment by a Biblical text, i.e., אסמכתא.
(21) And one should not behave so; Raba however permits it at one's free choice.
(22) V. Ber. 45a: Three who ate together are under the obligation to say the Common Grace (זימון). This law evidently does not apply to a meal of fruit, for if it did these Rabbis would certainly have offered Rabbah some fruit in order to be enabled to say the Common Grace.
(23) So that each may say the Grace for himself.
(24) Lit., 'scribes, bookmen'.
(25) I.e., only the tips of the fingers need be washed up to the second joint.

Talmud - Mas. Chullin 106b

up to the joint;[1] the sanctification of the hands and feet for Temple service[2] [must reach] up to the joint.[3] Whatsoever is deemed to be an interposition with regard to the immersion of the body[4] is also an interposition with regard to the washing of the hands and the sanctification of the hands and feet for the Temple service.[5]

Rab said: Up to here[6] is [the washing] for common food; up to here for terumah. Samuel said: Up to here both for common food and for terumah, adopting the stricter view.[7] R. Shesheth said, up to here both for common food and for terumah, adopting the lenient view.[8] Bar Hadaya said: I was once standing before R. Ammi and he said: Up to here both for common food and for terumah, adopting the stricter view. And you must not suppose that R. Ammi [said so] because he was a priest,[9] for R. Meyasha, the grandson of R. Joshua b. Levi, who was a Levite also said: Up to here both for common food and for terumah, adopting the stricter view.

Rab said: A person may wash both his hands in the morning and stipulate that it shall serve him the whole day long.[10] R. Abina said to the inhabitants of

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(1) The third joint of the fingers. i.e., the junction of the phalanges and the metacarpus.
(2) I.e., the washing of hands and feet from the bronze laver; v Ex. XXX, 17-21.
(3) The joint of the wrist.
(4) Anything that adheres to the body and so prevents the water of the mikweh from penetrating to that part of the body renders the immersion invalid.
(5) From the laver, v. Ex. XXX, 21.
(6) Rab was demonstrating the law to his pupils: for common food up to the second joint, and for terumah up to the third joint.
(7) Up to the third joint of the fingers.
(8) Up to the second joint of the fingers.
(9) And in order to acquire the habit of washing the whole surface of the fingers for terumah he ruled likewise for common food; I.e., it was merely a personal restriction.

(10) And he need not wash them again before his meals; he must however take care that his hands do not become dirty or unclean.

the valley of ‘Araboth: People like you that have not much water, may wash the hands in the morning and stipulate that it shall serve the whole day long. Some say: This is allowed only in a time of need[1] but not at ordinary times, hence it is at variance with Rab's view;[2] others say: This is allowed even at ordinary times, and so it corresponds with Rab's view.

R. Papa said: A person may not wash the hands in a dike used for irrigation, because [the water] here does not run directly from the human act;[3] if, however, he is quite close to the bucket he may wash his hands [in the dike], because there it runs directly from the human act. If the bucket was cracked so that liquid could filter in,[4] the waters are then considered as connected[5] and he may immerse the hands [in the dike].

Raba said: A vessel which has a hole in it so that liquid can filter into it, may not be Used for washing the hands.

Raba also said: A vessel in which there is not a quarter [log of water] may not be used for washing the hands. But this surely cannot be, for Raba has said: A vessel which cannot hold a quarter [log] may not be used for washing the hands. Now it follows that if it can hold [a quarter log] even though there is not [that much] in it [it may be used]! — This is no difficulty, for the one passage refers to one person and the other to two persons.[6] and we have learnt: A quarter log of water [is sufficient] for washing the hands of one person or even of two persons.[7]

R. Shesheth asked Amemar: Are you particular about the vessel used?[8] He replied: Yes. About the colour[9] [of the water used]? — He replied. Yes. About the amount[10] [of water used]?He replied: Yes. Others report that he replied thus: We are particular about the vessel and the colour [of the water], but we are not particular about the amount [of water used], for we have learnt: A quarter log of water [is sufficient] for washing the hands of one person or even of two persons. This, however, is not correct, for it is different in that case since it is the residue of [what was the proper amount for] purification.[11]

R. Jacob of Nehar Pekod had a standard washing vessel made that contained a quarter [log]. R. Ashi had a standard jug made in Huzal that contained a quarter [log].

Raba also said: If the stopper of a jar was fashioned[12] [into a vessel], it may be used for washing the hands. It has also been taught to the same effect, viz., If the stopper of a jar was fashioned [into a vessel], it may be used for washing the hands. If a waterskin or a [leather] bottle was fashioned [into a vessel], it may be used for washing the hands. A sack or a basket, even though they were made to hold water, may not be used for washing the hands.[13]

The question was raised: May one eat with a cloth [wrapped round the hand] or not?[14] Must we apprehend lest [the bare hand] touch [the food] or not? — Come and hear: But when they gave R. Zadok less than an egg's bulk of food to eat, the took it with a cloth, ate it outside the Sukkah, and did not say the Grace after it.[15] Now presumably if it was as large as an egg's bulk it would have been necessary to wash the hands![16] — No, perhaps the only inference is, if it was as large as an egg's bulk it would have been necessary to eat it in the Sukkah and to say the Grace after it.[17]

Come and hear [from the following incident]. Samuel once found Rab eating with a cloth and said to him,

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(1) E.g., where there is a shortage of water.

(2) For Rab does not qualify his statement and permits this practice at all times.

(3) The water in the dike is supplied by buckets which a man fills from a river and empties into the dike, and thence it runs off in its courses over fields. It is therefore forbidden to dip the hands in the dike because the power of man has already spent itself at the beginning of the dike and the waters run now of their own impetus.
(4) This implies a large hole so that the water would run out through the hole with a spurt.
(5) If he filled this cracked bucket with water from the river and emptied it out into the dike, the water would be running out at both ends, from the crack back into the river and from the mouth into the dike, so that, while the bucket is being emptied out, the water in the dike is actually connected with the water in the river; one may therefore immerse the hands in the dike.
(6) Where one person washes the hands a quarter log of water is necessary, and so also where two persons wash the hands one after the other only a quarter log is necessary; obviously then in the latter case the second person washes his hands with less than a quarter log. This is allowed, however, because of the reason stated infra, that the second person uses the residue of what was the proper amount for washing the hands.
(7) Yad. I, 1.
(8) That it should be whole and not damaged.
(9) That it should have the appearance of water.
(10) That there must be a quarter log.
(11) Cf. p. 592, n. 3.
(12) The stopper is cup-shaped, concave on the inside and convex outside. As the inside was not made to serve as a receptacle it is therefore necessary to hollow it out a little more for this purpose (Rashi). According to Tosaf. it is only necessary to make the outside flat so that it should be able to stand upright without support.
(13) For these do not usually hold water and cannot be regarded as a vessel for washing.
(14) If a person did not wash the hands but wrapped a cloth round them, may he thus eat his food or not?
(15) V. Suk. 26b.
(16) Even though his hands were wrapped in a cloth.
(17) But not to wash the hands since they were covered with a cloth.

Talmud - Mas. Chullin 107b

Is it right to do so?[1] And Rab replied. I am very sensitive.[2] When R. Zera went up [to Palestine] he found R. Ammi and R. Assi eating food with leather[3] rags around their hands;[4] he exclaimed, ‘Two great men like you to be in error about the incident of Rab and Samuel! Did not Rab reply. "I am very sensitive"’ ? — In truth he [R. Zera] had forgotten the statement of R. Tahlifa b. Abimi in the name of Samuel, viz., They permitted those that eat terumah[5] the use of a cloth, but they did not permit those that eat [common food] in conditions of cleanness the use of a cloth. And R. Ammi and R. Assi were priests.

The question was raised: Must he that is being fed by another wash his hands or not? — Come and hear. R. Huna b. Sehora once was standing before R. Hamnuna and put some meat[6] into R. Hamnuna's mouth which he ate. Said [R. Huna]. If you were not R. Hamnuna I would not have fed you. Now what was the reason [for the exception in R. Hamnuna's case]? Was it not because he was very careful not to touch [the food]?[7] — No, it was because he was most scrupulous and had certainly washed his hands previously.

Come and hear. R. Zera said in the name of Rab: One should not put a piece [of bread] into the mouth of the waiter unless one knows that he has washed his hands. The waiter must say a Benediction for each cup [of wine that he receives], but does not say a Benediction for each piece [of bread].[8] R. Johanan said: He must also say a Benediction for each piece [of bread]. And R. Papa said: In fact there is no contradiction [between Rab and R. Johanan], for one refers to the case where a notable person [is sitting at the table][9] and the other to a case where there was no notable person [at the table]. Nevertheless it expressly says. ‘Unless one knows that he has washed his hands’! — In the case of a waiter it is different because he is kept busy.[10]

Our Rabbis taught: A man should not give any bread to the waiter while the cup [of wine] is in the hand [of the waiter] or in his host's hand, lest there occur a mishap at the table.[11] If the waiter has not washed his hands, one may not put bread into his mouth.

The question was raised: Must he that feeds another wash his hands or not? — Come and hear: It was taught in the school of Manasseh: R. Simeon b. Gamaliel says. A woman may wash one hand in water[12] and give some bread to her small child. It was said of Shammai the Elder that he would not feed a child even with one hand, and the Sages ordered him that he feed it with both hands![13] — Abaye answered: There it was on account of evil spirits.[14]

Come and hear [from the following incident]. The father of Samuel once found Samuel crying and asked him, 'Why are you crying'? 'Because my teacher beat me'. 'But why'? 'Because he said to me, "You were feeding my son and you did not wash your hands before doing so"'.' And why did you not wash'? [He replied:] 'It was he that was eating, so why should I wash'? Said [the father of Samuel:] 'It is not enough that he [your teacher] is ignorant [of the law], but he must also beat you'!

The law is: He that is fed by another must wash his hands; he that feeds another need not wash his hands.

MISHNAH. A PERSON MAY WRAP UP FLESH AND CHEESE IN ONE CLOTH, PROVIDED THEY DO NOT TOUCH ONE ANOTHER. R. SIMEON B. GAMALIEL SAYS: TWO PEOPLE AT AN INN[15] MAY EAT AT THE SAME TABLE, THE ONE FLESH AND THE OTHER CHEESE, WITHOUT HESITATION.

GEMARA. And what does it matter if they do touch one another? It is only cold [food] with cold [food]? — Abaye answered: I grant you that it is not necessary to scrape away the surface,[16] but surely each must be washed.

R. SIMEON B. GAMALIEL SAYS: TWO PEOPLE AT AN INN MAY EAT AT THE SAME TABLE etc. R. Hanan b. Ammi said in the name of Samuel: This is permitted only if they do not know each other, but if they know each other it is forbidden. It has also been taught to the same effect: R. Simeon b. Gamaliel says. If two guests stay at the same inn, one having come from the north and the other from the south, the one with his piece of flesh and the other with his cheese, they may eat at the same table, the one flesh and the other cheese, without hesitation. They only forbade it where the two eat from one parcel. 'From one parcel'! You surely cannot mean that![17] — It means, if it appears as [though they are eating from] one parcel.[18]

R. Yemar b. Shelemya asked Abaye: What is the law in the case of two brothers who are particular with each other![19] — He replied, Then people will say: All cakes are forbidden but the cakes of Boethius are permitted.[20] Then according to your argument, what of the statement of R. Assi in the name of R. Johanan viz.: One who possesses only one shirt may wash it on the intermediate days of the festival![21] There, too, people will say:

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(1) He assumed that he had not washed his hands.

(2) He had in fact washed his hands yet he would not touch his food with his fingers but always wrapped a cloth around them. It is however apparent that both Rab and Samuel are of the opinion that the use of a cloth does not dispense with the need for washing the hands.

(3) Like gloves.

(4) Without having washed their hands.

(5) I.e., priests, for they are most scrupulous and would avoid touching the food with their hands.

(6) Together with bread (Tosaf.).

(7) Hence where one is careful not to touch the food there is no need to wash the hands.

(8) The waiter can expect to receive from the diners a morsel of bread from time to time, therefore the benediction for the first piece would serve also for the subsequent pieces. He cannot however be certain that he will receive wine from time to time, therefore each time he must make a benediction.
(9) Only in this case, Rab holds that the waiter should not make several benedictions, for he can reasonably expect to receive bread from time to time.
(10) In such circumstances there is a danger that he will actually touch the food that he is eating; but with an ordinary person there is no such apprehension. It must be noted that the serving of food by the waiter with his hands does not impose upon him the duty of washing the hands, v. infra.
(11) The host may be annoyed at it and may choke while drinking, or he may look with anger at the waiter who might get frightened and spill the wine and thus cause an unfortunate incident.
(12) On the Day of Atonement when it is forbidden to wash.
(13) It is evident from these cases that even when feeding another it is necessary to wash the hands!
(14) The washing of the hands referred to on the Day of Atonement is that which has to be performed in the morning on account of the evil spirit that clings to unwashed hands. But once the hands have been washed in the morning there is no further need to wash them when about to feed others; v. Yoma 77b.
(15) Lit., 'two strangers'.
(16) Of the flesh and cheese where they came into contact.
(17) But this is forbidden even when one is not sitting at the table. V. our Mishnah.
(18) I.e., they are intimate with each other and it appears that what one has is shared by the other.
(19) Not to share each other's food. May they both eat at the same table, the one flesh and the other cheese, as strangers, or not?
(20) Cf. Pes. 37a. It is forbidden to make cakes of fancy shapes on the Passover for, in the time spent in shaping, the dough might become leavened. A certain baker Boethius had moulds of various shapes, and the question was asked: May one eat the cakes of Boethius on the Passover or not? It was resolved that no distinction can be made; all cakes in fancy shapes are forbidden whether made in moulds or not, and the law does not admit of any exceptions. Here, too, the law is clear, that strangers may eat at the same table but friends or brothers may not. It will not alter the law the fact that the brothers are unfriendly or particular with each other.
(21) Ordinarily this is forbidden, cf. M.K. 14a.

Talmud - Mas. Chullin 108a

All cakes are forbidden but the cakes of Boethius are permitted![1] — Surely Mar son of R. Ashi has explained that his girdle proves his special case.[2]

MISHNAH. IF A DROP OF MILK FELL ON A PIECE OF FLESH[3] AND IT IMPARTED A FLAVOUR INTO THAT PIECE,[4] IT[5] IS FORBIDDEN. IF THE POT WAS STIRRED,[6] THEN IT IS FORBIDDEN ONLY IF [THE DROP OF MILK] IMPARTED A FLAVOUR INTO [ALL THAT WAS IN] THE POT.

GEMARA. Abaye said: In all cases wherever the flavour [of a forbidden substance is perceptible] but not the substance it self,[7] [the mixture is forbidden] by the law of the Torah.[8] For should you say that it is forbidden by Rabbinic law only, and the reason why we may not draw any conclusions from the case of 'flesh in milk' is that it is an anomaly.[9] then by reason of that anomaly [the mixture of flesh and milk should be forbidden] even though the one does not impart a flavour in the other![10] — Said Raba to him: The Torah has expressed this prohibition by the term 'cooking'.[11]

Rab said: As soon as it [the drop of milk] imparted a flavour to the piece of flesh, that piece becomes forbidden like nebelah, and it in turn renders all the other pieces forbidden,[12] for they are of like kind.[13] Mar Zutra the son of R. Mari said to Rabina: Let us consider: Rab in this statement of his evidently follows the view of R. Judah, who holds that homogeneous substances can never neutralize each other; but must we say that he disagrees with Raba? For Raba said: R. Judah is of the opinion that where one kind is mixed with a like kind and also with a different kind, you disregard the like

kind as if it were not there, and if the different kind is more [than the forbidden substance] it will neutralize it![14] — He replied. Had it fallen into thin broth this would have been the case, but here we must suppose that it fell into thick broth.[15] Then what is his view? If he holds that when the forbidden essence can be considered[16] extracted it becomes permitted.[17] why should the piece of flesh be deemed as nebelah?[18] One must say that he holds that even when it is considered extracted it is still forbidden. And indeed it was so reported: Rab, R. Hanina and R. Johanan hold that even when it can be considered extracted it is still forbidden; Samuel, R. Simeon b. Rabbi and R. Simeon b. Lakish hold that when it is considered extracted it becomes permitted.

Is Rab then of the opinion that even when it can be considered extracted it is still forbidden? But it has been reported: If an olive's bulk of flesh fell into a pot of milk, the flesh, says Rab, is forbidden[19] but the milk is permitted. Now if you maintain that [Rab holds] even when it is considered extracted it is still forbidden.

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(1) I.e., all people may not wash their clothes on the intermediate days of the festival but this man may.

(2) Since this man is washing his shirt together with the girdle (which is unusual) it is clear to all that he has no other shirt with which to wear the girdle, for otherwise he would have removed it.

(3) That was in a pot boiling on the fire.

(4) I.e., the piece was not sixty times as much in bulk as the drop of milk.

(5) Sc. the piece of flesh.

(6) As soon as the drop of milk fell into the pot the pot was stirred so that the flavour of the milk was distributed equally among everything that was in the pot.

(7) E.g., where the forbidden substance was, after a time, removed from the mixture, so that there is only the flavour of the forbidden substance under consideration.

(8) The principle is derived from the law of 'flesh in milk', for in that case, after the two substances were cooked together, even though they have been removed from each other, they are forbidden because of the flavour of the other which each absorbed.

(9) For each substance separately is permitted but in a mixture each is forbidden; moreover, this law is peculiar for the mere cooking together of these substances is also forbidden.

(10) Whereas our Mishnah forbids the mixture only where the flavour of the milk is perceptible.

(11) The prohibition of 'flesh in milk' is thrice expressed in the Torah by the term 'cooking', and cooking signifies the imparting of a flavour from one substance to the other.

(12) Even though the other pieces in the pot are together more than sixty times the volume of the piece upon which the milk fell.

(13) The rule IT IS FORBIDDEN in the first clause of our Mishnah accordingly means that all that is in the pot is forbidden; for Rab evidently is in agreement with R. Judah that homogeneous substances cannot neutralize each other.

(14) V. supra 100b. In our Mishnah, therefore, according to this view, even though the one piece is rendered forbidden as nebelah, and the other pieces in the pot are to be disregarded for they are of like kind, the broth, if there is sufficient of it, should neutralize the forbidden piece, for broth and flesh are different kinds.

(15) And this is regarded as being of the same kind as flesh.

(16) Lit., 'might have been'.

(17) The contention is that when a substance, rendered forbidden because it had absorbed the essence of a forbidden matter, is cooked together with other permitted food, the forbidden essence is considered as extracted from the original substance and distributed equally among the contents of the pot; so that if there is enough in the Pot to neutralize the quantity of forbidden essence it will all be permitted, even the original substance which Was rendered forbidden. In other words the substance, which is forbidden because of the forbidden essence that it absorbed, is not regarded as nebelah and forbidden absolutely for all time, but it is even possible for it to become permitted once again when cooked with other substances.

(18) Surely the drop of milk which originally fell on this piece would in the course of further cooking be extracted from it and distributed equally among all the pieces in the pot, so that this piece too should be permitted!

(19) Because of the milk that it absorbed.

why is the milk permitted? Is not the milk[1] as nebelah?[2] — I still maintain, that Rab holds that even when it can be considered extracted it is still forbidden, but there[3] it is exceptional, for the verse states: Thou shalt not seethe a kid in its mother's milk,[4] whence it is clear that the Torah forbade the kid only and not the milk.[5]

But does Rab hold that the Torah forbade the kid only and not the milk? But it has been reported: If a person cooked half an olive's bulk of flesh with half an olive's bulk of milk,[6] he suffers stripes, says Rab, if he eats it, but does not suffer stripes for cooking it. Now if you maintain that [Rab contends that] the Torah forbade the kid only and not the milk, why should he suffer stripes for eating it? There was only half the [minimum] quantity![7] Rather we must say that Rab holds the view that the milk is also forbidden, but in this case[8] we must suppose that [the olive's bulk of flesh] fell into a boiling pot, in which case it will absorb all the time and not discharge at all.[9] But eventually when [the boiling] subsides it will discharge [the milk which it had absorbed]! — By then he had already removed it.[10]

The text [stated above]: 'If a person cooked half an olive's bulk of flesh with half an olive's bulk of milk, he suffers stripes, says Rab, if he eats it, but does not suffer stripes for cooking it'. But say what you will. If the two[11] combine [to make the prohibition], then he should also suffer stripes for cooking it; and if they do not combine, then he should not suffer stripes even if he ate it! — Really they do not combine, but this[12] is a case where each [half an olive's bulk] came from a large pot.[13] Levi, however, said: He also suffers stripes for cooking it. Moreover, Levi taught so in a Baraitha: Just as he suffers stripes for eating it he suffers stripes for cooking it. And of what kind of cooking did they speak? Of such cooking as others[14] would eat thereof.

With regard to the law where the forbidden essence is considered extracted,[15] there is a dispute between Tannaim. For it was taught: If a drop of milk fell on a piece of flesh, as soon as it imparted a flavour to the piece, the piece itself is forbidden as nebelah, and it will in turn render all the pieces [in the pot] forbidden, for they are of like kind: so R. Judah. But the Sages say. [It is not forbidden at all] until it imparts a flavour to the broth, the sediments and the pieces. Said Rabbi: The words of R. Judah are acceptable in the case where he[16] neither stirred nor covered [the pot], and the words of the Sages in the case where he either stirred it or covered it.

Now what is meant by 'neither stirred nor covered'? Should you say it means that he did not stir it at all, or that he did not cover it at all, then this piece will indeed have absorbed [the drop of milk] but will not at any time have given it out; [wherefore then are the other pieces forbidden?] And if it means that he did not stir it straightway but only later on, or that he did not cover it straightway but only later on, wherefore [are any of the pieces forbidden]? True, this piece had absorbed [the drop of milk] but it has also given it out! — He is of the opinion that even when the forbidden substance can be considered extracted it is still forbidden.[17]

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(1) Sc. that milk which was first absorbed by the flesh and later discharged in the rest of the milk in the pot.

(2) So that when it mixes with the rest of the milk we have here a mixture of homogeneous liquids which, according to Rab can never neutralize each other.

(3) In connection with the prohibition of flesh in milk.

(4) Ex. XXIII, 19.

(5) Rab contends that whenever flesh and milk are cooked together in any proportion whatsoever, it is only the flesh that is forbidden and not the milk.

(6) An olive's bulk of liquid is that amount of liquid displaced from a brimming bowl by an olive.

(7) The minimum quantity of a forbidden substance to render one liable to stripes is an olive's bulk. Here the only forbidden substance is the meat and there is only half an olive's bulk of it.

(8) Namely, where an olive's bulk of flesh fell into a pot of milk.
(9) The milk absorbed by the flesh will not be given out so long as the pot is boiling, consequently it will not affect the rest of the milk in the Pot.
(10) The olive's bulk of flesh.
(11) Sc. the flesh and the milk.
(12) The statement of Rab that he suffers stripes for eating it.
(13) Wherein large quantities of flesh and milk were cooked together. To take out of this Pot half an olive's bulk of flesh and half an olive's bulk of milk and eat them certainly renders one liable to stripes. But to cook half an olive's bulk of meat with half an olive's bulk of milk does not, according to Rab, render one liable to stripes. So that the two rulings given by Rab refer to different cases.
(14) Non-Jews. I.e., sufficiently cooked.
(15) Whether the original piece which contained the forbidden essence becomes now permitted or not.
(16) Sc., the person who was looking after the pot. By stirring or covering the pot the forbidden substance is distributed equally among the entire contents of the pot.
(17) Once a piece of flesh has absorbed a forbidden substance it becomes absolutely forbidden as nebelah and will at once render all the pieces in the pot forbidden, no matter how much there is in the Pot besides this; for it can never be neutralized since this is a case of a forbidden piece among permitted pieces, or a mixture of homogeneous substances.

Talmud - Mas. Chullin 109a

(It follows then from this that R. Judah holds that [the entire contents of the pot] are forbidden even though he stirred it straightway [and continued to do so] till the very end, or covered it straightway [and kept it so] till the very end.[1] But why should this be so? The one [piece] has not absorbed any more [than the others]?[2] — Perhaps he did not stir it so well or he did not cover it so well.)[3]

The Master [further] stated above: 'And the words of the Sages in the case where he either stirred it or covered it'. What is meant by 'either stirred it or covered it'? Should you say it means that he stirred it only later on but not at the beginning, or that he covered it only later on but not at the beginning,[4] — but in this case you have said that the words of R. Judah are acceptable.[5] It must therefore mean that he stirred it straightway and [continued to do so] till the very end, or that he covered it straightway and [kept it so] till the very end; from which it follows that the Sages maintain [that everything in the pot is] permitted even though he stirred it only later on but not at the beginning, or he covered it only later on but not at the beginning. It is evident then that they hold that when the forbidden substance can be considered extracted it becomes permitted.[6]

R. Aha of Difti said to Rabina: Why say they differ as to the law where the forbidden substance can be extracted? Perhaps all are of the opinion that even when the forbidden substance can be is extracted it is still forbidden, but they differ [about the neutralization[7] of homogeneous substances: R. Judah maintaining his principle that homogeneous substances cannot neutralize each other, and the Rabbis maintain theirs that homogeneous substances can neutralize each other?[7] — This argument cannot be entertained.[8] If you concede that the Sages in this dispute accept R. Judah' s view concerning homogeneous substances, but they differ only as to the law in the case where the forbidden substance can be considered extracted, then the meaning of Rabbi is clear when he says. 'The words of R. Judah are acceptable in this case and the words of the Sages in that'. But if you insist that all agree that even where the forbidden substance can be considered extracted it is still forbidden, but they differ concerning the law of homogeneous substances, then surely [Rabbi] should have said. 'The words of R. Judah are acceptable in this but not in that'![9] And there is no more to be said about this. MISHNAH. THE UDDER MUST BE CUT OPEN AND EMPTIED OF ITS MILK; IF HE DID NOT CUT IT OPEN[10] HE HAS NOT TRANSGRESSED THE LAW ON ACCOUNT THEREOF.[11] THE HEART MUST BE CUT OPEN AND EMPTIED OF ITS BLOOD; IF HE DID NOT CUT IT OPEN HE HAS NOT TRANSGRESSED THE LAW ON ACCOUNT THEREOF.[12]

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(1) The fact that Rabbi finds R. Judah's view acceptable only where the pot was not stirred immediately but only later on clearly suggests that R. Judah maintains his view (viz., that everything in the pot is forbidden) even where the pot was stirred immediately and kept on so till the end.
(2) The drop of milk, in these circumstances, should be considered as distributed equally among all the pieces in the pot, and surely there is sufficient in the pot to neutralize this drop.
(3) And if the pot was not stirred well or covered properly the very moment the drop of milk fell on a piece, that piece would immediately absorb the milk and would render all the contents of the pot forbidden.
(4) And in this case Rabbi is inclined to accept the lenient view of the Sages that all the pieces in the pot would neutralize the milk, for it has been extracted from the one piece and distributed evenly in the pot.
(5) That the entire contents of the pot are forbidden.
(6) Hence we see that where the forbidden substance can be considered extracted is a matter of dispute between Tannaim.
(7) The position would then be: all bold that the piece upon which the drop of milk fell is wholly forbidden as nebelah, but the dispute is concerning the other pieces in the pot. R. Judah holding that the entire contents of the pot are forbidden because the forbidden piece can never be neutralized amongst other pieces, and the Sages holding that neutralization even in a mixture of homogeneous substances can take place. The attitude of Rabbi who holds, first that when the forbidden substance can be extracted the piece is still forbidden, and secondly that neutralization cannot take place between homogeneous substances, is expressed thus: The words of R. Judah are acceptable to me, namely, that the entire contents of the pot are forbidden, in the case where the pot was not stirred at once but only later on, for then one piece was first rendered forbidden and it would later render the entire pot forbidden. But the words of R. Judah are not acceptable to me in the case where the pot was stirred straightway, for then the drop of milk was immediately evenly distributed among the contents of the pot. In this latter case the words of the Sages are acceptable to me, namely that the entire contents of the pot are permitted, for the apprehension lest the pot was not well stirred or well covered need not be taken into consideration.
(8) Lit., ‘what is this?’
(9) V. supra n. 1. The view expressed there is that Rabbi agrees with R. Judah, that the entire contents are forbidden in the case where the pot was not stirred at once, but does not agree with him in the case where it was stirred at once. If this is Rabbi's true view then he should not have mentioned the Sages at all in his statement. The fact that the Sages are mentioned in Rabbi's statement indicates that they went so far as to permit even that Piece upon which the drop of milk fell, for they hold that when the forbidden substance is extracted the piece itself becomes permitted. The result of all this argument is to show that the law in the case when the forbidden substance can be considered extracted is a matter of dispute between Tannaim.
(10) But cooked it together with all the milk it contained.
(11) And no penalty Is 1ncurred either for cooking or eating the udder. The prohibition of ‘flesh in milk’ applies only to milk drawn off from the living animal but not to milk found in the udder of a slaughtered animal.
(12) And is not liable to the penalty of kareth for eating blood. According to Rashi the Mishnah is referring only to the heart of a fowl and the reason why this penalty is not incurred is because the blood contained in the heart is not as much as an olive's bulk. According to Tosaf. it refers to the heart of any animal and there is no liability because blood that has been cooked is not forbidden by the law of the Torah. V. Ker. 220. The flesh of the heart, says Rashi, is not rendered forbidden, for since it is smooth it does not absorb the blood. V. however Tosaf. s.v. הלב.

Talmud - Mas. Chullin 109b

GEMARA. R. Zera said in the name of Rab: He has [not only] not transgressed the law on account thereof, but it is even permitted.[1] But have we not learnt: HE HAS NOT TRANSGRESSED THE LAW ON ACCOUNT THEREOF, which implies that there is no transgression of the law but that it is forbidden?Strictly it is not forbidden at all, but only because the second clause reads: THE HEART MUST BE CUT OPEN AND EMPTIED OF ITS BLOOD; IF HE DID NOT CUT IT OPEN HE HAS NOT TRANSGRESSED THE LAW ON ACCOUNT THEREOF, in which case it is true that there is no transgression of the law but clearly it is forbidden,[2] the Tanna also stated in the first clause, HE HAS NOT TRANSGRESSED THE LAW ON ACCOUNT THEREOF. Shall we say that the following teaching supports him? It was taught: The udder must be cut open and emptied of its

milk; if he did not cut it open he has not transgressed the law on account thereof. The heart must be cut open and emptied of its blood; if he did not cut it open he must cut it open after it had been cooked and it is permitted [to be eaten]. Now it is only the heart that must be cut open [after the cooking], but the udder need not be cut open at all! — Perhaps the inference is: only for the heart does the cutting open [after the cooking] suffice, but for the udder the cutting open [after the cooking] would not be sufficient.[3]

Others report the passage thus: R. Zera said in the name of Rab: He has not transgressed the law on account thereof, but it is forbidden [to be eaten]. Shall we say that [our Mishnah] supports him? It reads: HE HAS NOT TRANSGRESSED THE LAW ON ACCOUNT THEREOF, which implies, no doubt, that there Is no transgression of the law but that it is forbidden! — Strictly it is not even forbidden, but only because the second clause reads: THE HEART MUST BE CUT OPEN AND EMPTIED OF ITS BLOOD; IF HE DID NOT CUT IT OPEN HE HAS NOT TRANSGRESSED THE LAW ON ACCOUNT THEREOF, in which case there is no transgression of the law but clearly it is forbidden, the Tanna also stated in the first clause, HE HAS NOT TRANSGRESSED THE LAW ON ACCOUNT THEREOF.

Come and hear: The udder must be cut open and emptied of its milk; if he did not cut it open he has not transgressed the law on account thereof. The heart must be cut open and emptied of its blood; if he did not cut it open, he must cut it open after it had been cooked and it is permitted [to be eaten]. Now only the heart must be cut open [after the cooking] but the udder need not be cut open at all! — Perhaps the inference is: only for the heart does the cutting open [after the cooking] suffice, but for the udder the cutting open [after the cooking] would not be sufficient.

It was taught in agreement with the first version of Rab's view: If the udder was cooked with its milk it is permitted; if the stomach [of a sucking calf] was cooked with its milk it is forbidden. And wherein lies the distinction between the two? In the one the milk is collected inside, in the other it is not collected inside.[4]

How should one cut it[5] open? — Rab Judah replied. One must cut it lengthwise and breadthwise and press it against the wall. R. Eleazar once said to his attendant, 'Cut it up for me[6] and I will eat it'. What does he teach us? Is it not [a clear statement in] our Mishnah? — He teaches us that it is not necessary to cut it both lengthwise and breadthwise.[7] Or [he teaches us that this would be sufficient even for cooking] in a pot.[8]

Yaltha[9] once said to R. Nahman: 'Observe, for everything that the Divine Law has forbidden us it has permitted us an equivalent: it has forbidden us blood but it has permitted us liver; it has forbidden us intercourse during menstruation but it has permitted us the blood of purification;[10] it has forbidden us the fat of cattle but it has permitted us the fat of wild beasts; it has forbidden us swine's flesh but it has permitted us the brain of the shibbuta;[11] it has forbidden us the girutha[12] but it has permitted us the tongue of fish;[13] it has forbidden us the married woman but it has permitted us the divorcee during the lifetime of her former husband; it has forbidden us the brother's wife but it has permitted us the levirate marriage;[14] it has forbidden us the non-Jewess but it has permitted us the beautiful woman[15] [taken in war]. I wish to eat flesh in milk, [where is its equivalent?]' Thereupon R. Nahman said to the butchers, 'Give her roasted Udders'.[16] But have we not learnt, [THE UDDER] MUST BE CUT OPEN? — That is only when [it is to be cooked] in a pot.[17] But does it not state [in the Baraitha above]. 'If [the udder was] cooked',[18] which implies that only after the act it is permitted but not in the first instance?[19] — Indeed, it is even permitted in the first instance, but only because [the Tanna of the cited Baraitha] desired to state the second clause viz., If the stomach

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(1) To be eaten; for the milk that was withdrawn from a slaughtered animal is at most forbidden to be cooked with flesh

by the Rabbis only, and here since the milk was absorbed and confined within the udder there is not even a Rabbinic injunction against eating it.

(2) For although there can be no liability to any punishment for eating the blood in the heart of a fowl for the reason stated, namely that it is less than an olive's bulk, there nevertheless lies a prohibition even where there is less than an olive's bulk, and it would certainly not be permitted to be eaten.

(3) And there is good reason for this distinction. As the heart is smooth and hard even in cooking the blood would not penetrate into it; the udder, on the other hand, is soft and spongy, and in cooking, the milk would Penetrate into it, and it would be impossible to remove it.

(4) The milk found in the stomach of a calf is regarded as ordinary milk, accumulated in a particular place, to which the prohibition of 'flesh in milk' applies, whereas the milk in the udder cannot be said to be collected inside but is absorbed in every part of the udder and therefore the prohibition of 'flesh in milk' does not apply.

(5) Sc. the udder.

(6) Before you roast it (Rashi); or, Before you cook it (Tosaf.).

(7) But cutting it in one direction would be sufficient.

(8) I.e., by cutting it lengthwise and breadthwise and by pressing it out against the wall it is permitted to cook it in a pot together with other meat. The text adopted is as found in MS.M.. Alfasi, R. Gershom and others. In cur. edd., in place of 'or in a pot' are the words 'and to press it against the wall'. V. Glos. of Bah.

(9) R. Nahman's wife.

(10) In the period of purification after childbirth (cf. Lev. XII, 4) intercourse is permitted even though the woman may be suffering from a discharge of blood. Moreover, the blood of virginity is permitted which is the equivalent of the blood of menstruation.

(11) שיבוטא a kind of fish the brain of which has the same taste as swine's flesh. According to some it is the mullet, according to others the sturgeon.

(12) A forbidden bird; v. supra 62b where it is identified with the moor-hen.

(13) Which has the taste of girutha.

(14) Cf. Deut. XXV, 5ff.

(15) Cf. ibid. XXI, II ff.

(16) Lit., 'give her udders on the spit'. i.e., roasted (Rashi). According to Aruch: 'Feed her with well-filled udders'.

(17) R. Nahman apparently accepts the view stated in the second version of Rab supra. that the udder is forbidden if cooked without having been cut open.

(18) The expression 'cooked', בשל, in the Baraitha is to be interpreted as roasted and not cooked in a Pot. Cf. the same expression in II Chron. XXXV, 13: And they cooked the passover.

(19) How then did R. Nahman permit his wife to eat the udder roasted, and in the first instance too?

Talmud - Mas. Chullin 110a

was cooked with its milk it is forbidden, in which case it is not permitted even after the act, he stated in the first clause too 'if it was cooked'.

When R. Eleazar went up [to Palestine] he met Ze'iri to whom he said: Is there to be found here a Tanna[1] who recited to Rab the law of the udder?[2] He immediately pointed out to him R. Isaac b. Abudimi. Thereupon the latter said unto him: I did not recite to him [any prohibition] at all about the udder; Rab however found an open space and put a fence around it.[3] For Rab once happened to be at Tatlefush[4] and overheard a woman asking her neighbour. How much milk is required for cooking a rib'a[5] of meat? Said Rab: Do they not know that meat cooked with milk is forbidden? He therefore stayed there [some time] and declared the udder forbidden to them.

R. Kahana reported the passage as above; but R. Jose b. Abba reported it as follows: [R. Isaac b. Abudimi said.] 'I taught him [the prohibition only] with regard to the udder of a milch [cow]'.[6] And relying upon the keen perception of R. Hiyya he had stated this law in general about the udder.[7]

Rabin and R. Isaac b. Joseph once happened to be at R. Papi's, and they were served with a dish of

udder. R. Isaac b. Joseph ate of it, but Rabin did not. Said Abaye: Wherefore did not this childless Rabin[8] eat? Consider this, R. Papi's wife was the daughter of R. Isaac Nappaha, and R. Isaac Nappaha was most strict in his actions;[9] now had she not seen this practice in her parents' home she certainly would not have served them with it.

In Sura people did not eat the udder at all, in Pumbeditha they used to eat it.

Rami b. Tamri, also known as Rami b. Dikuli, of Pumbeditha once happened to be in Sura on the eve of the Day of Atonement. When the townspeople took all the udders [of the animals] and threw them away, he immediately went and collected them and ate them. He was then brought before R. Hisda who said to him: 'Why did you do it?' He replied: 'I come from the place of Rab Judah who permits it to be eaten.' Said R. Hisda to him: 'But do you not accept the rule:[10] [When a person arrives in a town] he must adopt the restrictions of the town he has left and also the restrictions of the town he has entered?' — He replied: 'I ate them outside the [city's] boundary.' 'And with what did you roast them?' He replied. 'With the kernels [of grapes].' 'Perhaps they were [the kernels] of wine used for idolatrous purposes?' He replied. 'They had been lying there more than twelve months.'[11] 'Perhaps they were stolen goods?' He replied. 'The owners must have certainly abandoned all rights to them for lichen was growing amongst them.' He [R. Hisda] noticed that the other was not wearing the Tefillin[12] and said to him. 'Why do you not wear the Tefillin?' He replied. 'I suffer from the bowels, and Rab Judah has said. One who suffers from the bowels is exempt from wearing the Tefillin.'[13] He further noticed that the other was not wearing fringes [on his coat] and said to him. 'Why are you not wearing fringes?' He replied. 'The coat [l am wearing] is borrowed, and Rab Judah has said.

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(1) V. Glos.

(2) I.e., that it is forbidden if cooked without having been cut open.

(3) I.e., he came to a place where the people were negligent in their religious observances and he therefore placed upon them additional restrictions.

(4) In the neighbourhood of Sura; Obermeyer p. 298.

(5) **ריבעא** a term describing a certain quantity of meat, cf. Bez. 29a. According to Rashi: 'a litra'.

(6) I.e., without however stating so expressly as the Gemara continues to explain, v. **מעדני יו״ט**.

(7) Without explaining that it was only the udder of a milch cow that was forbidden. Rab however had heard this statement without making the necessary distinction. This is apparently the interpretation of this difficult passage.

(8) He was bereft of his children, and therefore was always referred to sympathetically as 'the childless Rabin'; v. Pes. 70b.

(9) Lit., 'a master of (good) deeds'.

(10) Supra 18b. Pes. 50a.

(11) V. A.Z. 34a; kernels which had been used for idolatry, if dry i.e., after twelve months, are permitted for use.

(12) V. Glos.

(13) For otherwise he would be constantly having to remove them in order to relieve himself.

Talmud - Mas. Chullin 110b

A borrowed coat is, for the first thirty days, exempt from the zizith.' While this was going on a man was brought in [to the court] for not honouring his father and mother. They bound him [to have him flogged], whereupon [Rami] said to them. 'Leave him alone, for it has been taught. Every commandment which carries its reward by its side does not fall within the jurisdiction of the Court below.'[1] Said [R. Hisda] to him. 'I see that you are very sharp.' He replied. 'If only you would come to Rab Judah's school I would show you how sharp I am!'

Abaye said to, R. Safra. When you go up there [to Palestine] enquire of them. How do you deal with the liver?' When he came up he met R. Zerika who told him [in reply]. 'I once cooked [the

liver] well[2] for R. Ammi and he ate it.' When he [R. Safra] returned, Abaye said to him: 'I had no doubt at all that it, itself, was forbidden;[3] I was only in doubt whether it could render forbidden other [pieces that were in the pot with it or not].' 'But why had you no doubt that it, itself, was forbidden? For we have learnt: It is not itself rendered forbidden.[4] Then you should have no more doubts as to whether it renders others forbidden, for we have learnt: The liver renders [other pieces in the pot] forbidden but is not itself rendered forbidden, for it exudes and does not absorb'![4] — He replied. 'Perhaps there it refers to the liver of a forbidden [animal]

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(1) And the reward for honouring parents is stated side by side with the precept; v. Ex. XX, 12.

(2) שלקי V. p. 611, n. 4.

(3) It is certainly permitted because it is discharging blood all the time during the cooking and will not absorb at all.

(4) Ter. X, 11.

Talmud - Mas. Chullin 111a

and the point is about the fat;[1] [what I wish to know is] the law about the blood'?[2] When he went up [to Palestine] a second time he met R. Zerika who told him [in reply]. 'This, too, should not cause you any doubt, for I and Jannai the son of R. Ammi once came to the house of Judah the son of R. Simeon b. Pazzi, and we were served with the windpipe and its appendages[3] and we ate them.' R. Ashi, others say. R. Samuel of Zerukinia,[4] demurred [at any proof from this] saying. Perhaps there the mouth of the windpipe was outside the pot?[5] Or perhaps it [the liver] was first dipped?[6] For R. Huna used to dip it in vinegar, and R. Nahman used to dip it in boiling hot water. R.[7] Papa once suggested to Raba that the vinegar [in which the liver was dipped] should be forbidden, but Raba answered him thus: If the vinegar is forbidden then it [the liver] too should be forbidden, for just as it exudes [its juice into the vinegar] it will later on absorb it.[8]

Rab b. Shabba once visited R. Nahman's house and was served with well-cooked[9] liver but he would nor eat it. Thereupon they told him [R. Nahman]. 'There's a young scholar inside, namely Rab b. Shabba, who will not eat it.' R. Nahman replied. 'Force Shabba to eat it.' This indeed is a matter of dispute between Tannaim: R. Eliezer says. The liver renders [other pieces in the pot] forbidden but is not itself rendered forbidden, because it exudes and does not absorb. R. Ishmael the son of R. Johanan b. Berokah says: If it [the liver] was seasoned with spices[10] it renders others forbidden and is itself also rendered forbidden; [and so too] if it was well-cooked[11] it renders others forbidden and is itself also rendered forbidden.[12]

Rabbah son of R. Huna once visited the house of Rabbah son of R. Nahman and was served with three se'ahs of honey-cakes. He said to them,[13] Did you know that I was coming? They replied. You are no more important than it,[14] and it is written. And call the sabbath a delight.[15] In the meantime he noticed a liver and in the artery thereof there was much blood. He said to them: Is it right to do so? They replied. What then should we do? He said. Cut it open lengthwise and breadthwise, and the part cut should be below.[16] This is so[17] only with the liver, but as to the spleen it contains merely a fatty juice.[18] Thus on the day when Samuel was bled they prepared for him spleen broth.

It was stated: [To roast] the liver on top of meat, is permitted, for the blood glides off;[19] [to roast] the udder on top of meat is forbidden because the milk clings [to and penetrates into the meat]. R. Dimi of Nehardea reports this just the reverse thus, [To roast] the udder on top of meat, is permitted, because the milk of a slaughtered animal is but a Rabbinic prohibition; liver on top of meat is forbidden because the blood is a Biblical prohibition.

Meremar declared in a public exposition: The law is, both with regard to the liver and the udder: under meat, it is permitted; on top of meat, it is permitted only after the act, but one may not do so in the first instance.

R. Ashi once visited the house of Rami b. Abba his father-in-law when he saw the son of Rami b. Abba

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(1) So that the liver of a trefah animal, when cooked with other pieces of flesh, will render those pieces forbidden not because of the blood, but because of the fat of the liver which has been absorbed by those pieces. On the other hand, if the liver of a permitted animal was cooked in the same pot with trefah meat, it would not be rendered forbidden, because whilst it is discharging blood it would not be able to absorb anything.

(2) The question is. Will the blood discharged from a liver that is permitted render the other pieces in the pot forbidden or not?

(3) The windpipe and its appendages, i.e., the lungs, liver and heart, had all been cooked together In one Rot.

(4) Near Nehar Azak, east of Tigris; v. Obermeyer, p. 80.

(5) So that whatever blood was discharged from the liver ran off outside the pot and nothing in the pot could have been affected by it.

(6) Either in vinegar or in boiling water to cause contraction of the pores so that nothing at all would exude from it.

(7) So var. lec.; cur. edd. 'And R. Papa etc.'.

(8) In truth, however, the effect of the vinegar is to harden the liver and close up its pores so that nothing at all can exude from it; this being so, the vinegar is also permitted.

(9) שליקא V. n. 3.

(10) The spices soften the liver and render it more susceptible to absorb into it other juice.

(11) שלוקה term denoting 'well-cooked', cf. n. 3 mut. mut.

(12) [Thus those who ate the liver after cooking it well (supra p. 610) follow the view of' R. Eliezer whilst R. Shaba follows the view of R. Ishmael, Adreth Hiddushim.]

(13) Sc. the members of the household.

(14) Sc. the Sabbath.

(15) Isa. LVIII. 13. The cakes had been prepared for the Sabbath.

(16) When roasting the liver the cut should be turned to the fire so that the blood should flow out directly and not run on to any other part of the liver.

(17) That it must be cut up lengthwise and breadthwise.

(18) It does not contain much blood, and so does not need to be cut up.

(19) The blood that is drawn out of the liver will not be absorbed by the meat but will run of the meat and drip on to the fire, and so the meat is permitted.

Talmud - Mas. Chullin 111b

putting liver on the spit on top of meat. 'How presumptuous this young scholar is!' he exclaimed. 'The Rabbis may have permitted it after the act, but did they permit it in the first instance?' But if a vessel was placed below to collect the drippings, even though the meat was on top of the liver, it is forbidden.[1] But in what way is this different from the blood of flesh?[2] — The blood of flesh settles at the bottom of the vessel, whereas the blood of liver floats at the top.[3]

R. Nahman said in the name of Samuel: The knife with which one slaughtered may not be used for cutting hot food;[4] as for cold food, some say it must be washed,[5] whilst others say, it need not be washed.

Rab Judah said in the name of Samuel: The vessel in which one salted meat may not be used for eating therein hot food. This is in accord with Samuel's principle, for Samuel has stated: Whatsoever is salted is counted as hot, and whatsoever is preserved is counted as cooked.[6] When Rabin came [from Palestine] he reported in the name of R. Johanan. Whatsoever is salted is not counted as hot and whatsoever is preserved is not counted as cooked. Said Abaye. This statement of Rabin cannot be upheld, for it once happened in the house of R. Ammi that an earthenware plate had been used for salting meat thereon and he broke It. Now let us see. Was not R. Ammi a disciple of R. Johanan?

Why then did he break [the plate]? Surely because he had heard the statement from R. Johanan that whatsoever is salted is counted as hot.

R. Kahana, the brother of Rab Judah, was sitting before R. Huna and recited as follows, The vessel in which one salted meat may not be used for eating therein hot food. A radish which was cut with a meat knife may be eaten with a milk sauce.[7] Why the distinction? — Abaye answered: The latter absorbed what is permitted, the former what is forbidden.[8] Said to him Raba. But what difference does it make the fact that it absorbed what is permitted? After all what is permitted now will be forbidden later on,[9] so that he will be eating that which is forbidden! Rather said Raba: [This is the distinction]. The latter can be tasted, the former cannot.[10] R. Papa said to Raba: But could not a gentile cook taste it? Has it not been taught: In a pot wherein meat had been cooked a person may not boil milk, and if he did boil [milk] therein [it is forbidden] if the pot imparts a flavour [to the milk]. In a pot wherein terumah food had been cooked a person may not cook common food, and if he did cook [common food] therein, [it is forbidden] if the pot imparted a flavour [to the common food]. And when we put the question to you. In the case of terumah I grant you that a priest could taste the food; but in the case of meat and milk who may taste it? You replied: A gentile cook could taste it. Now in our case, too, could not a gentile cook taste it? [He replied:] That is so, but I am speaking of a case where there is no gentile cook available.[11]

It was stated: If [hot] fish was served on a [meat] plate: Rab says: It is forbidden to eat it with milk sauce; Samuel says: It is permitted to eat it with milk sauce. 'Rab says: It is forbidden', because it imparted a flavour to it;[12] 'Samuel says: It is permitted', because it imparted a flavour indirectly.[13]

This ruling of Rab, however, was not expressly stated by him but was inferred from the following incident. Rab once visited the house of R. Shimi b. Hiyya, his grandson. He felt a pain in his eyes and so they prepared for him an ointment on a dish. Later on he was served with stew in this same dish and he detected the taste of the ointment in it. He remarked: 'Does it impart such a strong flavour?'[14] — But this does not prove anything; in that case it is different for the bitterness of the ointment is very pungent.[15]

R. Eleazar was once standing before Mar Samuel, who was being served with fish upon a [meat] plate and was eating it with milk sauce. He [Samuel] offered him some but he would not eat it. Samuel said to him, 'I once offered some to your Master[16] and he ate it, and you won't eat it.' He [R. Eleazar] then came to Rab and asked him, 'Has my Master withdrawn his view?' He replied. Heaven forfend that the son of Abba b. Abba[17] should give me to eat that which I do not hold [to be permitted]![18]

R. Huna and R. Hiyya b. Ashi were once sitting, one on the one side of the ferry of Sura and the other on the other side; one was served with fish on a [meat] plate which he ate with milk sauce; the other was served with figs and grapes in the course of the meal which he ate without reciting a benediction over them.[19] One called out to the other, 'ignoramus,[20] would your master do so?' The other called back, 'Ignoramus, would your master do so?' The one answered and said: 'I accept Samuel's view.'[21] The other answered: 'I hold the view of R. Hiyya. For R. Hiyya taught:[22] [The benediction over] bread exempts all other kinds of food, and that over wine exempts all other kinds of drink [from the necessity of another benediction].'

Hezekiah said in the name of Abaye: The law is, fish that was served on a [meat] plate may be eaten with milk sauce, and a radish that was cut with a meat knife may not be eaten with milk sauce. This is so only in the case of a radish,

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(1) I.e., the drippings of fat in the vessel are forbidden to be eaten because they are mingled with the blood drippings from the liver.

(2) V. infra 112a, where it is permitted to place a vessel below the roasting meat in order to collect the drippings of fat even though it collects at the same time blood drippings.
(3) In the former case the fat can be poured off into another vessel leaving behind all the blood, in the latter case the blood is intermingled with the fat and the one cannot be separated from the other.
(4) The throat at the time of slaughtering is deemed to be hot so that the knife during the act of cutting will have absorbed blood and will give it out again when used with hot food.
(5) The cold food cut with this knife must be washed, so Rashi. Most commentators, including Maim., R. Gershom, and Tosaf. (supra 8b s.v. והלכתא), interpret that the knife must be washed before cutting with it cold food.
(6) supra 97b. The vessel will therefore have absorbed blood by reason of the salting.
(7) Kutah, a preserve consisting of sour milk, breadcrust and salt. Even though the radish because of its pungency absorbed the fat that was congealed upon the knife.
(8) The radish absorbed the fat of meat which is in no wise forbidden, whereas the vessel absorbed blood which is forbidden.
(9) When it is dipped in the milk sauce, for then there is the combination of meat and milk.
(10) The radish can be tasted by any person to ascertain whether or not the flavour of the meat is perceptible; but the food cooked in the vessel wherein meat had been salted, may not be tasted by a Jew, for fear that the flavour of the blood that was absorbed in the vessel will have passed into the food.
(11) Where a gentile cook is available he may taste the food cooked in this vessel, and if he pronounces it to be absolutely free from the taste or flavour of blood it may then be eaten. So that in fact there is no distinction between the two cases cited by R. Kahana.
(12) The meat essence absorbed in the plate imparted its flavour to the fish.
(13) Lit., 'that which gives a flavour the son of (i.e., derived from) that which gives a flavour'. Here the meat originally imparted a flavour to the plate and the plate to the fish; the fish, therefore, has a secondary or indirect taste of the meat, and this according to Samuel is negligible and of no consequence. However, it is conceded by Samuel that it is forbidden to drink hot milk out of a meat dish, for the dish has the first taste of the meat and this flavour, like the meat itself, is forbidden to eat with milk.
(14) I.e., it is remarkable, thought Rab, that the flavour of the ointment should remain in the dish (which obviously was cleaned well) and be felt also in the food that was subsequently served in it. From this remark the Rabbis inferred that even the secondary or indirect taste is of consequence. This suggested inference is somewhat difficult for the case of the fish and the case of the ointment are not on all fours; v. however R. Nissim a.l.
(15) [Rab therefore must have stated his rule expressly. Tosaf.]
(16) Rab.
(17) I.e., Samuel, whose father was Abba b. Abba.
(18) In other words, such a thing never occurred, for Rab maintains his view that it is forbidden.
(19) These fruits are usually eaten after the meal and therefore when served in the course of the dinner one must recite the benediction over them, and one is not exempt with the benediction recited over the bread at the beginning of the dinner. V. Ber. 41b.
(20) Lit., 'orphan'. i.e., without knowledge. A term of gentle rebuke.
(21) V. supra, that fish served on a meat plate may be eaten with milk sauce.
(22) Ber. 41b.

Talmud - Mas. Chullin 112a

since on account of its pungency it absorbs [from the knife]; but in the case of a cucumber one need only scrape away the surface of the cut and then one may eat it [with a milk sauce]. Turnip stalks[1] are permitted;[2] beet stalks are forbidden, but if one cut these and turnips alternately,[3] they are permitted.

R. Dimi enquired of R. Nahman: May one place a jar of salt close to a jar of milk sauce?[4] — He replied. It is forbidden. And what about a jar of vinegar?[5] — He replied. It is permitted. What Is the difference between the two? If you will measure out a kor of salt[6] [I will tell you the difference]. And what is it? — ln the one case the forbidden substance is discernible, in the other it is not

discernible.[7]

A young pigeon once fell into a jar of milk sauce,[8] and R. Hinena son of Raba of Pashrunia permitted it. Thereupon Raba remarked: Who, save R. Hinena son of Raba of Pashrunia, is so wise as to permit such a thing? For he [R. Hinena] is of the opinion that — Samuel's dictum, Whatsoever is salted is counted as hot, applies only to the case [of food salted so much] that it cannot be eaten on account of the salt;[9] but this milk sauce can be eaten together with the salt that is in it. This [was allowed] only in the case of a raw pigeon, but if it was roasted[10] it would require to be pared around; moreover if there were cuts In It It would be wholly forbidden;[11] likewise, if it was seasoned with spices it would be wholly forbidden.

R. Nahman said in the name of Samuel, A loaf of bread upon which one cut [roast] meat may not be eaten,[12] but only if [the meat was] red, and only if [the blood] penetrated through the bread, and only if [the juice which exuded from the meat was] thick, but if it was thin then it does not matter. Samuel would throw that [loaf of bread] to the dogs. R. Huna used to give It his attendant. Say what you will; if it is permitted it is permitted to all, and if it is forbidden it is forbidden to all! — R. Huna's was quite a special case, for he was fastidious [in his food].[13] Raba used to eat it and called it ‘meat wine’.

R. Nahman again said in the name of Samuel, One may not place a vessel beneath meat [that is roasting][14] until all the redness [of the meat] has gone. How does one know this? — Mar Zutra answered in the name of R. Papa. When the smoke rises.[15] R. Ashi demurred saying. Perhaps the lower half has been roasted and the upper half has not?[16] R. Ashi therefore said: There is no other remedy but to cast [into the vessel] two lumps of salt

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(1) If cut with a meat knife.

(2) To be eaten with a milk sauce.

(3) I.e., if one first cut a turnip with the meat knife and then beet.

(4) The apprehension is lest some of the milk sauce fall into the salt and he used with the latter to salt meat.

(5) May one place it next to a jar of milk sauce?

(6) V. supra 12a.

(7) Milk sauce is noticeable in salt, hut in vinegar it would melt away and would not even leave any trace of its flavour.

(8) The pigeon had been ritually slaughtered and prepared for cooking when it fell into the milk sauce which usually contains a substantial amount of salt.

(9) The salting in that case being for the purpose of preserving the food.

(10) [Even if it was now cold, for roasting softens the meat, making it liable to absorb the milk sauce (Asheri). Others explain this to refer to hot roast; Adreth and Nissim.]

(11) On account of the cuts and cracks in the body or because of the high seasoning, the roast pigeon would be all the more susceptible to absorb the milk sauce.

(12) Because of the blood which the bread absorbed.

(13) Actually R. Huna regarded it as permitted but would not eat it himself because of his sensitive nature.

(14) In order to collect the drippings of fat; v. supra 111b.

(15) From the meat, i.e., the meat is now dry and all the blood has been drawn out. Aliter: From the coals; this smoke is from the drippings of fat after the drippings of blood have ceased.

(16) And there may still be drippings of blood from the upper half, i.e., that which is furthest from the fire.

Talmud - Mas. Chullin 112b

and to pour off [the fat].[1] But did Samuel really say so?[2] Has not Samuel stated that a loaf [of bread] upon which one cut [roast] meat may not be eaten?[3] — It is different in that case for it [the blood] exudes only by reason of the pressure of the knife.

R. Nahman said: If fish and fowl were salted together, they[4] are forbidden. What are the circumstances here? If the vessel [in which they were salted] was not perforated[5] then fowl with other fowl would also be forbidden, and if the vessel was perforated then even fish with fowl should be permitted? — Indeed the vessel was perforated, but fish, having a soft skin, very quickly exude [their juice], whereas fowl are constricted and exude [blood] long after the fish have ceased to do so, so that the latter will absorb from [the fowl].[6]

It happened to R. Mari b. Rahel that ritually slaughtered meat had been salted with trefah meat.[7] He came before Raba who sa[3] d to him, It is written: The unclean,[8] to signify that the juice and the broth and the sediment of these [which are unclean] are forbidden.[9]

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(1) The effect of the salt is to draw the blood together so as to settle at the base of the vessel, leaving the fat on top; the fat can then very easily be poured off into another vessel, and it may be eaten.

(2) That once the redness of the meat has gone no more blood will exude from it.

(3) Because of the blood which has exuded from the roast meat.

(4) I.e., the fish, for the blood that is exuded from the fowl will be absorbed by the fish.

(5) It is forbidden to salt meat in a vessel that is not perforated. V. infra 113a.

(6) On the other hand meat with other meat may very well be salted together, for each piece will take an equal length of time to exude the blood and so long as it exudes it will not absorb.

(7) In a perforated vessel.

(8) Lev. XI, 31: These are the unclean unto you among all that creep. It is apparent that the definite article before 'unclean' is superfluous.

(9) And therefore in the case of the trefah meat being salted with ritually slaughtered meat, whilst it is true that one will not absorb blood from the other because each is discharging it, each will however absorb the juice from the other, so that the ritually slaughtered meat would be rendered forbidden on account of the juice of the other.

Talmud - Mas. Chullin 113a

Why did he not tell him [that it was forbidden] because of Samuel's dictum, 'Whatsoever is salted is counted as hot, and whatsoever is preserved is counted as cooked'? — As for Samuel's dictum I would have thought that it applies only to the blood[1] but not to the juice and broth;[2] he therefore teaches us [the Baraitha]. An objection was raised: [It was taught:] If a clean fish was salted together with an unclean fish, it[3] is permitted. Presumably this is a case where both were salted, is it not?[4] — No. It is a case where the clean fish was salted but the unclean was not.[5] But surely, since the subsequent clause states: If the clean fish was salted and the unclean was not, [it' is permitted],[6] it follows that the first clause deals with the case where both were salted. — The [second] clause merely explains the first thus: If a clean fish was salted together with an unclean fish, it is permitted. When is this so? When, for instance, the clean fish was salted but the unclean was not. And indeed this supposition is reasonable, since if we assume the first clause to refer to the case where both were salted, seeing that where both were salted it is permitted, is it necessary [to tell us that it is permitted] where only the clean fish was salted and not the unclean? — This however is not a conclusive argument. It may be that the second clause was put in to make clear the reference in the first: lest you might think that the first clause refers to where the clean fish was salted and the unclean was not, leaving us to infer that where both were salted it would be forbidden, he therefore adds the second clause, where the clean fish was salted and the unclean was not, which shows that the first clause speaks of the case where both were salted, and even so it is permitted.

Come and hear from the very last clause: But if the unclean fish was salted and the clean was not, it[3] is forbidden. Now it is forbidden only where the unclean was salted and the clean was not, from which it follows that where both were salted it would be permitted![4] — Not at all; but since in the preceding clause it teaches of the case where the clean fish was salted, and the unclean was not, it teaches also in the second clause of the case where the unclean fish was salted and the clean was

not.[7]

(Mnemonic: Flesh put [on the] neckbone.)[8] Samuel said: Flesh cannot be drained of its blood unless it has been salted very well and rinsed very well. It was stated: R. Huna said: One must salt the flesh and then rinse it. In a Baraitha it was taught: One must rinse it, salt it and then rinse it again. Indeed they are not at variance, for in the one case[9] it was washed down by the butcher and in the other it was not washed by the butcher. R. Dimi of Nehardea used to salt meat with coarse salt and then shake it off.[10]

R. Mesharsheya said: We do not assume that the internal organs contain blood;[11] this is explained as referring specifically to the rectum, the small intestines, and the coil of the colon.

Samuel said: One may not put salted meat except into a perforated vessel.[12] R. Shesheth used to salt each piece of meat[13] separately. But why not two together? Because the blood would run out of one piece and be absorbed by the other? Then in one piece also the blood may run out of one side and be absorbed by the other side! — Indeed there can be no difference.[14]

Samuel said in the name of R. Hiyya: If a man breaks the neck bone of an animal [after it has been slaughtered but] before the life departed from it, he thereby makes the meat heavy,[15] robs mankind,[16] and causes the blood to remain in the limbs. It was asked: What is the true meaning? Is it that he makes the meat heavy and thereby robs mankind by causing the blood to remain in the limbs, but where only he himself is concerned he may do so?[17] Or perhaps even for himself it is forbidden?[18] — This remains undecided.

MISHNAH. IF A MAN PLACES UPON THE TABLE FOWL WITH CHEESE HE DOES NOT THEREBY TRANSGRESS THE LAW.

GEMARA. It follows that if he were to eat [them together] he would transgress the law; you can infer from this that the flesh of fowl [cooked] in milk is prohibited by the law of the Torah! — Render thus. If a man places upon the table fowl with cheese he cannot come to the transgression of the law.[19]

MISHNAH. IT IS FORBIDDEN TO COOK THE FLESH OF A CLEAN ANIMAL IN THE MILK OF A CLEAN ANIMAL OR TO DERIVE ANY BENEFIT THEREFROM; BUT IT IS PERMITTED TO COOK THE FLESH OF A CLEAN ANIMAL IN THE MILK OF AN UNCLEAN ANIMAL OR THE FLESH OF AN UNCLEAN ANIMAL IN THE MILK OF A CLEAN ANIMAL AND TO DERIVE BENEFIT THEREFROM. R. AKIBA SAYS, WILD ANIMALS AND FOWLS ARE NOT INCLUDED IN THE PROHIBITION OF THE TORAH, FOR IT IS WRITTEN THRICE, THOU SHALT NOT SEETHE A KID IN ITS MOTHER'S MILK,[20] TO EXCLUDE WILD ANIMALS, FOWLS, AND UNCLEAN ANIMALS. R. JOSE THE GALILEAN SAYS, IT IS WRITTEN, YE SHALL NOT EAT OF ANYTHING THAT DIETH OF ITSELF.[21] AND IN THE SAME VERSE IT IS WRITTEN, THOU SHALT NOT SEE THE A KID IN ITS MOTHER'S MILK; THEREFORE WHATSOEVER IS PROHIBITED. UNDER THE LAW OF NEBELAH[22] IT IS FORBIDDEN TO COOK IN MILK. NOW IT MIGHT BE INFERRED THAT A FOWL, SINCE IT IS PROHIBITED UNDER THE LAW OF NEBELAH. IS ALSO FORBIDDEN TO BE COOKED IN MILK; THE VERSE THEREFORE SAYS. IN ITS MOTHER'S MILK'; THUS A FOWL IS EXCLUDED SINCE IT HAS NO MOTHER'S MILK.[23]

GEMARA. Whence do we know this?[24] — R. Eleazar said: Because the verse says: And Judah sent the kid of the goats;[25]

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(1) I.e., if meat with its blood was salted in a vessel which was not perforated it would be regarded as cooked (or

roasted) thus, and is forbidden.
(2) Which we would not know to be forbidden at all without the Baraitha quoted, for we would regard them as a mere secretion and of no consequence.
(3) I.e., the clean fish.
(4) Both the clean and unclean fish were salted, and the former is permitted because so long as each fish is exuding juice one will not absorb from the other; similarly in the above case, so long as each piece of meat is exuding blood and juice, the ritually slaughtered meat will not absorb from the trefah meat.
(5) Lit., 'insipid', 'without salt'. The unclean fish not being salted will not exude at all, and therefore the clean fish will not be affected by it.
(6) V. Marginal Gloss.
(7) Actually even if both were salted the clean fish would be forbidden.
(8) A mnemonic of the three statements of Samuel given on this page on the subject of salting meat. The third word in the mnemonic is read as מפרקתא 'neckbone' which is supported by MS.M.; in cur. edd. the reading is נפקותא 'going out, departing'.
(9) In R. Huna's case.
(10) Because it has absorbed the blood. In the case of fine salt there is no need to shake it off, for it would melt in the blood and run off the meat.
(11) And they are not forbidden if cooked without salting.
(12) Meat that was salted and the salt had not been washed off may not be Put into an unperforated vessel, for fear that the meat will absorb again the blood that was drawn out of it. It is certainly forbidden to salt meat in such a vessel in the first instance (R. Nissim). [Rashi supra 122b, s.v. אפילו, seems to have read one may not salt etc. מולחין for מניחין]
(13) Lit., 'bone (by) bone'.
(14) One may therefore salt any number of pieces together, for while each is exuding it will not absorb. As to whether all the pieces must be salted simultaneously or not, v. Tosaf. supra 112b, ודגים.
(15) For the animal is bereft of its last energy to spurt out the blood, and the blood now settles in the limbs of the animal.
(16) When he sells this meat, for it contains more than the usual amount of blood.
(17) I.e., if he does not sell the meat. And the usual salting of meat would presumably be sufficient for this meat too.
(18) For now no amount of salting will draw out the blood that has settled in the limbs.
(19) For even if he were to eat them together he would not transgress the law of the Torah.
(20) Ex. XXIII, 19; XXXIV, 26; Deut. XIV, 21.
(21) Deut. XIV, 21.
(22) V. Glos.
(23) Accordingly the prohibition is restricted to mammals.
(24) That the prohibition, 'Thou shall not seethe a kid in its mother's milk', is not limited in its application to a kid only but applies to all clean animals.
(25) Gen. XXXVIII, 20.

Talmud - Mas. Chullin 113b

here it was a 'kid of the goats', but elsewhere, wherever 'kid' is stated, it includes [the young of] the cow and the ewe. And might we not derive the rule from that?[1] — There is another verse which says: The skins of the kids of the goats;[2] here it was 'kids of the goats', but elsewhere, wherever 'kid' is stated, it includes [the young of] the cow and the ewe. And might we not derive the rule from the latter?[1] — [No, because] we have here two verses which teach the same thing, and one may not draw any conclusions from two verses which teach the same thing.[3] This is well according to him who maintains that one may not draw conclusions from such verses, but what can be said according to him who maintains that one may draw conclusions from such verses? — There are here two limiting particles: 'goats', 'the goats'.[4]

Samuel said: 'Kid' includes the forbidden fat;[5] 'kid' includes that which died of itself;[6] 'kid' includes the foetus.[7] 'Kid' excludes the blood; 'kid' excludes the afterbirth; 'kid' excludes the

unclean animal.[8] 'In its mother's milk', and not in the milk of a male;[9] 'in its mother's milk', and not in the milk of a slaughtered animal;[10] 'in its mother's milk' and not in the milk of an unclean animal.[11] But is not the term 'kid' written only three times,[12] yet we give six interpretations to it! — Samuel holds the view that a prohibition can be superimposed upon an existing prohibition, so that the application of the prohibition [of 'flesh in milk'] to forbidden fat and also to that which died of itself is derived from one verse;[13] blood [is excluded because] it does not come under the term 'kid';[14] the afterbirth also because it is a mere excretion;[14] two verses now remain, one to include the foetus and the other to exclude an unclean animal.

Does Samuel then hold that a prohibition can be superimposed upon an existing prohibition? Surely Samuel has said in the name of R. Eliezer: Whence do we know that if a priest who was unclean ate unclean terumah he would not be liable to death?[15] From the verse: And die therein if they profane it,[16] thus excluding this [unclean terumah], since it already stands profaned![17] — You may say, if you will, that in all cases a prohibition can be superimposed upon an existing prohibition, but it is different there for the Divine Law expressly disallowed it by the expression 'And die therein if they profane it'. Or you may say, if you will, that in all cases Samuel is of the opinion that a prohibition cannot be superimposed upon an existing prohibition, but it is different here for the Divine Law expressly allowed it by the expression 'kid'.[18] Or further you may also say, if you will, the one is his own opinion, the other is the opinion of his teacher.[19]

R. Ahadboi b. Ammi enquired of Raba: What is the law if one cooked [flesh] in the milk of a she-goat that had not given suck?[20] — He replied: Since it was necessary for Samuel to state, the expression 'in its mother's milk', and not in the milk of a male, [it is clear that] only a male [is excluded] for it cannot become a mother, but [in the milk of] this [she-goat], since it can become a mother, it is forbidden.

It was stated: [In the case where] a man cooked forbidden fat in milk, [there is a dispute between] R. Ammi and R. Assi: one says: He incurs stripes;[21] the other says: He does not incur stripes. Shall we say that they differ in this: he who says he incurs stripes maintains that a prohibition can be superimposed upon an existing prohibition, and he who says he does not incur stripes maintains that a prohibition cannot be superimposed upon an existing prohibition? — No. All agree that a prohibition cannot be superimposed upon an existing prohibition; and [consequently] there is no dispute at all that for eating this he does not incur stripes.[22] They differ only with regard to the cooking thereof: he who says he incurs stripes argues that there is only one prohibition here;[23] and he who says he does not incur stripes argues that for this very reason did the Divine Law express the prohibition of eating by the term 'cooking',[24] [to signify that]

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(1) That wherever 'kid' is mentioned it means the kid of the goats as in the verse quoted.

(2) Ibid. XXVII, 16.

(3) V. supra 61b.

(4) The definite article I added to the word 'goats' in each of the above verses is superfluous and is interpreted as a limitation; thus in these two cases the term 'kid' means a goat, but elsewhere 'kid' means the young of any clean animal.

(5) I.e., if a man cooked the forbidden fat of an animal, or a piece of nebelah, in milk and ate it, he would be liable twice: for eating forbidden fat or nebelah, and for eating flesh cooked in milk. The special point of this statement of Samuel is that the prohibition of 'flesh in milk' can be superimposed upon the existing prohibition of forbidden fat or nebelah. V. infra.

(6) V. p. 622, n. 10.

(7) The flesh of a foetus is accounted as the flesh of an ordinary animal and the prohibition of 'flesh in milk' applies to it.

(8) I.e., if a man cooked blood or the afterbirth of an animal or a piece of an unclean animal in milk and ate it he would not be liable for eating flesh cooked in milk. Of course he would be liable for eating blood, or for eating of an unclean animal.

(9) If it so happened that a male had milk.
(10) The milk extracted from a slaughtered animal cannot be said to be 'mother's milk', for the slaughtered animal can no more be a 'mother'.
(11) For only the milk of that species of animal is prohibited whose flesh would be included under the term 'kid', and since unclean animals are expressly precluded by the term 'kid', their milk is also excluded from the prohibition.
(12) V. supra p. 621, n. 5.
(13) I.e., from that verse which is required for the general statement of the law. See, however, Rashi who emends the text by omitting 'Samuel is of the view . . . existing prohibition'; for, according to Rashi, Samuel's view as stated is the result of the interpretation here, and not the cause and reason of this interpretation.
(14) And does not require any expression of the verse to exclude it.
(15) Death by the hands of Heaven; v. Sanh. 83a.
(16) Lev. XXII, 9.
(17) Unclean terumah is already subject to one prohibition viz., a priest may not eat thereof, and a second prohibition arising by reason of the priest's uncleanness cannot be superimposed.
(18) Which includes the forbidden fat and the animal that died of itself; hence in this case the Torah expressly sanctioned one prohibition to be superimposed upon an already existing prohibition.
(19) I.e., R. Eliezer, in whose name Samuel had reported the above ruling. He maintains that a prohibition cannot be superimposed upon an existing prohibition. This is not to imply that R. Eliezer was the teacher of Samuel (Rashi).
(20) I.e., had not yet brought forth young. Does 'mother' in the text mean an animal that has brought forth young or not?
(21) Presumably if he ate it, for he has thereby transgressed the prohibition of 'flesh in milk'. The penalty for eating forbidden fat does not enter into consideration here.
(22) For the prohibition of 'flesh in milk' cannot be superimposed upon the existing prohibition of forbidden fat.
(23) Viz., for cooking flesh in milk. The prohibition of forbidden fat is only in respect of the eating thereof.
(24) The Torah has in every instance expressed the prohibition of eating 'flesh in milk' by the words: Thou shalt not seethe a kid etc.

Talmud - Mas. Chullin 114a

whenever a man does not incur stripes for the eating he likewise does not incur stripes for the cooking thereof.

Another version runs as follows: There is no dispute at all that for the cooking he certainly incurs stripes; they differ only with regard to the eating thereof: he who says he does not incur stripes contends that a prohibition cannot be superimposed upon an existing prohibition, and he who says he incurs stripes contends that for this very reason did the Divine Law express the prohibition of eating by the term 'cooking' [to signify that] whenever a man incurs stripes for the cooking he likewise incurs stripes for the eating thereof. Alternatively you may say: One teaches one thing, the other teaches another thing,[1] but they do not differ at all.

An objection was raised. If a man cooked [flesh] in whey, he is not liable. If he cooked blood in milk, he is not liable. If he cooked bones, nerves, horns or hoofs in milk, he is not liable. If he cooked [consecrated flesh] that was piggul[2] or left over[3] or unclean [flesh] in milk, he is liable! — That Tanna is of the opinion that a prohibition can be superimposed upon an existing prohibition.[4] 'If a man cooked flesh in whey, he is not liable'. This supports the view of R. Simeon b. Lakish. For we have learnt: Whey is counted as milk, and the sap [of olives] is counted as oil.[5] Said R. Simeon b. Lakish: They taught this only in respect of rendering seeds susceptible to contract uncleanness,[6] but in respect of the prohibition of cooking flesh in milk whey is not counted as milk.

Our Rabbis taught: [It is written: Thou shalt not seethe a kid] in its mother's milk.[7] From this I know [that the kid is forbidden][8] in its mother's milk,[9] but whence do I know [that it is also forbidden][8] in cow's milk or in ewe's milk?[9] From the following a fortiori argument: If [in the milk of] its mother, a species with which the kid may be mated, it is forbidden to cook [the kid], how

much more [in the milk of] a cow or of a ewe, with which species the kid may not be mated,[10] is it forbidden to cook [the kid]! And the text also states: In its mother's milk.[11] But why is this [latter] verse necessary? It has been inferred [from the a fortiori argument], has it not? — R. Ashi answered: Because one can argue that the first proposition of the [a fortiori] argument is unsound: Whence do you adduce the argument? From 'its mother'! [As against this it may be argued] that is so in the case of its mother,[12] since it is forbidden to be slaughtered [with the kid on the same day];[13] will you then say the same in the case of a cow[12] which is not forbidden to be slaughtered [with the kid on the same day]? The text therefore teaches, 'In its mother's milk'.

Another [Baraitha] teaches: It is written: 'In its mother's milk'. From this I know [that the kid is forbidden] in its mother's milk, but where do I know [that it is forbidden] in the milk of its 'older sister'![14] From the following a fortiori argument: If [in the milk of] its mother, which enters the cattle-pen together [with the kid] to be tithed,[15] it is forbidden to cook [the kid], how much more [in the milk of] its 'older sister', which does not enter the cattlepen together [with the kid] to be tithed,[15] is it forbidden to cook the kid! And the text also teaches, 'In its mother's milk'. But why is this latter verse necessary? It has been inferred [from the a fortiori argument], has it not? — R. Ashi answered: Because one can argue that the first proposition of the [a fortiori] argument is unsound. Whence do you adduce the argument? From its mother! [As against this it may be argued] that is so in the case of its mother, since it is forbidden to be slaughtered [with the kid on the same day]; will you then say the same in the case of its 'older sister' which is not forbidden to be slaughtered [with the kid on the same day]? The text therefore teaches, 'In its mother's milk'.[16] We have thus learnt [the prohibition with regard to] 'the older sister', but whence do we know it with regard to 'the younger sister'?[17] It can be inferred from both together.[18] But from which do you proceed to make the inference? You may infer it from 'its mother'. But [if it be objected to that] this is so in the case of 'its mother', since it may not be slaughtered [with the kid on the same day].[19] then the case of 'the older sister' argues otherwise.[20] And [if it be objected to that] this is so in the case of 'the older sister', since it does not enter the cattlepen with the kid to be tithed,[21] then the case of 'its mother' argues otherwise.[22] The argument thus goes round; the reason given for this does not apply to the other, and the reason given for the other does not apply to this one. What they have in common is that each is flesh,[23] and in the milk of each [the kid] may not be cooked; thus I will include 'the younger sister' too, for since it is flesh,[23] [the kid] may not be cooked in its milk. But by this argument 'the older sister' can also be inferred from both together?[24] — This is indeed so. Then for what purpose do I require the verse: 'In its mother's milk'?[25] — It is required for what has been taught. It is written: 'In its mother's milk'. We know [that it is forbidden] in its mother's milk,

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(1) He who says he incurs strips refers to the cooking of forbidden fat in milk, and he who says he does not incur stripes refers to the eating thereof.

(2) V. Glos.

(3) Beyond the prescribed time within which it must be eaten.

(4) Whereas other Tannaim do not hold that view, and R. Ammi and R. Assi are in agreement with those other Tannaim.

(5) Maksh. VI, 5.

(6) V. Lev. XI, 38. Milk and oil are among the liquids that render foodstuffs susceptible to uncleanness; cf. Maksh. VI, 4, 5.

(7) Ex. XXIII, 19.

(8) To be cooked.

(9) I.e., in goats' milk.

(10) Cf. Lev. XIX, 19.

(11) Ex. XXXIV, 26.

(12) Viz., that the prohibition of cooking the kid in its milk applies.

(13) Cf. Lev. XXII, 28.

(14) I.e., cows, in contradistinction from 'the younger sister' i.e., sheep. This is the explanation which Rashi says he received from his teachers, but after criticizing it Rashi expresses his preference for the interpretation of R. Joseph

Bonfils, according to which ‘older sister’ and ‘younger sister’ are both goats, the former, however, being a goat of last year's breeding which had already been counted with other goats for the purposes of tithing, the latter being one which has not been counted with others for tithing.

(15) Cf. Lev. XXVII, 32, and Bek. IX. It has been laid down (a) that cattle may not be counted together with sheep or goats for the purposes of tithing nor vice versa. Moreover (b) an animal which has once been counted with others for the purposes of tithing cannot be counted again. The ‘older sister’ therefore cannot be counted together with kids for tithing either because of (a) or (b), according to whichever interpretation is adopted. V. preceding note.

(16) I.e., third, yet unexpounded verse. The Tanna of this Baraitha is assumed to be identical with the Tanna of the first which applies one extra verse to include the cow and ewe, and the third verse he consequently employs for the ‘older sister’.

(17) V. supra p. 626, n. 20.

(18) Lit., ‘from between them’. I.e., the prohibition against cooking the kid in the milk of its younger sister can be inferred from the mother and the older sister.

(19) But the younger sister may.

(20) For it also may be slaughtered with the kid on the same day and nevertheless it is forbidden to cook the kid in its milk.

(21) But the younger sister does.

(22) For it also may be counted with the kids for the purposes of tithing, v. Bek. 20b, and yet it is forbidden to cook the kid in its milk.

(23) According to some MSS. the reading is ‘it is milk and it is forbidden to cook in it’ instead of ‘is flesh etc.’, and so it appears from Rashi too. V. Glos. of Maharam Schiff a.l.

(24) I.e., from an argument drawn from ‘its mother’ and from the cow (since the Tanna of this Baraitha is the identical Tanna of the first Baraitha in which it was shown that there is a verse expressly stated to include the cow and ewe), so that no verse is required to teach the prohibition even in the case of ‘the older sister’ (Rashi).

(25) Since this verse is repeated thrice, one clearly serves for its own purpose, another to include the cow and ewe (the teaching of the first Baraitha q.v.), but the third is indeed superfluous.

Talmud - Mas. Chullin 114b

but whence do we know [that it is forbidden] in its own milk? From the following a fortiori argument: if, where the fruit is not forbidden with the fruit[1] — as in the case of slaughtering — the fruit with the dam is forbidden, how much more, therefore, where the fruit is forbidden with the fruit[2] — as in the case of cooking — is the fruit forbidden with the dam![3] And the text also teaches, ‘In its mother's milk’. But why is this latter verse necessary? It has been inferred [from the a fortiori argument], has it not? — R. Ahadboi b. Ammi answered: Because we can refute the argument thus: A colt, the offspring of a mare, and which is also the ‘brother’ of a mule,[4] could prove otherwise: for the fruit is forbidden with the fruit, nevertheless the fruit with the dam is permitted.[5] But surely [this is no refutation since] that is due to the seed of the sire only;[6] for, in truth, the case of a male mule, the offspring of a mare, and which is also the ‘brother’ of a female mule,[7] could prove the reverse: for the fruit is permitted with the fruit and the fruit with the dam is forbidden! Rather said Mar the son of Rabina: Because one can refute the argument thus: A slave, the son of a bondwoman, who is also the brother of a freed bondwoman, could prove otherwise: for the fruit is forbidden with the fruit, nevertheless the fruit with the mother is permitted.[8] But [this too is no refutation since] that position is due solely to the deed of emancipation; for, in truth, the case of a slave, the son of a freed bondwoman, who is also the brother of a bondwoman, could prove the reverse: for the fruit is permitted with the fruit, and the fruit with the ‘mother’ is forbidden! Rather said R. Idi b. Abin: Because one can refute the argument thus: The case of diverse seeds could prove otherwise: for the fruit is forbidden with the fruit, nevertheless the fruit with the mother is permitted.[9] But is not the fruit with the fruit forbidden only by reason of the ‘mother’? For when grains of wheat and barley are together in a vessel they are not forbidden! — Rather said R. Ashi: Because one can refute the argument thus. It is indeed [forbidden] in the case of fruit with fruit for they are two separate bodies;[10] will you say the same in the case of the fruit with the dam which is one body?[11]

Consequently the [extra] verse is necessary.

R. Ashi said: Whence do we know that flesh [cooked] in milk may not be eaten?[12] From the verse: Thou shalt not eat any abominable thing;[13] everything which I declared to be abominable to you comes under the law of Thou shalt not eat.[14] I know from this that it is forbidden to be eaten; whence do I know that it is forbidden to derive any benefit from it? From R. Abbahu's statement. For R. Abbahu stated in the name of R. Eleazar: Wherever Scripture says: 'It shall not be eaten', or 'Thou shalt not eat', or 'Ye shall not eat', a prohibition both in respect of eating and in respect of deriving benefit is implied, unless Scripture expressly states otherwise as it did in the case of nebelah.[15] For it has been taught:[16] [The verse,] Ye shall not eat of anything which dieth of itself; unto the stranger that is within thy gates thou mayest give it, that he may eat it,' or thou mayest sell it unto a gentile,[17] only tells me that it may be given away [as a gift] to a stranger or sold to a gentile. How do I know that it may be sold to a stranger? Because Scripture says. 'Unto the stranger . . . thou mayest give it . . . or thou mayest sell it'. How do I know that it may be given away to a gentile? Because Scripture says. 'Thou mayest give it . . . or thou mayest sell it unto a gentile'. Hence it may be derived that both giving and selling may be applied to a stranger or to a gentile:[18] so R. Meir. R. Judah says: The words are to be taken literally, viz., giving away to a stranger and selling to a gentile.[19] What is the reason for R. Judah's view? — He contends thus: Were the words to be interpreted according as R. Meir suggests, the Divine Law should have said: 'Ye shall not eat of anything that dieth of itself; unto the stranger that is within thy gates thou mayest give it that he may eat it, as well as sell it'. Wherefore does it say 'or'? To prove that the words are to be taken literally, viz., giving away to a stranger and selling to a gentile. And R. Meir? — He would reply that 'or' indicates that it is preferable to give it away [as a gift] to a stranger rather than sell it to a gentile. And R. Judah? — He would say that no Scriptural term is needed to indicate this preference of giving it away to the stranger rather than selling it to a gentile, it stands to reason, since the one[20] you are bidden to support whereas the other you are not bidden to support.

(Mnemonic: Sabbath; Ploughing; Divers kinds of seeds; It and its young; Letting the mother bird go from the nest). According to this,

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(1) 'Fruit', i.e., 'offspring'. All the offspring of an animal may be slaughtered on the same day; it is only forbidden to slaughter the dam with the young.

(2) The kid and the mother's milk are each the 'fruit' of the she-goat.

(3) I.e., the kid in its own milk; in this case the milk of the kid is regarded as its fruit.

(4) For the mare had also been mated with an ass and bore a mule.

(5) Here it would be forbidden to breed the fruit with the fruit, i.e., the colt with the mule, for they are diverse kinds (v. Lev. XIX, 19), although it would be permitted to breed the colt with the mare.

(6) It is prohibited to breed the fruit with the fruit, i.e., the colt with the mule, only because of the different sires of each and not because of the general principle that fruit with fruit is forbidden.

(7) I.e., a mare had been mated with an ass on several occasions and bore a male and female mule.

(8) A slave may not marry a free woman nor a free man a bondwoman. In this case, then, the fruit with the fruit is forbidden, i.e., the slave may not marry the kind of his sister sc. a free woman, but the fruit with the mother is permitted, i.e., the slave may marry the kind of his mother sc. a bondwoman.

(9) Cf. Ibid. XIX, 19. Fruit with fruit is forbidden, i.e., diverse seeds may not be sown together, nevertheless the fruit with the mother is permitted, i.e., a seed may be sown in the 'mother' earth, the soil.

(10) The kid and the mother's milk, each being separate fruits of the dam.

(11) Therefore to cook a kid in its own milk might not be regarded as forbidden.

(12) For the prohibition expressly says. Thou shalt not seethe a kid etc. Whence do we know that if one cooked flesh in milk others may not eat it.

(13) Deut. XIV, 3.

(14) This is a prohibition against eating anything which is produced by or results from a forbidden act, even though the prohibition in any particular case was circumvented by the employment of a minor or a gentile to perform that act. Hence

it is forbidden to eat flesh cooked in milk, for the cooking thereof was a forbidden act.

(15) Deut. XIV, 21. In cur. edd. are added the words 'which may be given to a stranger or sold to a gentile'. These words are omitted in MS.M. and also in the parallel passages Pes. 21b and Kid. 56b, although they are found in B.K. 41a. V. Tosaf. s.v. כדרך.

(16) 'A.Z. 20a.

(17) Deut. XIV, 21. The Hebrew word here rendered 'stranger' is ger or fully גר תושב, lit., 'a stranger-settler': a resident alien who has accepted the Seven Commandments of the sons of Noah (cf. Sanh. 56aff). He does not observe the Jewish dietary laws, but enjoys full rights and privileges of citizenship. Such a stranger, if poor, had to be maintained by the state according to the Biblical injunction: A stranger and a settler he shall live with thee (Lev. XXV, 35).

(18) The juxtaposition of the words in this verse, the two verbs in the middle preceded by 'the stranger' and followed by 'the gentile', suggests that both verbs, i.e., giving away and selling, are to be applied to the former and also to the latter.

(19) But it is forbidden to give it away to a gentile or sell it to a stranger.

(20) Sc. the stranger; v. p. 630, n. 8, note 1.

Talmud - Mas. Chullin 115a

should not what has been [unlawfully] prepared on the Sabbath be forbidden,[1] since I have declared it to be abominable unto you?[2] — Scripture says: For it is holy unto you,[3] that means, 'it' is holy, but what has been prepared on it is not holy. Furthermore if a man ploughed with an ox and an ass together, or if he muzzled a cow when it was treading out [the corn], should it[4] not be forbidden, since I have declared these acts to be abominable to you?[5] — Surely if what has been [unlawfully] prepared on the Sabbath, which is a grave matter, is permitted, how much more so these!

Should not [the produce of a field sown with] diverse kinds of seeds be forbidden, since I have declared it to be abominable to you?[6] — From the fact that the Divine Law states with regard to diverse kinds in a vineyard. Lest [the fruit of thy seed which thou hast sown, and the fruit of thy vineyard] be defiled [tikdash],[7] [which has been interpreted as,] 'lest it be burnt in fire'[8] [tukad esh], it follows that diverse kinds of seeds [sown in a field] are permitted. But perhaps [the inference is this]: whereas diverse kinds in a vineyard are forbidden to be eaten and also to be made use of, diverse kinds of seeds are forbidden to be eaten but are permitted to be made use of? — These [latter] have been compared with diverse kinds of cattle, for it is written: Thou shalt not let thy cattle gender with a diverse kind; thou shalt not sow thy field with two kinds of seed,[9] and just as the issue [of the mating of diverse kinds] of thy cattle is permitted, so the produce of [diverse kinds of seed sown in] thy field is permitted. And whence do we know that the issue of diverse kinds of cattle is permitted? — From the fact that the Divine Law has prohibited the offering of a cross-breed[10] to the Most High we may infer that to the common person it is permitted.

Should not 'It and its young' be forbidden, since I have declared it to be abominable to you?[11] — Since the Divine Law has forbidden an animal that is out of time[12] for an offering to the Most High it follows that such[13] is permitted to the common person.

Should not [the mother-bird] which has been sent away from the nest be forbidden, since I have declared it to be abominable to you?[14] — The Torah would not order to send it away if it would thereby lead to transgression.[15]

R. Simeon b. Lakish said: Whence do we know that flesh [cooked] in milk is forbidden [to be eaten]? From the verse: Eat not of it raw, nor cooked in any cooking with water.[16] Now the verse need not have added 'in any cooking'; why then does it say 'in any cooking'? To teach you that there is another cooking which is [also forbidden to be eaten] like this. And which is it? It is flesh [cooked] in milk. Said to him R. Johanan,

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(1) To eat as well as to derive any benefit therefrom. This is the meaning of 'forbidden' throughout this passage.

(2) Yet it is established law that if, e.g., a man cooked food on the Sabbath it may be eaten at least by others if not by himself; v. supra 15a, and Ter. II, 3.
(3) Ex. XXXI, 14.
(4) I.e., the produce of the field which had been so ploughed and the corn which had been so trodden (Rashi); or, the ox or ass which had committed the trespass (Tosaf.). V. however, Rashi infra s.v. לא אמרה.
(5) Cf. Deut. XXII, 10, and XXV, 4.
(6) Cf. Lev. XIX, 19. Nevertheless the produce of diverse kinds of seeds sown together is permitted to be eaten; v. Kil. VIII, 1.
(7) Deut. XXII, 9. Heb. תקדש, interpreted as תוקד אש.
(8) I.e., that it is absolutely forbidden.
(9) Lev. XIX, 19.
(10) I.e., the issue of diverse kinds of cattle. This is prohibited for a sacrifice, derived from Lev. XXII, 27. V. supra 38b.
(11) Cf. Lev. ibid. 28. If the dam and its young were both slaughtered in one day, that which was slaughtered last should be forbidden for all time and for all use; nevertheless it is established law that even though the law has been transgressed both animals are permitted; v. supra 78a.
(12) Cf. Lev. XXII, 27, and Zeb. 112b.
(13) The prohibition of 'It and its young' is brought about by its inappropriateness in point of time, for one may slaughter them on different days.
(14) Cf. Deut. XXII, 6, 7.
(15) Lit., 'for a stumbling-block'. The finder of this mother-bird, ignorant of the fact that it has been sent away from the nest, would eat it, and so be led into sin by another's performance of a precept. It must therefore be permitted.
(16) Ex. XII, 9. A literal rendering of the verse.

Talmud - Mas. Chullin 115b

And is the following teaching of Rabbi so unsatisfactory? [For it was taught: The verse,] Thou shalt not eat it,[1] refers to flesh [cooked] in milk. You say it refers to flesh [cooked] in milk; perhaps it refers to some other thing that is forbidden in the Torah? You can reply: Go forth and derive it by one of the thirteen exegetical principles by which the Torah is expounded, namely, 'The meaning of a verse is to be deduced from its context'. Now what does this context deal with? With that which partakes of the characteristics of two kinds.[2] Then this verse also deals with that which partakes of the characteristics of two kinds![3] — From that teaching I might have thought that the prohibition was only in respect of eating but not in respect of deriving benefit from it, he therefore teaches us [another teaching].[4]

And whence does Rabbi infer that it is also forbidden to derive any benefit from it? — He infers it from the following argument: It is written here: For thou art a holy people onto the Lord,[5] and it is written there: There shall be no consecrated prostitutes of the sons of Israel;[6] just as there the prohibition refers to the pleasure derived therefrom,[7] so here to the pleasure derived therefrom.[8]

The school of R. Eliezer taught: Ye shall not eat of anything that dieth of itself . . . thou mayest sell it . . . Thou shalt not seethe a kid etc.[9] The Torah here implies that when you sell it you may not first cook it [in milk] and then sell it.[10]

The school of R. Ishmael taught: Thou shalt not seethe a kid in its mother's milk, is stated three times:[11] one is a prohibition against eating it, one a prohibition against deriving benefit from it, and one a prohibition against cooking it.

It was taught: Issi b. Judah says: Whence do we know that flesh cooked in milk is forbidden? It is written here: For thou art a holy people,[12] and it is written there: And ye shall be holy men unto me; therefore ye shall not eat any flesh that is torn of beasts in the field:[13] just as there it is forbidden [as food], so here it is forbidden [as food]. We have thus learnt that it is forbidden as food; how do we

know that it is forbidden for all use? I will tell you: it follows a fortiori: If 'orlah,[14] which is not produced by transgression, is forbidden for all use, then surely flesh cooked in milk, which is produced by transgression,[15] is forbidden for all use! But [if you object] this may be true of 'orlah only, since it had no period of fitness,[16] [I reply] the law concerning leaven during Passover shows otherwise, namely, that although it had a period of fitness,[17] it is nevertheless forbidden for all use. And [if you object] this may be true of leaven during Passover only, since it carries with it the penalty of kareth,[18] [I reply] the law concerning diverse kinds in the vineyard[19] shows otherwise, namely, that although it does not carry with it the penalty of kareth, nevertheless it is forbidden for all use.

Wherefore is the analogy necessary?[20] Surely it can all be inferred from the a fortiori argument derived from 'orlah thus: If 'orlah which is not produced by transgression, is forbidden both as food and for all use, how much more then is flesh cooked in milk, which is produced by transgression, is forbidden both as food and for all use! — Because one could refute the argument thus: The law in the case where one ploughed with an ox and an ass together, or where one muzzled a cow when it was treading out [the corn], can prove otherwise, namely, although it[21] was produced by transgression it is nevertheless permitted.[22]

Wherefore, was it necessary to reply [in the argument], 'The law concerning diverse kinds in the vineyard shows otherwise'? He could have replied. 'The law of 'orlah shows otherwise'; the argument would then have gone round again, with the result that it [sc. the law of flesh cooked in milk] would have been inferred from the common features [of the others]![23] — R. Ashi answered: Because one could have refuted the argument thus: The law of nebelah would show otherwise, for although it is forbidden as food, nevertheless it is permitted for all use. Said R. Mordecai to R. Ashi: We have learnt the following on the authority of R. Simeon b. Lakish: An inference drawn from cases with common features can be refuted only by those [cases] and not by other [cases].[24] If so,it can very well be inferred from the common features, can it not?[25] — Because[26] one can refute it thus: The cases which present these common features are peculiar in that they are both products of the soil.[27] But now,[28] too, the argument can be refuted thus: This[29] may be so of diverse kinds in the vineyard since it deals with products of the soil! — Said R. Mordecai to R. Ashi: We have learnt the following on the authority of R. Simeon b. Lakish: An inference drawn from cases with common features can be refuted by indicating any peculiarity whatsoever; but an argument which employs the expression 'No, if you say it in this . . . will you say it in that?' can only be refuted by adducing a feature in the one which is less or more grave than in the other, and not by any peculiarity whatsoever.[30] But we may refute all the cases thus: This may be so of all these cases since they all deal with products of the soil![31] — R. Mordecai then said to R. Ashi: We have learnt the following on the authority of R. Simeon b. Lakish:

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(1) Deut. XII, 25. Which is superfluous in the context, the prohibition having already been stated in the preceding verse.

(2) The foregoing verses state the law concerning consecrated animals that were redeemed after being rendered unfit for sacrifice owing to physical blemish. These animals are treated partly as ordinary unconsecrated animals in that the flesh thereof may be eaten even by one unclean, and partly as consecrated animals in that they may not be put to work, neither may one enjoy the milk or wool thereof.

(3) I.e., flesh and milk. The teaching of this Mishnah is attributed to Rabbi as the editor of the whole Mishnah.

(4) R. Simeon b. Lakish derives the prohibition against making use of flesh cooked in milk from the verse in connection with the paschal lamb. For just as the latter, if cooked and not roasted, would be forbidden for all purposes as all sacrificial flesh which has been rendered unfit so flesh cooked in milk is forbidden for all purposes.

(5) Deut. XIV, 21. Heb. עם קדוש. This verse concludes with the prohibition: Thou shalt not seethe a kid etc.

(6) Ibid. XXIII, 18. Heb. קדש. The analogy is drawn by reason of the similar expression used in both passages, קדוש, and קדש.

(7) Viz., the act of coition.

(8) Hence flesh cooked in milk is forbidden for all purposes.

(9) Ibid. XIV, 22.
(10) For as soon as it has been cooked in milk it is forbidden to be sold or used for any purpose.
(11) Ex. XXIII, 19; XXXIV, 26; Deut. XIV, 21.
(12) Deut. ibid.
(13) Ex. XXII, 30. The analogy is based upon the expression 'holy' written in each verse.
(14) עֲרֵלָה. Lit., 'uncircumcision'. The fruit of newly planted trees was forbidden for all use during the first three years; cf. Lev. XIX, 23.
(15) Sc. by cooking.
(16) The fruit of 'orlah as soon as it comes into being is forbidden, whereas flesh and milk, before being cooked together, are each separately permitted.
(17) Before the passover.
(18) V. Glos.
(19) Cf. Deut XXII, 9.
(20) To establish the law that flesh cooked in milk is forbidden to be eaten, v.p. 634, n. 10. This prohibition, and that against deriving any benefit, can surely be inferred from the a fortiori argument.
(21) Sc. the produce of the field so ploughed, or the corn which had been so trodden out.
(22) And so, too, with flesh cooked in milk. But now that is it established by the analogy that flesh cooked in milk is forbidden to be eaten, this prohibition of ploughing with an ox and ass together, cannot be brought into this argument.
(23) Thus it was unnecessary to introduce the case of sowing diverse kinds in the vineyard. The argument would then run as follows: Flesh cooked in milk is declared to be forbidden for all purposes by inference from 'orlah by the a fortiori reasoning; if the objection be taken that 'orlah is a special case inasmuch as it had no period of fitness, the reply would be that the case of leaven during Passover clearly shows that this distinctive feature (sc. not having a period of fitness) is not the reason for the general prohibition; and if the objection be taken that leaven during Passover is a special case inasmuch as there is a penalty of kareth attached to it, the reply would be that the case of 'orlah clearly shows that the gravity of the penalty (sc. kareth) is not the reason for the general prohibition; and so the argument would go in a circle: the objection to the case of 'orlah would be met by the case of leaven during Passover and vice versa. What, however, is common to 'orlah and leaven during Passover is that each is forbidden as food and also for all use; the inference then follows that flesh cooked in milk, inasmuch as it is forbidden as food, should also be forbidden for all use. This type of argument, namely, an inference from common features of two or more cases, is very frequent in the Gemara; and the result being satisfactory, it was unnecessary to introduce the third case of diverse kinds in the vineyard.
(24) I.e., the refutation must be in the nature of a peculiar characteristic possessed by the cases that determine the common features and which is absent from the case proposed to be inferred from the common features — e.g. the demonstration of a special characteristic peculiar to 'orlah and to leaven during Passover but absent from flesh cooked in milk would indeed be a valid refutation. It is, however, no refutation of the argument by adducing cases wherein the common features are not found, for such an argument, as here the case of nebelah, is irrelevant.
(25) V. supra n. 1.
(26) l.e., the reason why the argument is not run on the lines suggested (v. p. 636, n. 1), drawing the inference from the common features, is that there is the following refutation.
(27) 'Orlah and leavened grain are products of the soil whereas milk and flesh are not. This characteristic, sc. being a product of the soil, is a distinction of little or no significance for this is no satisfactory reason why the law should be more severe or less severe.
(28) I.e., even now when the third case, sc. diverse kinds in a vineyard, is introduced the argument can be refuted on this ground.
(29) That it is forbidden as food and also for use.
(30) Where an inference is made from the common features of two cases all the cases must indeed be alike in every respect, and if one case presents any special characteristic, even though that characteristic does not go down to the root of the matter and is of no significance, the argument is untenable. On the other hand, where the law in one case is inferred from another case, e.g. by an a fortiori argument, an incidental characteristic would not be taken into consideration. Only a characteristic which is of such significance as to suggest the reason for the law in that particular case, would be accepted as a refutation, for then it would be argued thus, 'No, if you say it in the one case, it is because it has this grave or less grave characteristic; will you say it in the other cases which have not this characteristic'?
(31) it is assumed for the present that an inference from three cases is to be regarded on the same footing as an inference

from cases with common features, so that any peculiarity, however insignificant, would be accepted as a refutation.

Talmud - Mas. Chullin 116a

An argument inferring one case from another case can be refuted only by adducing a feature in the one case which is less or more grave than in the other, and not by any peculiarity whatsoever. An argument inferring one case from two cases can be refuted by any peculiarity whatsoever. An argument inferring one case from three cases, the argument from the three cases going round and round, so that the inference is made from the features common to all, can be refuted by any peculiarity whatsoever; but if it is not so,[1] it can only be refuted by adducing in the one case a feature which is less grave or more grave than in the other, and not by any peculiarity whatsoever.

But we may refute it thus: This may be so of diverse kinds in a vineyard since they had no period of fitness![2] — R. Adda b. Ahaba said: This[3] therefore informs us that the original roots of divers kinds sown In a vineyard are forbidden, so that there was a time when these kinds had a period of fitness, namely, before they took root.

R. Shemaiah b. Ze'ira raised the following objection. [We have learnt:] If a man carried a perforated plant-pot [sown with cereals] through a vineyard and [what was in] it increased by a two-hundredth part.[4] it is forbidden.[5] Now only if it increased [by a two-hundredth part] is it [forbidden], but if it had not increased it would not[6] [be forbidden]. — Abaye answered: There are two texts: It is written: Lest the produce[7] be forfeited.[8] and it is also written: The seed [which thou hast sown].[8] How can we explain this? Thus, if they were sown originally [in the vineyard, they are forbidden] as soon as they have taken root, if sown [elsewhere] and brought [into the vineyard], if they increased [a two-hundredth part] they are [forbidden], but if they had not increased they would not [be forbidden].

Our Mishnah[9] is not in accordance with the following Tanna. For it has been taught: R. Simeon b. Judah says on behalf of R. Simeon: Flesh cooked in milk is forbidden as food but is permitted for general use, for it is written: For thou art an holy people unto the Lord thy God. [Thou shalt not seethe a kid in its mother's milk];[10] whilst elsewhere it is written: And ye shall be holy men unto me; [therefore ye shall not eat any flesh that is torn of beasts in the field; ye shall cast it to the dogs].[11] Just as there it is forbidden as food but is permitted for general use, so here too it is forbidden as food but is permitted for general use.

R. AKIBA SAYS, WILD ANIMALS AND FOWLS etc. But have not these[12] been applied to Samuel's interpretations?[13] — R. Akiba is of the opinion that a prohibition can be superimposed upon an existing prohibition; therefore no specific verse is necessary [to show that the prohibition of flesh in milk applies to] forbidden fat or [to the flesh of an animal] that died of itself; moreover [the prohibition naturally applies to] an embryo [for it] IS as an ordinary kid; consequently all the expressions are Superfluous and serve therefore to exclude wild animals, fowl and unclean animals.

R. JOSE THE GALILEAN SAYS, IT IS WRITTEN, YE SHALL NOT EAT OF ANYTHING etc. What is the difference between the views of R. Jose the Galilean and R. Akiba? — The difference between them is as regards wild animals: R. Jose the Galilean holds that wild animals are prohibited Biblically, whereas R. Akiba holds that wild animals are prohibited Rabbinically. Or, you may Say, the difference between them is as regards fowls: R. Akiba maintains that wild animals and fowls are not included In the prohibition of the Torah but are prohibited Rabbinically, whereas R. Jose the Galilean maintains that fowls are not even prohibited by the Rabbis. There is also [a Baraitha] taught to the same effect: In the place of R. Eliezer they used to cut wood [on the Sabbath] to make charcoal in order to forge an iron instrument.[14] In the place of R. Jose the Galilean they used to eat fowl's flesh cooked in milk.

Levi once visited the house of Joseph the fowler, and was served with a peacock's head cooked in milk and said nothing to them about it.[15] When he came to Rabbi [and related this]. Rabbi said to him: Why did you not lay them under a ban? He replied. Because it was the place of R. Judah b. Bathyra and I imagine that he must have expounded to them the view of R. Jose the Galilean who said: A FOWL IS EXCLUDED SINCE IT HAS NO MOTHER'S MILK.

MISHNAH. THE [MILK IN THE] STOMACH [OF AN ANIMAL] OF A GENTILE[16] OR [IN THE STOMACH OF] A NEBELAH IS FORBIDDEN. IF A MAN CURDLED MILK WITH THE SKIN OF THE STOMACH OF AN ANIMAL THAT WAS VALIDLY SLAUGHTERED

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(1) I.e., the inference is not drawn from the common features, but by placing one case against the other.

(2) For it is assumed that it is not the actual diverse kinds sown in a vineyard that are forbidden but the produce of these diverse kinds; the original roots, however, that were planted or sown, do not come under the prohibition of diverse kinds.

(3) The fact that this objection is not raised.

(4) During the time the plant-pot was in the vineyard. A perforated plant-pot draws sustenance from the soil of the vineyard, and so there is an increase in the plant-pot by reason of the vineyard. Here there were in the pot one hundred and ninety.nine parts of permitted growth to one part forbidden, hence the whole is forbidden. But if they were in the proportion of two hundred to one the entire growth in the pot would be permitted.

(5) Kil. VII. 8.

(6) It is evident from this that the diverse kinds sown (even after they have taken root) are not forbidden, but only if there was an increase in the one by reason of the other.

(7) Lit., 'the fullness', i.e., the Increase.

(8) Deut. XXII, 9.

(9) Which states that flesh cooked in milk is forbidden for all use too.

(10) Deut. Xlv. 21.

(11) Ex. XXII. 30.

(12) I.e., the thrice repeated expression 'kid'.

(13) V. supra 113b.

(14) Sc. the circumcision knife. R. Eliezer is of the opinion that, since the performance of the precept of circumcision supersedes the Sabbath, all the necessary requisites such as the making or preparation of the knife, or the kindling of fire to obtain warm water etc. may also be performed on the Sabbath. V. Shab. 130a.

(15) According to MS.M. 'And he did not eat it'. So in Shab. l.c.

(16) This is explained in the Gemara.

Talmud - Mas. Chullin 116b

AND IT IMPARTED ITS FLAVOUR [TO THE MILK]. IT IS FORBIDDEN. THE [MILK IN THE] STOMACH OF A VALIDLY SLAUGHTERED ANIMAL WHICH HAD SUCKED FROM A TREFAH ANIMAL. IS FORBIDDEN; THE [MILK IN THE] STOMACH OF A TREFAH ANIMAL WHICH HAD SUCKED FROM A VALID ANIMAL IS PERMITTED, BECAUSE THE MILK REMAINS COLLECTED INSIDE.[1]

GEMARA. But is not the stomach [of an animal] of a gentile nebelah?[2] — R. Huna answered. We are dealing here with the case of a kid that was bought from a gentile.[3] and we apprehend that it sucked from a trefah animal.[4] But do we apprehend that it sucked from a trefah animal? Behold it has been taught: One may buy eggs from gentiles and need have no fear lest they are of birds that were nebelah or trefah![5] — Say, rather, we apprehend lest it sucked from an unclean animal. And why is it that we do not apprehend [sucking] from a trefah animal but we do apprehend [sucking] from an unclean animal? — Because trefah animals are not common whilst unclean animals are. If these are common, then even with regard to our own [kids] we should be apprehensive?[6] — With regard to our own, since we keep away from unclean animals, and whenever we see them together[7]

we separate them, the Rabbis imposed no restriction as a precaution; with regard to theirs, however, since they do not keep away from unclean animals, and whenever they see them together[7] they do not separate them, the Rabbis imposed a restriction as a precaution.

Samuel answered:[8] They are to be taken as one thus: The [milk in the] stomach of an animal slaughtered by a gentile is nebelah [and therefore forbidden]. But how could Samuel have said so? Behold Samuel has stated. The reason for forbidding the cheese of gentiles is because they curdle it with the skin of the stomach of a nebelah. This implies, does it not, that the [milk In the] stomach is permitted? There is no contradiction here. This [sc. our Mishnah] was taught before he [R. Joshua] retracted, the other after he retracted.[9] THE [MILK IN THE] STOMACH OF A VALIDLY SLAUGHTERED ANIMAL WHICH HAD SUCKED FROM A TREFAH ANIMAL IS FORBIDDEN etc. But does not the first clause state, THE [MILK IN THE] STOMACH OF [AN ANIMAL] OF A GENTILE. OR [IN THE STOMACH OF] A NEBELAH. IS FORBIDDEN?[10] — R. Ashi answered. In the first clause it would appear that one is eating nebelah,[11] but here [in the final clause] the animal has been slaughtered. Said to him Raba. But is this not all the more reason [to forbid it]? For if in the case of nebelah, which is a loathsome matter, and if you were to permit [the milk in] its stomach one would not come to eat of its flesh, you say it is forbidden; is it not then all the more reason to forbid [the milk in the stomach of] a trefah animal which had been slaughtered, for if you were to permit it one would come to eat of its flesh? — Rather said R. Isaac in the name of R. Johanan. There is no contradiction here. This [the first clause was taught] before he [R. Joshua] retracted; the other [the final clause] after he retracted;[12] [the first clause, however, of] our Mishnah was allowed to stand.[13]

R. Hiyya b. Abba said in the name of R. Johanan: One may curdle [milk] with the [milk in the] stomach of a nebelah, but not — with the [milk in the] stomach of an animal slaughtered by an idolater. Thereupon R. Simeon b. Abba said before him: This is, is it not, in accordance with the view of R. Eliezer who maintains that the thoughts of an idolater are usually directed towards idolatry? — He replied: Of course. According to whom else could it be? When R. Samuel b. R. Isaac came [from Palestine] he reported in the name of R. Johanan: One may curdle [milk] with the [milk in the] stomach both of a nebelah and an animal slaughtered by an idolater for we are not concerned with the view of R. Eliezer. The law is: One may not curdle [milk] with the skin of the stomach of a nebelah, but one may with the [milk in the] stomach of a nebelah, and also with the [milk in the] stomach of an animal slaughtered unto idolatry. ([One may also curdle milk] with the [milk found in the] stomach of a validly slaughtered animal which had sucked from a trefah animal, and certainly with the [milk found in the] stomach of a trefah animal which had sucked from a valid animal, because the milk that is collected within is considered as dung.)[14]

MISHNAH. IN CERTAIN RESPECTS THE PROHIBITION OF THE FAT IS MORE STRICT THAN THE PROHIBITION OF THE BLOOD, AND IN CERTAIN RESPECTS THE PROHIBITION OF THE BLOOD IS MORE STRICT THAN THE PROHIBITION OF THE FAT. THE PROHIBITION OF THE FAT IS MORE STRICT, IN THAT THE FAT

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(1) It does not mix with the other fluids in the stomach of the trefah animal, but remains separate and distinct and is therefore permitted.

(2) It is assumed that the meaning is of an animal slaughtered by a gentile.

(3) Which was slaughtered by the Israelite.

(4) And therefore the Mishnah states that the milk found in the stomach of the kid is forbidden.

(5) V. supra p. 63b.

(6) Lest they sucked from an unclean animal.

(7) I.e., clean animals with unclean animals.

(8) In explanation of the two expressions in our Mishnah.

(9) Cf. ‘A.Z. 350and b. It was R. Joshua who originally suggested that the milk in the stomach of a nebelah animal was

forbidden; subsequently he retracted this. Now our Mishnah which, according to Samuel's interpretation, suggests that the milk in the stomach of a nebelah is forbidden is obviously the view of R. Joshua before he retracted; whereas Samuel's statement as regards the cheese of gentiles follows the later view of R. Joshua.

(10) And according to this, the milk in the stomach of a trefah animal which had sucked from a valid animal should also be forbidden. Can there be any distinction between the milk in the stomach of a nebelah and of a trefah?

(11) If one were allowed to eat the milk in the stomach of a nebelah. Strictly, however, it is permitted. For it is not regarded as part of the nebelah but merely collected in its stomach.

(12) V. p. 641, n. 8.

(13) Although it is contradicted by the final clause and does not represent the accepted view.

(14) In cur. edd. the last sentence is in parenthesis and is omitted in many MSS. V. however, R. Nissim, Rashal and other commentators.

Talmud - Mas. Chullin 117a

IS SUBJECT TO THE LAW OF SACRILEGE,[1] AND THE PENALTY FOR PIGGUL,[2] NOTHAR,[2] AND UNCLEANNESS IS INCURRED BY IT,[3] WHICH IS NOT THE CASE WITH THE BLOOD. AND THE PROHIBITION OF THE BLOOD IS MORE STRICT, FOR IT APPLIES TO CATTLE, WILD ANIMALS AND BIRDS, WHETHER CLEAN OR UNCLEAN; BUT THE PROHIBITION OF THE FAT APPLIES TO CLEAN CATTLE ONLY.[4]

GEMARA. Whence do we know this?[5] — R. Jannai answered, It is written: As it is taken off from the ox of the sacrifice of peace-offerings.[6] Now what do we learn from the ox of the sacrifice of peace-offerings?[7] Indeed, 'it comes as a teacher but turns out to be a pupil';[8] we must compare the ox of the sacrifice of peace-offerings with the bullock of the anointed High Priest; as the bullock of the anointed High Priest is subject to the law of Sacrilege, so the ox of the sacrifice of peace-offerings is also subject to the law of Sacrilege.[9] Said R. Hanina to him: And is the following teaching of Rabbi unsatisfactory? 'The verse: All the fat is the Lord's,[10] signifies that the sacrificial portions of the less holy sacrifices are also subject to the law of Sacrilege'. — Abaye answered, [Both verses] are necessary [for our purpose]. For had the Divine Law only stated 'All the fat'. I should have said that only the fat is [subject to the law of Sacrilege] but the caul and the two kidneys are not;[11] the Divine Law therefore stated the verse. 'As it is taken off'. And had the Divine Law only stated the verse: 'As it is taken off'. I should have said that the fat of the fat tail [of a lamb], which is not found in an ox, is not subject to the law of Sacrilege;[12] the Divine Law therefore stated. 'All the fat is the Lord's'.

Said R. Mari to R. Zebid: If the fat tail [of a lamb] is included under the term 'fat', should it not then be forbidden to be eaten?[13] — He replied. It is for your sake that it is written: You shall eat no fat, of ox, or sheep, or goat.[14] [Thus the Torah has forbidden] only such fat as is common to ox, sheep, and goat. R. Ashi answered: It is always referred to as 'the fat of the fat tail', but never as 'fat' simply. If so, it should not be subject to the law of Sacrilege?[15] Obviously then the better answer is that of R. Zebid.

WHICH IS NOT THE CASE WITH THE BLOOD. Whence do we know this?[16] — Ulla answered: Scripture says: To you,[17] that is, it shall be yours. The school of R. Ishmael taught: Scripture says. To make atonement.[17] that is, I have given it to you for an atonement and not that you be liable for Sacrilege on its account. R. Johanan said: Scripture says. It is,[17] that is, it is the same before the atonement as after the atonement: just as after the atonement [the residue of the blood] is not subject to the law of Sacrilege, so before the atonement [the blood] is not subject to the law of Sacrilege. Perhaps I ought to say. It is the same after the atonement as before the atonement: just as before the atonement it is subject to the law of Sacrilege, so after the atonement it is subject to the law of Sacrilege? — There is nothing that is subject to the law of Sacrilege once its rites have been performed. But is there not? Surely there is the case of the removal of the ashes [from the altar],

which [ashes] are subject to the law of Sacrilege even though the rites therewith have been performed, for it is written: And he shall put them beside the altar![18] — This case of the removal of the ashes and that of the garments of the High Priest[19] are two texts which teach the same thing, and one may not draw any conclusions from two texts which teach the same thing.[20] This, however, would be right according to the Rabbis who declare that the verse: And he shall leave them there,[21] teaches that they [sc. the garments] must be hidden away; but according to R. Dosa who declares that the verse teaches that [the High Priest] shall not wear them on a subsequent Day of Atonement,[22] what is to be said? — Rather [say] that the case of the removal of the ashes and that of the heifer whose neck was to be broken[23] are two texts which teach the same thing, and one may not draw any conclusions from two texts which teach the same thing. This is well according to him who maintains that one may not draw conclusions from such texts, but according to him who maintains that one may draw conclusions from such texts, what is to be said?-There are two

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(1) Cf. Lev. V, 15. If a person inadvertently makes use of the fat of a sacrifice he commits a trespass and must bring a guilt-offering for atonement. This is not the case with the blood of a sacrifice; v. Gemara.

(2) V. Glos.

(3) If a person ate the fat of a sacrifice which was rendered piggul or nothar (נותר) i.e., what was left over beyond the prescribed time in which the sacrifice must be eaten, or if the person was unclean at the time he ate the fat, he would, in each alternative, incur guilt twice: for eating fat and also for eating piggul etc.

(4) I.e., to those animals which are fit for sacrifices, for it is written (Lev. VII, 25). Whosoever eateth the fat of the beast, of which men offer an offering mode by fire unto the Lord, etc.

(5) That the law of Sacrilege applies to the fat of a sacrifice, whether the sacrifice was of the most holy or less holy kind.

(6) Lev. IV, 10. The sacrificial portions of the bullock brought by the anointed High Priest as his sin-offering are in this verse compared with the ox of the peace-offering.

(7) What is the purpose of the comparison? In fact, with regard to the burning of the sacrificial portions upon the altar, all those portions which are stated in connection with the peace-offering are also expressly stated here.

(8) V. supra p. 143, n. 8.

(9) Although the peace-offering is a sacrifice of the less holy kind, and from the time of the consecration of the animal until the sacrifice thereof it is certainly not subject to the law of Sacrilege- as soon as the sprinkling of the blood of the sacrifice has taken place the sacrificial portions of the animal are subject to the law of Sacrilege.

(10) Lev. III, 16.

(11) For the caul of the liver and the two kidneys, although sacrificial parts, cannot be comprehended with the term ‘all the fat’.

(12) For this verse: As it is taken of speaks of the sacrificial portions of an ox, and therefore cannot include the fat of the fat tail of a lamb.

(13) For all that fat in a sacrifice which is burnt upon the altar is forbidden to be eaten when the animal is slaughtered for ordinary use. Cf. Lev. VII, 25.

(14) Lev. VII, 23.

(15) For the law of Sacrilege in respect of the fat of less holy sacrifices is derived from the verse: All the fat is the Lord's; and if the fat of the fat tail is not included under the term ‘fat’, it cannot then be subject to the law of Sacrilege.

(16) That the blood of a sacrifice is not subject to the law of Sacrilege.

(17) Lev. XVII. 11: And I hove given it to you upon the altar to make atonement for your souls: for it is the blood that maketh atonement by reason of the life. Several parts of this verse suggest that the blood ‘is not the Lord's’ and so is not subject to the law of Sacrilege.

(18) Ibid. VI. 3. Every morning the ashes of the burnt-offering upon the altar were scooped up in a firepan and were deposited on the east side of the incline leading to the altar. It was forbidden to derive any use from them.

(19) Cf. ibid. XVI. 23. The garments worn by the High Priest on the Day of Atonement when he entered the innermost Sanctuary, the Holy of Holies, had to be put away never to be used again, either by an ordinary priest for his regular services or by a High Priest for service on the Day of Atonement of the following year.

(20) These two cases are therefore exceptions to the rule stated above, that after the performance of its rites a thing cannot be subject any more to the law of Sacrilege.

(21) V. p. 645, n. 6.

(22) An ordinary priest, however, may wear these garments during the year.

(23) Cf. Deut. XXI, 1ff. The heifer, after the performance of the rites with regard to it, had to be buried in the very place where the ceremony was performed, and it was forbidden to derive any use from it.

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limiting particles stated: here it is written: And he shall put them,[1] and there it is written: Whose neck was broken.[2]

Why are the three different texts with regard to the blood necessary?[3] One excludes blood from the law of nothar,[4] another excludes it from the law of Sacrilege, and the third excludes it from the law of uncleanness.[5] No text, however, is necessary to exclude it from the law of piggul.[6] for we have learnt: 'Whatsoever is rendered permissible, whether for man or for the altar, by a certain rite.[7] is subject to the law of piggul', but the blood is itself that which renders [other parts of the offering] permissible.

CHAPTER IX

MISHNAH. THE HIDE,[8] MEAT JUICE, SEDIMENT, ALAL,[9] BONES, SINEWS, HORNS AND HOOFS ARE TO BE INCLUDED[10] [TO MAKE UP THE MINIMUM QUANTITY IN ORDER] TO CONVEY FOOD-UNCLEANNESS, BUT NOT TO [MAKE UP THE MINIMUM QUANTITY IN ORDER TO] CONVEY NEBELAH-UNCLEANNESS.[11] SIMILARLY, IF A MAN SLAUGHTERED AN UNCLEAN ANIMAL FOR A GENTILE AND IT STILL WRITHES CONVULSIVELY, IT CAN CONVEY FOOD-UNCLEANNESS,[12] BUT IT CAN ONLY CONVEY NEBELAH-UNCLEANNESS AFTER IT IS DEAD,[13] OR ITS HEAD HAS BEEN CHOPPED OFF. [SCRIPTURE] HAS [THUS] INTIMATED MORE CASES THAT CONVEY FOOD-UNCLEANNESS THAN THOSE THAT CONVEY NEBELAH-UNCLEANNESS. R. JUDAH SAYS, IF SO MUCH OF ALAL WAS COLLECTED TOGETHER[14] SO THAT THERE WAS AN OLIVE'S BULK IN ONE PLACE, ONE WOULD THEREBY BECOME LIABLE.[15]

GEMARA. We have learnt [here in our Mishnah] what our Rabbis have taught elsewhere: Protections[16] [can be included to make up the quantity required] for a lighter uncleanness,[17] but protections cannot [be included to make up the quantity required] for a graver uncleanness.[18] Whence do we know that protections can be included for a lighter uncleanness? — From the following teaching of a Tanna of the school of R. Ishmael: It is written: Upon any sowing seed which is to be sown,[19] that is to say, in the manner in which men take out the seeds for sowing: wheat in its husk, barley in its husk, lentils in their husks.[20] And whence do we know that protections cannot be included for a graver uncleanness? — From the following which our Rabbis taught: [He that toucheth] the carcass thereof [shall be unclean],[21] but not he that touches the hide which has not an olive's bulk of flesh attached to it.

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(1) Lev. VI, 3. The express addition of the suffix 'them' (in the Heb. 'it' in the sing.) in the text serves to exclude others.

(2) Deut. XXI. 6; lit., 'the one whose neck was broken'. The redundant particle, the, limits the rule to this case only.

(3) Namely. ' To you'. ' To make atonement', and 'It is'. V. supra p. 645, n. 4.

(4) If a man ate the blood of a sacrifice which remained over beyond the prescribed time within which the meat there of may be eaten, he is liable only for eating blood, but not, in addition, for eating nothar.

(5) If a man who was unclean ate the blood of a sacrifice, he is liable only for eating blood, but not, in addition, for eating it whilst unclean.

(6) I.e., if the sacrifice was rendered piggul (v. Glos.) and a man ate of the blood thereof he would not be liable for eating piggul.

(7) V. Zeb. 43a. By the proper sprinkling of the blood the sacrificial portions are rendered permissible to be burnt upon the altar, and the flesh to be consumed by the priest or owner. Therefore if the sacrifice was rendered piggul and a man

ate of the flesh or of the sacrificial portions he would be liable; but if he ate of the blood, which is what renders others permissible, he would not be liable.

(8) For the precise meaning of all these substances v. Gemara.

(9) Some kind of offal of meat, as explained in the Gemara.

(10) Each of the substances enumerated would be reckoned together with a piece of meat less than an egg's bulk, so as to make up the quantity of an egg's bulk and, if unclean, would convey uncleanness to other foodstuffs or liquids. With regard to some of the substances, e.g., the meat juice, the sediment and the sinews, the reason why they would be reckoned together with the meat is because, although they are not eaten alone, they would be eaten together with the meat, and are therefore regarded as foodstuffs. And with regard to the other substances, e.g., the hide, bones, horns and hoofs, the reason is because each forms a protection or covering to a foodstuff and is therefore regarded as one with the foodstuff.

(11) If the meat was nebelah these substances would not be included together with the meat in order to make up an olive's bulk, the quantity necessary in order to convey uncleanness to men or vessels.

(12) If it was touched by anything unclean. For although at this moment the animal may not be eaten, either by the Israelite who slaughtered it, for it is an unclean animal, or by the gentile, since by its death only is an animal rendered permitted to a gentile, and not by the slaughtering (v. supra 33a), nevertheless the act of slaughtering performed by the Israelite has the effect that the animal be deemed a foodstuff forthwith, for this could only have been the intention and purpose of the slaughtering.

(13) Only then is it regarded as nebelah; cf. Lev. XI, 39.

(14) Although alal by itself is not a foodstuff, if one collected a number of pieces together so that there was an olive's bulk in one place, this action is significant and renders the bulk a foodstuff.

(15) If this accumulated bulk was taken from a nebelah and a man touched it and later entered the Temple or ate consecrated food, he would be liable to the penalty of kareth.

(16) I.e., that which surrounds and encloses foodstuffs, e.g., the husk of grain, the peel of fruit, the shell of nuts, the hide of an animal, etc.

(17) That condition of uncleanness which can only render unclean foodstuffs and liquids, provided there was an egg's bulk of the unclean matter.

(18) Nebelah-uncleanness. The condition of uncleanness that can even render unclean men and vessels, provided there was an olive's bulk of the unclean matter.

(19) Lev. XI, 37, with reference to the uncleanness of foodstuffs.

(20) I.e., by seed is meant the grain together with its husk; hence the protection of food is considered as part of the food itself.

(21) Ibid. 39.

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I might also think that he that touches [the hide] at a part where the flesh is attached on the other side shall not be unclean, Scripture therefore says. ‘Shall be unclean’. What does this mean?[1] — Raba, others say: Kadi,[2] replied. There is something missing fin ‘that ‘passage] and it should read as follows: ‘[He that toucheth] the ‘carcass ‘thereof [shall ‘be unclean]’, but not he that touches the bide which has not an olive's bulk of flesh attached to it, even though the hide brings it up to an olive's bulk.[3] I might then also exclude the case of the hide which has an olive's bulk of flesh attached to it. So that if a man were to touch the hide at a part where the flesh is attached on the other side he would not, [I suggest,] be unclean, for it [the hide] does not act even as a ‘handle; Scripture therefore says. ‘Shall be unclean’.[4]

We have learnt elsewhere:[5] Whatever serves as a handle [to a bulk] but not as a protection[6] [is a medium whereby the bulk] contracts uncleanness and conveys uncleanness, but is not included [together with the bulk to make up the size of an egg to convey uncleanness]. Whatever serves as a protection, even if it does not serve as a handle,[7] [is a medium whereby the bulk] contracts uncleanness and conveys uncleanness, and is included [together with the bulk]. Whatever serves neither as a handle ‘nor as a protection[8] [is no medium so that the bulk] neither contracts

uncleanness nor conveys uncleanness thereby.

Where is there any Scriptural authority for the law of 'handles'? — It is written: But if water be put upon the seed, and aught of their carcass fall thereon, it is unclean unto you'.[9] 'Unto you', that is, everything that you make use of [with regard to the foodstuff]; thus the verse includes handles.[10] It is also written: And if any animal, which serves as food unto you, die.[11] 'Unto you', that is, everything that you make use of [with regard to this carcass conveys uncleanness]; thus the verse includes handles.[12] Hence [we see that] a handle can convey uncleanness to [the bulk in the case of foodstuffs] and also that a handle can convey uncleanness from [the bulk in the case of a carcass]. That a protection can convey uncleanness to and from [the bulk] does not require any verse, for it is inferred by an a fortiori argument from a handle thus: If a handle which affords no protection can convey uncleanness to and from [the bulk], how much more that which affords protection! Why then does the Divine Law state a verse with regard to a protection?[13] It is, surely, to teach that it[14] is to be included together [with the bulk].[15] But I might say: A handle can convey uncleanness to [the bulk] but not from it,[16] and a protection can convey uncleanness both to and from [the bulk],[17] but a handle cannot convey uncleanness from [the bulk], neither is a protection to be included together [with the bulk]? — You surely cannot say that a handle can convey uncleanness to [the bulk] but not from [the bulk], for if it can bring in the uncleanness it certainly can pass it on! Then I might say: A handle can convey uncleanness from [the bulk] but not to [the bulk], and a protection can convey uncleanness both to and from [the bulk], but a handle cannot convey uncleanness to [the bulk], neither is a protection to be included together [with the bulk]? — There is another verse which also teaches the law of handles, for it is written: Whether oven, or range for pots, it shall be broken in pieces: they are unclean, and shall be unclean unto you.[18] 'Unto you', that is, everything that you make use of [with regard to it is unclean]; thus the verse includes handles.[19]

Which of these verses is superfluous?[20] If the Divine Law had stated [the law of handles] in connection with seeds and it was intended that the others[21] be inferred from them, [the objection could be raised thus,] That is so with seeds only, since they have more conditions of uncleanness than the others.[22] And if the Divine Law had stated it in connection with the oven and it was intended that the others be inferred from it, [the objection could be raised thus,] That is so with the oven only since it renders foodstuffs unclean by its air-space.[23] And if the Divine Law had stated it in connection with nebelah and it was intended that the others be inferred from it, [the objection could be raised thus,] That is so with the nebelah only since it can render man unclean, it can convey uncleanness by carrying,[24] and it is its own source of uncleanness.[25] — One could not indeed infer one case from the other, but one could infer one case from the other two cases. Which one would you infer? If the Divine Law had not stated it in connection with seeds but you would have inferred it from the other two, [the objection could be raised thus,] That is so with the other cases since they become unclean without first having been rendered susceptible thereto; will you say the same of seeds which become unclean only if first they have been rendered susceptible thereto?[26] — Said R. Huna the son of R. Joshua: But surely fruit which has not been rendered susceptible to uncleanness is in the same condition as an oven which is not yet finished![27] — Rather you could raise this objection: That is so with the other cases since they both become unclean without contact [with unclean matter];[28] will you say the same of seeds which become unclean only by contact? And if the Divine Law had not stated it in connection with the oven but you would have inferred it from the others, [the objection could be raised thus:] That is so with the other cases since each[29] is a foodstuff! — The fact is the Divine Law need not have stated it in connection with nebelah, for you could have inferred it from the others.[30] For what purpose then is the law of handles stated in connection with nebelah? If then the law of handles serves no purpose in connection with nebelah, you may apply it to other cases.[31] Hence [you derive that] a handle can convey uncleanness both to and from [the bulk], and [that] a protection can be included together [with the bulk].[32]

But still the law of handles stated in connection with nebelah was absolutely necessary; for had

not the Divine Law stated it in connection with nebelah I should have said: 'It is enough if the inferred law is as strict as that from which it is inferred', and therefore, just as the others cannot render a man unclean so nebelah cannot render a man unclean![33] In truth the law of handles in connection with nebelah is really necessary, but it is the law of protections in connection with nebelah[34] that is unnecessary. Why did the Divine Law state it? Will you say, [to teach] that it[35] can be included together [with the bulk]? Surely you have already said that it cannot be included![36] [And to teach] that it[35] can convey the uncleanness from the bulk [is unnecessary], for it is already inferred by an a fortiori argument from the law of handles![37] If then the law of protections in connection with nebelah serves no purpose, you may apply it to the law of handles in connection with nebelah; and if the law of handles in connection with nebelah also serves no purpose,[38] you may then apply it to the law of handles in connection with other cases. Hence [we derive that] a handle can convey uncleanness both to and from [the bulk] and a protection can be included together [with the bulk].

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(1) The two clauses of this Baraitha apparently contradict each other: the first clause states that the hide 'of a carcass does not convey uncleanness, whereas the second clause states that 'one who touches the hide of a carcass becomes unclean.

(2) Aliter: 'as the case may be', i.e., introducing respectively other persons.

(3) For the protection cannot be included together with a morsel of the carcass to make up the olive's bulk in order to convey nebelah-uncleanness.

(4) For although the hide does not serve as a protection so as to be reckoned as part of the carcass itself, it serves nevertheless as a handle or connective by which uncleanness can be conveyed to other matters.

(5) 'Uk. I, 1.

(6) E.g., the stalks of fruit or a marrowless bone attached to a piece of flesh; each, although not a foodstuff, acts as a handle or connective to convey uncleanness to other foodstuffs if the fruit or the flesh was unclean, or to render the fruit or flesh unclean if the stalk or bone came into contact with unclean matter.

(7) E.g., hide to which is attached an olive's bulk of flesh, or nut shells.

(8) E.g., hair.

(9) Lev. XI, 38.

(10) That in connection with foodstuffs a handle can convey the uncleanness to the bulk; in other words the bulk contracts uncleanness through the medium of the handle, for this verse only speaks of the foodstuff contracting uncleanness.

(11) Lev. XI, 39.

(12) That through the medium of the handle the carcass conveys uncleanness to everything that comes into contact with the handle.

(13) Cf. supra 117b the teaching of the Tanna of the school of P. Ishmael, where v. 37 is interpreted for this purpose.

(14) Sc. the protection.

(15) To make up the requisite minimum quantity.

(16) For the verse which implies that a handle can convey the uncleanness from the bulk deals solely with nebelah, which is a grave uncleanness, and no other case may be inferred from it.

(17) For a protection is a degree graver than a handle by reason of the a fortiori argument.

(18) Lev. XI, 35.

(19) I.e., that a handle can convey the uncleanness from an external source to the vessel. There being, therefore, two verses each teaching the law that a handle can convey uncleanness to the bulk, one would be utilized to teach the law that handles can convey uncleanness from the bulk. Consequently, now that handles can convey uncleanness to and from the bulk, the verse (ibid. 37) with regard to a protection is entirely superfluous, for it would have been inferred by an a fortiori argument from handles; it must serve therefore to teach the law that the protection is to be included together with the bulk to make up the requisite minimum quantity.

(20) For we have now three verses each stating the law of handles, viz., v. 35 which deals with an oven, v. 38 which deals with seeds, and v. 39 which deals with nebelah.

(21) Sc. the rule of handles in connection with the oven and nebelah.

(22) Seeds, being foodstuffs, can become unclean even from that which is unclean in the first degree, whereas an oven or any vessel can only contract uncleanness from that which is a primary source of uncleanness. Moreover, foodstuffs have

more conditions of uncleanness than nebelah, as is expressly stated in our Mishnah as the result of the application of the law of protections.

(23) Which is not the case with foodstuffs and nebelah. The oven, being an earthenware vessel, can render unclean any foodstuffs which come into its air-space even though there was no actual contact. V. supra 24bff

(24) As well as by contact, which is not the case with the others.

(25) Whereas the oven and the foodstuffs were rendered unclean by some unclean matter.

(26) For foodstuffs cannot contract uncleanness unless they have first been rendered susceptible to uncleanness by being moistened by water or any of the other liquids prescribed. Cf. Lev. XI, 38.

(27) From the point of view of the application of uncleanness fruit which has not been moistened by water is considered 'unfinished' just as an unfinished article.

(28) The oven contracts uncleanness without any contact, as when a dead reptile is suspended in its air-space; nebelah, too, is unclean without any contact for it is its own source of uncleanness.

(29) Sc. nebelah and seeds.

(30) By drawing the conclusion from the common features of the two cases, for each of those cases has a peculiarity which is not present in the other. Seeds are peculiar in that they have many conditions of uncleanness; the oven is peculiar in that its air-space can render unclean. The features common to both are that they are unclean and that through the medium of a handle they can convey uncleanness to others; the same would apply to nebelah.

(31) Sc. foodstuffs, that through the medium of a handle they can contract uncleanness.

(32) Accordingly, 'unto you' stated in connection with seeds teaches that a handle can convey uncleanness from the bulk; 'unto you' stated in connection with nebelah teaches that with foodstuffs a handle can convey uncleanness to the bulk, (for it was unnecessary to state this for nebelah itself since nebelah could have been inferred from the other two cases, v. p. 653, n. 6; moreover, it was also unnecessary to teach the rule that a handle can convey uncleanness from the bulk, for this we already know with regard to foodstuffs). 'Upon any sowing seed' teaches that a protection can be included together with the bulk to make up the requisite minimum quantity.

(33) I.e., nebelah cannot render a man unclean by means of a handle, e.g., if a man touched a dry bone at the end of which there was a piece of nebelah he would not be unclean. Hence it was necessary that the law of handles be stated in connection with nebelah in order to include this case.

(34) Which is derived from the verse: Shall be unclean, supra 118a top.

(35) Sc. a protection.

(36) Supra p. 650.

(37) Supra p. 651.

(38) For the law of handles is expressly stated in connection with nebelah in the verse: Which serves as food unto you; v. supra p. 651.

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But I could say this: If the law of protections in connection with nebelah serves no purpose then you may apply it to the law of protections in connection with other cases,[1] with the result [that we learn] that a protection can convey uncleanness to [the bulk] and also [that] a protection can be included together [with the bulk], but a handle [I maintain] cannot convey uncleanness to [the bulk]! — Indeed at the very outset [it must be admitted that] the law of handles stated in connection with foodstuffs refers to the handle as conveying the uncleanness to [the bulk].[2] Then for what purpose is the law of protections stated in connection with nebelah? For its own purpose. But for what? [Will you say to teach] that it[3] can be included together [with the bulk]? Surely you have already said that it cannot be included! And [to teach] that it can convey uncleanness to and from [the bulk is unnecessary], for it can surely be inferred by an a fortiori argument from the law of handles! — Scripture sometimes takes trouble to state a rule even though it could be inferred by an a fortiori argument. But if so, I can say the same of the law of protections in connection with other cases; I can say that it actually teaches that it[3] conveys uncleanness to and from [the bulk], for although it could be inferred by an a fortiori argument, Scripture nevertheless troubled to state it expressly! — Wherever it is possible to interpret the verse [as applying to something else] we do so.[4] R. Habiba said: The law of protections stated in connection with nebelah is exceptional, for since it acts in the

same way as a handle[5] [it is only right that] we refer it to the law of handles.[6] R. Judah b. Ishmael demurred, raising an objection from the following Mishnah which we learnt: The point of a pomegranate is included [with the fruit], but its blossom is not included.[7] Wherefore is this? Should not one apply the rule of the verse: Upon any sowing seed which is to be sown?[8] And it is not so here. Moreover we have learnt: THE HIDE, MEAT JUICE, SEDIMENT . . . ARE TO BE INCLUDED TO CONVEY FOOD-UNCLEANNESS; whence do we know it?[9] — The fact is, there are three Scriptural expressions: 'upon any sowing', 'seed', 'which is to be sown'; one refers to the protections of seeds, the other to the protections of fruit and the third to the protections of flesh, eggs, and fish.

R. Hiyya b. Ashi said in the name of Rab: A handle serves [as a connective] for the uncleanness[10] but a handle does not serve [as a connective] for rendering susceptible to uncleanness.[11] R. Johanan says: A handle serves [as a connective] both for the uncleanness and for rendering susceptible to uncleanness. Wherein do they differ?[12] — If you wish you may say [that they differ] in the interpretation of a verse, or if you wish you may say [that they differ] in the logical reasoning. 'If you wish you may say [that they differ] in the interpretation of a verse'[13] — one maintains, a Scriptural expression may be interpreted as referring to the immediately preceding subject but not to what is anterior thereto, whilst the other maintains, a Scriptural expression may be interpreted as referring both to the immediately preceding subject and to what is anterior thereto. 'Or if you wish you may say [that they differ] in the logical reasoning' one maintains, being rendered susceptible to uncleanness is the first stage of uncleanness,[14] whilst the other maintains, being rendered susceptible to uncleanness is not the first stage of uncleanness. There is [a Baraitha] taught which accords with the view of R. Johanan. It was taught: As a handle serves as a connective for the uncleanness so it serves also as a connective for rendering susceptible to uncleanness. And as seeds can contract uncleanness only when they have been plucked up[15] so can they be rendered susceptible to uncleanness only when they have been plucked up.

Rab said: A handle cannot serve [as a connective] to anything less than the size of an olive,[16] and a protection cannot serve [as a protection] to anything less than the size of a bean.[17] R. Johanan said: A handle can serve [as a connective] to anything less than the size of an olive,[18] and a protection can serve [as a protection] to anything less than the size of a bean.

An objection was raised: If there were two bones [of a corpse] that bore each a half-olive's bulk of flesh [at one end] and a man brought into a house the other two ends, and the house overshadowed them, the house becomes unclean.[19]

Judah b. Nakosa says in the name of R. Jacob: How can two bones [each bearing only a half olive's bulk of flesh at the other end] be reckoned together to make up an olive's bulk?[20]

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(1) Sc. foodstuffs.

(2) The question at the early stages of the argument when it is suggested that a handle can convey uncleanness from the bulk but not to it in the case of foodstuffs is untenable, for the context clearly shows that the handle, which is referred to in that verse, is intended to convey the uncleanness to the bulk.

(3) Sc. a protection.

(4) And here the verse can be interpreted as referring to the rule that the protection can be included together with the rest.

(5) The protection of a nebelah, sc. the hide, is admittedly not part of the nebelah, for it is not included together with the flesh to make up the minimum quantity to convey uncleanness, but it serves to convey uncleanness from the nebelah; in other words it serves in the capacity of a handle.

(6) And not as was suggested supra (p. 655) to the law of protections in regard to other cases.

(7) 'Uk. II, 3. The point may be regarded as a protection to the pomegranate and as such may be considered as part of the fruit, but the blossoms around it are at most a protection over the point, i.e., a protection to a protection, and as such cannot be considered part of the fruit.

(8) Lev. XI, 37. For the law of protections is derived from this verse, and only that covering is regarded as a protection which is sown together with the seed or is planted with the fruit; thus one must exclude the protuberances of fruit.
(9) Seeing that the law of protections is stated only with regard to seeds.
(10) To convey uncleanness to and from the bulk.
(11) I.e., if the handle was moistened by water the bulk was not thereby rendered susceptible to contract uncleanness.
(12) I.e., what is the ground of their difference.
(13) The law of handles in connection with foodstuffs is deduced from the expression 'unto you' stated in the following verse: But if water be put upon the seed, and aught of their carcass fall thereon, it is unclean unto you (Lev. XI, 38). Now this expression certainly refers to the subject of uncleanness which immediately precedes it, but the question is whether it also refers to the subject, 'If water be put upon', which is at the beginning of the verse.
(14) And just as a handle serves as a connective for the uncleanness so it also serves as a connective for rendering the rest susceptible to uncleanness.
(15) For otherwise all seed would be unclean because of the dead reptiles found in the soil.
(16) If the handle to a foodstuff less than the size of an olive's bulk (which foodstuff was among other foodstuffs together making up the size of an egg-so adds Rashi, but unnecessarily, v. Tosaf. s.v. אין) was touched by unclean matter, it does not act as a connective to convey the uncleanness to the foodstuff.
(17) If, for instance, a bone has less than a bean's bulk of marrow in it, it cannot, as a protection, be included together with the marrow to make up the requisite quantity, nor can it convey the uncleanness either to or from the marrow.
(18) But not to anything less than the size of a bean.
(19) For whatsoever overshadows a handle to flesh is regarded as if it overshadows the flesh itself.
(20) For a handle to anything less than the size of an olive's bulk is of no significance.

Talmud - Mas. Chullin 119a

Now how does Rab interpret this teaching [to accord with his view]? If he regards it [the bone] as a handle,[1] then the first opinion conflicts with his;[2] and if he regards it as a protection,[3] then the second opinion conflicts with his![4] — If you wish, you may say he regards it as a handle, or if you wish.you may say he regards it as a protection. 'If you wish, you may say he regards it as a handle' — and he is in agreement with Judah b. Nakosa.[5] 'Or if you wish, you may say he regards it as a protection' — and he is in agreement with the first Tanna.[6] R. Johanan, however, says that it can only be regarded as a handle, and so he is in agreement with the first Tanna.[7] Come and hear: R. Judah says: If a thighbone has an olive's bulk of flesh attached to it, it brings about the uncleanness to the whole.[8] Others say: Even if it has flesh only the size of a bean attached to it it is sufficient to bring about the uncleanness to the whole. Now how does Rab interpret this teaching? If he regards it [the bone] as a handle, then the second opinion conflicts with his;[9] and if he regards it as a protection, then the first opinion conflicts with his.[10] If you wish, you may say he regards it as a handle and he is then in agreement with R. Judah; or if you wish, you may say he regards it as a protection, and he is in agreement with the 'others'. R. Johanan, however, says that it can be regarded as a protection and ,so he is in agreement with the 'others'.[11] But do not the 'others expressly mention the size of a bean?[12] — It is only because the first Tanna [sc. R. Judah] stated a fixed quantity[13] that they also stated a fixed quantity.[14] Raba said: There is indeed a proof that the Baraitha regards it as a protection, for it states 'a thigh-bone'.[15] This is conclusive. It was stated: R. Hanina said that that[16] was the [minimum] size,[17] but R. Johanan said that that was not the [minimum] size. But does it not expressly say: 'the size of a bean'? — It was only because the first Tanna stated a fixed quantity that they too stated a fixed quantity.

Come and hear. We have learnt: R. Eleazar b. 'Azariah declares that of the bean clean but that of [other] pulse unclean, since one is pleased with it when handling them![18] — As R. Aha the son of Raba had suggested [in another case] that it referred to the stalk which is considered a handle, so here too it refers to the stalk and it is considered here a handle.[19] And what is meant by 'when handling them'? — It means, when moving them about.

Come and hear from the following teaching of a Tanna of the school of R. Ishmael: It is written: Upon any sowing seed which is to be sown,[20] that is to say, in the manner in which men take out the seeds for sowing: wheat in its husk, barley in its husk, lentils in their husks![21] — It is different with a separate entity.[22] R. Oshaia raised the question,

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(1) I.e., each bone was dry and without marrow but there was a piece of flesh attached to one end of each, in which case the bones can act as handles only.

(2) Since the first Tanna declares the house to be unclean because a handle can serve as a connective even to what is less than the size of an olive's bulk.

(3) I.e., the bones contained marrow at one end but not at the other end, and the ends void of marrow were brought into the house. The bone of a marrow-bone is regarded as a protection to the marrow within.

(4) Since Judah b. Nakosa holds that a protection cannot serve as such to anything less than the size of an olive's bulk, whereas according to Rab it can serve as a protection to anything the size of a bean which is less than half an olive. The same difficulty would arise on the view of R. Johanan, which is apparently in conflict with that of Judah b. Nakosa, whether the bone is treated as a 'handle' or 'protection'; v. n. 9.

(5) For presumably with regard to a protection Judah b. Nakosa would concede that a protection can serve as a protection even to that which is less than the size of an olive's bulk, provided, of course, it was not less than the size of a bean; thus entirely in agreement with Rab's view.

(6) The first Tanna presumably would agree with Rab that a handle cannot serve as a connective unless it was attached to flesh at least of the size of an olive's bulk.

(7) He cannot however regard the bones in the dispute between the first Tanna and Judah b. Nakosa as protections, for then he would be in agreement with neither: for Judah b. Nakosa insists upon an olive's bulk, and the first Tanna upon a half olive's bulk, since he speaks of two bones together making up an olive's bulk, whereas R. Johanan rules that a protection can serve as such even to anything less than the size of a bean which is certainly less than a half olive's bulk. See Rashi and Tosaf. a.l.

(8) I.e., if the olive's bulk of flesh attached to this bone was with other foodstuffs so that together there was an egg's bulk of foodstuff, and unclean matter came into contact with the bone, the whole would then become unclean.

(9) For Rab says that a handle to anything less than the size of an olive's bulk cannot serve as a connective.

(10) For R. Judah speaks of an olive's bulk of flesh which was attached to the bone, whereas Rab said that a protection to that which is less than an olive's bulk, provided it is of the size of a bean, can serve as a protection.

(11) In this case R. Johanan could certainly regard it as a handle and he would be in agreement with the 'others'; moreover, if he did so, it would leave no ground for the question which follows in the text; but he preferred to regard it as a protection, since the thigh-bone, which is expressly mentioned in the Baraitha, usually contains marrow and so must be considered as a protection. V. Rashi, s.v.

(12) Whereas R. Johanan considers it a proper protection even if the substance within is less than the size of a bean.

(13) An olive's bulk.

(14) The size of a bean; nevertheless a protection to something even less than the size of a bean would also be regarded as a protection.

(15) Which usually contains marrow, and therefore is to be considered a protection.

(16) The statement of the 'others' above: 'Even if it has flesh only the size of a bean attached to it'.

(17) But a protection to anything less than this size cannot be considered as a protection.

(18) Cf. 'Uk. I, 5. R. Eleazar b. 'Azariah maintains that the pod of beans is not regarded as a protection to convey uncleanness to or from the beans, neither is it to be reckoned together with the beans so as to make up the requisite quantity, because the pod does not serve any useful purpose since the beans are large enough to be handled with the fingers. On the other hand the pods of peas or of other pulse are regarded as protections, for the peas are small and the pods then serve a useful purpose in making the handling of the peas easier. Now even if there was only one pea in the pod it would serve as a protection to it. Hence it is clear that a protection can serve as a protection even to a foodstuff less than the size of a bean, contra R. Hanina and Rab.

(19) It is not the pod that is considered here but the stalk to which a number of pods are attached. In the case of other pulse, like peas, the stalk serves as a handle to all the pods (which obviously are more than an olive's bulk), and so is a connective for uncleanness. In the case of the bean, however, the stalk is of no importance, for the beans are large enough to be handled by themselves, and is therefore not considered a handle for the uncleanness.

(20) Lev. XI, 37.
(21) The husk serves as a protection to the grain even though the grain of wheat is less than the size of a bean.
(22) A protection to an entire thing, however small it is, as the husk of grain, is certainly regarded as a protection. Rab and R. Hanina, however, insist upon the minimum size of a bean only in those cases where the substance that is protected is only part of a whole, as a morsel of flesh, or half a bean.

Talmud - Mas. Chullin 119b

Can two protections be reckoned together[1] or not? But what is the actual case? If you say that one is over the other, but can it be said that a protection over a protection [has the law of a protection]? Behold we have learnt: R. Judah says: An onion has three skins: the innermost skin, whether it is entire or has holes in it, is reckoned together [with the edible part]; the middle skin, if it is entire, is reckoned together, but if it has holes in it, it is not reckoned together; the outermost skin in either case is clean![2] — R. Oshaia really raised this question: What is the law if the protection of a foodstuff was divided?[3] Since this [half of the protection] does not protect the other [half of the foodstuff] and the other [half of the protection] does not protect this [half of the foodstuff] they cannot be reckoned together, or, it may be, since each [half of the protection] protects its own [half of the foodstuff] they can be reckoned together? Come and hear: R. Eleazar b. ‘Azariah declares that of the bean clean but that of [other] pulse unclean, since one is pleased with it when handling them![4] — R. Aha the son of Raba answered: It refers to the stalk which is considered as a handle.[5] And what is meant by ‘when handling them’? — It means, when moving them about.

Come and hear from the following teaching of a Tanna of the school of R. Ishmael: It is written: ‘Upon any sowing seed which is to be sown’,[6] that is to say, in the manner in which men take out the seeds for sowing; wheat in its husk, barley in its husk, lentils in their husks![7] — As R. Aha the son of Raba had suggested [above] that it referred to the stalk which is considered a handle, so here it refers to the stem [of the ear of wheat] which is considered a protection.[8] Granted, however, that the upper rows need the lower ones; but do the lower need the upper ones?[9] — We are dealing here with one row only.[10] But is there ever as much as an egg's bulk of foodstuff in one row? — Yes, in the wheat grains of Simeon b. Shetah.[11] And now that you have arrived at this, you may say that it refers to a single grain of wheat, but of the wheat grains of Simeon b. Shetah.

[To revert to] the [above] text: If there were two bones [of a corpse] that bore [at one end] a half olive's bulk of flesh and a man brought into a house the other two ends, and the house overshadowed them, the house becomes unclean. Judah b. Nakosa says in the name of R. Jacob: How can two bones [each bearing only a half olive's bulk of flesh at the other end] be reckoned together to make up an olive's bulk’? R. Simeon b. Lakish said: This was taught only with regard to a bone which is considered a handle, but a hair is not considered a handle.[12] R. Johanan however said: Even a hair is considered a handle.

R. Johanan raised the following objection against R. Simeon b. Lakish: If there was an olive's bulk of [unclean] flesh adhering to the hide and a man touched a shred hanging from it,[13] or a hair that was opposite it,[14] he becomes unclean. It is, is it not, because it [the hair] is regarded as a handle? — No, it is because it is regarded as a protection. But can there be a protection over another protection?[15] — It penetrates right through.[16]

R. Aha b. Jacob demurred, [saying:] If so, how may we write Tefillin?[17] Surely it is necessary that the writing be perfect, and it is not so?[18] — [In raising this objection] he must have overlooked the statement [of the Rabbis] in the West, viz., Any hole [in parchment] over which the ink can pass is not considered a hole.[19] Or if you wish, you may answer: Each[20] is considered a handle, for as R. Ila'a referred [elsewhere] to a bristle among many bristles, so here too it refers to a hair among many hairs.[21] And where was this view of R. Ila'a stated? In connection with the following [Mishnah]:[22]

The bristles[23] of ears of corn bring in uncleanness and convey uncleanness,[24] but are not included together [with the rest to make up the quantity necessary to convey uncleanness]. Of what use is a bristle?[25] R. Ila'a replied: It refers to a bristle among many bristles.[26]

Another version renders the argument as follows: It is more reasonable to say that it [a hair] is regarded as a protection, for should you say it is regarded as a handle [it will be asked]: Of what use is one hair? — As R. Ila'a referred [elsewhere] to a bristle among many bristles, so here, too, it refers to a hair among hairs. And where was this view of R. Ila'a stated? In connection with the following Mishnah: The bristles of ears of corn bring in uncleanness and convey uncleanness, but are not included together with the rest. Of what use is a bristle? — R. Ila'a replied: It refers to a bristle among many bristles.

Some refer it[27]

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(1) With the foodstuff within so as to make up the egg's bulk in order to contract and convey uncleanness.

(2) V. ‘Uk. II, 4. The innermost skin is regarded as part of the onion for it is edible, the middle is a protection and therefore can serve as such only when entire, the outermost as a protection over a protection which can in no circumstances be reckoned together with the foodstuff.

(3) I.e., a foodstuff that had a protection over it was divided into two. V. however, Tosaf. s.v. שומר.

(4) V. supra p. 660, n. 3. Since, therefore, in the case of other pulse, such as peas, several pods can be reckoned together with the peas within them to make up the quantity of an egg's bulk; it is evident that two protections can be reckoned together.

(5) The one stalk serves as a handle to many pods.

(6) Lev. XI, 37.

(7) Since several grains with their husks can be reckoned together to make up the quantity of an egg's bulk, it is evident that protections can be reckoned together; likewise, where a foodstuff was divided into two together with the protection upon it, the parts can be reckoned together.

(8) The grains in the ear of corn spring from the rachis or stem in row upon row on all sides of it; moreover the ear of corn (in barley and certain species of wheat) is covered by an awn or beard. The suggestion seems to be here that the rachis and the awn together act as one protection to the grains.

(9) The lower rows of grain support the upper rows and if the lower rows were to fall away the upper rows, losing their support, would fall away too; hence from the point of view of the upper rows the entire ear of corn serves as one whole protection. On the other hand, the lower rows can stand without the upper ones for it has its own protection, and the fact that the upper and lower rows in the ear can be reckoned together proves that two protections can be reckoned together.

(10) I.e., the protection and the grains on one row only must make up the quantity of an egg's bulk.

(11) In his time the grains of wheat were of extraordinary size, v. Ta'an. 23a.

(12) But only a protection. And there is this qualification with regard to a protection, namely, that the contact must be made with the protection that is directly opposite the foodstuff.

(13) The flesh. But, v. infra 124a.

(14) I.e., on the outside of the hide, opposite the flesh.

(15) For the skin is itself a protection and the hair is above the skin.

(16) The hair penetrates through the skin to the flesh, so that it serves as a protection to the flesh, and not as a protection to the hide, so that it is not a protection over another protection.

(17) I.e., phylacteries which contain scrolls of parchment with special selected passages written thereon. Cf. Deut. VI, 8.

(18) Since the hair penetrates the hide the parchment made from it must perforce be full of holes, and any writing on it must be interrupted as the pen passes over these holes, and this invalidates the scroll.

(19) The holes are so minute that the pen passes smoothly over them, even the ink does not collect in these holes.

(20) Sc. the shred of flesh and the hair.

(21) It is conceded by R. Simeon b. Lakish that many hairs taken together can serve as a handle, but a single hair, he maintains, cannot, for it would certainly snap when attempting to lift the bulk by it.

(22) ‘Uk. I, 3.

(23) I.e., the spiky growth at the end of an ear of corn; the awn or the beard.

(24) For they are regarded as handles.

(25) How can it serve as a handle seeing that it would break off as soon as one took hold of it?

(26) By grasping many awns together one can obtain a firm hold on the ears of corn.

(27) The above dispute between R. Johanan and Resh Lakish.

Talmud - Mas. Chullin 120a

to our Mishnah thus, THE HIDE, MEAT JUICE, SEDIMENT . . . [BONES . . .] ARE TO BE INCLUDED TO CONVEY FOOD UNCLEANNESS. Thereupon R. Simeon b. Lakish said: This was taught only with regard to a bone which is considered a protection, but a hair is not considered a protection; R. Johanan, however, said: Even a hair is considered a protection. Said Resh Lakish to R. Johanan: But can there be a protection over another protection? — [He replied,] It penetrates right through. R. Aha demurred saying: If so, how may we write Tefillin? It is necessary that the writing be perfect and it is not so? — He must have overlooked the statement [of the Rabbis] in the West, viz., Any hole [in parchment] over which the ink can pass is not considered a hole. R. Johanan then raised the following objection against Resh Lakish: If there was an olive's bulk of [unclean] flesh on the hide and a man touched a shred hanging from it, or a hair that was opposite it, he becomes unclean. It is, is it not, because it [the hair] is regarded as a protection? — No, it is because it is regarded as a handle. But of what use is one hair? — As R. Ila'a referred [elsewhere] to a bristle among many bristles, so here, too, it refers to a hair amongst other hairs. And where was this view of R. Ila'a stated? — In connection with the following Mishnah: The bristles of an ear of corn contract uncleanness and convey uncleanness, but are not included together with the rest. Of what use is a bristle? — R. Ila'a replied: It refers to a bristle among many bristles.

MEAT JUICE. What is the ROTEB?[1] — Raba said: It is the fat.[2] Whereupon Abaye said to him: But should it not by itself convey food uncleanness? — Rather it must be, meat juice which had set. But why ‘had set’? Even if it had not set it should also [be included with the meat], for Resh Lakish has said that the juice of vegetables is to be included [with the vegetable] to make up the date's bulk with regard to the Day of Atonement.[3] — There it is a question of satisfying one's hunger and anything [though not strictly a foodstuff] would satisfy it; here, however, it is a question of what can be included [with a foodstuff] and, therefore, if it [the meat juice] had set it can be included, but if it had not set it cannot be included.[4]

SEDIMENT. What is the KIPPAH?[5] — Raba said,lt is the sediment [of boiled meat]. Whereupon Abaye said to him: But should it not by itself convey food uncleanness? — Rather said R. Papa: It must be the spices.

We have learnt elsewhere: If a man clotted blood and ate it, or if he melted [forbidden] fat and gulped it down, he is culpable.[6] Now it is quite clear in the case where he clotted blood and ate it, for since he clotted it he thereby determined it [as a foodstuff], but [why should he be culpable] where he melted fat and gulped it down? Scripture uses the term ‘eating’ in connection with it, and this is not eating? — Resh Lakish said: The verse says: Soul,[7] to include one who drinks.[8]

The same has been taught in respect of leavened bread: Where a man dissolved it[9] and gulped it down, if it was leavened, he is liable to the penalty of kareth, and if it was unleavened, he has not thereby fulfilled his obligation on the Passover.[10] Now it is quite right to say ‘If it was unleavened he has not thereby fulfilled his obligation on the Passover’, for the Divine Law says: Bread of affliction,[11] and this is not bread of affliction;[12] but why does it say: ‘If it was leavened he is liable to the penalty of kareth’? Does not Scripture use the term eating’ in connection with it? Resh Lakish said: The verse says: Soul,[13] to include one who drinks.

And the same has been taught in respect of the carcass of a clean bird: If he dissolved it[14] with fire

(and gulped it down], he is unclean;[15] but if in the sun, he is not unclean.[16] Whereupon we put the questions is not the expression 'eating' written in connection with it?[17] And Resh Lakish replied. The verse says: Soul,[17] to include one who drinks. But if so, even (if he dissolved it) in the sun he should also [be unclean]? — In the sun it becomes putrid.

Now this[18] was necessary [to have been taught with regard to each of these cases]. For if the Divine Law had stated it only with regard to the fat, one could not have inferred the same with regard to leavened bread, for (in the case of the former) there was never a moment when it was permitted;[19] nor could one have inferred the same with regard to the carcass [of a clean bird], for the former is punishable by kareth.[20] And had the Divine Law stated it only with regard to leavened bread, one could not have inferred the same with regard to the fat, for the former does not admit of any exception;[21] nor could one have inferred the same with regard to the carcass [of a clean bird], for the former is punishable by kareth. And had the Divine Law stated it only with regard to the carcass [of a clean bird], one could not have inferred the same with regard to the others, for the former conveys uncleanness.[22] [Clearly] one case could not have been inferred from the other, but could not one case have been inferred from the other two? — Which could have been inferred? Had not the Divine Law stated it with regard to the carcass [of a clean bird] but this latter was to be inferred from the others,[23] [such inference could be refuted thus]: It is so with the other cases since they are punishable by kareth. And had not the Divine Law stated it with regard to leavened bread but this latter was to be inferred from the others,[24] [such inference could be refuted thus], it is so with the other cases since they were never permitted at any time. And had not the Divine Law stated it with regard to the forbidden fat but this latter was to be inferred from the others,[25] [such inference could be refuted thus]: It is so with the other cases since they admit of no exceptions; will you, then, say the same of the forbidden fat which admits of an exception? — What is this [exception]? Is it that the forbidden fat of cattle is permitted to the Most High?[26] But a carcass [of a bird], too, is permitted to the Most High, namely, a bird whose head has been nipped off![27] Or is it that the fat of a wild animal [is permitted] to a common man? But a carcass, namely, the sin-offering of a bird whose head has been nipped off, is also permitted to priests![28] — In truth, [the exception is that] the fat of a wild animal [is permitted] to a common man, and as for your difficulty from the case of the priests, [it must be remembered that] the priests enjoy this privilege from the table of the Most High.[29]

Wherefore is the following teaching necessary: '[It is written,] The unclean,[30] to signify that the juice and the broth and the sediment of these are forbidden'? Surely it could have been inferred from the above cases?[31] — It is necessary, for had not the Divine Law stated it expressly[32] I would have said: 'It is enough if the inferred law is as strict as that from which it is inferred', and as there [a minimum of] an olive's bulk is essential, so here a minimum of an olive's bulk is essential.[33]

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(1) רוטב, translated in the Mishnah as meat juice.

(2) On the surface of the broth.

(3) The eating of a date's bulk on the Day of Atonement is the minimum quantity to render one liable. Here the juice of the vegetable is regarded as part of the foodstuff and is reckoned together with it to make up this quantity. If it were not regarded as part of the foodstuff but as a liquid it could not be reckoned together with it; cf. Yoma 73b.

(4) For a liquid and a foodstuff cannot be reckoned together to make up the minimum quantity so as to convey food uncleanness, for the standard with each is different.

(5) קיפה 'sediment'; either of the meat itself, i.e., the particles of meat that fall away in the boiling and form a jelly, or of the spices; v. infra.

(6) Men. 21a, but not in a Mishnah.

(7) Lev. VII, 25: The soul that eateth it shall be cut off from his people; in connection with forbidden fat.

(8) The word נפש, 'soul', is also used to express desire, pleasure (cf. Gen. XXIII, 8 Deut. XXIII, 25), so that even when a person drinks fat his 'soul' enjoys it and he is therefore liable.

(9) Sc. bread.

(10) V. Pes. 35a.

(11) Deut. XVI, 3.
(12) It is not the usual way of eating bread. Cf. Rashi Pes. 35a bot.
(13) Ex. XII, 15: That soul shall be cut off from Israel.
(14) Sc. the carcass of a clean bird.
(15) And renders unclean the clothes that he is wearing whilst swallowing it.
(16) Naz. 50a.
(17) Lev. XVII, 15: And every soul ha eateth that which dieth of itself.
(18) That one who drinks forbidden food that was melted down is also liable.
(19) Forbidden fat in an animal has always been forbidden from the birth of the animal, whereas leavened bread is forbidden only during Passover, but before the festival, it was permitted.
(20) Sc. forbidden fat, but there is not the penalty of kareth for eating nebelah.
(21) Whereas the fat in certain cases is permitted, v. infra.
(22) I.e., is itself a source of uncleanness, whereas forbidden fat and leavened bread have no uncleanness in themselves.
(23) Sc. fat and leavened bread.
(24) Sc. fat and the carcass of a clean bird.
(25) Sc. leavened bread and the carcass of a clean bird.
(26) The forbidden fat of a sacrifice is permitted to, i.e., is offered upon, the altar.
(27) Ordinarily this method of killing the bird would render it nebelah, nevertheless it is acceptable as a sacrifice; hence the law of nebelah admits of an exception, like the fat.
(28) The priests may eat the flesh of this bird sacrifice, hence there is an exception to the law of nebelah even in respect of the eating thereof.
(29) It is only to the Most High that nebelah is permitted, even though priests may enjoy it as guests of the Divine table; there is no case, however, of nebelah being permitted to a common man as of law.
(30) Lev. XI, 31: These are the unclean unto you among all that creep. The definite article before 'unclean' is obviously superfluous, and it therefore serves to indicate that the extracts and juices from creeping things are included within the prohibition. V. supra 112b.
(31) For we have learnt above in respect of three cases (viz., the forbidden fat, leavened bread and the carcass of a clean bird) that a solution of the forbidden substance and also the extracts and juices therefrom are forbidden; and all cases could be inferred from these.
(32) With regard to creeping things.
(33) Whereas the law, is established that the eating of a lentil's bulk of a creeping thing renders one liable.

Talmud - Mas. Chullin 120b

The Divine Law then could have stated it[1] with regard to creeping things and the other cases[2] would have been inferred therefrom? Such inference could be refuted thus: It is so with the case of creeping things since they convey uncleanness no matter what their size.[3]

And as for [the Baraitha] which was taught: 'The liquids that exuded from produce of tebel,[4] or from new produce,[5] or from consecrated produced or from seventh year produce,[6] or from the produce of diverse kinds,[7] are like [the produce] themselves' — whence is this derived? Should you say it can be inferred from the other cases,[8] [but it will be refuted thus,] It is so with the others since each is an original prohibition.[9] Now this [inference] could stand in respect of those that are original prohibitions, but whence would we know it in respect of prohibitions which are not original?[10] — We could infer it from the law of the firstfruits.[11] And whence do we know it with regard to the firstfruits? — From the following teaching of R. Jose:[12] It is written: The fruit,[13] that is to say, you shall bring fruit but not liquids. And whence do we know that where a man brought grapes and trod them [into wine they are acceptable as firstfruits]? The verse therefore says: Thou shalt bring.[14] But the inference can be refuted thus: It is so with firstfruits since they require the recital [of a passage][15] and also setting down![16] — Rather it[17] must be inferred from terumah. And whence do we know it with regard to terumah itself? Because it has been likened to the firstfruits, for a Master has said: The offering if thine hand[18] refers to the firstfruits. But [it will be refuted thus]: It is so with regard to

terumah since on account of it people incur the penalty of death[19] and the penalty of the [added] fifth![20] — Rather it must be inferred from the two, from terumah and the firstfruits. But [it will be refuted thus], It is so with regard to terumah and the firstfruits since on account of them people incur the penalty of death and the penalty of the [added] fifth! — Rather it must be inferred either from terumah and one of the other cases[21] or from the firstfruits and one of the other cases.[21]

And as for [the Mishnah] which we learnt: '[If a non-priest drank in error] date-honey, cider, vinegar from wintergrapes, or any other juices,[22] of terumah, R. Eliezer declares him liable to the payment, of the value and the [added] fifth, but R. Joshua declares him exempt [from the added fifth]'[23] — on what principle do they differ?[24] — They differ as to [whether we say], 'Deduce from it and [entirely] from it', or, 'Deduce from it and establish it ln its own place'.[25] R. Eliezer holds, 'Deduce from it and [entirely] from it': thus, 'deduce from it' — just as in the case of firstfruits the liquids which exude from them are like [the fruits] themselves, so in the case of terumah, too, the liquids which exude from it are like [the fruit] itself; 'and [entirely] from it' — just as this law of firstfruits applies even to the other kinds,[26] so with regard to terumah, too, this law applies even to ,the other kinds.[27] R. Joshua holds, 'Deduce from it and establish it in its own place': thus 'deduce from it' — just as in the case of firstfruits the liquids which exude from them are like [the fruits] themselves, so in the case of terumah, too, the liquids which exude from it are like [the fruit] itself; 'and establish it in its own place' — just as the liquids that can be consecrated as terumah are only wine and oil but no other liquids, so, too, the rule that the liquids which exude from it are like [the fruit] itself, applies only to wine and oil, but to no other liquids.[28]

And as for [the Mishnah] which we learnt: 'No liquid may be brought as firstfruits excepting the product of olives and grapes'[29] — who is the author thereof? — It is R. Joshua who holds the principle, 'Deduce from it and establish it in its place', and then he infers the law as to firstfruits from terumah.[30]

And as for [the Mishnah] which we learnt: 'One would not suffer the penalty of forty stripes incurred through the transgression of the law of 'orlah[31] [for the liquid which issued from any orlah fruits] save for that which issued from olives and grapes'[29] — who is the author thereof'? — It is R. Joshua who holds the principle, 'Deduce from it and establish it in its own place', he then infers the law as to firstfruits from terumah,

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(1) That the extracts and juices from forbidden substances or the liquids made from them are included within the prohibition.

(2) Sc. the carcass of a clean bird, the forbidden fat, and leavened bread. V. Tosaf. s.v. לכתוב, and also Glos. of Isaiah Berlin in the margin of the text quoting the Adreth Hiddushim.

(3) I.e., even the size of a lentil's bulk; but v. Tosaf. 120a s.v. שכן.

(4) טבל 'mixed'; produce from which the priestly and levitical dues have not been separated.

(5) The harvest of the new season which may not be eaten before the offering of the 'omer; v. Lev. XXIII, 10-14.

(6) Cf. Ex. XXIII, 21; Lev. XXV, 2-7.

(7) Cf. Lev. XIX, 19; Deut. XXII, 9.

(8) Sc. the fat, leavened bread and the carcass of a clean bird.

(9) Lit., 'the prohibition comes from itself'; as opposed to a prohibition which is brought about by man. All the cases mentioned in this passage are original except that of consecrated produce.

(10) Sc. consecrated produce.

(11) Cf. Deut. XXVI, 1ff. Firstfruits are, like consecrated produce, rendered holy by the word of man.

(12) 'Arak. 11a.

(13) Deut. XXVI, 2.

(14) We thus see that the liquid is like the fruit.

(15) Ibid. 5ff.

(16) I.e., setting down the basket of fruit before the Lord; ibid. 10.

(17) Sc. that the liquid and juice of any substance is like the substance itself in the case of consecrated produce.
(18) Ibid. XII, 17. Heb. ותרומת ידך. By ידך, 'thy hand' is meant: Firstfruits, in reference to which 'hand' is mentioned (cf. Deut. XXVI, 4); hence terumah is equated with Firstfruits. V. Mak. 17a.
(19) When a non-priest deliberately consumes terumah he incurs the penalty of death at the hands of Heaven; cf. Lev. XXII, 9, 10.
(20) When a non-priest consumes terumah in error and makes restitution, cf. ibid. 14.
(21) I.e., either the case of leavened bread, or of the carcass of a clean bird (Rashi, but v. Tosaf. s.v. אלא). The inference is drawn by reducing these cases to their common features, that is, each is a forbidden substance and the liquid made from it is forbidden like the substance itself.
(22) Excepting wine and oil.
(23) Ter. XI, 2. Ber. 38a.
(24) Since it is established by analogy with firstfruits that the liquid exuding from terumah is like terumah itself.
(25) Whenever one subject is inferred from another by means of analogy, or by 'the common features', the question always arises as to extent to which the inference must be carried. We may say that the inference is 'from it and again from it', i.e., the subjects must be alike in every respect and on every point, or we may say that the inference is 'from it and then put in its place'. i.e., the inference is made with regard to one point only, and as for the rest each subject is regulated by the rules which govern its other aspects.
(26) I.e., to the seven kinds of products for which the Land of Israel was famed: wheat, barley, grapes, figs, pomegranates, olive-oil and date-honey. V, Deut. VIII, 8.
(27) Hence the liquids made from apples and dates are subject to the law of terumah.
(28) For wine and oil are the only liquids expressly mentioned in the Torah with regard to terumah; cf. Num. XVIII, 12; Deut. XVIII, 4. So, juice which exuded from grapes and olives of terumah is as the terumah itself.
(29) Ter. XI, 3.
(30) The rule stated in this Mishnah is arrived at by the following stages in the argument: (a) it is inferred from firstfruits that the liquid derived from terumah fruits is consecrated like the fruit itself; (b) this deduction must be governed by the conditions of terumah, i.e., this rule applies only to those liquids which are expressly mentioned in the Torah as terumah, sc., wine and oil; and finally (c) it is inferred from terumah that only the liquids from olives and grapes are acceptable as firstfruits.
(31) V. Glos.

Talmud - Mas. Chullin 121a

and finally he derives the law as to 'orlah by means of the word 'fruit' stated here and also in connection with the firstfruits.[1] AND ALAL.[2] What is ALAL? R. Johanan said: It is withered flesh.[3] Resh Lakish said: It is flesh which the knife has cut away.[4] An objection was 'raised. It is written: But ye are plasterers of lies, ye are all physicians of elil.[5] Now according to him who says it is withered flesh it is well, for such cannot be healed; but according to him who says it is flesh which the knife has cut away, surely this can be healed![6] — There is no dispute at all about the elil mentioned in the verse;[7] they only disagree as to the meaning of alal in our Mishnah.

Come and hear: [from our Mishnah]: R. JUDAH SAYS, IF SO MUCH OF ALAL WAS COLLECTED TOGETHER SO THAT THERE WAS AN OLIVE'S BULK IN ONE PLACE, ONE WOULD THEREBY BECOME LIABLE. And to this R. Huna added, provided he collected it together.[8] Now according to him who says it is the flesh which the knife has cut away, it is clear that when there was an olive's bulk of it [in one place] one would thereby become liable; but according to him who says it is withered flesh, what if there was an olive's bulk of it, it is surely only regarded as wood?They certainly do not disagree as to the alal referred to by R. Judah;[9] they only disagree as to the meaning of the alal according to the Rabbis. R. Johanan maintains that even withered flesh can be included together [with ordinary flesh to make up the minimum quantity to convey uncleanness], but Resh Lakish maintains that only the flesh which the knife has cut away can be included but withered flesh cannot be included.

What is the case with regard to the flesh which the knife had cut away? If he intended it [as a foodstuff],[10] it should contract uncleanness alone;[11] and if he did not intend it [as a foodstuff], he has then surely abandoned it! — R. Abin and R. Meyasha [each offered a suggestion]; one suggested the case where he intended part of it [as a foodstuff],[12] the other suggested the case where part was rent by a wild beast and part cut away by the knife.[13]

We have learnt elsewhere:[14] The beak and the claws contract uncleanness and convey uncleanness and can be reckoned together [with the flesh].[15] But is not the beak like wood? — It refers to the lower beak. And is not the lower beak also like wood? — R. Papa said: It means the lower part [inside membrane] of the upper beak. As to 'claws', — R. Eleazar said: It refers to that part [of the claws only] which is buried in the flesh. HORNS. R. Papa said: It refers to that part [of the horns] from which the blood flows when cut into.

SIMILARLY, IF A MAN SLAUGHTERED AN UNCLEAN ANIMAL.[16] R. Assi stated: Some teach that in the case of an Israelite [slaughtering] an unclean animal and also in the case of a gentile [slaughtering] a clean animal, there must be[17] an express intention [to regard it as a foodstuff],[18] and the animal must be[17] rendered susceptible [to uncleanness by a liquid] from another source.[19] Wherefore is it necessary that it be rendered susceptible to uncleanness? Ultimately it will convey the graver uncleanness,[20] will it not? And whatever will ultimately convey the graver uncleanness does not require to be rendered susceptible to uncleanness! For the school of R. Ishmael taught: But if water be put upon seed[21] — just as seeds, which will never ultimately convey the graver uncleanness, require to be rendered susceptible to uncleanness by a liquid,[22] in like manner, whatever will not ultimately convey the graver uncleanness requires to be rendered susceptible to uncleanness by a liquid. And it has also been taught: R. Jose says: Why did [the Rabbis] rule[23] that in the case of the carcass of a clean bird there must be an intention [to use it as food],[24] but it does not need to be rendered susceptible to uncleanness by a liquid? Because

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(1) Just as the term 'fruit' stated in connection with the firstfruits (Deut. XXVI, 2) includes the products of olives and grapes but no other liquids (v. supra n. 4) so the term 'fruit' stated (Lev. XIX, 23) in connection with 'orlah includes the products of olives and grapes but no other liquids.

(2) Heb. אלל.

(3) So R. Hananel and Tosaf. According to Rashi, it is the hard veins in the throat.

(4) When the animal is flayed some flesh is inevitably cut away and remains attached to the hide.

(5) Job XIII, 4. Heb. אלל, usually translated 'of no value'. The word is of the same root as that of our Mishnah.

(6) If the flesh cut away is replaced and bound up well it would heal up.

(7) Scriptural elil certainly means 'withered flesh' (or, 'the hard veins').

(8) And by collecting it together of set purpose he has revealed his intention that he never ceased to regard it as foodstuff. If, however, it was collected by a child, or if he himself inadvertently collected it together, R. Judah would agree that the olive's bulk of it cannot be accounted as nebelah.

(9) R. Judah when dealing with alal certainly speaks of the 'pieces of flesh cut away by the knife in flaying.

(10) Even though it was already adhering to the skin.

(11) Without being included together with other flesh; for whatsoever can be eaten and is intended to he used as a foodstuff will contract and convey food uncleanness.

(12) But he did not expressly state which part he intended as a foodstuff. Therefore, by itself it cannot contract uncleanness, for in an egg's bulk thereof only part of it is a foodstuff, but that part which was intended as a foodstuff can be reckoned together with other foodstuff to make up the quantity of an egg's bulk.

(13) A wild beast attacked the animal whilst alive and tore away a portion of flesh which was left hanging, and later when the animal was being flayed this portion of flesh and some more was cut away by the knife and remained attached to the skin. Now it is to be assumed that the portion torn by the wild beast is usually not regarded as abandoned but that cut away by the knife is; consequently this portion of flesh adhering to the skin is abandoned in part only, and therefore the other part can be reckoned together with other flesh.

(14) Toh. I, 2.

(15) The carcass of a clean bird (except that it renders the clothes of the person that eats of it unclean) is not in itself a source of uncleanness, but is regarded only as a foodstuff, to contract uncleanness from unclean matter and to transfer it to other foodstuffs. This Mishnah (Toh. I, 2) enumerates the various parts of a fowl which by themselves are not regarded as foodstuffs but can serve as handles to convey uncleanness to the fowl or from it.
(16) V. supra p. 648, n. 5.
(17) In order that the animal should convey food uncleanness, if it comes into contact with unclean matter, from the moment after the slaughtering, while it still moves about convulsively, until the moment it is dead. Without this express intention it would not be regarded as a foodstuff until it was actually dead.
(18) I.e., his intention at the time of slaughtering the unclean animal was that a gentile should eat of it immediately.
(19) But the blood from the slaughtering of this animal will not serve to render the animal susceptible to uncleanness as is the case generally with slaughtering (v. supra 35b), for the blood is regarded as the blood of a dead animal which is not designated in the Bible as a liquid. The word 'water' in cur. edd. is omitted in MSS. and is deleted by Shittah Mekuhbezeth.
(20) When the animal is actually dead it will then render men and vessels that come into contact with it, even with only an olive's bulk of it, unclean, and it also renders these unclean by carrying.
(21) Lev. XI, 38.
(22) Foodstuff, liquids, and earthenware vessels can in no circumstances be a primary source of uncleanness, for these are implicitly excluded from Num. XIX. 22, since these, once unclean, have no remedy whereby they can become clean again.
(23) V. Toh. I, 1.
(24) For the carcass of a clean bird is generally not counted as a foodstuff in small towns and villages; in large towns, however, intention to use lt as a foodstuff is not necessary since it is there generally regarded as a foodstuff, cf. 'Uk. III, 3.

Talmud - Mas. Chullin 121b

it will ultimately convey the graver uncleanness![1] — Hezekiah answered, [The case In our Mishnah is different] since he could cut it up into pieces each smaller than an olive's bulk.[2] Said R. Jeremiah to R. Zera, But could Hezekiah really have said so?[3] Behold it has been reported: If a man cut ritually, both, or the greater part of both [organs of the throat of an unclean animal], and the animal was still struggling: Hezekiah said: It is no more subject to the prohibition of limbs [from the living animal];[4] but R. Johanan said: It is still subject to the prohibition of limbs [from the living animal]. 'Hezekiah said: It is no more subject to the prohibition of limbs', because it is now considered as dead. 'R. Johanan said: It is still subject to the prohibition of limbs', because it is not actually dead![5] — He replied: It is really out of the category of living animals but has not yet come within the category of dead animals.[6]

The text above stated: 'If a man cut ritually both or the greater part of both [organs of the throat of an unclean animal], and the animal was still struggling: Hezekiah said: It is no more subject to the prohibition of limbs [from the living animal]; but R. Johanan said: It is still subject to the prohibition of limbs'. R. Eleazar said: Hold fast to this view of R. Johanan for R. Oshaia has taught in agreement with him. For R. Oshaia taught: If an Israelite slaughtered an unclean animal for a gentile, as soon as he has cut both or the greater part of both organs of the throat, even though it still struggles, it conveys food uncleanness,[7] but not the uncleanness of nebelah. A limb severed from it is regarded as severed from the living animal,[8] and flesh severed from it is regarded as severed from the living animal, and it[9] may not be eaten by a gentile even after the life of the animal has departed.[10] If he only cut one or the greater part of one organ, it does not convey food uncleanness.[11] If he stabbed it,[12] it has no uncleanness whatsoever.[11] If a gentile slaughtered a clean animal for an Israelite, as soon as he has cut both or the greater part of both organs, even though it still struggles, it conveys food uncleanness,[13] but not the uncleanness of nebelah. A limb severed from it is regarded as severed from the living animal, and flesh severed from it is regarded as severed from the living animal, and it may not be eaten by a gentile even after the life of the animal has departed. If he only

cut one or the greater part of one organ, it does not convey food uncleanness.[11] If he stabbed it, it has no uncleanness whatsoever.[11] If the gentile cut only so much as does not render the animal trefah,[14] and an Israelite came and finished it, the slaughtering is valid. If an Israelite slaughtered, whether he had cut so much as would render the animal trefah or not, and a gentile came and finished it, the slaughtering is invalid. If a person desires to eat the flesh of an animal before the life has departed from it, he should cut off an olive's bulk of flesh from around the throat, salt it well, rinse it well, wait until the life departs [from the animal], and then eat it. Both Israelite and gentile may eat it in this manner. This [Baraitha][15] lends support to the view of R. Idi b. Abin. For R. Idi b. Abin said in the name of R. Isaac b. Ashian: If a person desires to be in good health he should cut off an olive's bulk of flesh from around the throat, salt it well, rinse it well, wait until the life departs [from the animal], and then eat it. Both Israelite and gentile may eat it in this manner.[16]

R. Eleazar raised the question: What is the law if he paused or pressed down [the knife whilst cutting the organs]?[17] — Thereupon a certain old man answered: Thus said R. Johanan, It requires the same ritual acts of slaughtering as in the case of a clean animal. To what extent are the ritual acts essential? — R. Samuel b. Isaac said: Even to the examination of the knife.

R. Zera enquired of R. Shesheth: Can the animal protect the articles that are swallowed within it [from becoming unclean or not]?[18] — He replied: It already conveys food uncleanness,[19] is it then possible that it should afford protection! The other retorted: It does not yet convey the uncleanness of nebelah,[20] why then should it not afford protection? — Abaye said: It does not protect the articles that are within it from becoming unclean since it already conveys food uncleanness, and he who commits an unnatural crime upon it is culpable[21] since it does not yet convey the uncleanness of nebelah.

R. JUDAH SAYS, IF SO MUCH OF ALAL WAS COLLECTED etc. R. Huna said: Provided he collected it together [of set purpose].[22]

R. Huna also said: If there were two pieces of flesh on the hide, each a half-olive's bulk, the hide renders them negligible.[23]

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(1) For, when dead, it renders unclean the person that eats it and his clothes; therefore it does not require to be rendered susceptible to uncleanness by contact with a liquid.

(2) It must be remembered that our Mishnah deals with an animal not quite dead but still struggling, at which stage it certainly cannot convey the uncleanness of nebelah; moreover it is by no means certain that ultimately it will convey the graver uncleanness, i.e., the uncleanness of nebelah, for it is possible that the animal will be cut up into bits, each piece smaller than an olive's bulk.

(3) That while the animal still struggles it is not deemed nebelah and does not convey uncleanness as such.

(4) A gentile bound by the Seven Commandments of the Sons of Noah (cf. Sanh. 56a), is forbidden to eat a limb torn from a living animal. According to Hezekiah the animal is regarded as dead, and therefore is not subject to the aforementioned prohibition, not so according to R. Johanan.

(5) We thus see that according to Hezekiah even while the animal is still struggling it is presumably regarded as dead since the prohibition of limbs no longer applies.

(6) So that Hezekiah holds that it is not subject to the prohibition of ‘limbs’ since it can no longer be considered as living, neither can it be considered as dead to’ convey the graver uncleanness.

(7) If it came into contact with unclean matter it will convey uncleanness to other foodstuffs, for it is regarded as a foodstuff immediately on the cutting of the organs; the reason being that the ritual slaughtering performed by the Israelite expressly on behalf of the gentile renders the animal a foodstuff forthwith, just as the slaughtering by an Israelite of a clean animal certainly renders it a foodstuff forthwith.

(8) And defiles forthwith like nebelah.

(9) Sc. the limb or the flesh that was severed.

(10) Since it was severed from the ‘living’ animal, hence in agreement with R. Johanan that while struggling, the animal

is still considered living.
(11) As long as it still struggles. For the animal at this moment is permitted neither to Israelite nor to gentile.
(12) At the throat.
(13) Just as when an Israelite slaughters an animal, as soon as the organs are cut through it is rendered a foodstuff forthwith, so it is when a gentile slaughters it expressly on behalf of an Israelite.
(14) E.g., the gentile only cut half through the windpipe, so that if the gentile were to stop at this stage the animal would not be trefah. Cf. supra 59b.
(15) Which states that even the gentile may eat of it.
(16) v. supra p. 177.
(17) In the aforementioned cases, where an Israelite slaughtered an unclean animal for a gentile, or a gentile slaughtered a clean animal for an Israelite, the question is raised as to whether the slaughtering must be entirely in accordance with ritual, free from such invalidating acts as pausing or pressing (cf. supra 9a), for otherwise it is like stabbing, or not.
(18) I.e., where an Israelite slaughtered an unclean animal for a gentile, or a gentile a clean animal for an Israelite, and the animal whilst alive had swallowed certain articles, and after it was slaughtered, while still struggling, was brought under the same roof or 'tent' as a corpse. V. supra 71b where it is stated that a living person or animal can protect from the uncleanness of the 'tent' the articles that are swallowed within them. The question is: Is the animal whilst still struggling regarded as living or not?
(19) Apparently because it is considered as dead.
(20) It is then not considered as dead.
(21) He suffers the death penalty if he committed the crime deliberately, or if inadvertently, is obliged to bring a sin-offering. According to Rashi, Abaye always considers the animal in that status which produces the more stringent result; but v. Tosaf., s.v. **אביי**.
(22) V. supra p. 672, n. 7.
(23) They cannot be reckoned together as one whole olive's bulk of nebelah so as to convey uncleanness by carrying.

According to whose authority is this ruling? If according to R. Ishmael's[1] — but he maintains that the hide does not render them[2] negligible; and if according to R. Akiba's[1] — but it is obvious, for he maintains that the hide renders them[2] negligible! — In fact it is in accordance with R. Ishmael's view, for R. Ishmael only maintains that the hide does not render them negligible in the case where the pieces were torn away by a wild beast,[3] but where they were cut away by the knife [he concedes that] the hide renders them negligible.

Come and hear [from our Mishnah]. R. JUDAH SAYS, IF SO MUCH OF ALAL WAS COLLECTED TOGETHER SO THAT THERE WAS AN OLIVE'S BULK IN ONE PLACE, ONE WOULD THEREBY BECOME LIABLE. And to this R. Huna added, provided he collected it together.[4] Now if you say that even where the knife cut it[5] away it is not rendered negligible according to R. Ishmael, it is well, for then R. Huna is in agreement with R. Ishmael.[6] But if you say that where the knife cut it away R. Ishmael concedes that it is rendered negligible, then [it will be asked], With whom does R. Huna agree?[7] — You must therefore say that even where the knife cut it away it is not rendered negligible according to R. Ishmael; and R. Huna[8] is in agreement with R. Akiba. But this would be obvious? — No, for you might have thought that R. Akiba maintains his view only where the knife cut it away, but where it was torn away by a wild beast he would concede that it is not rendered negligible; he therefore teaches us that the reason for R. Akiba's view is because the hide renders it negligible, making thus no difference whether it was torn away by a wild beast or cut away by the knife, for so it reads in the last clause: 'Wherefore does R. Akiba declare him clean in the case of the hide? Because the hide renders them negligible'.[9]

MISHNAH. IN THE FOLLOWING CASES THE SKIN IS CONSIDERED FLESH:[10] THE SKIN OF A MAN, THE SKIN OF THE DOMESTIC PIG (R. JUDAH[11] SAYS, EVEN THE SKIN OF THE WILD PIG), THE SKIN OF THE HUMP OF A YOUNG[12] CAMEL, THE SKIN OF THE HEAD OF A YOUNG[12] CALF, THE SKIN AROUND THE HOOFS, THE SKIN OF THE PUDENDA,[13] THE SKIN OF A FOETUS, THE SKIN BENEATH THE FAT TAIL, THE SKIN OF THE HEDGEHOG,[14] THE CHAMELEON, THE LIZARD AND THE SNAIL. R. JUDAH SAYS, THE LIZARD IS LIKE THE WEASEL.[15] IF ANY OF THESE SKINS WAS TANNED OR TRAMPLED UPON AS MUCH AS [WAS USUAL] FOR TANNING, IT BECOMES CLEAN, EXCEPTING THE SKIN OF A MAN. R. JOHANAN B. NURI SAYS, THE EIGHT REPTILES HAVE [REAL] SKINS.[16]

GEMARA. Ulla said: According to the law of the Torah the skin of a man[17] is clean, but for what reason did they say it was unclean? As a precautionary measure lest a man make rugs out of the skin of his father and mother.

Others refer this [dictum of Ulla's] to the later clause of our Mishnah, viz., IF ANY OF THESE [SKINS] WAS TANNED OR TRAMPLED UPON AS MUCH AS [WAS USUAL] FOR TANNING, IT BECOMES CLEAN, EXCEPTING THE SKIN OF A MAN. Ulla said: According to the law of the Torah, if the skin of a man was tanned, it thereby becomes clean, but for what reason did they say it remained unclean? As a precautionary measure lest a man make rugs out of the skin of his father and mother. Now those who refer this [dictum of Ulla's] to the first clause will certainly refer it to the later cause,[18] but those who refer it to the later clause [maintain that] in the first the uncleanness is by the law of the Torah.

THE SKIN OF THE DOMESTIC PIG etc. What is the issue between them? One[19] is of the opinion that this[20] is hard and only the other[21] soft, whereas the other[22] maintains that this,[20] too, is soft.

THE SKIN OF THE HUMP OF A YOUNG CAMEL. How long is the camel considered young? — Ulla said in the name of R. Joshua b. Levi: As long as it has not borne a burden. R. Jeremiah enquired: What is the law [with regard to its skin] if it had reached the age for bearing burdens but had not actually borne any? Abaye enquired: What if it had actually borne burdens although it had not reached the age for it? — These questions must stand.

Resh Lakish was once sitting and raised the question: How long is the camel considered young? — R. Ishmael b. Abba answered: So said R. Joshua b. Levi: As long as it has not borne a burden. Whereupon he [Resh Lakish] said: Sit down opposite me.[23]

R. Zera was once sitting and raised the question: How long is the camel considered young? — Rabin b. Hinena answered him: So said Ulla in the name of R. Joshua b. Levi: As long as it has not borne a burden. He [Rabin] then repeated it over again,[24] whereupon the other [R. Zera] said to him, 'It is the only thing you knew, and you have already told us it!' Come and see the difference between the imperious men of the Land of Israel and the pious men of Babylon![25]

THE SKIN OF THE HEAD [OF A YOUNG CALF]. How long is the calf considered young? — Ulla said: Throughout its first year. R. Johanan said: As long as it sucks. The question was raised: Did Ulla mean 'Throughout its first year' provided it still sucked,[26]

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(1) V. infra 124a.

(2) Sc. pieces of flesh adhering to the hide each less than an olive's bulk.

(3) In this case the pieces of flesh became attached to the hide accidentally, without the knowledge or will of the owner, and therefore R. Ishmael holds that these pieces are not rendered negligible. Where, however, the pieces were cut away and intentionally left hanging on to the skin by the man who flayed the animal, even R. Ishmael agrees that they are negligible in themselves and are considered as part of the hide.

(4) This provision implies that the knife had cut away shreds of flesh in a number of places and left them attached to the hide. The fact that one is liable if the pieces were collected together clearly indicates that the hide did not render these shreds negligible, for had they once been rendered negligible the person who touched them would not become unclean and so not be liable for any further consequences.

(5) Sc. shreds of flesh attached to the hide.

(6) I.e., R. Judah of our Mishnah, as interpreted by R. Huna, is in agreement with R. Ishmael, and the Rabbis who differ with R. Judah are in agreement with R. Akiba.

(7) I.e., R. Judah's view as interpreted by R. Huna.

(8) I.e., the second dictum of R. Huna ('If there were two pieces of flesh' etc.) accords with R. Akiba; the first dictum of R. Huna which interprets the view of R Judah in our Mishnah ('Provided he collected it together') accords with R. Ishmael.

(9) V. infra 124a.

(10) The skins enumerated are thin and tender, and therefore with regard to the laws of uncleanness are regarded as flesh.

(11) In MS.M. and in the editions of the Mishnah: 'R. Jose'.

(12) V. Gemara, for the definition of 'YOUNG'.

(13) I.e., the skin of the womb in a female animal.

(14) Cf. Lev. XI, 29, 30, where are enumerated the eight unclean reptiles. In the case of these four mentioned, their skin is soft and is counted as the flesh. The identification of the reptiles mentioned is very uncertain; v. Lewysohn, Zoologie des Talmuds.

(15) Whose skin is hard and therefore not unclean.

(16) Lev. ibid. The skins of these eight reptiles are quite separate from the flesh and cannot convey uncleanness.

(17) Taken from a corpse. Human skin might have been preserved for sentimental reasons, or perhaps on grounds of utility.

(18) For since the skin was tanned and its character thus altered, there would be no other reason why it should remain unclean, except this precautionary measure stated by Ulla.

(19) The first Tanna.
(20) The skin of a wild pig.
(21) The skin of the domestic pig.
(22) R. Judah.
(23) As a token of his gratitude and as a mark of respect.
(24) He thought that R. Zera had not heard it the first time.
(25) Resh Lakish who was of the powerful and imperious men of Palestine (cf. Yoma 9b) treated his informant with courtesy and respect, whereas R. Zera, a Babylonian who was renowned for his piety (cf B.M. 85a) treated his informant with disrespect and insult.
(26) So that if it had passed its first year or if it had ceased to suck within its first year it was no more young.

Talmud - Mas. Chullin 122b

whereupon R. Johanan said to him, 'As long as it sucks';[1] or Ulla meant 'Throughout its first year', whether it still was sucking or not, whereupon R. Johanan said to him, 'Throughout its first year and provided it was still sucking?' — Come and hear: 'R. Johanan said: As long as it sucks' — Now if it were the case [that R. Johanan required both][2] he should have said, provided it still sucks. This proves it.

Resh Lakish enquired of R. Johanan: 'Can the skin of the head of a young calf convey uncleanness or not?' — He replied: 'It cannot' — 'But', said the other, 'you, our teacher have taught us, "IN THE FOLLOWING CASES THE SKIN IS CONSIDERED AS FLESH: . . . THE SKIN OF THE HEAD OF A YOUNG CALF"'. — He replied: 'Do not weary me [with your arguments], for I taught that [Mishnah] as the opinion of an individual.[3] For it was taught:[4] If a man slaughtered a burnt-offering purposing to burn an olive's bulk of its skin from under the fat tail at the improper place,[5] the sacrifice is invalid, and he is not liable to the punishment of kareth,'[6] but [if he purposed to burn it] at the improper time, it would be piggul,[6] and he would be liable to the punishment of kareth. Eleazar b. Judah of Ablum[7] stated in the name of R. Jacob, similarly R. Simeon b. Judah of Kefar 'Ikum[8] stated in the name of R. Simeon, [If a man while slaughtering a burnt-offering intended to burn] either the skin around the hoofs, or the skin of the head of a young calf, or the skin from under the fat tail, or any of the skins[9] enumerated by the Sages in connection with the law of uncleanness VIZ., IN THE FOLLOWING CASES THE SKIN IS ACCOUNTED AS FLESH, meaning to include the skin of the pudenda[10] — at the improper place the sacrifice is invalid, and he is not liable to the punishment of kareth; but at the improper time, it would be piggul, and he would be liable to the punishment of kareth'.

THE SKIN AROUND THE HOOFS. What is the meaning of AROUND THE HOOFS? — Rab said: It means actually around the hoofs. R. Hanina said: It means the [skin upon the nethermost] limb[11] which is usually sold with the head.

THE SKIN OF THE HEDGEHOG. Our Rabbis taught: 'The unclean'[12] includes their skins, which are to be regarded as their flesh. I might then say that this is so with regard to then, all,[13] the verse therefore states These.[12] But does not the expression 'These' refer to all [reptiles mentioned]?[14] — Rab said: The phrase After its kinds[15] interrupts the subject matter. And why is not the mole also reckoned?[16] — R. Samuel b. Isaac said: Rab is himself a Tanna and he [in his Mishnah] includes the mole. But why does not our Tanna [of our present Mishnah] include the mole? — R. Shesheth the son of R. Idi said: Our Tanna agrees with R. Judah that it depends upon the feel [of the skin],[17] but he differs with him[18] about the feel of the [skin of the] lizard.[19]

IF ANY OF THESE SKINS WAS TANNED etc. Only if trampled upon does it [become clean], but if not trampled upon it does not [become clean]; but R. Hiyya has taught [to the contrary], viz., If a man patched up his basket with the ear of an ass it becomes clean![20] — If he patched up something

with it, then it becomes clean even though it had not been trampled upon; but if he had not patched up anything with it, then if trampled upon it does [become clean], but if not trampled upon it does not [become clean]. How much [trampling] would be sufficient for tanning? — R. Huna said in the name of R. Jannai, [The equivalent of a] four mils [distance].

R. Abbahu said in the name of Resh Lakish: For kneading,[21] for prayer,[22] and for washing the hands,[23] the standard is four mils. R. Nahman b. Isaac said:

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(1) Even though it had passed its first year.

(2) That it must be in its first year and also continue to suck.

(3) It accords with the individual opinion of Eleazar b. Judah infra. V. supra 55b.

(4) Zeb. 28a.

(5) An intention, expressed during the slaughtering of a sacrifice, of performing a subsequent service improperly, can only invalidate the sacrifice if the proposed service relates to matters which are usually so served and performed. E.g., an intention, expressed during the slaughtering of the sacrifice, of eating at the improper time or place, such parts which are not usually eaten, as the hide, does not invalidate the sacrifice. It is evident, therefore, that the skin from under the fat tail is regarded as edible inasmuch as the sacrifice is rendered invalid by the wrongful intention with regard to it.

(6) V. Glos.

(7) V. supra p. 305, n. 1.

(8) V. supra ibid., n. 2.

(9) This Tanna — Eleazar b. Judah — is of the opinion that all the skins mentioned in our Mishnah are edible and therefore regarded as flesh, whereas the first Tanna (with whom R. Johanan is in agreement) considers only the skin under the fat tail as edible.

(10) I.e., the skin of the womb of the female animal. This had to be specially included for the Tanna was dealing with the case of a burnt-offering which is a male and not a female animal.

(11) I.e., the metatarsus, which is usually sold with the head as offal.

(12) Lev. XI, 31. The three verses relevant to this argument read: (v. 29) . . . the weasel, and the mouse, and the toad after its kinds, (v. 30) and the hedgehog, and the chameleon, and the lizard, and the snail, and the mole. (v. 31) These are the unclean amongst all the creeping things.

(13) I.e., that the skins of those mentioned in v. 29 should also be reckoned as the flesh.

(14) Both in vv. 29 and 30.

(15) Ibid. 29. The term These (in v. 31) refers only to those reptiles mentioned in the preceding verse 30.

(16) Which is also mentioned in v. 30.

(17) The Tanna of our Mishnah and R. Judah (also mentioned in our Mishnah) do not form their views by the interpretation of the aforementioned verses but from practical observation. It depends entirely upon the feel of the skin. If the skin of the reptile feels soft and fleshy it is regarded as flesh, but if hard and scaly it is not regarded as flesh.

(18) I.e., with R. Judah.

(19) The skin of the lizard according to R. Judah feels hard but according to the first Tanna it has the feel of flesh.

(20) The ass's ear becomes clean as soon as it serves as skin even though it has not been treated in any way for tanning and not even trampled upon.

(21) A person who undertakes, for reward, to knead the dough of an owner in conditions of levitical cleanness, and the owner's vessels are unclean, must go even a distance of four miles, if that is the nearest mikweh, in order to immerse the vessels, but no further. For other explanations v. Tosaf. s.v. לגבל.

(22) A person who is on the way and wishes to rest for the night, and knows of a Synagogue not more than four mils away, must continue his journey till he reaches that Synagogue in order to pray there.

(23) Before meals. If a person knows that he can obtain water a distance of four mils away, he must wait until he reaches it before making a meal.

Talmud - Mas. Chullin 123a

It was Aibu who reported this[1] and he mentioned four things, one of which was the trampling for tanning. R. Jose b. R. Hanina said: This ‘teaching applies only to the distance ahead of him,[2] but [as

for going] back he need not turn back even one mil. R. Aha b. Jacob said: From this [can be inferred that] a distance of one mil he need not turn back, but a distance of less than a mil he must turn back.

Our Rabbis taught: If a [Roman] legion which passes from place to place enters a house, the house is unclean, for there is not a legion that does not carry with it several scalps.[3] And be not surprised at this; for R. Ishmael's scalp was placed upon the head of kings.[4]

MISHNAH. IF A MAN WAS FLAYING CATTLE OR WILD ANIMALS, CLEAN OR UNCLEAN,[5] SMALL OR LARGE, IN ORDER TO USE THE HIDE FOR A COVERING,[6] [THE HIDE] IS REGARDED AS A CONNECTIVE [WITH THE FLESH] IN RESPECT OF UNCLEANNESS, FOR THE FLESH TO CONTRACT UNCLEANNESS OR CONVEY UNCLEANNESS, UNTIL SO MUCH [OF THE] HIDE HAS BEEN FLAYED AS CAN BE TAKEN HOLD OF;[7] OR IF [IT WAS BEING FLAYED] FOR A WATER-SKIN,[8] UNTIL THE BREAST HAS BEEN FLAYED;[9] OR IF IT WAS BEING FLAYED FROM THE FEET UPWARDS,[10] UNTIL THE WHOLE HIDE[11] [HAS BEEN FLAYED]. AS FOR THE SKIN THAT IS ON THE NECK, R. JOHANAN B. NURI DOES NOT REGARD IT AS A CONNECTIVE,[12] BUT THE SAGES DO REGARD IT AS A CONNECTIVE UNTIL THE WHOLE HIDE HAS BEEN FLAYED.

GEMARA. What is the law when more than this[13] [has been flayed]? — Rab said: That which has already been flayed is clean;[14] R. Assi said: The handbreadth nearest to the flesh is unclean.[15]

An objection was raised: If a man had flayed this extent,[16] henceforth whosoever touches that which has already been flayed is clean.[17] Presumably [this is so] even [if he touches] the handbreadth nearest to the flesh?[18] — No, except for the handbreadth nearest to the flesh.

Come and hear: [Whosoever touches] the skin opposite the flesh is unclean. [That is, presumably whosoever touches] the skin opposite the flesh only is unclean, but [whosoever touches the skin in] the handbreadth nearest to the flesh is clean! — This Tanna expresses the handbreadth nearest to the flesh by the term ‘the skin opposite the flesh’.

Come and hear: If a man flayed cattle or wild animals, clean or unclean, small or large, in order to use the hide for a covering, [and he flayed] so much [of the hide] as can be taken hold of, [it does not serve as a connective], and the handbreadth nearest to the flesh is clean! — That refers to the first handbreadth.[19] It was taught: How much is meant by ‘so much as can be taken hold of’? — A handbreadth. But it was taught: Two handbreadths! — Abaye explained (The former Baraitha meant) a double handbreadth. And so it has been expressly taught: How much is ‘so much as can be taken hold of’. A double handbreadth.

We have learnt elsewhere:[20] If a man had begun to tear a garment[21] (which was unclean), so soon as the greater part of it is torn[22] the parts can no longer be deemed to be joined and it is clean. R. Nahman said in the name of Rabbah b. Abbuha: This [teaching] applies only to a garment which had been immersed that same day,[23] for since he did not shrink from immersing it, he likewise will not shrink from tearing the greater part of it; but it does not apply to a garment which had not been immersed that same day, for it is to be feared that he will not tear the greater part of it. Thereupon Rabbah said: There are two objections to this argument. In the first place [it certainly cannot apply to a garment which had been immersed that same day], for people might say that immersion during the day is sufficient [to render an article clean];[24] secondly,

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(1) In the name of R. Simeon b. Lakish, and not R. Abbahu.

(2) This distinction obviously according to Rashi does not refer to the case of the kneader, for to him it would make no difference in which direction he would have to go. V. however, Tosaf. supra 122b s.v. לגבי.

(3) As mementos of victories, or, as Rashi suggests, to serve as charms against danger in battle.
(4) Cf. A.Z. 11b, Sonc. ed., p. 58.
(5) Either the animal was clean (i.e., of the species fit for food, and also slaughtered ritually) and the man who flayed it was unclean, or the animal was unclean (i.e., either of the former species but not ritually slaughtered, or of the species that are forbidden to be eaten even though slaughtered ritually) and the man who flayed it was clean.
(6) For this purpose the hide was slit the whole length of the animal and flayed on both flanks, the result being one large sheet of hide.
(7) Until this much has been flayed that portion which has actually been flayed is not regarded as entirely disconnected from the flesh but rather as a 'handle' which conveys uncleanness to and from the flesh. Once this extent (- for the measure v. Gemara —) has been flayed the hide is regarded as disconnected and can no longer serve as a handle.
(8) For this purpose the hide was not slit lengthwise but was cut around the neck and flayed whole from the animal so as to form a receptacle to hold liquids.
(9) The breast is the most difficult part of the operation of flaying for the hide adheres fast there and, therefore, so long as the region of the breast has not been flayed that which has already been flayed serves as a connective or 'handle' to the flesh.
(10) In this manner of flaying, the region around the breast is the last important section to be flayed, although there yet remains the skin around the neck to be flayed.
(11) Whether this includes the flaying of the skin around the neck or not, is the subject of the following dispute between R. Johanan b. Nuri and the Sages.
(12) It is negligible and soon falls away of itself by the weight of the rest of the hide, and therefore can no longer serve as a connective.
(13) Sc. as much as can be taken hold of; a handgrip.
(14) But that which still adheres to the flesh serves as a 'protection' and conveys uncleanness to and from the flesh.
(15) The last handbreadth of the skin that had been flayed nearest to the flesh is unclean, i.e., it serves as a 'handle' to convey uncleanness to and from the flesh.
(16) As much as a handgrip.
(17) Assuming the animal was itself unclean; for it does not serve as a 'handle'.
(18) Contra R. Assi.
(19) R. Assi admits that where only so much of the hide as can be taken hold of plus one handbreadth had been flayed the handbreadth nearest to the flesh is not deemed a 'handle' for the amount flayed is too little to be made use of as a handle. For a var. text and interpretation v. Tos. s.v. בפירוש.
(20) Kel. XXVIII, 8.
(21) In order to render it clean by making it unfit for its former use.
(22) The original garment is now deemed to be destroyed and with it the uncleanness it bore, even though each part of the garment is of a substantial size (Rashi). According to Tosaf. the garment was torn to shreds there was no piece the width of three fingerbreadths but these shreds were joined at one end (v. Tosaf. supra 72b s.v. בשעת).
(23) Ordinarily the garment by evening would be clean, but this man desiring to use it immediately with clean things sets a bout to tear it. Now since he has actually immersed it in the waters of a mikweh, an act which certainly does not improve the garment, he will have no hesitation in tearing the greater part of the garment.
(24) For those who saw the immersion of the article by day and later see it used that selfsame day with clean things, will be led to believe that immersion by itself renders an article clean without the additional necessity of waiting until sunset of that day, for they might not be aware of the fact that the garment had been torn.

Talmud - Mas. Chullin 123b

the same is to be feared in the case of the burnt-offering of a bird, according to the view of R. Eleazar son of R. Simeon, namely that he will not divide the greater part of both organs [of the throat]![1] — R. Joseph replied to him: As for your objection 'people might say that immersion during the day is sufficient', [my answer is,] the tearing explains the position;[2] and as for your objection 'The same is to be feared in the case of a burnt-offering of a bird according to the view of R. Eleazar son of R. Simeon', [my answer is,] priests are most careful.[3]

Come and hear: IF A MAN WAS FLAYING CATTLE OR WILD ANIMALS, CLEAN OR UNCLEAN, SMALL OR LARGE, IN ORDER TO USE THE HIDE FOR A COVERING, UNTIL SO MUCH [OF THE HIDE HAS BEEN FLAYED] AS CAN BE TAKEN HOLD OF, etc.Now if more than this had been flayed, it would be clean, would it not? But why? Should we not apprehend that he will have flayed only so much as can be taken hold of, in which case [by touching the hide] he is [as it were] touching uncleanness,[4] and yet we declare him to be clean? If it were a case of uncleanness as enjoined by the Torah this would indeed be so; but here we really speak of uncleanness as enjoined by the Rabbis.[5] This is well in the case of an unclean person [flaying] a clean animal, but in the case of a clean person [flaying] an unclean animal, surely the uncleanness is enjoined by the Torah![6] — It refers to a trefah animal.[7] And can a trefah animal render ought unclean? — Yes, as stated by Samuel's father. For Samuel's father stated: A trefah animal that was slaughtered renders holy things unclean.[8]

Come and hear: R. Dosethai b. Judah says in the name of R. Simeon: If a man was skinning reptiles, the skin is regarded as a connective until the whole has been removed. Now it follows, does it not, that in the case of a camel it is not regarded as a connective?[9] — Draw not the inference that in the case of a camel it is not regarded as a connective, but rather that in the case of a camel the skin that is on the neck is not regarded as a connective, and this accords with the opinion of R. Johanan b. Nuri.[10]

R. Huna said in the name of R. Simeon son of R. Jose: This [teaching][11] applies only to the case where he did not leave [untorn] a portion sufficient for an apron, but if he left [untorn] a portion sufficient for an apron, it [the garment] is deemed to be joined.

Resh Lakish said: This [teaching][12] applies only to a garment, but in the case of leather, [what is left] is firm.[13] But R. Johanan said: Even in the case of leather, [what is left] is not firm. R. Johanan raised an objection against Resh Lakish [from the following Mishnah]: If a hide had contracted midras[14] uncleanness, and a man had the intention to use it for straps and sandals, so soon as he puts the knife into it it becomes clean;[15] so R. Judah. But the Sages say. Not until he has reduced its size to less than five handbreadths.[16] It follows, however, that if he had reduced its size [to less than five handbreadths] it would be clean; but why? Surely, we should say, [what is left] is firm! — When do we say, [what is left] is firm, only in the case where the hide was cut with a straight cut, but here we must suppose that it was trimmed on all sides.[17]

R. Jeremiah raised an objection: IF A MAN WAS FLAYING CATTLE OR WILD ANIMALS, CLEAN OR UNCLEAN, SMALL OR LARGE, IN ORDER TO USE THE HIDE FOR A COVERING, UNTIL SO MUCH [OF THE HIDE HAS BEEN FLAYED] AS CAN BE TAKEN HOLD OF, etc. Now if more than this had been flayed it would be clean, would it not? But why? Surely we should say [that the residue of the hide that is attached to the carcass] is firm! — R. Abin explained it, [that with regard to the hide,] each portion[18] flayed is considered as fallen away.[19]

R. Joseph raised an objection: AS FOR THE SKIN THAT IS ON THE NECK, R. JOHANAN B. NURI DOES NOT REGARD IT AS A CONNECTIVE. But why? Surely it holds firm![20] — Thereupon Abaye said to him, But read the next line: BUT THE SAGES DO REGARD IT AS A CONNECTIVE![21] In fact, said Abaye, the point at issue between them[22] is concerning a protection that will soon fall away of its own accord:[23] one maintains that it is still a protection,[24] the other[25] that it is no protection.

R. Jeremiah raised an objection: If an oven[26] had become unclean how can one make it clean again? One should divide it into three parts[27] and scrape off the plastering

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(1) In sacrificing the burnt-offering of a bird the head had to be nipped off by the officiating priest, but not severed

entirely (cf. Lev. I, 17); and according to the interpretation of R. Eleazar b. R. Simeon, it means that he must divide the greater portion of each organ and no more (v. supra 21a). Now is there not a similar apprehension in this case that the priest will not divide the greater portion of the organs?

(2) The onlookers will know that it is the tearing of the garment that renders it clean and not the immersion by itself.

(3) And do exactly what is required by law, neither more nor less.

(4) Assuming that the carcass was unclean.

(5) I.e., the ruling with regard to an unclean person flaying a clean animal as stated in our Mishnah, refers to a person that was rendered unclean by enactment of the Rabbis (cf. the cases enumerated in Shab. 13b) and the animal spoken of was a consecrated animal. Accordingly we do not impose any further preventive measures by reason of such remote apprehensions.

(6) I.e., the uncleanness of nebelah.

(7) The reference in our Mishnah with regard to an unclean animal, really means an animal which was slaughtered and found to be trefah.

(8) So according to Maim. Yad, Aboth Ha-tumah, II, 8. Rashi interprets: A consecrated animal which was slaughtered and found to be trefah renders unclean, v. supra 73a.

(9) As soon as the extent of a handgrip of the hide has been flayed. And there is no mention of any apprehension lest on account of this ruling, people might be led to believe that even when less than a handgrip had been flayed the hide is not to be regarded as a connective. This then conflicts with R. Nahman's statement supra.

(10) This refers to the case where the man who flays the camel requires the hide for a water-skin, or where he flays it from the feet upwards; in either case, according to R. Johanan b. Nuri, once the whole hide, with the exception of that which is on the neck, has been flayed, it can no longer be regarded as a connective (v. our Mishnah supra), in contradistinction from the case of reptiles, for with reptiles even the skin around the neck is regard ed as a connective. There is indeed here no ground at all to apply a preventive measure in apprehension lest he who flays the camel will not remove all the hide with the exception only of that which remains on the neck, in which case the hide would be a connective, for the standard has been clearly stated, namely, whether or not anything more than the skin of the neck remains, and this standard is a matter which is clearly noticeable and ascertainable. On the other hand, the standard 'as much as can be taken hold of' is not so clearly defined and ascertainable; similarly, the difference between tearing the greater part of a garment and only half of it is also a matter not clearly discernible, accordingly in the latter two cases there is ground for a restrictive measure.

(11) That a garment is rendered clean by tearing the greater part of it.

(12) That where there was not left untorn a portion sufficient for an apron the garment is rendered clean.

(13) No matter how little it is, for it can be sewn together and used again for its original purpose.

(14) Heb. מדרס. The degree of uncleanness arising when an unclean person, of those mentioned in Lev. XV, 2, 19, 25, sits or treads upon or leans with the body against an object, provided such object is fit and generally used for one of the above purposes.

(15) By putting the knife to it he has annulled it from its original use even though there are as yet substantial pieces left each five handbreadths square, this being the minimum size for leather to contract midras uncleanness (cf. Kel. XXVII. 2).

(16) Kel. XXVI, 9.

(17) Since there are irregular cuts on all sides, even if it is sewn together it will not hold firm.

(18) Lit., 'the first, the first'.

(19) For it cannot by any means be made to adhere again to the flesh, whereas in the case of a garment it can be sewn together to hold fast.

(20) The skin on the neck still adheres to the flesh, nevertheless, R. Johanan b. Nuri holds that whosoever touches this skin (the animal being unclean) is not thereby rendered unclean; thus conflicting with Resh Lakish's view.

(21) And this would be in support of Resh Lakish's view.

(22) Sc. between the Sages and R. Johanan b. Nuri in our Mishnah.

(23) E.g., the skin around the neck when all the rest of the hide has been removed.

(24) The Sages hold that so long as it has not fallen off it still serves as a protection and conveys uncleanness to and from the flesh.

(25) R. Johanan b. Nuri.

(26) It usually consisted of an earthenware pot with no bottom, placed on the ground, and plastered on all sides with clay

to hold it firm.
(27) So that no part thereof be more than half the size of the original oven. Cf. Lev. XI, 35.

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so that it[1] lies on the ground. R. Meir says. One need not scrape off the plastering nor [see to it] that it lies on the ground, but one need only cut it down to less than four handbreadths high inside.[2] It follows that if one did cut it down to less than four handbreadths high it would be clean; but why? Surely we should say that it stands firm![3] — Thereupon Raba said to him, Why not rather quote the view of the Rabbis,[4] 'One should scrape off the plastering so that it lies on the ground' [in support]? Rather, said Raba, This is the interpretation: If an oven had become unclean how can one make it clean again? It is the unanimous opinion that one should divide it into three parts and scrape off the plastering so that it lies on the ground. And if one desires that the oven should not be susceptible to uncleanness what should one do? One should divide it into three parts and should scrape off the plastering so that it lies on the ground. R. Meir says. One need not scrape off the plastering nor [see to it] that it lies on the ground, but one need only cut it down to less than four handbreadths high inside.[5]

The Master said: 'One should divide it into three parts'. But there is a contradiction to this, for we have learnt: An oven must, in its first state, be [at least] four handbreadths high,[6] and any fragment thereof[7] [is still unclean if it is] four handbreadths high: so R. Meir. But the Sages say. This[8] applies only to a large oven,[9] but as regards a small oven[10] no matter what its height was in its first state, provided its manufacture was complete. [it is susceptible to uncleanness,] and any fragment thereof [is still unclean if it amounts to] the greater portion of [the oven].[11] How much is meant by 'no matter what its height'? R. Jannai said, [At least] one handbreadth high, for it is usual to make an oven one handbreadth high [as a plaything]. Now only if there is a fragment of four handbreadths [is it still unclean], but if there is no fragment of four handbreadths it is clean![12] — I can answer: There he split it across the width,[13] but here he split it lengthwise.[14]

The Master said: 'And any fragment thereof [is still unclean if it amounts to] the greater portion of [the oven]'. But of what use can the greater portion of a handbreadth be? — Abaye said: It means, any fragment of a large oven [is still unclean if it amounts to] the greater portion of it. But [with regard to a large oven] the Sages say [in agreement with R. Meir that it is still unclean if the fragment is] four handbreadths? — This is no difficulty: one ruling refers to an oven nine handbreadths high, the other to an oven seven handbreadths high.[15]

Another version reports the passage as follows: R. Huna said in the name of R. Ishmael son of R. Jose. Even if he left a portion sufficient for an apron [the garment is rendered clean]. Thereupon Resh Lakish said: This [teaching] applies only to a garment, but in the case of leather [what is left] is of value.[16] But R. Johanan said: Even in the case of leather [what is left] is of no value. R. Johanan raised the following objection against Resh Lakish: If[17] a hide had contracted midras uncleanness and a man had the intention to use it for straps and sandals, so soon as he puts the knife into it it becomes clean: so R. Judah. But the Sages say. Not until he has reduced its size to less than five handbreadths. It follows, however, that if he had actually reduced its size [to less than five handbreadths] it would be clean; but why? Surely we should say [what is left] is of value! — We must suppose here that he intended [the hide] to serve as a seat for one suffering with an issue.[18]

MISHNAH. IF THERE WAS AN OLIVE'S BULK OF [UNCLEAN] FLESH ADHERING TO THE HIDE[19] AND A MAN TOUCHED A SHRED HANGING FROM IT,[20] OR A HAIR THAT WAS OPPOSITE TO IT,[21] HE BECOMES UNCLEAN.[22] IF THERE WERE TWO PIECES OF FLESH EACH A HALF-OLIVES BULK UPON IT, THEY CONVEY UNCLEANNESS BY CARRYING[23] BUT NOT BY CONTACT:[24] SO R. ISHMAEL. R. AKIBA SAYS, NEITHER BY

CONTACT NOR BY CARRYING.[25] R. AKIBA, HOWEVER, AGREES THAT IF THERE WERE TWO PIECES OF FLESH, EACH A HALF-OLIVE'S BULK, STUCK ON A CHIP AND A MAN SWAYED[26] THEM, HE BECOMES UNCLEAN.[27] WHEREFORE THEN DOES R. AKIBA DECLARE HIM CLEAN IN THE [CASE WHERE THEY ADHERE TO THE] HIDE? BECAUSE THE HIDE RENDERS THEM NEGLIGIBLE.

GEMARA. 'Ulla said in the name of R. Johanan. This rule[28] applies only to the case where a wild beast tore it away,[29] but where it was cut away by the knife [in flaying] it certainly is deemed negligible.[30] R. Nahman enquired of 'Ulla, 'Did R. Johanan also say so even if it was as large as a tirta?[31] — He replied. 'Yes'. 'And even as large as a sieve?' — He replied. 'Yes'. 'By God!' said the other; 'even if R. Johanan himself had told it me by his own mouth I should not have accepted it!'

When R. Oshaia went up [to Palestine] he met R. Ammi and reported to him the discussion, 'So said 'Ulla and so answered R. Nahman'. Said [R. Ammi] to him, 'And even if R. Nahman is the son-in-law of the Exilarch shall he make light of the teaching of R. Johanan?' On another occasion he [R. Oshaia] found him [R. Ammi] sitting and expounding it[32] with reference to the second clause [of our Mishnah] thus: 'IF THERE WERE TWO PIECES OF FLESH EACH A HALF-OLIVE'S BULK UPON IT. THEY CONVEY UNCLEANNESS BY CARRYING BUT NOT BY CONTACT: SO R. ISHMAEL. R. AKIBA SAYS, NEITHER BY CONTACT NOR BY CARRYING. Thereupon R. Johanan had said: This rule[33] applies only to the case where a wild beast tore them away, but where they were cut away by the knife [in flaying] they are deemed negligible'. Then said [R. Oshaia]. 'Does the Master refer it to the second clause?' — He replied. 'Yes; did 'Ulla tell it you with reference to the first clause?' Said the other, 'He did'. 'By God!' said R. Ammi, 'even if Joshua the son of Nun had told it me by his own mouth I should not have accepted it!' When Rabin came down with all the company[34] that used to come down [from Palestine to Babylon] they reported that it referred to the first clause. But is there not then a difficulty?[35] — As R. Papa suggested [elsewhere][36]

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(1) Sc. the plastering; i.e., the plastering must be entirely demolished so that it in no wise supports the parts of the oven (Rashi); or, 'it' sc. each part of the oven (Maim); or, 'it' sc. the crack must run from the top to the bottom of the oven, i.e., a perpendicular crack (R. Samson of Sens).

(2) Kel. V, 7.

(3) By reason of the plastering around it. This then conflicts with Resh Lakish who maintains that if only a portion of an article remains firm, although the rest of it is broken or torn, it is still considered an article.

(4) Sc. the first Tanna of this Mishnah.

(5) The dispute therefore between R. Meir and the Rabbis is only with regard to an oven which was not unclean, concerning the measures necessary in order to prevent it from ever becoming unclean.

(6) In order to be susceptible to uncleanness.

(7) I.e., of a large oven which was broken in order to be made clean again; cf. Lev. XI, 35.

(8) Sc. the ruling of R. Meir.

(9) I.e., an oven used for baking or cooking.

(10) Which is used as a plaything.

(11) Kel. V, 1.

(12) This clearly contradicts the aforementioned Mishnah which states that an oven to be made clean again must be divided into three parts, but it would not be sufficient to divide it into two, even though each part would be less than four handbreadths.

(13) And if none of the fragments are of four handbreadths, the oven is absolutely useless and therefore clean.

(14) And if there remains standing the greater part of the oven, even though such part is less than four handbreadths, it remains unclean. It must therefore be divided into three parts so that no part is equal to the greater part of the oven.

(15) The Sages adopt rules of leniency: where the greater portion of the oven is more than four handbreadths then they regard fragments up to the size of the greater portion as clean; and where the greater portion is less than four handbreadths then they regard fragments up to four handbreadths as clean.

(16) Even though it is only the size of an apron. Hence it is not rendered clean by 'the tearing, for it cannot be said to be destroyed for al use.
(17) V. supra p. 690.
(18) Reading למושב זב. According to MS.M. and 'Aruch the reading is למושבזג, a peculiar word, whose etymology as well as meaning is extremely doubtful. 'A leather seat of a folding chair' (Jast). The argument is, since the hide was intended to be used for a particular purpose so soon as it is diminished and so rendered unfit for that purpose it is deemed to be of no value.
(19) In one place.
(20) I.e., from the olive's bulk of flesh (Rashi). According to Maim. the Mishnah refers to a fibre that proceeds from the hide.
(21) I.e., on the outside of the hide, directly over the morsel of flesh.
(22) For the shred is like the flesh itself, and the hair is a protection to the flesh.
(23) For when a person carries the hide he carries at the same time an olive's bulk of the carcass.
(24) Since the pieces are apart they cannot be touched simultaneously but only one after the other, and each time only a half-olive's bulk is touched. The two separate 'contacts' cannot be reckoned together to make up a 'contact' of an olive's bulk.
(25) For R. Akiba is of the opinion (infra) that flesh less than an olive's bulk adhering to hide is deemed as part of the hide itself.
(26) I.e., moved them without actually touching them. Heb. היסט 'swaying'. 'shaking'.
(27) V. Gemara for the reason of R. Akiba s view.
(28) That an olive's bulk of flesh adhering to the hide is not rendered negligible.
(29) I.e., a wild beast bit into the animal whilst alive and later when the animal was being flayed pieces of flesh were found to have been torn away and left hanging to the hide.
(30) Even though there is a whole olive's bulk of flesh.
(31) A quarter of a kab; or, the pan of scales (Rashi). The question is, what if the knife, whilst flaying, cut away a large slice of flesh as much as a tirta? Can this quantity, too, be deemed negligible or not?
(32) Sc. the above statement of R. Johanan.
(33) That two pieces of flesh each a half-olive's bulk are not rendered negligible according to R. Ishmael.
(34) נחותי; the scholars who used to travel to and fro between Palestine and Babylon reporting teachings of the one country to the other.
(35) For if it is held that a whole olive's bulk of flesh is rendered negligible when cut away by the knife then the same should be the case where flesh the size of a tirta or a sieve was cut away. But this is contrary to reason!
(36) V. infra.

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that the flesh was beaten thin, so here it could also be explained that the flesh was beaten thin.[1]

IF THERE WERE TWO PIECES OF FLESH EACH A HALF-OLIVES BULK UPON IT etc. Bar Padda said: This ruling[2] applies only to the case [where a man touched them] from the outside,[3] but [where he touched them] on the inside[4] the two contacts can be reckoned together.[5] But R. Johanan said: The two contacts cannot be reckoned together.

R. Johanan is consistent in his view, for R. Johanan also said that R. Ishmael and R. Dosa b. Harkinas said the same thing. R. Ishmael taught it in the above passage,[6] and R. Dosa b. Harkinas in the following Mishnah which we learnt: If any matter[7] which causes uncleanness in a 'tent'[8] was divided and [the parts][9] brought into a house, R. Dosa b. Harkinas declares [everything under the same roof-space] clean, but the Sages declare it unclean.[10] Now does not R. Dosa b. Harkinas hold that two overshadowings[11] cannot be reckoned together? Similarly, two contacts cannot be reckoned together.

As it is established that R. Dosa b. Harkinas is in agreement with R. Ishmael, it follows that the

Sages [the opponents of R. Dosa] are in agreement with R. Akiba [the opponent of R. Ishmael]. But does not R. Akiba hold that they are entirely clean?[12] — R. Akiba only declares them clean when adhering to the hide, but otherwise they[13] convey uncleanness, as stated in the latter part [of the Mishnah]: R. AKIBA, HOWEVER, AGREES THAT IF THERE WERE TWO PIECES OF FLESH. EACH A HALF-OLIVE'S BULK, STUCK ON A CHIP AND A MAN SWAYED THEM, HE BECOMES UNCLEAN. WHEREFORE THEN DOES R. AKIBA DECLARE HIM CLEAN IN THE [CASE WHERE THEY ADHERE TO THE] HIDE? BECAUSE THE HIDE RENDERS THEM NEGLIGIBLE.

R. 'Ukba b. Hama raised an objection. It is written: [He that toucheth] the carcass thereof,[14] but not the hide upon which are two pieces of flesh each a half-olive's bulk. I might think that the same is the case with regard to carrying, the verse therefore says. And he that carrieth . . . shall be unclean.[15] So R. Ishmael. R. Akiba says: It is written: 'He that toucheth', and 'He that carrieth': therefore, what comes within the scope of uncleanness by contact, comes within the scope of uncleanness by carrying, and what does not come within the scope of uncleanness by contact does not come within the scope of uncleanness by carrying.[16] Now if it were so,[17] it indeed comes within the scope of uncleanness by contact on the inside! — Raba answered. He means to say this: What comes within the scope of uncleanness by contact on every side thereof comes within the scope of uncleanness by carrying, and what does not come within the scope of uncleanness by contact on every side thereof does not come within the scope of uncleanness by carrying.[18]

R. Awia the Elder enquired of Rabbah son of R. Huna: Can a closed marrow-bone, according to R. Ishmael, convey uncleanness [by carrying] or not? Does R. Ishmael accept the principle 'What comes within the scope of uncleanness by contact, comes within the scope of uncleanness by carrying, and what does not come within the scope of uncleanness by contact, does not come within the scope of uncleanness by carrying',[19] — but here [in our Mishnah] the reason[20] is because it comes within the scope of uncleanness by contact on the inside; or does he not accept this principle at all? — He replied: See, there's a raven flying past.[21] [When R. Awia left,] his son Raba said to him,[22] 'Was that not R. Awia the Elder of Pumbeditha whom you. Sir, have praised as a great man'? He replied: 'I am to-day [in the condition of the lover who said,] Sustain me with raisin-cakes![23] And he asks me a matter which requires much reasoning!'

Ulla said: If there were two pieces of flesh, each a half-olive's bulk, stuck on a chip and a man waved them to and fro, even the whole day long, he remains clean. Why? Because [as] written [the word can be read] 'be carried', but [by tradition] we read 'carries';[24] it is necessary therefore that when one 'carries' it it must be able to 'be carried' at one time.[25]

We have learnt: IF THERE WERE TWO PIECES OF FLESH, EACH A HALF-OLIVE'S BULK. UPON IT, THEY CONVEY UNCLEANNESS BY CARRYING BUT NOT BY CONTACT; SO R. ISHMAEL. Wherefore is this so? They surely cannot 'be carried' at one time? — R. Papa suggested that there was a thin strip [of flesh joining the two pieces]. Come and hear: R. AKIBA, HOWEVER, AGREES THAT IF THERE WERE TWO PIECES OF FLESH, EACH A HALF-OLIVE'S BULK, STUCK ON A CHIP AND A MAN SWAYED THEM, HE BECOMES UNCLEAN. Wherefore is this so? They surely cannot 'be carried' at one time? — Here, too, we must suppose that there was a thin strip of flesh.

Tannaim differ on this point.[26] It was taught: It is all one[27] whether one touches them[28] or sways them. R. Eliezer says. Even if one carries them. But does not the one that carries them also sway them?[29] — This must be the interpretation: It is all one whether one touches them or sways them even though they cannot be carried [at one time]. Whereupon R. Eliezer comes to say, [No,] only if they can be carried at one time. Then what is the meaning of 'even'?[30] — Read: Only if they can be carried at one time.

MISHNAH. WITH REGARD TO A THIGH-BONE[31] OF A CORPSE.

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(1) There was a thin slice of flesh the size of a tirta or even of a sieve which when collected and rolled tip amounted to an olive's bulk only.

(2) Of R. Ishmael that the two pieces of flesh each a half-olive's bulk adhering to the hide do not convey uncleanness by contact.

(3) I.e., he did not actually touch the flesh but only the hide opposite each piece; the hide in such a case cannot serve either as a protection or as a handle to combine the two pieces in order to convey the uncleanness.

(4) I.e., he actually touched the pieces of flesh, first the one half-olive's bulk and then the other. In this case R. Ishmael will hold that the two separate contacts are combined and are regarded as one contact of a whole olive's bulk, and the person would be unclean.

(5) Lit., 'there is such a thing as touching and again touching'.

(6) That according to R. Johanan R. Ishmael holds that two separate contacts, each time of half the minimum quantity, cannot be reckoned as one contact of the whole quantity.

(7) Of those enumerated in Ohol. II, 1, e.g. an olive's bulk of the flesh of a corpse, or a ladleful of corpse-mould.

(8) By overshadowing, i.e., which renders unclean everything which happens to be in the same tent or under the same roof space as the unclean matter. Cf. Num. XIX, 14.

(9) Each less then the minimum quantity.

(10) Oh. III, 1, 'Ed. III, 1.

(11) Each time of half the minimum quantity. According to R. Dosa b. Harkinas, overshadowing must be in one place, at the same time, and over a whole olive's bulk.

(12) Sc. the flesh adhering to the hide. Thus R. Akiba is more lenient in his view than R. Ishmael, whereas the Sages who differ with R. Dosa (supra) declare everything in the house to be unclean.

(13) Sc. the two pieces of flesh, each a half-olive's bulk, when touched separately.

(14) Lev. XI, 39.

(15) Ibid. 40.

(16) Therefore, argues R. Akiba, it cannot be said that these pieces of flesh convey uncleanness by carrying and not by contact, as R. Ishmael would have it.

(17) That, according to Bar Padda, R. Ishmael holds that these pieces can convey uncleanness also by contact, namely, on the inside (v. supra p. 696, n. 2), then R. Akiba's argument is void of meaning.

(18) I.e., R. Akiba means that unless a substance can convey uncleanness by every contact with it, from the outside as well as from the inside, it will not convey uncleanness by carrying.

(19) And therefore a closed-up marrow-bone of a carcass, since it does not convey uncleanness by contact (v. next Mishnah, for the bone itself is not considered unclean as the carcass, and the marrow within it is inaccessible for it is closed-up), will not convey uncleanness by carrying.

(20) Why the two morsels of flesh convey uncleanness by carrying.

(21) An evasive answer.

(22) Raba said to his father Rabbah b. R. Huna.

(23) Cant. II, 5. He had just finished his lecture for that day (or, he was that day elected Head of the Academy — 'Aruch) and was too exhausted for any argument or discussion but required rest and refreshment.

(24) Lev. XI, 40. Heb. והנשא. The traditional reading is והנשא, (in active sense) 'and he who carries'; though the word might also be read as והנשא, (in passive sense) 'and whatsoever is carried'.

(25) I.e., the olive's bulk must be one whole piece so that if one were to lift up part thereof the whole would be lifted up.

(26) As to whether it is essential that the olive's bulk be in one whole so that it could be carried at one time.

(27) And one is rendered unclean.

(28) Sc. the two pieces of unclean flesh each a half-olive's bulk.

(29) Wherein then does R. Eliezer differ from the first Tanna?

(30) The word 'even' implies an extension of the law beyond that stated by the first Tanna; on the other hand, 'only' is a limitation,

(31) Or any bone which contains marrow.

OR A THIGH-BONE OF A CONSECRATED ANIMAL,[1] HE WHO TOUCHES IT, WHETHER IT BE STOPPED UP OR PIERCED, BECOMES UNCLEAN. WITH REGARD TO A THIGHBONE OF A CARCASS OR OF A [DEAD] REPTILE, IF IT WAS STOPPED UP HE WHO TOUCHES IT REMAINS CLEAN,[2] BUT IF IT WAS AT ALL PIERCED IT CONVEYS UNCLEANNESS BY CONTACT. WHENCE DO WE KNOW [THAT IT CONVEYS UNCLEANNESS] ALSO BY CARRYING? THE TEXT SAYS, HE THAT TOUCHETH[3] AND HE THAT CARRIETH:[4] THEREFORE, WHAT COMES WITHIN THE SCOPE OF UNCLEANNESS BY CONTACT COMES WITHIN THE SCOPE OF UNCLEANNESS BY CARRYING. AND WHAT DOES NOT COME WITHIN THE SCOPE OF UNCLEANNESS BY CONTACT DOES NOT COME WITHIN THE SCOPE OF UNCLEANNESS BY CARRYING.

GEMARA. He who touches it does [become unclean] but he who overshadows it does not [become unclean]. What are the circumstances? If there was an olive's bulk of flesh upon it, then surely it conveys uncleanness by overshadowing? — It must be that there was not an olive's bulk of flesh upon it. But if there was an olive's bulk of marrow within it, then surely the uncleanness breaks through and rises upwards,[5] and it should convey uncleanness by overshadowing? — It must be that there was not an olive's bulk of marrow within it. But if it is held that the marrow within [the bone] can restore [the flesh] outside it,[6] then surely it is a proper limb, and it should convey uncleanness by overshadowing? — Rab Judah the son of R. Hiyya said: This proves that the marrow within cannot restore [the flesh] outside it.

How have you explained the case? That there was not an olive's bulk.[7] Then why does it convey uncleanness in the case of consecrated animals?[8] Furthermore, why does the thigh-bone of a carcass or of a [dead] reptile, even when pierced, convey uncleanness?[9] — These are no difficulties at all, for the first clause[10] refers to the case where there was not an olive's bulk and the subsequent clause[11] to the case where there was an olive's bulk. What does he teach us then? — He teaches us a number of rules. The first clause teaches us [the principle] that the marrow within [the bone] cannot restore [the flesh] outside it.[12] The clause concerning consecrated animals teaches us that whatever serves [as a holder for] the meat left over [from the sacrifice] is a matter of consequence,[13] for R. Mari b. Abbuha said in the name of R. Isaac,[14] Bones of sacrifices which served [as a holder for] the meat left over [from the sacrifice] render the hands unclean, since they have become auxiliary[15] to forbidden matter. The clause concerning the carcass [teaches us] that even if there is an olive's bulk [of marrow in the bone], only when [the bone is] pierced does it [convey uncleanness], but when not pierced it does not [convey uncleanness].

Abaye said: In fact [I maintain that] the marrow within [the bone] can restore [the flesh] outside it, but here we are dealing with a bone which was sawn through [transversely],[16] and it is in agreement with R. Eleazar's view. For R. Eleazar stated: If a man sawed through a marrow-bone lengthwise it is still unclean,[17] if transversely it is clean; as a mnemonic think of the palm tree.[18]

R. Johanan said: In truth, there was an olive's bulk [of marrow in the bone], and [I maintain that] the marrow within can restore [the flesh] outside it,[19] but the expression HE WHO TOUCHES stated [in the Mishnah] means also overshadowing.[20] But surely if the marrow within can restore [the flesh] outside it, why is it that the thigh-bone of a carcass or of a dead reptile, if not pierced, is clean?[21] — R. Benjamin b. Giddal said in the name of R. Johanan. We are dealing here with an olive's bulk of marrow that shakes about[22] [in the bone]; so that with regard to a corpse[23] the uncleanness breaks through and rises upwards, but with regard to a carcass, since the marrow shakes about within,[24] if the bone was pierced, it does [convey uncleanness], but if it was not pierced, it does not [convey uncleanness].

R. Abin (others say R. Jose b. Abin) said: We have also learnt the same:[25] If a man touched one half-olive's bulk [of a corpse] and [at the same time] overshadowed another half-olive's bulk[26] or the other half-olive's bulk overshadowed him,[27] he is unclean. Now if you hold that they[28] fall within one category then it is quite right that they combine [to render the person unclean]; but if you hold that they fall within two categories, can they in any way combine? Surely, we have learnt: This is the general rule: All [means of conveying uncleanness] which fall within one category combine to convey uncleanness, but all which fall within two categories do not [combine to] convey uncleanness.[29] What do you say then? That they fall within one category? Read the following clause: But

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(1) Which was rendered piggul (v. Glos.) in the course of the offering, or whose meat became nothar, i.e., was left over beyond the time prescribed for eating. The Rabbis, in order to prevent such abuses arising out of the negligence of the priest, decreed that sacrificial meat which was piggul or nothar shall render the hands unclean (v. Pes. 120b). This decree clearly applied to those parts of the sacrifice which were edible; therefore it did not apply to marrowless bones, but it did apply to a marrowbone for then the bone serves as a holder for the marrow within it.

(2) The bone of a carcass or of a reptile is in itself not unclean (v. supra 77b); it is, however, unclean because it serves as a 'protection' to the marrow that is within it. And this is so only if the marrow within was accessible, i.e., the bone must be pierced so as to allow a hair at least to reach the marrow.

(3) Lev. XI, 39.

(4) Ibid. 40.

(5) Since presumably there is not within the bone an air-space of one cubic-handbreadth the uncleanness within it breaks through its enclosure and spreads in the house or 'tent'. Cf. supra 71a, and Ber. 19b.

(6) And even if the marrow of a bone in the living animal has entirely wasted away, and the flesh around it has gone, the bone is still regarded as a proper limb, for it is possible for new marrow to form in the bone and to restore the flesh around it.

(7) Neither of marrow nor of flesh.

(8) For to regard the bone as a holder for the flesh that is nothar (v. Glos.) there must be at least an olive's bulk either of marrow within it or of flesh upon it.

(9) The bone is clearly a protection for the marrow that is within it, and it ha been established (supra 117b, in the very first ruling of this chapter) that a protection can be included and reckoned together with the foodstuff only to convey the light uncleanness i.e., to render other foodstuffs unclean, but not to convey the grave uncleanness, i.e., to render the person that touches it unclean.

(10) Which deals with the thigh-bone of a corpse.

(11) Which deals with the thigh-bone of consecrated animals and of a carcass or reptile.

(12) Therefore if there was not an olive's bulk of marrow within the bone, it cannot convey uncleanness by 'overshadowing'. i.e., It cannot render unclean men and vessels that are in the same 'tent' or under the same roof.

(13) It is regarded as the meat itself and so renders the hands unclean.

(14) V. Pes. 83a.

(15) Lit., a stand for'.

(16) In which case there is no hope of the limb being restored by the formation of new marrow and flesh. Hence as there is not an olive's bulk of marrow now in the bone, neither is there any prospect for the bone to form new marrow, it cannot convey uncleanness by overshadowing.

(17) Although it does not now contain the requisite quantity of marrow, since in a portion of the bone there is a continuous strip of marrow, it will be invested in time with marrow and flesh, and it therefore conveys uncleanness as the corpse itself.

(18) If a long strip of the bark of the tree is removed, the tree will in no way be affected by it, but if a strip around the circumference of the tree is removed, the tree will soon wither.

(19) I.e., even if there was not an olive's bulk of marrow within the bone, it would still convey uncleanness as a corpse, for the limb would, in time, be restored.

(20) So that the original assumption at the outset that the Tanna of our Mishnah excluded uncleanness by overshadowing was incorrect.

(21) It is surely regarded as a whole limb, for even if it has no marrow or flesh at present, it will be invested with these

later on; of what avail is it, therefore, that the bone is stopped up?

(22) I.e., it is dried up and shrivelled so that it shakes about within the bone; in such a case the limb cannot be restored.

(23) Since there is the requisite quantity of marrow within the bone it is immaterial whether it is stopped up or not, for the uncleanness breaks through. With regard to consecrated meat, too, as the bone should as a holder for an olive's bulk of marrow which was nothar, it conveys uncleanness.

(24) And since it cannot restore the flesh on the outside, it cannot then be considered as a limb; it therefore requires the minimum standard of an olive's bulk which must be accessible.

(25) Ohol. III, 2. The Tanna in the following Mishnah clearly holds the view that the expression ‘contact’ means also ‘overshadowing’, and that these two forms of uncleanness fall within one category.

(26) E.g. one hand of the man was touching one half-olive's bulk while the other hand was directly above and overshadowing the second half-olive's bulk.

(27) E.g. the second half-olive's bulk was stuck on a chip which was inserted in the wall and the man stood directly underneath it.

(28) Sc., uncleanness conveyed by contact and by overshadowing.

(29) Ohol. ibid.

Talmud - Mas. Chullin 125b

if he touched one half-olive's bulk and some other thing overshadowed both him and another half-olive's bulk,[1] he is clean. Now if they fall within one category why is he clean?[2] But does not this clause conflict with the first clause?[3] — R. Zera answered: We are dealing there [in the first clause] with uncleanness that was confined between two cupboards between which there was not a handbreadth's space, in which case [overshadowing] is regarded as actual contact.[4]

Who then is the Tanna that includes ‘overshadowing’ in the term ‘he who touches’? — It is R. Jose. For it was taught: R. Jose says. A ladleful of corpse-mould[5] conveys uncleanness by contact, by carrying, and by overshadowing. Now it is clear [that a person is rendered unclean] by carrying and by overshadowing, for he carries the whole quantity and overshadows the whole quantity, but with regard to uncleanness by contact, he surely does not touch the whole quantity![6] One must say, therefore, that the expression ‘contact’ means ‘overshadowing’. But does it not expressly state ‘by contact’ as well as ‘by overshadowing’? Abaye suggested, [To overshadow uncleanness] within a handbreadth thereof is termed ‘overshadowing by contact’, but more than a handbreadth away it is termed ‘plain overshadowing’.[7] Raba said: Even more than a handbreadth away, it is also termed overshadowing by contact’; but what is meant by ‘plain overshadowing’? Where there is a projection.[8]

Raba said: Whence do I derive this?[9] From what was taught [in the following Baraitha]: R. Jose says. The woven cords of beds and the lattice-work of windows serve as partitions between the house and the upper room to prevent the passage of uncleanness to the other side.[10] If these were spread over a corpse, being suspended in the air, whatever touches[11] directly over a mesh is unclean but whatever is not directly over a mesh is clean. Now what are the circumstances? If [they were suspended] within a handbreadth [from the corpse], why does that which was not directly over a mesh remain clean? Surely it is nothing else but the corpse in its shroud, and the corpse in its shroud conveys uncleanness![12] They must then [have been suspended] more than a handbreadth away [from the corpse], nevertheless the expression ‘whatever touches’ is used! — Abaye said: In fact [they were suspended] within a handbreadth [from the corpse], but as for your objection, ‘Surely it is nothing else but the corpse in its shroud!’ [I reply that] with regard to the corpse in its shroud a man certainly ignores [the existence of the shroud],[13] but he does not ignore the existence of these. But is this not a case of concealed uncleanness[14] which [according to established law] breaks through and rises upwards? — R. Jose is of the opinion that concealed uncleanness cannot break through and rise upwards.

Whence do you know this?[15] From [the following Mishnah] which we learnt:[16] If a drawer in a cupboard had the capacity of a [cubic] handbreadth within,[17] and the opening [of the cupboard] was less than a handbreadth [square], and there was some uncleanness in it, the house becomes unclean;[18] if there was some uncleanness in the house, what is in the drawer remains clean, for the uncleanness must come forth [eventually] but need not come in at all. R. Jose declares [the house] clean, for one could take out the uncleanness by halves or burn it in its place.[19] And the next clause reads thus: If one set [the cupboard] in the doorway of the house and it [the cupboard] opened outwards, and there was some uncleanness in it, the house remains clean;[20] if there was some uncleanness in the house, what is in [the cupboard] remains clean.

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(1) E.g., both the man and the second half-olive's bulk were directly underneath and overshadowed by a plank.

(2) Should not the contact and the overshadowing, each in connection with a half-olive's bulk of a corpse, combine to render the person unclean?

(3) I.e., there is a contradiction in this Mishnah itself between the first clause and the next one.

(4) For it is established law that uncleanness which is confined or wedged in — i.e., there is not the air-space of a handbreadth on all sides — breaks through its confines and rises, as it were, in a column directly above, so that whoever passes at any height whatsoever over the uncleanness actually comes into contact with the column of uncleanness and is rendered unclean.

(5) I.e., the earth of a decomposed body found in a coffin.

(6) For the corpse-mould is composed of many particles, and when a person touches a part thereof he cannot be said to have touched the whole ladleful, in which case he should not be rendered unclean by contact therewith.

(7) The terms ‘contact’ and ‘overshadowing’ employed in the foregoing Baraitha are both to be understood in the sense of overshadowing, but Abaye draws a distinction between two modes of overshadowing. It must be observed that Abaye's suggestion is in no wise in support of R. Johanan's contention that the Tanna of our Mishnah is R. Jose and that the expression in our Mishnah HE WHO TOUCHES includes overshadowing, for according to him only overshadowing within a handbreadth from the unclean matter can be referred to by the term ‘touch’, accordingly our Mishnah does exclude plain overshadowing so that the difficulty propounded at the beginning of the argument stands. Of course Abaye himself has already explained the Mishnah to his satisfaction as stated above, supra p. 701.

(8) I.e., where the person and the uncleanness are side by side, but some projection overshadows both, forming a ‘tent’ or roof over both.

(9) That whatsoever overshadows more than the distance of a handbreadth away from the uncleanness is still regarded as ‘overshadowing by contact’ according to R. Jose, and is implied in the term ‘touch’.

(10) If these networks are stretched out across the lower room forming a ceiling thereto, they become forthwith part of the structure of the room and as such cannot contract uncleanness. Moreover they serve as a partition and prevent the uncleanness from passing into the room above, for the meshes or holes in the network do not give passage to the uncleanness since there is no opening a handbreadth square in it. Consequently whatsoever happens to be in the upper room, even that which is directly over a hole in the net, remains clean.

(11) I.e., happens to be directly over one of the holes in the net. In this case the network is in no way intended as a ceiling, consequently whatsoever directly overshadows the corpse becomes unclean, but whatsoever is not directly over a hole but over a bar or thread of the net does not become unclean, for in this respect the threads of the net, inasmuch as they do not contract uncleanness, form a partition to prevent the uncleanness from passing upwards.

(12) The network, since it is so close to the corpse, can almost be regarded as the shroud of the dead, and the shroud of the dead surely cannot prevent the uncleanness of the corpse from spreading!

(13) I.e., he mentally ignores the separate existence of the shroud as a garment but looks upon it as part of the corpse; this, however, cannot be said with regard to the network.

(14) I.e., uncleanness over which there is not the space of one handbreadth. V. supra 71a and Ohol. XIV, 6.

(15) That according to R. Jose concealed uncleanness cannot break through.

(16) Ohol. IV, 2, 3.

(17) So that any uncleanness inside it would not be regarded as concealed uncleanness.

(18) By Rabbinic decree everything in the house becomes unclean forthwith, even while the uncleanness is still shut-up in the drawer, because eventually the uncleanness will be brought forth and then it will certainly render everything in the house unclean. Cf. Ohol. VII, 3; Bez. 101.

(19) It is not inevitable that the house be tendered unclean, for the uncleanness can either be destroyed in the drawer, or be brought out in such quantities as does not render unclean.
(20) For the uncleanness will not pass through the house at all and as there was the space of a cubic handbreadth in the cupboard the uncleanness in it cannot break through.

Talmud - Mas. Chullin 126a

And in connection with this it was taught that R. Jose declares [the house] clean. Now to which clause [does R. Jose refer]? If to the last clause-surely the first Tanna [in that case] also declares [the house] clean! It must therefore [be this]. The first Tanna had said: 'If there was some uncleanness in it the house becomes unclean', either by virtue of the fact that the uncleanness must come forth eventually, or by virtue of the rule that concealed uncleanness breaks through.[1] Whereupon R. Jose said to him: As for your argument, 'The uncleanness must come forth eventually', [I reply that] one could take out the uncleanness by halves, or burn it in its place; and as for your ruling, 'Concealed uncleanness breaks through', [I maintain that] concealed uncleanness does not break through. I can point out a contradiction in the views of R. Jose. For we have learnt:[2] If a dog ate the flesh of a corpse and died[3] and Jay upon the threshold:[4] R. Meir says. If its neck was one handbreadth wide, it brings the uncleanness [into the house];[5] and if not, it does not bring in the uncleanness.[6] R. Jose says. We must see [where the uncleanness lies]: if it[7] lies opposite the lintel and inwards,[8] the house is unclean;[9] but if opposite the lintel and outwards, the house is clean. R. Eleazar says. If its mouth lies inside,[10] the house remains clean; but if the mouth lies outside,[10] the house is unclean, because the uncleanness passes out by way of its lower parts.[11] R. Judah b. Bathyra says. In all circumstances[12] the house is unclean. Now presumably R. Jose deals with the case where its neck was not one handbreadth wide;[13] hence you can deduce [that he holds], concealed uncleanness breaks through! — Said Raba: He [R. Jose] means to say: 'We must consider the space in connection with the uncleanness';[14] and R. Jose consequently differs on two points, saying to R. Meir thus: As for your saying: 'If its neck was one handbreadth wide it brings in the uncleanness', [I maintain that] we must consider only the space; and as for your saying, [If it lies] anywhere upon the threshold[15] the house is unclean, [I maintain that] if it lies on the inside of the lintel the house is unclean, but if on the outside of the lintel the house remains clean.[16] R. Aha the son of Raba actually quotes the Mishnah with these words: R. Jose says. We must consider the space in connection with the uncleanness.

And who is the Tanna that disagrees with R. Jose?[17] — It is R. Simeon. For it was taught: R. Simeon says.

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(1) I.e., R. Jose had heard the first Tanna declare the house unclean in every case to which one of the reasons stated in the text applies. E.g., (in the case that is inferred from the last clause) where there was not the space of a cubic handbreadth in the drawer, even though the cupboard stood in the doorway of the house, the house is unclean because of concealed uncleanness; or, the case quoted in the first clause, the house is unclean for the uncleanness will eventually pass through.
(2) Ohol. XI, 7.
(3) If alive there would be no question at all of uncleanness, for, as already stated (supra 71a), uncleanness that is swallowed within a living being cannot render unclean.
(4) With its head pointing inside the house.
(5) Since the width of the neck is one handbreadth (even though it is not one handbreadth of space but consists of flesh, vertebrae, arteries etc.) the uppermost side of the neck overshadows as a 'tent' the uncleanness, and seeing that the 'tent' extends into the house it thus leads in the uncleanness.
(6) For a space with one of its dimensions less than a handbreadth cannot be regarded as a tent with regard to uncleanness. V. Ohol. III, 7.
(7) Sc., that part of the dog in which the uncleanness happens to be.
(8) I.e., the inner side of the lintel so that the house overshadows the uncleanness.

(9) Presumably even though the dog's neck was not one handbreadth wide, for the uncleanness concealed within breaks through, so that the house overshadows the uncleanness.
(10) The uncleanness being in that part of the dog's carcass which is lying outside.
(11) And therefore one may regard the uncleanness in the dog as extending along the lower parts of the animal (for by this way it would have been evacuated) into the house.
(12) Whether the neck was one handbreadth wide or not, and whether the actual uncleanness lay on the inside of the lintel or not, and whether the mouth of the dog lay inside or not.
(13) V. supra n. 8.
(14) Where there is in the neck a space of one handbreadth, the uppermost side of the neck would serve as a 'tent' and would lead the uncleanness into the house. Where, however, there is no space of a handbreadth in the neck, even though the neck in which the uncleanness lies is entirely within the house, the house is clean, for the uncleanness is concealed and cannot break through.
(15) Even if it lies on that part of the threshold which is outside of the lintel.
(16) R. Jose therefore is in every respect less strict than R. Meir, and not, as was previously assumed, more so.
(17) I.e., who is it that holds, in opposition to R. Jose, that overshadowing is in no way included in the expression 'he who touches', for contact and overshadowing are separate categories of uncleanness.

Talmud - Mas. Chullin 126b

There are three matters of uncleanness issuing from a corpse which convey uncleanness by two means but not by the third,[1] and these are they: a ladleful of corpse-mould, a barley's bulk of bone, and the covering stone and side stones of the grave.[2] A ladleful of corpse-mould conveys uncleanness by carrying and by overshadowing but not by contact;[3] [uncleanness by] contact, however, is to be found with each of the others. A barley's bulk of bone conveys uncleanness by carrying and by contact but not by overshadowing;[4] [uncleanness by] overshadowing, however, is to be found with each of the others. The covering stone and side stones of the grave convey uncleanness by contact and by overshadowing but not by carrying;[4] [uncleanness by] carrying, however, is to be found with each of the others. A THIGH-BONE OF A CARCASS OR OF A [DEAD] REPTILE, etc. Our Rabbis taught: It is written: [He that toucheth] the carcass thereof,[5] but not a stopped up thigh-bone. I might think [that the same is the case] even if it was pierced, the verse therefore says: He that toucheth . . . shall be unclean,[5] that is,[6] whatever can be touched is unclean[7] but whatever cannot be touched is clean. R. Zera said to Abaye. In that case a carcass with the hide still upon it should not convey uncleanness?[8] — [He replied,] Just go and see how many apertures there are in it![9] R. Papa said to Raba. In that case the kidney [of a carcass], so long as it is surrounded with fat, should not convey uncleanness?[10] — [He replied:] Just go and see how many fibers run through it![11]

R. Oshaia raised the question. What is the position if a man intended to pierce [the bone] but did not pierce it? Does the absence of piercing make it incomplete,[12] or not? He later answered the question himself: the absence of piercing does not make it incomplete.[13]

MISHNAH. THE EGG OF A REPTILE IN WHICH THERE HAS FORMED AN EMBRYO IS CLEAN;[14] IF IT WAS PIERCED, HOWEVER SMALL THE HOLE WAS, IT IS UNCLEAN.[15] WITH REGARD TO A MOUSE WHICH IS HALF FLESH AND HALF EARTH.[16] IF A MAN TOUCHED THE FLESH HE BECOMES UNCLEAN, BUT IF HE TOUCHED THE EARTH HE REMAINS CLEAN. R. JUDAH SAYS, EVEN IF HE TOUCHED THE EARTH THAT IS OVER AGAINST THE FLESH HE BECOMES UNCLEAN.

GEMARA. Our Rabbis taught: The unclean[17] includes the egg of a reptile and the thigh-bone of a reptile. I might think [that it is the same] even if there had not formed an embryo in it, the verse therefore adds: The creeping things,[17] that is, just as the creeping thing is fully formed so the reptile's egg must also be fully formed. I might think [that it is the same] even if they had not been pierced,

the verse therefore states: Whosoever doth touch them . . . shall be unclean,[17] that is, whatever can be touched is unclean, but whatever cannot be touched is clean. How much must be pierced? A hairbreadth, for then it could be touched with a hair.[18]

WITH REGARD TO A MOUSE WHICH IS HALF FLESH etc. R. Joshua the son of Levi said, provided the entire length [of the creature] had developed.[19] Others, however, report this statement in reference to the last clause thus: R. JUDAH SAYS, EVEN IF HE TOUCHED THE EARTH THAT IS OVER AGAINST THE FLESH HE BECOMES UNCLEAN. Thereupon R. Joshua the son of Levi said, provided the entire length [of the creature] had been developed. He who reports it in reference to the first clause will with more reason apply it also to the last clause,[20] but he who reports it in reference to the last clause will hold that in the first clause even though the entire length [of the creature] had not been developed [whosoever touches the fleshy part thereof becomes unclean].

Our Rabbis taught: Since Scripture mentioned 'the mouse'[21] I would have said that it included the sea-mouse for it bears the name 'mouse'. There is, however, an argument [against this]: [Scripture] declared the weasel unclean and the mouse unclean, therefore as the weasel refers only to those that live upon the land[22] so the mouse refers only to those that live upon the land. Or you might argue in this way: [Scripture] declared the weasel unclean and the mouse unclean, therefore as the weasel refers to every creature which bears the name weasel, so the mouse refers to every creature which bears the name mouse, and so it will include the sea-mouse since it bears the name mouse! The text therefore teaches: Upon the earth.[23] But if I had only the expression 'upon the earth' to go by, I might say that while upon the earth it[24] can render unclean, but if it went down into the sea it[24] cannot render anything unclean!

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(1) The three means of conveying uncleanness are: by contact, by carrying, and by overshadowing. With regards to the three matters stated, only two of these means apply, the actual two varying with each case, but not all three.

(2) V. supra p. 397, n. 7.

(3) This clearly conflicts with the aforementioned view of R. Jose, supra p. 703.

(4) This is a traditional law and not derived from the exposition of a verse, but v. Tosaf. s.v. עצם, and s.v. גולל.

(5) Lev. XI, 39.

(6) According to Rashi the implication is derived from the superfluous 'yod' in the word yitma, shall be unclean. V. however, Shittah Mekubbezeth, n. 9.

(7) If the flesh, or, as in this case, the marrow, that is inside can be touched from the outside, then the outer covering serves as a protection to what is inside, and as such conveys the uncleanness.

(8) Since one cannot touch the flesh directly and the hide itself is clean, v. supra 124b.

(9) E.g., the nose and the mouth which give direct access to the flesh.

(10) For the fat itself is clean, v. Pes. 231.

(11) And the fibers are accounted as flesh.

(12) And what is incomplete does not convey uncleanness.

(13) And therefore since there was a clear intention to pierce it it conveys uncleanness. According to old sources the reading is, 'The absence of piercing makes it incomplete'; for which see Sh. Mek., n. 5, and Maim. Yad, Aboth Hatumeah, II, 12.

(14) And if a man touched the shell he remains clean since the developed embryo within cannot be touched at all.

(15) And contact with the shell would render the person unclean, for in this case the shell serves as a protection to foodstuff and as such conveys uncleanness.

(16) According to the Rabbis, there exists a kind of mouse which is generated from the earth itself; v. Lewysohn, Zoologie des Talmuds, p. 345. Cf. also Sanh. 91a. In the process of generation there would be a time when it is half flesh and half earth.

(17) Lev. XI, 31: These are the unclean amongst all the creeping things: whosoever doth touch them, when they are dead, shall be unclean until the even.

(18) For it is established law that if a person touched the hair of an unclean body or if by his hair he touched an unclean

body, in either case he becomes unclean. V. Rashi a.l.

(19) If the creature had already developed in its entire length from head to tail, even if only in half the width of its body, whosoever touches the fleshy part which has already developed becomes unclean.

(20) For had it not developed in its entire length R. Judah surely would not have said that whosoever touched the earth thereof would become unclean.

(21) Lev. XI, 29: And these are they which are unclean to you among the creeping things that creep upon the earth: the weasel, and the mouse, and the toad after its kind.

(22) For there are no weasels, nor any creatures by the name of weasel, that live in the sea.

(23) Ibid. This serves to exclude those that live in the sea.

(24) Sc., the mouse, be it land-mouse or sea-mouse.

Talmud - Mas. Chullin 127a

The text therefore teaches: That creep[1] signifies, wherever it creeps[2] [it renders unclean]. But perhaps it is not so but that the expression 'that creep' signifies, all that breed[3] can render unclean, but those that do not breed cannot render unclean, and so I would exclude the mouse which is half flesh and half earth since it does not breed.[4] There is, however, a good argument [against this]: [Scripture] declared the weasel unclean and the mouse unclean, therefore as the weasel refers to all that bear the name weasel, so the mouse refers to all that bear the name mouse, and [in this way] I include the mouse which is half flesh and half earth. Or you might argue in this way: As the weasel breeds so the mouse [includes all species that] breed, [and so I would exclude the mouse which is half flesh and half earth]! The text therefore teaches. Among the creeping things.[5]

A certain Rabbi said to Raba: Perhaps the expression 'among the creeping things' includes the mouse which is half flesh and half earth, and the expression 'that creep' signifies all that creep, thus including the sea-mouse, and as for the expression 'upon the earth', it would be interpreted as follows: While upon earth it[6] can render unclean, but if it went down into the sea it cannot render anything unclean? — He replied: Since you regard the sea as a place of uncleanness, then it is all one, whether here or there.[7] But is not the expression 'upon the earth' required to exclude a floating uncleanness where there is a doubt [concerning contact]?[8] For R. Isaac b. Abdimi stated: The expression 'upon the earth' excludes a floating uncleanness concerning which there is a doubt! — 'Upon the earth' is written twice.[9] Our Rabbis taught: The toad after its kind,[10] includes the 'arod,[11] the ben-nephilin,[12] and the salamander.[13] When R. Akiba read this verse he used to say: 'How manifold are Thy works, O Lord![14] Thou hast creatures that live in the sea and Thou hast creatures that live upon the dry land; if those of the sea were to come up upon the dry land they would straightway die, and if those of the dry land were to go down into the sea they would straightway die. Thou hast creatures that live in fire and Thou hast creatures that live in the air; if those of the fire were to come up into the air they would straightway die, and if those of the air were to go down into the fire they would straightway die. How manifold are Thy works, O Lord!'

Our Rabbis taught: Every creature that is on the dry land is also to be found in the sea, excepting the weasel. R. Zera said: Where is there proof for this from Scripture? Give ear, all ye inhabitants of the world.[15]

R. Huna the son of R. Joshua said. The beavers around Naresh[16] are not land [creatures].[17]

R. Papa said. The ban upon Naresh, its fat, its hide, and its tail![18]

O Land, land, land, hear the word of the Lord.[19] Said R. Papa. Yet the inhabitants of Naresh would not hear the word of the Lord.

R. Giddal said in the name of Rab, If an inhabitant of Naresh has kissed you then count your

teeth.[20] If a man of Nehar Pekod accompanies you it is because of the fine garments he sees on you.[21] If a Pumbedithan accompanies you then change your quarters.[22]

R. Huna b. Torta said: I once went to Wa'ad[23] and saw a snake wrapped round a toad; after some days there came forth an 'arod from between them. When I came before R. Simeon the pious, [and related this to him,] he said to me: The Holy One, blessed be He, said: They have produced a new creature which I had not created into my world, I too will bring upon them a creature which I had not created in my world.[24] (But has not a Master said,[25] All creatures whose manner of copulation is the same and whose period of gestation is the same can bear young from each other and suckle each other, but all creatures whose manner of copulation is not the same and whose period of gestation is not the same cannot bear young from each other nor suckle each other?[26] — Rab said: It was a miracle within a miracle.[27] But this is for chastisement![28] — It was a micracle[29] within a miracle even for chastisement!)

MISHNAH. LIMBS[30] OR PIECES OF FLESH WHICH HANG LOOSE FROM THE [LIVING] ANIMAL ARE RENDERED UNCLEAN IN RESPECT OF FOOD UNCLEANNESS WHILST THEY ARE IN THEIR PLACE.[31] AND REQUIRE TO BE RENDERED SUSCEPTIBLE TO UNCLEANNESS.[32]

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(1) Ibid.

(2) In the light of this interpretation it could not have been maintained that a mouse cannot render unclean if it fell into the sea and there came into contact with some object. Consequently the term 'upon the earth' must be explained with regard to species, thus only land species can render unclean but not the sea species.

(3) Heb. שרץ might also mean to propagate, breed; cf. Ex. I, 7. Rashi, however, explains the word in the sense that the creature is the product of copulation of the sexes, which is not the case with the mouse that is generated by the earth itself. In some MSS. of Rashi this explanation is not found.

(4) Consequently the expression 'upon the earth' would signify that all creatures, whether land or sea creatures, if they have fallen into the sea, cannot render anything unclean.

(5) Lev. XI, 29. This would include even the mouse generated by the earth.

(6) Sc., any mouse, whether land-mouse or sea-mouse, or the mouse generated from the earth.

(7) I.e., a breeding place for species that can render unclean. Since it has been established that the sea-mouse can render unclean, there is no sufficient reason, indeed it is illogical to limit such uncleanness to the time when it creeps upon the land.

(8) I.e., if a dead reptile was floating upon the water and there arose a doubt as to whether or not it had come into contact with some object, even if the doubt arose in a private domain (in which case the established rule is that the state of doubt is resolved according to its more stringent aspect. i.e., unclean), the object remains clean. This is deduced from the strict interpretation of the expression 'upon the earth'. V. Nazir 64a.

(9) Ibid. XI, 29 and 41.

(10) Lev. XI. 29.

(11) עָרוֹד, a species of lizard; a cross between a snake and a toad. 'The watersnake' according to Lewysohn, op. cit. pp. 241-2.

(12) נפילין or בן נפילין, the skink; so Lewysohn, p. 225.

(13) A kind of lizard which was supposed to exist in fire without being burnt; v. Hag. end.

(14) Ps. CIV, 24.

(15) Ibid. XLIX, 2. 'The world' is expressed by the rare word חֵלֶד (heled) which is similar to the word for the weasel (holed). The world (heled) is the specific habitation of the weasel (holed), for the latter is not to be found in the sea.

(16) Identical with Nahras, on the canal of the same name, on the East bank of the Euphrates.

(17) So according to Rashi. Tosaf., however, gives an entirely different rendering: 'The inhabitants of Bibri and of Naresh are not fit for human society' (i.e., they are in every way wicked, see following statement of R. Papa). Accordingly Bibri (Be-Bari) is taken as the town close to Naresh; cf. 'Er. 56a and Sot. 10a. V. Tosaf. a.l., and Lewysohn, op. cit. p. 98. [Obermeyer p. 308 renders: Be-Bari and Naresh are not accounted as (inhabited) settlements. They are, that is, sparsely inhabited and infested consequently with wild animals.1

(18) The inhabitants of Naresh, both great and small, all without exception are wicked, and should be put under the ban. The fat, the hide, and the tail, indicate the various sections of the community.
(19) Jer. XXII, 29.
(20) For they are all thieves and insincere in their profession of friendship.
(21) He will steal it from you at the first opportunity.
(22) That he may not rob you.
(23) The name of a certain place whose inhabitants used to engage in crossbreeding animals. A variant reading is, יער, 'a forest'.
(24) Sc. the 'arod whose bite is deadly; cf. Ber. 331.
(25) Bek. 8a.
(26) The periods of gestation of a snake and a toad differ greatly; with the latter it is six months, with the former seven years, cf. Bek. 8a, consequently they cannot be crossed.
(27) First that each should leave its own kind, and secondly that these two kinds should bear from each other.
(28) God surely would not perform miracles for the purpose of chastisement.
(29) So MS.M. Cur. edd., 'what is the meaning of a miracle within a miracle? For the purpose of punishment.'
(30) I.e., pieces consisting of bones, flesh and sinews. A limb entirely severed from the living animal renders unclean men and vessels like a carcass, whereas a piece of flesh entirely severed from the animal has no uncleanness whatsoever, v. infra 128b.
(31) Although they are not severed from the animal and the animal whilst alive cannot contract or convey uncleanness, they are in this respect regarded as detached from the animal, provided they were expressly intended to serve as food (for a gentile, cf. 'Uk. III, 2), so as to contract uncleanness like ordinary foodstuffs and also to convey it.
(32) By being moistened by water or one of the seven liquids (v. Maksh. VI, 4) at any time after they have been torn loose.

Talmud - Mas. Chullin 127b

IF THE ANIMAL WAS SLAUGHTERED THEY HAVE BY THE BLOOD [OF THE SLAUGHTERING] BECOME SUSCEPTIBLE TO UNCLEANNESS:[1] SO R. MEIR. R. SIMEON SAYS, THEY HAVE NOT BECOME SUSCEPTIBLE TO UNCLEANNESS. IF THE ANIMAL DIED. THE FLESH REQUIRES TO BE RENDERED SUSCEPTIBLE TO UNCLEANNESS, AND THE LIMB IS RENDERED UNCLEAN AS A LIMB SEVERED FROM THE LIVING CREATURE, BUT IS NOT RENDERED UNCLEAN AS THE LIMB OF A CARCASS:[2] SO R. MEIR. R. SIMEON DECLARES IT CLEAN.

GEMARA. They are rendered unclean in respect of FOOD UNCLEANNESS but not in respect of nebelah uncleanness.[3] Now what are the circumstances? If they can be restored[4] they should not be rendered unclean even In respect of food uncleanness, and if they cannot be restored they should be then rendered unclean also in respect of nebelah uncleanness! — In fact they cannot be restored, but with regard to nebelah Uncleanness it is different, for the Divine Law says. And if there fall,[5] that is, they must absolutely fall away [from the body].[6] There was also taught [a Baraitha] to this effect: 'With regard to the limbs or the pieces of flesh which hang loose from the animal and are attached by a hairbreadth, I might have said that they should convey nebelah uncleanness, the text therefore states. "And if there fall", that is, they must absolutely fall away [from the body]'; nevertheless, they are rendered unclean in respect of food uncleanness.[7]

This supports R. Hiyya b. Ashi, for R. Hiyya b. Ashi said in the name of Samuel: Figs which had shrivelled up on the branch are rendered unclean in respect of food uncleanness, and he who plucks them on the Sabbath is liable to bring a sin-offering.[8]

Shall we say that the following also supports him? It was taught: Vegetables, such as cabbages and pumpkins, which had shrivelled up on the stem,[9] are not rendered unclean in respect of food uncleanness. If they were cut down and dried, they are rendered unclean in respect of food

uncleanness. 'If they were cut down and dried'. But this is unthinkable, for they are then like wood! R. Isaac, however, explained that it means: If they were cut down in order to be dried.[10] Now this reasoning applies only to cabbages and pumpkins, for these no sooner have they become dry than they are uneatable: but other fruits [even though they shrivelled up on the stem] are rendered unclean [in respect of food uncleanness]. And what are the facts [in the case of the shrivelled-up cabbages and pumpkins]? If both they and their stems dried up, it is obvious;[11] it must be then that only they shrivelled up but not their stems![12] — [It is not so]. In fact both they and their stems had dried up, but it was necessary to teach that if one cut them down in order to dry them [they are still unclean in respect of food uncleanness].

Come and hear: If a branch of a tree broke off with fruits upon it they are regarded as plucked. If they[13] had dried up they are regarded as attached, presumably as the one is regarded as plucked for all purposes,[14] so the other is regarded as attached for all purposes![14] — Is this an argument? One means one thing, and the other another.[15]

IF THE ANIMAL WAS SLAUGHTERED etc. What is the issue between them?[16] — Rabbah said: They differ as to whether the animal can be regarded as serving as a handle to a limb;[17] one[18] holds that the animal can be regarded as a handle to a limb,[19] and the other[20] holds that the animal cannot be regarded as a handle to a limb.

Abaye said: They differ as to the ruling in the case where by taking hold of the smaller part of a thing the greater part does not come away with it; one[18] is of the opinion that where by taking hold of the smaller part of a thing the greater part does not come away with it it is regarded like it,[21] but the other[20] is of the opinion that where by taking hold of the smaller part of a thing the greater part does not come away with it it is not regarded like it.

R. Johanan also maintains that they differ as to the ruling in the case where by taking hold of the smaller part of a thing the greater part does not come away with it. For R. Johanan pointed out a contradiction in the views of R. Meir. Did R. Meir say, where by taking hold of the smaller part of a thing the greater part would not come away with it it is to be regarded like it? But there is a contradiction to it for we have learnt:[22] If a foodstuff [of terumah] was divided, but was still attached in part.

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(1) For at the slaughtering the limbs and pieces of flesh are not regarded as having fallen off, so that although the slaughtering cannot render the limbs and flesh fit for food it can render them clean that they be not nebelah, and at the same time it renders them susceptible to receive uncleanness by the moistening by the blood. V. supra 33a.

(2) For at death the limbs and pieces of flesh are regarded as having fallen off before, i.e., from the living animal, and therefore the flesh is entirely free from uncleanness (v. p. 714, n. 12) whereas the limbs convey uncleanness as limbs severed from a living animal but not as limbs severed from a carcass. For the distinction v. Gemara infra.

(3) I.e., the limb does not render men and vessels unclean.

(4) I.e., the flesh or the limb hanging from the body could be reset and bound up with the body so as to heal and recover completely.

(5) Lev. XI, 37.

(6) In order to be deemed unclean like nebelah.

(7) Though in respect of nebelah uncleanness they are considered attached to the animal.

(8) Thus although with regard to Sabbath the figs are regarded as still upon the tree, with regard to food uncleanness they are regarded as fallen off.

(9) I.e., during growth.

(10) Although they were intended to be dried and used as fuel, nevertheless so long as they are still moist they are rendered unclean in respect of food uncleanness.

(11) For even with regard to the laws of Sabbath these vegetables would be regarded as plucked, consequently only these do not convey food uncleanness, since they are as wood, but other vegetables do. Hence it was unnecessary for the

Baraitha to state these obvious rules.

(12) In which case with regard to the laws of Sabbath they would be regarded as unplucked, nevertheless with regard to uncleanness they are considered plucked and convey food uncleanness, thus supporting Samuel's view.

(13) In the case where the tree had not split but the fruits had dried upon the tree.

(14) I.e., both as regards the laws of Sabbath and uncleanness, thus conflicting with Samuel, who distinguishes between these laws.

(15) In other words, 'regarded as attached' has reference only to the laws of Sabbath but not to uncleanness, thus in agreement with Samuel.

(16) R. Meir and R. Simeon in our Mishnah.

(17) Both agree that moistening the handle of foodstuffs renders the whole foodstuff susceptible to uncleanness, but the question is whether the major portion of a thing can in any way be said to serve as a handle to the lesser portion, so that by moistening the bulk the handle is regarded as made susceptible to uncleanness.

(18) R. Meir.

(19) So when the animal was rendered susceptible to uncleanness the hanging limb was likewise rendered susceptible.

(20) R. Simeon.

(21) I.e., the smaller part is still considered as part of the whole. It is agreed to by all that the animal cannot serve as a handle to the limb, but R. Meir and R. Simeon differ in this: R. Meir maintains that whatever still hangs on to the whole is regarded as part of the whole; for, granted that the hanging limb cannot pull with it the rest of the animal, the animal when taken up would certainly take with it this hanging limb. R. Simeon, however, does not accept this argument.

(22) T. Y. III, 1. Cf. variant text in Tosaf. 128a, s.v. רבי.

Talmud - Mas. Chullin 128a

R. Meir says: If by taking hold of the smaller part the greater part comes away with it, it is regarded like it;[1] otherwise it is not regarded like it.[2] Whereupon R. Johanan suggested that he in this case changed his opinion![3] But what was [R. Johanan's] difficulty? perhaps R. Meir distinguishes between the uncleanness of a tebul yom[4] and other uncleannesses? — [This surely is not the case for] it was taught: Rabbi says: It is all one whether the uncleanness was that of a tebul yom or any other uncleanness.[5] But perhaps Rabbi draws no distinction [between the uncleannesses] but R. Meir does? — Said R. Josiah. This is what R. Johanan meant to say. According to Rabbi's view he [R. Meir] in this case changed his opinion. Raba said: They differ as to whether the law of handles applies only in respect of conveying the uncleanness but not in respect of rendering [the bulk] susceptible to uncleanness [or whether it applies to both];[6] one[7] holds that the law of handles applies only in respect of conveying the uncleanness but not in respect of rendering [the bulk] susceptible to uncleanness, but the other[8] holds that the law of handles applies both in respect of conveying the uncleanness and of rendering [the bulk] susceptible to uncleanness.

R. Papa said: They differ as to the ruling in the case where [the limb] was rendered susceptible [to uncleanness] before any intention [was formed of using it as food].[9] For it was taught: R. Judah said: R. Akiba used to teach as follows: The forbidden fat of a slaughtered animal, in villages,[10] needs intention [to be used for food], but does not need to be made susceptible to uncleanness, since it has already[11] been made susceptible by the slaughtering. Thereupon I said to him: Master, did you not teach us that if a man gathered endives, washed them for [feeding] cattle, and then determined to use them as food for man, they again need [to be moistened in order] to be rendered susceptible to uncleanness?[12] R. Akiba then retracted and taught according to R. Judah. The one[8] accepts the original [teaching of R. Akiba].[13] the other[7] [the teaching] after he retracted. R. Aha the son of R. Ika said: They differ in the case where the blood was wiped away [from the limb] between the cutting of the first and second organs [of the throat];[14] one[15] maintains that the term shechitah applies to the entire process of slaughtering from beginning to end, consequently this [blood that was upon the limb] was the blood of slaughtering; the other[16] maintains that the term shechitah applies only to the last stage of the slaughtering, consequently this [blood that was upon the limb] was the blood of a wound.[17]

R. Ashi said: They differ as to whether the slaughtering only and not the blood renders susceptible to uncleanness.[18]

Rabbah raised the following question: Can the living animal serve as a handle to the limb or not?[19] — It is undecided.

Abaye said: Behold they have said:[20] If a man planted a cucumber in a plant-pot and it grew and spread outside the pot, it is clean.[21] Said R. Simeon: How does this come[22] to be clean? Rather what is unclean[23] remains unclean and what is clean[24] remains clean. Now, asked Abaye, [according to R. Simeon] can it[24] serve as a handle to the rest?[25] — It is undecided.

R. Jeremiah said: Behold they have said that if a man bowed down to half a pumpkin he has thereby rendered it forbidden.[26] Now, asked R. Jeremiah,

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(1) And if a tebul yom (i.e., one who has immersed himself by day but is not regarded as absolutely clean until sunset) touched either part, the whole is rendered invalid (i.e., it is unclean, but it cannot convey the uncleanness).

(2) And only the part touched by the tebul yom is rendered invalid but not the other.

(3) R. Meir in the case of the tebul yom adopted a different view, but generally he is of the opinion that where by taking hold of the smaller part the greater part does not come away with it, the former is regarded as part of the whole (Rashi).

(4) V. n. 2. In the case of a tebul yom R. Meir adopts a less strict view, since the uncleanness of such a person is only Rabbinic. So Rashi, but v. Glos. of R. Akiba Eger in the margin of the folio.

(5) I.e., what is regarded as contact with the whole in the case of other sources of uncleanness is also regarded as contact with the whole by a tebul yom

(6) They both, however, agree that the animal can serve as a handle to the limb.

(7) R. Simeon.

(8) R. Meir.

(9) Since the limb was hanging loose from the living animal it is forbidden, even after the slaughtering, to be eaten by all, Jew and gentile alike; consequently it is not regarded as a foodstuff unless an express intention was formed to that effect. In this case, however, at the time of slaughtering when the animal was rendered susceptible to uncleanness by the blood, no such intention was expressed. Later when it is intended to be used as food the question arises whether the first moistening has effectively rendered it susceptible to uncleanness or not. They both, however, agree that a part can serve as a handle both for the purposes of uncleanness and of rendering aught susceptible to uncleanness.

(10) In villages fat was not counted as a foodstuff for it was not usually eaten, either because the villagers could not afford to buy it, or because there was no need for it because of their abundant supply of meat.

(11) Prior to the intention.

(12) For the first washing by water, since it preceded the intention to use them as a foodstuff, will not serve to render them susceptible to uncleanness.

(13) That moistening by water of any matter, even before the intention was formed to use it as a foodstuff, renders it susceptible to uncleanness.

(14) They both hold that although the animal serves as a handle to the limb, it can only serve as such for the purposes of uncleanness but not for the purpose of rendering the limb susceptible to uncleanness; in other words the limb must itself be moistened. Now in this case some blood of the slaughtering splashed upon this loose limb but it was wiped off before the slaughtering was completed.

(15) R. Meir.

(16) R. Simeon.

(17) Which cannot render aught susceptible to uncleanness; v. supra 35b.

(18) It is agreed by all that the animal cannot serve as a handle to the limb for the purpose of rendering it susceptible to uncleanness; it is therefore suggested that the limb was splashed with the blood of the slaughtering which was not wiped off at all. R. Simeon nevertheless maintains that the limb was not thereby rendered susceptible, for he holds that it is the act of slaughtering and not the blood which renders the animal susceptible to uncleanness, and this being so, the act of slaughtering must be a valid act such as renders the animal fit for food, which is not the case with regard to this limb.

(19) This question is founded upon the view of R. Meir who, on Rabbah's interpretation, holds that the slaughtered animal serves as a handle to the loose limb. If it is held that the living animal can also serve as a handle to the loose limb, then the position would be that if unclean matter came into contact with the body of the animal, although it could not itself contract uncleanness thereby for it is alive, it could nevertheless act as a 'handle' to convey the uncleanness to the loose limb (provided the limb was first moistened by water).
(20) 'Uk. II, 9.
(21) Whatsoever is planted in a plant-pot which is not perforated is not regarded as attached to the soil in any way; it is therefore susceptible to contract uncleanness, or if the plant was unclean before planting, it retains the uncleanness (which is not the case if the plant was planted in the ground). If, however part of the growth of the plant spread outside the pot this part clearly draws nourishment from the earth and the effect is that the whole plant, even that which is inside the pot, is insusceptible to uncleanness, or if the plant, before planting, was unclean, it is now clean.
(22) Lit., 'what is the nature of this'?
(23) Sc., that which is inside the pot, for it is not regarded as attached to the soil.
(24) Sc., that which is outside the pot, and which draws sustenance from the soil and so is regarded as attached to the soil.
(25) To convey uncleanness to what is inside the pot although it itself cannot contract uncleanness.
(26) Inasmuch as it is forbidden to derive any benefit whatsoever from the object worshipped, the half pumpkin is no longer, according to the view of R. Simeon infra 129a, regarded as a foodstuff, and so cannot contract uncleanness.

Talmud - Mas. Chullin 128b

can it serve as a handle to the other [half]?[1] — It is undecided.

R. Papa said: Behold they have said,[2] If a branch of a fig-tree was broken off but it was still attached by the bark, [and unclean matter came into contact with it.] R. Judah declares it to be clean;[3] but the Sages say. If it can live,[4] it is clean; but if not, it is unclean. Now, asked R. Papa, can it serve as a handle to the rest?[5] — It is undecided. R. Zera said: Behold they have said,[6] As to a stone that is in a corner,[7] when it must be taken out[8] the whole of it must be taken out, and when [the house] must be pulled down[9] a man need pull down only his own [half of the stone] but leaves his neighbour's [half]. Now, asked R. Zera, can it serve as a handle to the rest?[10] — It is undecided.

IF THE ANIMAL DIED. What difference is there between a limb torn from a living animal and a limb torn from a dead animal? — The difference is where some flesh is severed from the limb; for flesh severed from the limb torn from a living animal is not rendered unclean, but [flesh severed] from the limb torn from a dead animal is rendered unclean. And where is there proof in Scripture that a limb torn away from a living animal renders unclean? — Rab Judah said in the name of Rab: It is written: And if there die of the beasts.[11] But surely this verse is required for the other teaching 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 die of the beasts, [he that toucheth the carcass thereof shall be unclean,] that is to say, some beasts render unclean and some do not, and which are they [that do] not render unclean]? They are trefah animals that have been slaughtered.[12] — If that were so, Scripture should have stated 'of beasts'; why does it state 'of the beasts'? You may therefore infer two results from it. Then in that case even flesh [severed from the living animal] should also [render unclean], should it not? — You cannot say so, for it has been taught: I might think that flesh severed from the living animal should also be unclean, Scripture therefore states: And if there die of the beasts: as death cannot be replaced so everything that [is severed and] cannot be replaced [renders unclean]; so R. Jose [the Galilean]. R. Akiba says. It is written: 'The beasts': as the beast is made up of veins and bones so everything [severed] must be made up of veins and bones [in order to render unclean]. Rabbi says: 'The beasts': as the beast is made up of flesh and veins and bones so everything [severed] must be made up of flesh and veins and bones [in order to render unclean]. Wherein is there a difference between Rabbi and R. Akiba? — In the case of the nethermost joint [of the leg].[13] And wherein is there a difference between R. Akiba and R. Jose the Galilean? — R. Papa

answered: In the case of the kidney and the upper lip.[14]

The same has also been taught with regard to creeping things, viz., I might think that flesh severed from [living] creeping things should also be unclean, Scripture therefore states. When they are dead:[15] as death cannot be replaced so everything that [is severed and] cannot be replaced [renders unclean]; so R. Jose the Galilean. R. Akiba says. It is written: The creeping things:[15] as the creeping thing is made up of veins and bones so everything [severed] must be made up of veins and bones [in order to render unclean]. Rabbi says: 'The creeping things': as the creeping thing is made up of flesh and veins and bones so everything [severed] must be made up of flesh and veins and bones. Between Rabbi and R. Akiba there is a difference with regard to the nethermost joint [of the leg]; and between R. Akiba and R. Jose the Galilean there is a difference with regard to the kidney and the upper lip.

Now both teachings were necessary. For if it had been taught only with regard to beasts I should have said that the reason [why the flesh torn from] the living beast does not render unclean was that [the beast when dead] does not render unclean by a lentil's bulk thereof,[16] but in the case of a creeping thing, since [when dead] it renders Unclean by a lentil's bulk thereof, I should have said that the flesh of the living [creeping thing] should render Unclean. And if it had been taught only with regard to creeping things. I should have said that the reason [why the flesh torn from] the living creeping thing does not render unclean was that creeping things do not convey uncleanness by carrying, but in the case of beasts, since they do convey uncleanness by carrying. I should have said that even [the flesh torn from] the living beast should render unclean. Therefore both teachings were necessary.

Our Rabbis taught: Where a man cut off an olive's bulk[17] of flesh from a limb that was severed from a living animal, if he first cut it off and then intended it as food,[18] it is clean;[19] but if he first intended it as food and then cut it off, it is unclean.[20] R. Assi was once absent from the Beth Hamidrash. He later met R. Zera and asked him, 'What was said in the Beth Hamidrash'? Said the other, 'And what was your difficulty'? He said: 'Well, it has been stated: "If he first intended it as food and then cut it off, it is unclean".

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(1) I.e., if unclean matter came into contact with the forbidden half, can it, seeing that it cannot contract uncleanness itself, serve as a handle to convey the uncleanness to the other half or not?

(2) 'Uk. III, 8.

(3) For it is still regarded as part of the tree and therefore cannot contract uncleanness.

(4) I.e., if when tied to the tree it can produce fruit.

(5) I.e., can this branch which has been tied to the tree and continues to produce fruit, (in which case it cannot contract uncleanness itself,) serve as a handle, if unclean matter came into contact with it, to convey the uncleanness to a smaller branch broken away from it and which cannot live and produce fruit? This is the first interpretation of Rashi, and it is on all fours with the previous questions that were raised. A simpler interpretation is: can the tree, which does not contract uncleanness, convey the uncleanness which came into contact with it to the branch which has broken away and which cannot revive even when tied to the tree?

(6) Neg. XIII, 2.

(7) I.e., a stone which forms part of two adjoining houses and which was infected with some leprous disease. Cf. Lev. XIV, 33ff: if the plague had spread after the house had been shut up for seven days the infected stones must be removed and replaced by others, and if after a further period of seven days the plague appears upon the new stones then the entire house must be pulled down.

(8) Viz., after the first seven days.

(9) Viz., after the second period of seven days.

(10) It is established that stones infected with the plague render everything in the 'tent', i.e., under the same roof-space unclean; cf. Lev. XIV, 36. 46. The question, therefore, is: can the other half of the stone which remains, i.e., his neighbour's half, since it is clean itself, serve as a handle in order that the uncleanness may pass from his house into his neighbour's house.

(11) Lev. XI, 39. The exposition is inferred from the Heb. מן הבהמה, 'of the beasts', i.e., a part thereof. Thus a limb that has died (i.e., torn away from the beast) renders unclean.
(12) In this case the expression מן הבהמה, 'of the beasts', means among beasts; thus some beasts render unclean and some do not.
(13) Sc., the metatarsus or the metacarpus; these consist entirely of bones and veins without flesh. According to R. Akiba, these are limbs and if severed from the living beast render unclean, and so too according to R. Jose; but according to Rabbi these are not limbs.
(14) These are without bones, but obviously once cut away the animal cannot get another kidney or upper lip. According to R. Jose's definition these are regarded as limbs, but not so according to R. Akiba's definition.
(15) Lev. XI, 31.
(16) There must be at least an olive's bulk thereof.
(17) The words 'an olive's bulk' are omitted in MS.M. and other MSS. Rashi apparently also adopts the reading without these words and he quotes the Tosef. in support. The reason for the omission is, that for a foodstuff to contract uncleanness and to convey uncleanness, there must be at least an egg's bulk.
(18) For a gentile.
(19) For a morsel of flesh which has been cut away from a limb that was severed from a living animal has no uncleanness of its own; and at the moment that this morsel comes to be regarded as a foodstuff it was then separated from the limb or from any source of uncleanness, hence it is clean.
(20) Inasmuch as this morsel was regarded as a foodstuff whilst still joined to the limb, it has always borne uncleanness; for when joined to the limb it bore the graver uncleanness (which can render men and vessels unclean), and when separated from it it thereby loses the graver uncleanness but bears the lighter uncleanness (which can render unclean only foodstuffs and liquids) because of its contact with the limb.

Talmud - Mas. Chullin 129a

But it had only [made] covert [contact with] uncleanness[1] and covert [contact with] uncleanness does not render unclean'? Said the other, 'I, too, had this difficulty and I put it to R. Abba b. Memel, and he told me that this ruling was in accordance with R. Meir's view who maintains that covert [contact with] Uncleanness does render unclean'. He said: 'Indeed on many occasions he told me that too, but I replied to him that R. Meir surely made a distinction between that which needed to be rendered susceptible [to uncleanness by a liquid] and that which did not need to be so rendered susceptible',[2] Raba said: But what was the objection, perhaps it was rendered susceptible to uncleanness?[3] Whereupon Rabbah son of Hanan asked Raba: Why is it at all necessary that it be rendered susceptible? Originally[4] it conveyed the graver uncleanness![5] — He replied. But then it served only as wood.[6] Abaye said: Behold they have said[7] that if a man especially set aside a lump of leaven to be used as a seat, he has thereby nullified it.[8] The uncleanness thereof [I say] is not decreed by the law of the Torah; for should you say it is so by the law of the Torah then we should have a case of foodstuffs being able to convey the graver uncleanness [later on]![9] — [No. Not necessarily so]. For it now serves as wood.[10]

Abaye said: Behold they have said that foodstuffs used as offerings to idols render unclean [men and vessels that are] in the same tent.[11] This uncleanness [I say] is not decreed by the law of the Torah; for should you say it is so by the law of the Torah then we should have a case of foodstuffs being able to convey the graver uncleanness [later on]! — [No. Not necessarily so]. For they now serve as wood.[12]

Abaye said: Behold they have stated that foodstuffs that adhere closely [to vessels] are like the vessels themselves.[13] The uncleanness [in such a case I say] is not decreed by the law of the Torah; for should you say it is so by the law of the Torah then we should have a case of foodstuffs being able to convey the graver uncleanness [later on]! — [No. Not necessarily so]. For they now serve as wood.

R. Papa said to Raba: In view of that which has been taught[14] viz.: The forbidden fat of a carcass [of a clean animal], in villages,[15] needs the intention [to be used as food] and also needs to be made susceptible to uncleanness, [I say] the uncleanness that [the fat] conveys by reason of the kidney within it,[16] is not decreed by the law of the Torah; for should you say it is so by the law of the Torah then we should have a case of foodstuffs being able to convey the graver uncleanness![17] — [No, not necessarily so]. For it now serves as wood.[18]

R. Mattenah said: Behold they have spoken of a house roofed with stalks;[19] the uncleanness thereof[20] [I say] is not decreed by the law of the Torah; for should you say that it is so by the law of the Torah then we should have a case of stalks conveying the graver uncleanness! — [No, not necessarily so]. For they now serve as wood.

R. SIMEON DECLARES IT CLEAN. But whichever view you take [it is difficult]: If at death the limb is considered as already fallen off then it should be unclean as a limb severed from a living animal, and if at death it is not considered as already fallen off then it should be unclean as a limb severed from a carcass! — R. Simeon refers to the first clause [which reads]: LIMBS OR PIECES OF FLESH WHICH HANG LOOSE FROM THE [LIVING] ANIMAL ARE UNCLEAN IN RESPECT OF FOOD UNCLEANNESS WHILST THEY ARE IN THEIR PLACE, AND REQUIRE TO BE RENDERED SUSCEPTIBLE TO UNCLEANNESS. But R. Simeon declares them clean.

R. Assi said in the name of R. Johanan. What is the reason for R. Simeon's view? Because Scripture says. All food therein which may be eaten;[21] therefore, food which you may give others[22] to eat is termed food, but food which you may not give

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(1) The contact between the morsel and the limb was made only at the place where subsequently the severance is to be made, and that contact was not exposed. Cf. supra 72b.

(2) R. Meir would agree that where after severance from the limb the part has to be rendered susceptible to uncleanness by water or some other liquid, as is the case here (cf. the Mishnah supra 127a bot.), the covert contact with the uncleanness would not render unclean. Contrast the case stated supra 72b, where the foetus in the womb was already rendered susceptible to uncleanness by the slaughtering of its dam before the unclean protruding limb was cut off.

(3) I.e., the morsel before it was severed from the limb was moistened with water.

(4) Lit., 'together with its father'.

(5) The morsel when joined to the limb was regarded as a primary source of uncleanness to convey the graver uncleanness, and it is established that whatsoever will convey the graver uncleanness later on does not require to be rendered susceptible to uncleanness by water, v. supra 121a; how much more so this morsel which in the past did convey the graver uncleanness!

(6) I.e., it had no individual character but formed together with the bones and sinews an entire limb. It is only now on being severed from the limb that it assumes a new character, viz., that of a foodstuff, and like all foodstuffs it requires moistening in order to be rendered susceptible to uncleanness.

(7) Pes. 45b.

(8) I.e., it no longer counts as leaven and by using it on the Passover one does not transgress the prohibition of Ex. XII, 19, for it is no longer a foodstuff but converted into a seat. As a seat it would contract midras uncleanness (which is a grave uncleanness) if a man that has an issue sat upon it.

(9) Which would conflict with the principle laid down supra 121a, quoted supra p. 725, n. 5.

(10) When converted into a seat it has lost all the characteristics of a foodstuff and has become quite a new article, and as such can convey the graver uncleanness. Accordingly the uncleanness spoken of can well be by the law of the Torah.

(11) The words 'men and vessels that are in the same tent' are omitted in MS.M. Cf. Tosaf. supra 13b s.v. תקרובת.

(12) Since it has been used for idolatrous purposes it is forbidden for all purposes, consequently it has lost its character as a foodstuff, and it is on all fours with any article that has been worshipped.

(13) E.g., pieces of dough found in the cracks of the kneading vessels are regarded as part of the vessel and, if unclean, can render unclean men and vessels. Cf. Pes. 45a, 46a.

(14) The reference given in the margin is to 'Uk. III, 3, but it is not to be found in the Mishnah in the form quoted. V.

Tosaf. Nid. 50b s.v. ל״ג.

(15) Where the fat is rarely eaten even by gentiles; v. supra p. 719, n. 5.

(16) The fat of a carcass cannot convey uncleanness as nebelah save that which encloses the kidney, and that is because of the kidney that is inside it; v. supra 126b.

(17) And this cannot be for then it would not need to be made susceptible to uncleanness, in accordance with the rule quoted, supra 121a.

(18) The fat that encloses the kidney conveys uncleanness not by virtue of its being a foodstuff but, on the contrary, rather as a bone or wood which serves as a protection to the kidney which is nebelah.

(19) So MS.M. and Rashi. The text in cur. edd. reads: 'If a house was roofed with stalks they become clean'. V. Rashi s.v. טומאתו.

(20) The stalks, although they contain grain, can no longer be regarded as foodstuffs but form the roof of the house; and if the house was stricken with a leprous plague, this roof as well as the walls and the rest of the house would be unclean and render men and vessels unclean.

(21) Lev. XI, 34.

(22) Sc. gentiles.

Talmud - Mas. Chullin 129b

others to eat is not termed food.[1] R. Zera said to R. Assi, perhaps the reason for R. Simeon's view there [in the first clause] is: since it is attached it is regarded as one with it.[2] For we have learnt:[3] If a branch of a fig-tree was broken off but it was still attached by the bark, [and unclean matter came into contact with it.] R. Judah declares it to be clean;[4] but the Sages say, if it can live,[5] it is clean; but if not, it is unclean. And when we asked you the reason for R. Judah's view you told us that being still attached, it is regarded as one with it! — We must say that it[6] refers to the middle clause [which reads]: IF THE ANIMAL WAS SLAUGHTERED THEY HAVE, BY THE BLOOD [OF THE SLAUGHTERING], BECOME SUSCEPTIBLE TO UNCLEANNESS: SO R. MEIR. R. SIMEON SAYS, THEY HAVE NOT BECOME SUSCEPTIBLE TO UNCLEANNESS. Thereupon R. Johanan said: What is the reason for R. Simeon's view? Because Scripture says: All food therein which may be eaten'; therefore, food which you may give others to eat is termed food, but food which you may not give others to eat is not termed food. But perhaps the reason for R. Simeon's view there is that given by Rabbah[7] or R. Johanan![8] — Indeed we must say, it[6] refers to the last clause, but [R. Simeon differs] not with regard to the limbs[9] but only with regard to the pieces of flesh. Thus, IF THE ANIMAL DIED THE FLESH REQUIRES TO BE RENDERED SUSCEPTIBLE TO UNCLEANNESS; . . . R. SIMEON DECLARES IT CLEAN. Thereupon R. Johanan said: What is the reason for R. Simeon's view?[10] Because Scripture says: 'All food therein which may be eaten'; therefore, food which you may give others to eat is termed food, but food which you may not give others to eat is not termed food.

MISHNAH. LIMBS OR PIECES OF FLESH WHICH HANG LOOSE FROM A MAN ARE CLEAN. IF THE MAN DIED. THE FLESH IS CLEAN;[11] THE LIMB IS UNCLEAN AS A LIMB SEVERED FROM THE LIVING BODY BUT IS NOT UNCLEAN AS A LIMB SEVERED FROM A CORPSE:[12] SO R. MEIR. R. SIMEON DECLARES IT CLEAN.

GEMARA. Whichever view R. Simeon takes [it is difficult]: If at death the limb is considered as already fallen off, then it should be unclean as a limb severed from the living body, and if at death it is not considered as already fallen off, then it should be unclean as a limb severed from a corpse! — R. Simeon refers to the law in general.[13] For the first Tanna had stated: THE LIMB IS UNCLEAN AS A LIMB SEVERED FROM THE LIVING BODY BUT IS NOT UNCLEAN AS A LIMB SEVERED FROM A CORPSE, and this clearly shows that the law in general is that a limb[14] severed from a corpse is unclean; thereupon R. Simeon said to him that in general a limb[14] severed from a corpse is not unclean. For it has been taught: R. Eliezer said: I have heard that a limb severed from the living body is unclean. Said to him R. Joshua. [Do you mean only] from the living body and

not from a corpse? Surely it is all the more so: for if a limb severed from the living body which is clean, is unclean, how much more is a limb severed from a corpse unclean! In like manner we find it stated in the Scroll of Fasts:[15] 'On the minor Passover no mourning is allowed'. Does this mean that on the major festival[16] mourning is allowed? Surely it is all the more so [on the major festival]; similarly here it is all the more so [with regard to the limb severed from the corpse]! He replied: So have I heard.[17]

What difference is there between a limb severed from the living body and a limb severed from a corpse?[18] — The difference is with regard to an olive's bulk of flesh or a barleycorn's bulk of bone cut away from the limb that was severed[19] (from the living body).[20] For we have learnt: If an olive's bulk of flesh was cut away from a limb that was severed from the living body. R. Eliezer declares it unclean; but R. Nehunia b. Hakaneh and R. Joshua declare it clean. If a barleycorn's bulk of bone broke away from a limb that was severed from the living body. R. Nehunia b. Hakaneh declares it unclean; but R. Eliezer and R. Joshua declare it clean.[21] Now that you have come to this,[22] you can also say that the difference between the first Tanna and R. Simeon is with regard to an olive's bulk of flesh or a barleycorn's bulk of bone.[23]

C H A P T E R X

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(1) And a limb severed from a living animal is forbidden even unto gentiles; this being one of the Seven Commandments given to the sons of Noah, cf. Sanh. 56a.

(2) Lit., 'since it is attached, it is attached'. I.e., as long as it is joined to the living animal, however slender the attachment may be, it is still regarded as part of the living animal and as such cannot be unclean.

(3) 'Uk. III; 8; v. supra p. 721.

(4) For as long as it is joined to the tree, no matter how slightly, it is regarded as part of the tree, and therefore cannot contract uncleanness since the tree is attached to the soil.

(5) I.e., if when fastened to the tree the branch can continue to produce fruit.

(6) Sc., R. Johanan's explanation of R. Simeon's view derived from the interpretation of the verse in Lev. XI, 34.

(7) V. supra 127b, where Rabbah suggested as the reason for R. Simeon's view the principle that the animal cannot serve as a handle to a limb. In some texts the reading is Raba, and his explanation of R. Simeon's view is that in no circumstances can a handle serve as the means of rendering the rest susceptible to uncleanness (cf. supra 128a).

(8) According to R. Johanan the reason for R. Simeon's view is that he holds that where by taking hold of the smaller part the greater part would not come away with it the former cannot be regarded as one with the latter (cf. supra 127b).

(9) The limb is certainly unclean, whether as a limb severed from the living animal or as a limb from a carcass.

(10) That the pieces of flesh even though moistened by water do not contract uncleanness.

(11) The flesh which was hanging loose is clean for it is regarded as having fallen off before death, and this Tanna holds the view that flesh (not a limb) severed from the living body is clean.

(12) For the distinction between these two v. Gemara infra.

(13) And he holds that a limb (entirely without flesh) severed from a corpse does not convey uncleanness!

(14) With no flesh at all upon it.

(15) To commemorate joyous events in the history of the Jewish people there was drawn up a list of days on which fasting, and in some cases also mourning, was forbidden. See further J.E. VIII, p. 427, and also S. Zeitlin, Megillat Taanit, 1922.

(16) The festival of Passover in the month of Nisan as opposed to the minor festival, or Second Passover, in the month of Iyar (cf. Num. IX, 11).

(17) That a limb from a corpse which contains neither an olive's bulk of flesh nor a barleycorn's bulk of bone is not unclean.

(18) Seeing that the first Tanna (sc. R. Meir) in our Mishnah makes such a distinction.

(19) If such was cut away from the limb severed from the living body it is clean, but if from the limb severed from the corpse it is unclean. This view of R. Meir accords entirely with the view of R. Joshua as stated in the Mishnah 'Ed., and in the foregoing Baraitha.

(20) These words in brackets are obviously to be deleted. V. Glos. of Strashun a.l.

(21) 'Ed. VI, 3. For the arguments and reasons adduced by these Rabbis in support of their views v. Mishnah there.
(22) I.e., having introduced the olive's bulk of flesh and the barleycorn's bulk of bone in the argument.
(23) Both the first Tanna and R. Simeon are of the opinion that the limb (even without flesh) of a corpse is unclean, but they differ with regard to an olive's bulk of flesh or a barleycorn's bulk of bone cut away from a limb that was severed from the living body. R. Simeon considers each clean and is in accord with R. Joshua. The first Tanna, however, considers either the former clean and the latter unclean and so accords with R. Nehunia b. Hakaneh, or the former unclean and the latter clean and so accords with R. Eliezer.

Talmud - Mas. Chullin 130a

MISHNAH. THE LAW OF THE SHOULDER AND THE TWO CHEEKS AND THE MAW[1] 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 BUT NOT CONSECRATED ANIMALS. FOR IT MIGHT HAVE BEEN ARGUED THUS, IF UNCONSECRATED ANIMALS, WHICH ARE NOT SUBJECT TO THE LAW OF THE BREAST AND THE THIGH,[2] ARE SUBJECT TO THESE DUES, HOW MUCH MORE ARE CONSECRATED ANIMALS, WITH ARE SUBJECT TO THE LAW OF THE BREAST AND THE THIGH, SUBJECT ALSO TO THESE DUES! SCRIPTURE THEREFORE STATES, AND I HAVE GIVEN THEM UNTO AARON THE PRIEST AND UNTO HIS SONS AS A DUE FOR EVER;[3] ONLY WHAT IS MENTIONED IN THIS PASSAGE SHALL BE HIS.[4]

ALL CONSECRATED ANIMALS WHICH HAD CONTRACTED A PERMANENT PHYSICAL BLEMISH BEFORE THEY WERE CONSECRATED[5] AND HAVE BEEN REDEEMED[6] ARE SUBJECT TO THE LAW OF THE FIRSTLING[7] AND TO THESE DUES, AND LIKE UNCONSECRATED ANIMALS THEY MAY BE SHORN AND MAY BE PUT TO WORK,[8] AND AFTER THEY HAVE BEEN REDEEMED THEIR YOUNG[9] AND THEIR MILK ARE PERMITTED,[10] AND HE WHO SLAUGHTERED THEM[11] OUTSIDE THE SANCTUARY IS NOT LIABLE, AND THEY[11] DO NOT RENDER WHAT WAS SUBSTITUTED FOR THEM [HOLY].[12] AND IF THEY DIED THEY MAY BE REDEEMED.[13] THE FIRSTLING[14] AND THE TITHE OF CATTLE[14] ARE EXCEPTED. ALL [CONSECRATED ANIMALS] WHICH HAD CONTRACTED A PERMANENT BLEMISH AFTER THEY WERE CONSECRATED, OR IF THEY HAD CONTRACTED A PASSING BLEMISH BEFORE THEY WERE CONSECRATED AND SUBSEQUENTLY [AFTER CONSECRATION] CONTRACTED A PERMANENT BLEMISH, AND HAVE BEEN REDEEMED,[15] ARE EXEMPT FROM THE LAW OF THE FIRSTLING, AND FROM THESE DUES, AND THEY MAY NOT, LIKE UNCONSECRATED ANIMALS, BE SHORN OR PUT TO WORK, AND [EVEN] AFTER THEY HAVE BEEN REDEEMED THEIR YOUNG[16] AND THEIR MILK ARE FORBIDDEN, AND HE WHO SLAUGHTERED THEM OUTSIDE THE SANCTUARY IS LIABLE,[17] AND THEY[18] RENDER WHAT WAS SUBSTITUTED FOR THEM [HOLY], AND IF THEY DIED THEY MUST BE BURIED.[19]

GEMARA. The reason[20] is that Scripture stated them,[21] but without it I should have argued that consecrated animals are subject to these dues; but surely the argument [of the Mishnah] can be refuted thus: That is so[22] of unconsecrated animals since they are [also] subject to the law of the Firstling![23] — It[24] might have been inferred from male unconsecrated animals.[25] But [it can also be refuted thus]. That is so[22] of males since they are [also] subject to the precept of the First of the Fleece![26] — It[24] might then have been inferred from he-goats. But [it might be argued,] that is so of he-goats since they [also] enter the stall to be tithed![27] — It might then have been inferred from old[28] [he-goats]. But [it might be argued,] that is so of old [he-goats] since they have in the past entered the stall to be tithed! — It might then have been inferred from a bought or orphaned animal.[29] But [it might be argued.] that is so of bought or orphaned animals since their kind enters the stall to be tithed! — 'Their kind'! you say; then it is the same with consecrated animals too,for their kind[30]

enters the stall to be tithed.[31]

But can it not be inferred that unconsecrated animals are subject to the precept of the breast and the thigh from the following a fortiori argument? Thus: if consecrated animals, which are not subject to the priestly dues, are subject to the precept of the breast and the thigh, how much more are unconsecrated animals which are subject to the priestly dues subject also to the precept of the breast and the thigh! The verse therefore reads: And this shall be the priests' due;[32] 'this', yes, but nothing else. Now the reason is that Scripture stated 'this', but without it I should have said that unconsecrated animals are subject to the precept of the breast and the thigh. But is not the rite of 'waving' essential?[33] And where can they be waved? Outside [the Sanctuary]? But it is written: Before the Lord.[33]

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(1) Deut. XVIII, 3: And this shall be the priests' due from the people, from them that slaughter a slaughtering whether it be ox or sheep, that they shall give unto the priest the shoulder and the two cheeks and the maw.

(2) Lev. VII, 29ff. This law clearly refers to animal offerings only.

(3) Ibid. 34.

(4) Thus of consecrated animals the breast and the thigh only pertain to the priest but not the shoulder etc.

(5) Such animals can only be regarded as consecrated for their value (קדושת דמים) for they are unfit for sacrifice by reason of their blemish.

(6) They are now like ordinary unconsecrated animals in every respect.

(7) And if they now bear a male firstling, even though the animal became pregnant before redemption, it belongs to the priest; cf. Num. XVIII, 15-28.

(8) But this is not so with consecrated animals which contracted a permanent blemish after consecration and have been redeemed. To such the provisions of Deut. XII, 15 apply; thus they are regarded as the gazelle and the hart and are exempt from the law of firstling and from the priestly dues; they may be slaughtered and eaten but may not be put to any labour; and their products, as wool, milk and young, are forbidden.

(9) Even though the animal became pregnant before it was redeemed and brought forth its young after redemption; cf. Bek. 14a.

(10) V. p. 732, n. 8.

(11) Even before they were redeemed.

(12) For although the expression, 'A good for a bad or a bad for a good', in connection with the law of Substitution (Lev. XXVII, 10) has been interpreted to mean an unblemished for a blemished animal, this applies only to a consecrated animal that later suffered a blemish, but not to a blemished animal that was later consecrated; cf. Bek. 14b.

(13) Even though they are fit now only for dogs' food; for the rule (Bek. 15a), 'One must not redeem consecrated animals in order to feed dogs therewith', does not apply to these animals, since they were never regarded as consecrated themselves (קדושת הגוף), but only as consecrated for their value (קדושת דמים). Moreover this Tanna is of the opinion that whatsoever is consecrated for value only need not be made to stand when being redeemed, as is the case with animal offerings when being redeemed on account of a blemish (v. Lev. XXVII, 11,12).

(14) These are holy in all circumstances; for the male firstling is still holy even though born blemished; likewise the tenth beast is designated holy, whether it is blemished or not.

(15) These were themselves consecrated for sacrifice and the provisions of Deut. XII, 15 apply; v. supra p. 732, n. 8.

(16) It is assumed that the animal became pregnant before it was redeemed and brought forth its young after redemption; v. Bek. 14a.

(17) Even though because of their blemish they are not fit for sacrifice in the Sanctuary. In Bek. 16a the unfitness is explained as arising out of a slight blemish, e.g., a thin filmy veil over the eye, and the view adopted is that of R. Akiba who holds that a consecrated animal with such a blemish if already offered upon the altar must not be taken down.

(18) Before they were redeemed.

(19) V. supra p. 733, n. 5. For one must not redeem consecrated animals in order to feed dogs therewith; alternatively because they cannot stand while being redeemed.

(20) Why consecrated animals are not subject to the priestly dues of the shoulder and the two cheeks and the maw.

(21) Lev. VII, 34; V. Mishnah.

(22) Viz., that they are subject to the priestly dues.

(23) Whereas consecrated animals are not subject to the law of the Firstling, consequently they should neither be subject to the priestly dues.
(24) That consecrated animals, were it not for the express verse which excludes them, should also be subject to the priestly dues.
(25) These, being males, are not subject to the law of the Firstling, and yet are subject to the priestly dues; similarly consecrated animals although not subject to the law of the Firstling should nevertheless be subject to the priestly dues.
(26) V. Deut. XVIII, 4. This law, however, does not apply to he-goats, nor to consecrated animals. Likewise the priestly dues should not apply to consecrated animals.
(27) I.e., arc subject to the law of cattle tithe (cf. Lev. XXVII, 32); consecrated animals, however, are exempt from the cattle tithe.
(28) Which have passed through the gate for tithing. Such an animal is no more subject to the law of cattle tithe, yet is subject to the priestly dues; I would then say the same of consecrated animals.
(29) These are exempt from the cattle tithe, v. Bek. 55b, 57a. By 'orphaned' is meant a beast whose dam died whilst bearing it. The argument in the latter part of the prec. n. applies here too.
(30) I.e., unconsecrated animals.
(31) Hence the argument from bought and orphaned animals would have been conclusive to include consecrated animals within the law of the priestly dues; accordingly the verse quoted in the Mishnah is necessary to exclude them.
(32) Deut. XVIII, 3. No other dues but those mentioned in this verse are to be exacted from unconsecrated animals.
(33) Lev. VII, 30.

Talmud - Mas. Chullin 130b

Inside [the Sanctuary]? Then he is bringing what is unconsecrated into the Temple court.[1] It is therefore inapplicable; wherefore then do I require [the word] 'this'?[2] — For R. Hisda's teaching. For R. Hisda said: If a man destroyed or consumed the priestly dues [before they were given to the priest] he is not liable to make restitution.[3]

[To turn to] the main text: 'R. Hisda said: If a man destroyed or consumed the priestly dues [before they were given to the priest] he is not liable to make restitution'. For what reason? If you wish I can say, because it is written [the word] this; or if you prefer I can say, because it is property which has no definite claimant.[4]

An objection was raised: [The verse,] And this shall be the priests' due [mishpat],[5] teaches that the dues are a matter of right. What is the effect of this? Is it not that they can be claimed in court?[6] — No, it is that they are to be distributed by the [advice of the] court.[7] And this is in agreement with R. Samuel b. Nahmani; for R. Samuel b. Nahmani said in the name of R. Jonathan: Whence do we know that one should not give any dues to a priest an 'am ha-arez?[8] From the verse: Moreover he commanded the people that dwelt in Jerusalem to give the portion of the priests and the Levites, that they might hold fast to the law of the Lord,'[9] whosoever holds fast to the law of the Lord has a portion, and whosoever does not hold fast to the law of the Lord has no portion.

Come and hear: R. Judah b. Bathyra says: The expression 'due', [mishpat], teaches that the dues are a matter of right. I might say that the breast and the thigh are also a matter of right, the text therefore states: And this.[5] Now what is the effect of this rule? Is it that they are to be distributed by [the advice of] the court? Then surely the breast and thigh are also to be distributed by the [advice of the] court.[10] It must therefore mean that they can be claimed in court![11] — We are dealing here with the case where they had come into [the priest's] possession.[12] But if they had come into his possession already then this is obvious![13] They came into his possession unseparated,[14] and this Tanna is of the opinion that priestly dues although not separated [from the bulk] are regarded as virtually separated.[15]

Come and hear: If a householder was travelling from place to place and is obliged to take the

gleanings,[16] the forgotten sheaf,[17] or the corners of the field,[16] or the Poorman's Tithe,[18] he may take them, and when he returns to his house he must make restitution;[19] so R. Eliezer.[20] — R. Hisda said: They taught this Only as a rule of conduct for the pious.[21] Said Raba: But the Tanna stated 'he must make restitution',[22] how then can one say that this was stated here only as a rule of conduct for the pious? Moreover, can any objection be raised from the statement of R. Eliezer?[23] Indeed it was from the following clause [that the objection was raised] viz., But the Sages say: He was a poor man at that time.[24] Now this is so only because he was a poor man, but had he been a rich man he would have had to make restitution; but why? Is this not a case of a man destroying or consuming the priestly dues?[25] Whereupon R. Hisda answered: They taught this only as a rule of conduct for the pious.

Come and hear: Whence do we know that if an owner consumed his produce without having separated the tithes,[26] or if a Levite consumed his tithe without having separated the priestly tithe therefrom,[26] he is exempt from making restitution?[27] Because Scripture says: And they shall not profane the holy things of the children of Israel, which they set apart unto the Lord;[28] thou[29] hast a right to them only after they have been set apart. It follows, however, that after they have been set apart, [if a man consumed them] he would be liable to make restitution; but why? Is this not a case of a man destroying or consuming the priestly gifts? — Here too [we must suppose that]

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(1) And this is forbidden Biblically, v. Tosaf s.v. **אי**.

(2) To exclude unconsecrated animals from the precept of the breast and the thigh seeing that the indispensability of the rite of 'waving' makes it inapplicable to them.

(3) The rule is derived from the word 'this' (v. infra), which implies that these portions if in existence must be given to the priest, but if destroyed there is no obligation to compensate the priest for them.

(4) For to every priest that claims them the owner could say that he proposed to give them to another priest.

(5) Deut. XVIII, 3. Heb. **משפט**. In this verse it is translated as 'due', but generally it means 'judgment, right'. The use of this word in connection with these portions signifies that they are regarded as a legal right.

(6) Lit., 'to collect them by (order of) the judges'. I.e., a priest can claim them in court from an owner who withholds them; thus conflicting with R. Hisda who regards these dues as property without any claimants.

(7) I.e., the court guides the owner as to the distribution of his dues, that he should not give them to the unworthy.

(8) V. Glos. In general the ignorant and irreligious people.

(9) II Chron. XXXI, 4.

(10) For also these dues should not be given to an unworthy priest.

(11) I.e., a priest can claim the dues of the shoulder, the two cheeks and the maw from an owner; contra R. Hisda. This legal right was expressly excluded from the law of the breast and the thigh as any claim to them would hardly be contested, for, since they formed part of the atonement of the sacrifice, the owner would certainly not withhold them.

(12) The claim in connection with the dues of the shoulder etc. referred to arises when they were stolen from the possession of the priest to whom they had already been given.

(13) That they can be claimed and recovered in court.

(14) The entire animal came into the possession of the priest and, as the dues have no particular owner, this priest acquired the property in them even though they had not yet been separated from the animal.

(15) This, however, cannot be said with regard to the dues of the breast and thigh, for these are not free to all priests but are restricted to that division of priests on duty in the Temple at the time of the sacrifice.

(16) Lev. XIX, 9.

(17) Deut. XXIV, 19.

(18) This was due in the third and sixth years of the Sabbatical cycle in lieu of the Second Tithe, and was to be distributed among the poor. Deut. XIV, 28, 29.

(19) He must pay for the amount he had consumed to the first poor man who claims it. This clearly conflicts with R. Hisda's teaching.

(20) Pe'ah V, 4.

(21) Strictly he is not bound to make any restitution, and his doing so is only in the nature of a pious and charitable act.

(22) Clearly a legal ruling!

(23) Surely not; for R. Hisda need not find himself in agreement with R. Eliezer seeing that R. Eliezer's view is disputed by the Sages. But see Tosaf. s.v. תנא at end.

(24) And therefore he need not make restitution.

(25) In which case R. Hisda expressly said that he need not make restitution for none could claim it from him.

(26) Lit., 'in a state of tebel' (mixture).

(27) Even though he may be liable to death at the hands of Heaven for eating it, cf. Sanh. 83a.

(28) Lev. XXII, 15.

(29) Sc., the priest.

Talmud - Mas. Chullin 131a

they came into his possession unseparated [from the bulk],[1] and this Tanna is also of the opinion that priestly dues although not yet separated [from the bulk] are regarded as virtually separated.

Come and hear: If the king's officers seized the corn in a man's granary, if it was on account of a debt due from him he must give tithe for it,[2] but if it was by reason of confiscation[3] he is under no obligation to give tithe for it! — There the case is different, because they confer some advantage on him.[4]

Come and hear: If a man said: 'Sell me the entrails of a cow', and among them were the priestly dues,[5] he [the purchaser] must give them to a priest, and [the seller] need not allow any reduction in the purchase price on that account. But if he bought them from him by weight, he must give them to a priest and [the seller] must allow a reduction in the price on that account.[6] But why?[7] Is it not like the case of a man destroying or consuming the priestly dues? — There it is different, because they are actually in existence.

Come and hear: The following nine things are the property of the priest:[8] Terumah,[9] the terumah of the tithe,[10] the dough-offering,[11] the first of the fleece,[12] the dues,[13] the [terumah of the tithe of] dem'ai,[14] the firstfruits,[15] the principal and the added fifth.[16] In what respect [are they considered the property of the priest]? Surely in that they can be claimed in court![17] — No, but as we have learnt:[18] Why did they say that [the firstfruits] are the property of the priest? Because with them he may buy slaves, immovable property and unclean cattle, and a creditor can take them in payment of his debt, or a woman in payment of her kethubah,[19] and [he may also buy with them] a scroll of the Law.[20]

There was once a Levite who used to snatch the priestly dues.[21] When this was reported to Rab, he said: Is it not enough for him that We do not take the dues from his own [slaughtering],[22] but he must also snatch them? But what was Rab's view? If they [Levites] are included within the term 'the people'[23] we should exact the dues from them too; and if they are not included within the term 'the people' then the Divine Law has exempted them?[24] — Rab was in doubt whether they are included within the term 'the people' or not.[25]

R. Papa was once sitting and reciting the above statement,[26] whereupon R. Idi b. Abin raised this objection against R. Papa. [It was taught:] The four gifts [assigned by the Torah] to the poor in a vineyard, namely the fallen grapes, the small clusters, the forgotten cluster, and the corner [of the vineyard], and the three in a cornfield, namely the gleanings, the forgotten sheaf, and the corners of the field, and the two in the fruit of the tree, namely the forgotten fruits and the corner of the tree — with regard of these, the owners have not the benefit of disposal;[27] and even from the poorest in Israel they are exacted.[28] With regard to the Poorman's Tithe which is distributed in the house, the owner has the benefit of disposal, and it is exacted even from the poorest in Israel. The other priestly dues, such as the shoulder and the two cheeks and the maw, are not exacted from one priest in favour of another priest nor from one Levite in favour of another Levite.[29] 'The four gifts to the poor in the vineyard, namely the fallen grapes, the small clusters, the forgotten cluster, and the corner' — for it

is written: And thou shalt not glean the small clusters of thy vineyard, neither shalt thou gather the fallen fruit of thy vineyard.[30] And it is written: When thou gatherest the grapes of thy vineyard thou shalt not glean the small clusters after thee;[31] and R. Levi said: 'After thee' implies that which is forgotten.[32] As to the corner (of the vineyard] this is inferred by the use of the expression 'after thee' both here [with regard to a vineyard] and also with regard to the olive-tree; for it is written: When thou beatest thine olive-tree thou shalt not go over the boughs after thee,[33] and a Tanna of the School of R. Ishmael expressed it thus: Thou shalt not cut off the crown thereof.[34] 'The three in the cornfield, namely the gleanings. [

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(1) The whole produce having been entrusted to the priest's keeping, the priest forthwith acquired the property in the tithes, and whosoever deprives him of them must certainly make restitution.

(2) From other produce, just as when a man sells produce he must also give the tithe for it. This, however, shows that the tithe is claimable and that the obligation is enforced by the court; it cannot mean that the obligation is merely a religious one for then it would not be insisted upon that he give the tithe for it seeing that he has neither the produce nor its value.

(3) אנפרות. V. Git. (Sonc. ed.) p. 190, n. 2.

(4) The obligation is therefore a religious one, yet he must give the tithe for it because he has this benefit that his debt has been cleared. V. supra p. 738, n. 9; and Tosaf. s.v. שאני.

(5) Sc., the maw.

(6) V. infra 132a. In the first case the transaction implicitly excluded the maw for it is common knowledge that the maw belongs to the priest, hence it was not included in the sale; in the second case, however, the maw was included in the weight sold, and since it was not the seller's to sell the price must be reduced to that extent.

(7) Why should the purchaser have to give the dues to the priest?

(8) And the priest may use them for any purpose whatsoever. This is only part of the list of twenty-four endowments bestowed upon the priests; v. infra 133b, and B.K. 110b. In point of fact there are fifteen priestly gifts which are the absolute property of the priest to be used for any purpose; but Rashi suggests that these fifteen are comprehended within the nine mentioned in the text; v. Rash s.v. תשעה. R. Han. reads 'seven', in the text; v. Tosaf. s.v. ה"ג.

(9) Cf. Num. XVIII, 12; v. Glos.

(10) To be given by the Levites; ibid. 26.

(11) Ibid. XV, 18-21.

(12) Deut. XVIII, 4.

(13) Ibid. 3. Sc., the shoulder and the two cheeks and the maw.

(14) The produce bought from an 'am ha-arez was regarded as dem'ai, doubtful, for he could not be trusted as to the separation of the tithes. They were trusted, however, with regard to the separation of the terumah, for this had a higher degree of sanctity. Therefore the purchaser who scrupulously observes the law of tithing must separate from dem'ai (a) 'the terumah of the tithe', i.e., the portion due to the priest out of the First Tithe, and (b) the Second Tithe.

(15) Ex. XXIII, 19; and Deut. XXVI, 1ff.

(16) The restitution, (consisting of the principal and an additional fifth) that is to be made for robbery committed upon a proselyte who died without issue belongs to the priest. Cf. Num. V, 7, 8.

(17) Thus conflicting with R. Hisda's view.

(18) Bik. III, 12.

(19) Generally meaning the statutory sum that the husband undertakes to pay to his wife in the event of his death or of his divorcing her. V. Intro. to Kethuboth, Sonc. ed., p. xi.

(20) In the Mishnah Bik., the text reads 'as (the creditors may also do with) a scroll of the Law'. V. Rashi here s.v. ום"ת.

(21) From children who were carrying them to the priest's home.

(22) I.e., when he slaughters his own animal we do not compel him to give the dues to a priest. The tone of Rab's remark implies that this was a concession to them by the Rabbis.

(23) Deut. XVIII, 3: And this shall be the priests' due from the people.

(24) What then did Rah mean by suggesting that they were favoured in that it was not insisted upon that they give the dues? V. supra n. 6, end.

(25) And therefore no priest could claim the dues from Levites without bringing evidence to prove they latter are subject to this law.

(26) That Rab was in doubt whether Levites were subject to this law or not.

(27) To give them to whomsoever he wishes, but they are to be left on the field free to all the poor, and the first poor person that collects them acquires them.

(28) If he is in possession of a field he is bound to leave these gifts for the poor.

(29) Tosef. Pe'ah II. The Gemara proceeds first to interpret this Baraitha, proving the Biblical source for each of these gifts to the poor, and later on reverts to the objection raised by R. Idi against R. Papa.

(30) Lev. XIX, 10: לא תועלל, Thou shalt not remove the עוללות i.e., the small clusters. פרט, I.e , single grapes that fall off during 'the grape gathering

(31) Deut. XXIV, 21.

(32) For the law of the forgotten sheaf or cluster applies only to what has been left 'after' i.e., behind one, but not to what is still in front of one; cf. Pe'ah VI, 4, and B.M. 12a

(33) Deut. XXIV 20.

(34) I.e., one must not remove the last berries from the extremities or corners' of the tree. By an inference made from the common expression 'after thee', the law of the 'corners stated in connection with the olive-tree applies also to a vineyard.

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the forgotten sheaf, and the corners of the field' — for it is written: And when ye reap the harvest of your land, thou shalt not wholly reap the corner of thy field; neither shalt thou gather the gleaning of thy harvest;[1] and it is written: When thou reapest thy harvest in thy field, and hast forgot a sheaf in the field, thou shalt not go back to fetch it.[2] 'The two in the fruit of the tree, namely the forgotten fruits and the corner [of the tree]' — for it is written: When thou beatest thine olive-tree thou shalt not go over the boughs after thee,[3] and a Tanna of the School of R. Ishmael expressed it thus: Thou shalt not cut off the crown thereof; and the expression 'after thee' refers to the forgotten fruits. 'With regard to all of these the owners have not the benefit of disposal' — because the term 'leaving' is used in connection with them.[4] 'And even from the poorest in Israel they are exacted' — for it is written: Neither shalt thou gather the gleaning of thy harvest; thou shalt leave them for the poor and the stranger: this is an admonition to a poor man [who himself owns a field] in regard to his own [gleanings].[5] 'With regard to the poorman s Tithe which is distributed in the house, the owner has the benefit of disposal' — because the term 'giving' is used in connection with it.[6] 'And it is exacted even from the poorest in Israel' — for R. Ila'a said: An inference is to be made by means of the common expression 'for the stranger' from the other [dues to the poor]:[7] as with the other dues there is an admonition to a poor man in regard to his own, so here [with regard to the Poorman's Tithe] there is an admonition to a poor man in regard to his own. 'The other priestly dues, such as the shoulder, the two cheeks and the maw, are not exacted from one priest in favour of another priest, nor from one Levite in favour of another Levite' — it follows, however, that they may be exacted from a Levite in favour of a priest; apparently because they are included within the term 'the people'![8] — [It only stated,] 'Such as the shoulder', but not actually the shoulder; what is really meant is the First Tithe.[9] But is not the First Tithe due to the Levite? — The view expressed here is that of R. Eleazar b. 'Azariah; for it has been taught:[10] Terumah belongs to the priest, the First Tithe to the Levite; so R. Akiba. R. Eleazar b. 'Azariah says. It belongs to the priest also.[11] But R. Eleazar b. 'Azariah said: 'to the priest also'! Did he say, to the priest and not to the Levite? — Yes, after Ezra had penalized them.[12] Perhaps Ezra had penalized them that one should not give it [the First Tithe] to them, but did he intend that it should be taken away from them?[13] — We must therefore say, such as the shoulder', but not actually the shoulder; what is really meant is the first of the fleece.[14]

Come and hear: This is the general rule: Whatsoever is sacred,[15] as terumah, the terumah of the Tithe, and the Dough-offering, is exacted from their hands,[16] and whatsoever is not sacred, as the shoulder, the two cheeks and the maw, is not exacted from them![17] — [It states,] 'Such as the shoulder' but not actually the shoulder; what is meant is the First Tithe, and this refers [to the state of

things] after Ezra had penalized them.[18]

Come and hear: If a man slaughtered an animal for a priest or for a gentile, he is exempt from the dues.[19] It follows, does it not, that for a Levite or an Israelite he is liable? — Say not, 'it follows that for a Levite or an Israelite he is liable', but rather, it follows that for an Israelite he is liable. But for a Levite [you say] he is exempt, in that case the Mishnah should have taught thus: If a man slaughtered an animal for a Levite or a gentile he is exempt from the dues![20] Moreover it has been taught [in a Baraitha]: If a man slaughtered an animal for a priest or a gentile, he is exempt from the dues, but if he slaughtered for a Levite or an Israelite, he is liable. Surely this is a refutation of Rab's view! — Rab can reply that it is a matter of dispute between Tannaim. For it has been taught:[21] [Scripture says,] And he shall make atonement for the most holy place:[22] this means [for transgression of the laws of uncleanness occurring in] the Holy of Holies; and the tent of meeting:[22] this means in the Holy place; and the altar:[22] this is to be taken in its usual sense;[23] he shall make atonement:[22] this means [for transgression of the laws of uncleanness occurring in] the various Temple courts; and for the priests:[24] this is to be taken in its usual sense; and for all the people of the assembly:[24] this means the Israelites; he shall make atonement:[24] this means the Levites. And another [Baraitha] taught: He shall make atonement:[24] this means [heathen] slaves.[25] Surely then the Tannaim differ in this: one holds that they [the Levites] are included Under the term 'the people',[26] and the other holds that they are not included Under 'the people'.[27] And Rab?[28] If he agrees with the one Tanna he should have ruled accordingly, and if he agrees with the other Tanna he should have ruled accordingly? — Rab was in doubt whether to accept the ruling of the one Tanna or of the other.

Meremar stated in a discourse: The law is in accordance with Rab's view;[29] and the law is also in accordance with R. Hisda's view.[30]

'Ulla used to give the priestly dues to the daughter of a priest.[31] Raba raised the following objection to 'Ulla. We have learnt:[32] The meal-offering of a priest's daughter is eaten,[33] but the meal-offering of a priest may not be eaten. Now if you say that 'priest' includes a priest's daughter too, is it not written: And every meal-offering of the priest shall be wholly made to smoke; it shall not be eaten?[34] — He replied: Master,

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(1) Lev. XXIII, 22.

(2) Deut. XXIV, 19.

(3) Ibid. 20. V. supra p. 741, n. 8.

(4) In some contexts the expression used is 'thou shalt leave them for the poor', e.g., Lev. XIX, 10, XXIII, 22; and in others the expression used is 'it shall be for the stranger', e.g., Deut. XXIV, 19, 20, 21. It is clear therefore that the poor man has a claim to them whilst they are in the field, hence there is no right for the owner of the field to collect them, bring them into his house and distribute them according to his discretion among the poor.

(5) In the Hebrew of the verse: Lev. XXIII, 22, 'for the poor' follows immediately upon the command to leave the gleanings, and the interpretation is, that it is for the poor, too' to leave the gleanings.

(6) Cf. Deut. XXVI, 22.

(7) Cf. Lev. XXIII, 22, and Deut. ibid.

(8) This is in conflict with Rab who was in doubt about it.

(9) The expression 'such as the shoulder' was stated as an example of the priestly dues, but what was specially meant was the First Tithe (v. Num. XVIII, 21) which according to this teaching, could be taken away from the Levite in favour of the priest.

(10) Yeb. 86a; Keth. 26a; B.B. 81b.

(11) For although the Torah expressly granted the First Tithe to the Levites, the priests were not thereby excluded, for in twenty-four instances do we find priests described as Levites, e.g., Ezek. XLIV, 15.

(12) Because the Levites did not go up with him in the return to Judea from the Babylonian exile, Ezra deprived them of the tithe; v. Yeb. 86b. There is no express reference to this in the Books of Ezra or Nehemiah; v. Rashi s.v. בתר. It has been suggested that Mal. III, 10: Bring ye the whole tithe into the Temple treasury, refers to this new institution of Ezra;

for according to Jewish tradition, Malachi is identified with Ezra (v. Meg. 15a). Cf. Tosaf. Yeb. 86b, s.v. מפני.
(13) It surely was not intended that the Levites were bound to give the First Tithe of their own produce to the priests.
(14) This law (Deut. XVIII, 4) certainly applies to Levites too' and the due is exacted from the Levite in favour of the priest.
(15) I.e., forbidden to non-priests.
(16) From the Levites in favour of the priests.
(17) This clearly shows that the Levites are not under any obligation to give the shoulder etc. to the priests, obviously because they are not included under the term 'the people'. Why then was Rab in doubt about it?
(18) The suggestion therefore is that although the Levites are not to be given the First Tithe any more, it is not to be exacted from their own produce in favour of the priest. With regard to the shoulder, however, the matter is still in doubt.
(19) Although the claim for these dues is usually made upon the slaughterer (v. infra 132b), in this case the slaughterer is exempt since the animal belonged to the priest or to the gentile. V. infra 132a.
(20) And needless to say that it is so where the animal belonged to a priest.
(21) Yoma 61a; Sheb. 23b; Men. 92a.
(22) Lev. XVI, 33. The bullock and the goat prescribed in the sacrificial service of the Day of Atonement make atonement for all transgressions of the rules of uncleanness occurring in the several parts of the Temple precincts, e.g., if any person entered the Temple court in a state of levitical uncleanness; and the atonement is extended to include every section of the community. Cf. Sheb. 13b.
(23) I.e., if a priest whilst serving at the altar became unclean and stayed there for a period co-extensive with the time of one prostration, cf. Sheb. 16a.
(24) V. p. 744, n. 6.
(25) Who are also in need of atonement.
(26) Sc., the Tanna of the latter Baraitha. It is therefore unnecessary to have a special reference in the verse to include Levites, consequently the reference serves to include heathen slaves.
(27) Sc., the Tanna of the first Baraitha; it was therefore necessary to include Levites expressly.
(28) How is it that he was in doubt?
(29) That we do not exact the priestly dues from Levites.
(30) That whosoever destroys or consumes the priestly dues, before they ever came into the hand of the priest, is exempt from making restitution; v. supra 130b.
(31) Even though she is married to an Israelite; for the precept And they shall give unto the priest (Deut. XVIII, 3) includes every one of priestly stock, even females.
(32) Sot. 23a.
(33) The residue of her meal-offering, and so also of that of an Israelite, was eaten by the priests after that the handful, i.e., the memorial part thereof, had been burnt upon the altar.
(34) Lev. VI, 16.

Talmud - Mas. Chullin 132a

I borrow your own argument,[1] for in that passage are expressly mentioned Aaron and his sons.[2] The school of R. Ishmael taught: unto the priest,[3] but not unto the priest's daughter, for we may infer what is not explicitly stated from what is explicitly stated.[4]

The school of R. Eliezer b. Jacob taught: unto the priest,[3] and even unto the priest's daughter, for we have here a limitation following a limitation,[5] and the purpose of a double limitation is to extend the law.

R. Kahana used to eat [the priestly dues] on account of his wife.[6] R. Papa used to eat them on account of his wife. R. Yemar used to eat them on account of his wife. R. Idi b. Abin used to eat them on account of his wife.

Rabina said: Meremar told me that the law was in accordance with Rab's view;[7] that the law was in accordance with R. Hisda's view;[7] that the law was in accordance with 'Ulla's view;[8] and that the

law was in accordance with the view of R. Adda b. Ahaba that if a Levite's daughter gave birth to a firstborn son the child is exempt from the payment of the five sela's.[9]

Our Rabbis taught:[10] The law of the shoulder, the two cheeks and the maw applies to a hybrid and to a koy.[11] R. Eliezer says, A hybrid, the offspring of a he-goat and a ewe, is subject to these dues; the offspring of a he-goat and a hind[12] is exempt from these dues. Let us consider the case. It has been established[13] that with regard to the law of covering up the blood and also with regard to the priestly dues the dispute (between R. Eliezer and the Rabbis as to the koy] can arise only in the case where a hart covered a she-goat; for both R. Eliezer and the Rabbis are undecided whether or not to take into consideration the seed of the male parent, but they differ as to whether the term 'sheep' includes even that which is a sheep in part only: one[14] maintains that the term 'sheep' includes even that which is a sheep in part only, the other[15] maintains that we do not say that the term 'sheep' includes that which is a sheep in part only. Now R. Eliezer's view that [the offspring of a he-goat and a hind] is exempt from dues is clear, for he holds that the term 'sheep' does not include even that which is a sheep in part only.[16] According to the Rabbis however [it is difficult]; for granting that they hold the view that the term 'sheep' includes even that which is a sheep in part only, he [the priest] should only be entitled to half the dues,[17] for as to the other half the owner could say to him, 'Bring proof that we do not take into consideration the seed of the male parent and then you can have it'! — R. Huna b. Hiyya answered that by 'subject' they meant subject to half the dues.[18]

R. Zera raised an objection. We have learnt: A koy is in some ways similar to cattle, and in some ways similar to wild animals, and in some ways it is similar to wild animals and to cattle. Thus, its fat is forbidden like the fat of cattle; its blood must be covered up like the blood of wild animals. 'In some ways it is similar to cattle and to wild animals', for the blood and the sciatic nerve thereof are forbidden like [the blood and the sciatic nerve of] cattle and wild animals. It is subject to the law of the shoulder, the two cheeks and the maw, like cattle; R. Eliezer declares it exempt [from these dues].[19] Now if it were so,[20] it should state that it is subject to half the dues only! — Since it states the rule with regard to its fat and its blood, in which case it could not have stated half, it therefore does not state half [even with regard to the dues].[21]

When Rabin came [from Palestine] he reported in the name of R. Johanan that a koy, according to the Rabbis, is subject to the whole of the dues. For it was taught: [Scripture could have stated] 'ox', wherefore does it state, whether it be ox?[22] To include the hybrid. [Likewise it could have stated] 'sheep', wherefore does it state, whether it be sheep?[22] To include the koy. According to R. Eliezer what is the purpose of 'whether'?[22] — It is necessary in order to[19] ndicate disjunction.[23] Then whence do the Rabbis derive the principle of disjunction? — From the verse: From them that slaughter a slaughtering.[24] And to what purpose does R. Eliezer put this verse: From them that slaughter a slaughtering? — He requires it for Raba's teaching, for Raba said: The claim is made against the slaughterer.[25]

MISHNAH. IF A FIRSTLING GOT MIXED UP WITH A HUNDRED OTHER ANIMALS AND A HUNDRED [AND ONE] PERSONS SLAUGHTERED THEM ALL,[26] THEY ARE ALL EXEMPT FROM THE DUES.[27] IF ONE PERSON SLAUGHTERED THEM ALL,[28] ONLY ONE ANIMAL IS EXEMPT FROM THE DUES. IF A MAN SLAUGHTERED AN ANIMAL FOR A PRIEST OR A GENTILE,[29] HE IS EXEMPT FROM THE DUES; IF HE HAD A SHARE [IN THE ANIMAL] WITH THEM, HE MUST INDICATE THIS BY SOME SIGN.[30] IF HE[31] SAID, 'EXCEPT THE DUES', HE IS EXEMPT FROM GIVING THE DUES.[32] IF A MAN SAID, SELL ME THE ENTRAILS OF A COW', AND AMONG THEM WERE THE PRIESTLY DUES, HE MUST GIVE THEM TO A PRIEST AND [THE SELLER] NEED NOT ALLOW ANY REDUCTION IN THE PURCHASE PRICE ON THAT ACCOUNT. BUT IF HE BOUGHT THEM FROM HIM BY WEIGHT, HE MUST GIVE THEM TO A PRIEST, AND [THE SELLER] MUST ALLOW A REDUCTION IN THE PRICE ON THAT ACCOUNT.[33]

GEMARA. Why is this so?[34] — The priest can surely approach him with a double claim[35] saying [of each animal]. 'If it is the firstling, it is all mine, and if it is not the firstling, then give me my dues!'

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(1) Lit., 'from your burden'; i.e., the other words in the passage quoted by you confute you.

(2) Ibid. 13. But elsewhere, wherever 'priest' alone is mentioned, it includes even the priest's daughter, as in the case of the priestly dues.

(3) Deut. XVIII, 3, in reference to the priestly dues.

(4) With regard to the meal-offering of priests the Torah expressly states 'Aaron and his sons', in order to exclude the priest's daughters, and this serves as a guiding principle suggesting that whenever Scripture mentions 'priest' the priest's daughter is excluded.

(5) In the passage dealing with the priestly dues there occur the words 'priests' and 'priest', and inasmuch as each serves as a limitation to exclude the priest's daughter, the result is that the successive limitations actually amplify the scope of the law and include the priest's daughter.

(6) Who was the daughter of a priest. The meaning is that the giving of the priestly dues to the husband of a priest's daughter is a proper fulfilment of the obligation (R. Nissim).

(7) V. supra p. 745.

(8) That one may give the priestly dues to the daughter of a priest.

(9) The sum prescribed for the redemption of the firstborn son; cf. Num. XVIII, 25, 26. It is established law (cf. Bek. 13a) that where either one of the parents is of priestly stock or where the father is a Levite, the firstborn son is exempt from redemption. R. Adda b. Ahaba here extends the rule of exemption even where the mother is the daughter of a Levite. V. Bek. 47a.

(10) V. supra p. 443.

(11) A permitted animal, about which the Rabbis were undecided whether it was to be classed in the category of cattle or of wild beasts.

(12) For 'the offspring of a he-goat and a hind' Rashal substitutes 'the koy'.

(13) V. supra 80a, pp. 444-5 and notes thereon.

(14) The Sages.

(15) R. Eliezer.

(16) And as this offspring is at most only a part sheep by reason of its sire it is exempt entirely from dues.

(17) Even in the case of the offspring of a hart and a she-goat.

(18) Strictly the Rabbis did not use the expression 'subject' at all; they only ruled that the law of the shoulder etc. applied to a koy, and it is now suggested that by 'applied' they meant only as to half the dues.

(19) Bik. II, 8.

(20) That according to the Rabbis the koy is only subject to half the dues.

(21) But of course it is only subject to half the dues.

(22) Deut. XVIII, 3. The particle אם (im) is unnecessarily stated before ox and sheep.

(23) That these portions are due when one slaughters either an ox or a sheep; without the particles 'im it might have been said that these portions are due only when one slaughters an ox and a sheep.

(24) Ibid. זבח 'slaughtering' is in the singular; so that the slaughtering of one animal imposes the obligation of the dues.

(25) The priest when claiming his dues makes his claim upon the slaughterer, although the latter may have slaughtered animals belonging to other people.

(26) I.e., every animal belonged to a different person, or better, each person slaughtered his own animal.

(27) For each owner-slaughterer can rebut the priest's claim by saying that what he had slaughtered was the firstling which is exempt from priestly dues.

(28) I.e., the animals all belonged to one person.

(29) I.e., the animal belonged to a priest or a gentile.

(30) That all may know that he shares the animal with the priest or the gentile and on that account he is exempt from giving the dues.

(31) A priest or a gentile when selling the animal to an Israelite.

(32) The purchaser is exempt from giving the dues for they had not become his property at all.
(33) V. supra 131a.
(34) That, in the first clause, all the animals are exempt from the dues because of the firstling that is mixed up with them.
(35) Lit., 'from two sides'.

Talmud - Mas. Chullin 132b

— R. Oshaia said: This [firstling] had already been received by the priest but when it suffered a blemish he sold it to an Israelite.[1]

IF A MAN SLAUGHTERED AN ANIMAL FOR A PRIEST OR A GENTILE HE IS EXEMPT FROM THE DUES. Why does not the Mishnah teach simply. 'Priests and gentiles are exempt from giving the dues'?[2] — Raba said: This proves that the claim is made against the slaughterer.[3] Raba stated in his discourse, Scripture says: From the people,[4] but not from the priests; but when it further says. From them that slaughter a slaughtering,[4] I say, this includes even a slaughterer who is a priest.[5]

R. Tabla's host was a priest and in sore need. When he came to R. Tabla the latter said to him, 'Go and take a share [in the animals] of the Israelite butchers, for since they will thereby be exempt from giving the dues[6] they will give you a share with them'. R. Nahman, however, declared him[7] liable to give the dues. Said he,[7] 'But R. Tabla has exempted me'. 'Go at once', ordered [R. Nahman.] 'and give up the dues, or else I will put R. Tabla out of your mind'.[8] Thereupon R. Tabla came before R. Nahman and said to him, 'Why has the Master done so?' He replied. 'When R. Aha b. Hanina came from the schools in the South he reported that R. Joshua b. Levi and the elders of the South ruled that a priest who became a slaughterer was exempt from giving the dues for the first two or three weeks,[9] but thereafter he was liable to give the dues'. 'Then', said the other, 'why does not the Master at least deal with him[7] in accordance with R. Aha b. Hanina'?[10] He replied. 'That is the ruling only when he has not set up a butcher's stall; but here he has set up a stall'.[11]

R. Hisda said: A priest [a butcher] who does not give the dues [to another priest] is to be put under the ban of the Lord God of Israel. Rabbah son of R. Shila, said: The butchers of Huzal have been under the ban of R. Hisda for the last twenty-two years. Now what is the point of this?[12] Does it mean to say that we do not continue the ban? But it has been taught: This[13] applies only to negative precepts, but in the case of positive precepts as, for instance, when a man is told, 'Make a sukkah',[14] and he does not make it, or 'Perform the commandment of the lulab'.[15] and he does not perform it, he is flogged until his soul departs![16] — It means that we may penalize them [now] without warning;[17] as when Raba penalized a man [by taking away from him] a side of meat,[18] and R. Nahman b. Isaac penalized a man [by taking away from him] his cloak.

R. Hisda also said: The [entire] shoulder is to be given to one [priest], the maw to another, and the two cheeks to two [priests]. But surely this is not so, for when R. Isaac b. Joseph came [from Palestine] he reported that in the West they even divide every bone [amongst a number of priests]! — That is only in the case of an ox.[19]

Rabbah b. Bar Hana said in the name of R. Johanan: It is forbidden to eat from an animal from which the priestly dues have not been taken.

Rabbah b. Bar Hana also said in the name of R. Johanan: Whosoever eats from an animal from which the priestly dues have not been taken is as one who eats untithed produce.[20] — The law, however, is not in accordance with him.

R. Hisda said: The priestly dues may be eaten only roasted and with mustard. What is the reason?

Because Scripture says: For a consecrated portion,[21] that is, as a mark of eminence,[22] [and must therefore be eaten] as kings take their food.

R. Hisda also said: A priest who is not conversant with the twenty-four priestly endowments[23] should not be given any gifts at all. This however is not right; for it has been taught:[24] R. Simeon says. A priest who does not believe in the [Temple] service[25] has no portion in the priesthood,[26] for it is written: He among the sons of Aaron, that offereth the blood of the peace-offerings, and the fat, shall have the right thigh for a portion.[27] I only know it with regard to this[28] service; whence do I know it with regard to the fifteen other services in the Temple, viz., the rites of pouring,[29] mingling,[30] breaking into pieces,[31] seasoning with salt,[32] waving,[33] bringing near,[34] taking out the handful,[35] and burning it,[35] the rite of nipping off.[36]

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(1) So that the priest's claim is only in respect of the dues.

(2) Since these are not included within the term 'the people'; Deut. XVIII, 3.

(3) And the slaughterer can meet the claim by proving that the animal belongs to a priest or a gentile.

(4) Deut. XVIII, 3.

(5) I.e., a priest who has opened up a trade as a butcher must give the dues to another priest. What he slaughters for his own use, however, is exempt from the dues.

(6) In accordance with the rule in our Mishnah.

(7) Sc., the Israelite who granted this priest a share in his animals.

(8) Lit., 'I will take R. Tabla out of your ear'; i.e., I shall place you under the ban and R. Tabla will not be able to help you in any way.

(9) I.e., for so long until he is established in the town as a butcher.

(10) And exempt the Israelite his partner from giving the dues for the first two or three weeks.

(11) And has at once established himself as a butcher.

(12) Of stating twenty-two years.

(13) That with the execution of punishment the wrong is atoned for.

(14) The booth for the Feast of Tabernacles, cf. Lev. XXIII, 42.

(15) The palm branch used in the ritual of the Feast of Tabernacles, cf. ibid. 40.

(16) Hence we see that a person who is recalcitrant in the performance of a commandment (especially in the performance of a commandment which does not involve great outlay or expense-Rashi) is to be coerced by whatever means the Rabbis have in their power and they will not relax it until he does perform it. In the previous case therefore the ban would be continued unremittingly until the precept is performed.

(17) I.e., when a person has been under the ban for twenty-two years he may be punished further without any warning.

(18) For refusing to give the priestly dues Raba once took away from the owner an whole side of meat and gave it to the priest.

(19) So that even when one portion, e.g., the shoulder, is cut up into several parts each priest would receive something substantial.

(20) טבל, for which the penalty is death at the hands of Heaven. V. Tosaf. s.v. באילו.

(21) Num. XVIII, 8.

(22) So Targum Onkelos: לרבו 'as a distinction, as a mark of eminence'.

(23) As to the manner in which they should be eaten, cf. prec. passage.

(24) Men. 18b; Tosaf. Dem'ai II.

(25) As a divine institution.

(26) I.e., is not entitled to any portion of sacrificial meat or to the priestly dues.

(27) Lev. VII, 33.

(28) Sc., the rite of 'offering' or bringing forward the parts of the sacrifice to the altar.

(29) Oil in the vessel of the meal-offering; cf. Men. 74b.

(30) The meal with the oil; Men. ibid.

(31) The baked meal-offering; Lev. II, 6.

(32) Ibid. 13.

(33) Certain meal-offerings; v. Men. 60a, 61a.

(34) Certain meal-offerings to the south-west corner of the altar, ibid. 8.
(35) Ibid. 2.
(36) The head of a bird-offering; v. Lev. I, 15; V, 8.

Talmud - Mas. Chullin 133a

of receiving [the blood in a vessel], and sprinkling it,[1] the ceremony of giving the water to a woman suspected of adultery,[2] of breaking the heifer's neck,[3] of purifying the leper,[4] and of raising the hands [for the priestly benediction][5] both inside (the Temple] and outside?[6] The text therefore states, among the sons of Aaron,[7] that is, every service ordained for the sons of Aaron. Hence, a priest who does not believe in the [Temple] services has no portion in the priesthood. Now the reason for this is that he does not believe in them, but if he does believe in them although he is not conversant with them [he is entitled to the priestly dues].[8]

R. Abba said in the name of R. Huna who said it in the name of Rab: The veins in the cheek are forbidden,[9] and a priest who does not know how to remove them should not be given this portion. But this is not correct, for if [the meat is] roasted then the blood will run out, and if [it is] cooked in a pot, having first been cut up and salted, then the blood will have run out.[10]

Raba said: R. Joseph once tested us [by the following question]: If a priest snatches the priestly dues,[11] is this a token of his zeal for the precept or of his contempt for the precept? And we replied, [Scripture says.] They shall give,[12] but he shall not take it himself.[13]

Abaye said: At first I used to snatch the priestly dues for I said to myself. 'I am showing my zeal for the precept', but when I heard the teaching, '"They shall give", but he shall not take it himself', I would no more snatch it, but would say to all, 'Give them to me'. And when I heard the teaching [of the following Baraitha] which was taught: 'They turned aside after lucre:[14] R. Meir said: Samuel's sons used to ask for the portions themselves', I decided not to ask for them but would accept them if they were given to me. And when I heard the following [Baraitha][15] which was taught: 'The modest withdrew their hands from it but the greedy took it', I decided not to accept them at all, save on the day before the Day of Atonement so as to establish myself as one of the priests.[16] But he could have raised his hands [for the priestly benediction]?[17] — Time pressed him.[18]

R. Joseph said: A priest in whose neighbourhood there lives a scholar who is in sore need, may assign to him the priestly dues[19] even though they have not yet come into his hands; provided [the priest] is popular among the priests and Levites.[20]

Raba and R. Safra once visited the house of Mar Yuhna the son of R. Hana b. Adda (others say, the house of Mar Yuhna the son of R. Hana b. Bizna), and he prepared for them a third-born[21] calf. Thereupon Raba said to the attendant[22] [who waited upon them]: 'Assign to me the dues, for I wish to eat the tongue with mustard'.[23] He assigned them to him. Raba ate it, but R. Safra would not eat it.[24] There came to R. Safra the following verse in a dream: As one that taketh off a garment in cold weather, and as vinegar upon nitre, so is he that singeth songs to a heavy heart.[25] He then came before R. Joseph and said to him, 'Perhaps it was because I did not do in accordance with the Master's teaching[26] that this verse came to me?' But he [R. Joseph] replied. 'I said it of a stranger only, but an attendant perforce must assign it;[27] moreover I said it in respect of one who is needy, but here it was not a case of need'. 'Then why did this verse appear to me?' — 'It referred to Raba'. 'Then why did it not appear to Raba?' 'He was under Divine censure'.[28]

Abaye said to R. Dimi: To what does the plain meaning of the [above] verse refer? — He replied: To one who teaches a disciple that is unworthy. For Rab Judah stated in the name of Rab: Whosoever teaches a disciple that is unworthy will fall into Gehinnom,[29] as it is written: All

darkness is laid up for his treasures; a fire not blown by man shall consume him that hath an unworthy remnant [sarid] in his tent;[30] and 'sarid' can refer only to the scholar, as it is written: And among the remnant [u-baseridim] those whom the Lord shall call.[31]

R. Zera said in the name of Rab: Whosoever teaches a disciple that is unworthy is as one that throws a stone at a Merculis,[32] for it is written: As a small stone in a heap of stones, so is he that giveth honour to a fool;[33] and 'honour' is nothing but the Torah as it is written: The wise shall inherit honour;[34] and The perfect shall inherit good.[35]

R. Hama b. Hanina said: Whosoever does good to one that does not appreciate it is as one that throws a stone at a Merculis, for it is written: As a small stone in a heap of stones, so is he that giveth honour to a fool;[33] and it is also written: Luxury is not seemly for a fool.[36]

IF HE HAD A SHARE [IN THE ANIMAL] WITH THEM, HE MUST INDICATE THIS BY SOME SIGN. [This is so, apparently] even with a gentile.[37] But I can point out a contradiction, for it has been taught: If a man shares [the animal] with a priest he must indicate this by a sign; if he shares it with a gentile, or if the animal was a consecrated animal that had become unfit for a sacrifice,[38] there is no need to indicate this by a sign!

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(1) Either upon the veil of the Holy of Holies, or upon the altar.

(2) Num. V, 24.

(3) Deut. XXI, 4.

(4) Lev. XIV, 2ff.

(5) Num. VI, 22-27.

(6) I.e., in Synagogues.

(7) Lev. VII, 33.

(8) This clearly refutes R. Hisda's statement.

(9) On account of the blood that is in them.

(10) Cf. supra 93a re the veins in the fore-limb.

(11) From children who are taking it to another priest.

(12) Deut. XVIII, 3.

(13) Hence it is wrong to seize it.

(14) I Sam. VIII, 3.

(15) Yoma 39a, in connection with the distribution of the shew-bread among the priests, and conditions in the Temple after the death of Simeon the Just.

(16) That it should not be forgotten that he was a priest.

(17) In the Synagogue service and this would have proved him to be a priest.

(18) He was always occupied in study with his pupils that he could not find the time to take part in the priestly benediction. According to 'Aruch and Alfasi, Abaye used to suffer from intestinal troubles and this debarred him from participating in the priestly benediction.

(19) And the scholar may collect the dues from the people.

(20) מכירי כהונה. Lit., 'acquaintances of priesthood'. One who can count upon receiving dues from many people, and therefore, having as it were a presumptive ownership of the dues, he can assign them even though he has not actually received them.

(21) Or, a calf in its third year, or one that has reached a third of its growth.

(22) Who was a priest and who usually received the priestly dues from his master.

(23) The tongue constitutes part of the two cheeks to be given to the priest.

(24) He held that the attendant could not assign what he had not yet received.

(25) Prov. XXV, 20. R. Safra felt humiliated that this verse should have been applied to him; for the latter part of the verse implies that it is useless to teach one who has no understanding.

(26) Stated supra.

(27) To his master's guests; in such a case they in whose favour the dues were assigned would not acquire them.

(28) Because of his conduct in this incident, or because he had incurred the divine displeasure by demanding rain from Heaven, cf. Ta'an. 24b.

(29) The place of punishment of the wicked in the hereafter; hell.

(30) Job XX, 26. All darkness i.e., Gehinnom, and a fire not blown by man i.e., the fires of hell, are prepared for him who has an unworthy scholar (רע שריד) in his tent.

(31) Joel III, 5: ובשרידים.

(32) I.e., an idolater. Mercurius, a Roman divinity, identified with the Greek Hermes, the patron deity of wayfarers. Worship of this deity consisted in the setting up of stones, two beside each other and one above them, cf. A.Z. 49b, and sometimes simply in throwing stones at the figure; cf. Sanh. 60b.

(33) Prov. XXVI. 8. The words in the text following this verse until the end of this same verse quoted in the subsequent passage are omitted in the current editions. It is an obvious scribal omission, and the text has been supplied from MS.M.; the passage in full is also to be found in the 'En Jacob.

(34) Ibid. III, 35.

(35) Ibid. XXVIII, 10. The logic of the argument must be followed up thus: And 'good' is nothing but Torah, as it is said: For I give you good doctrine, forsake ye not my Torah (ibid. IV, 2). Cf. Aboth VI, 3.

(36) Ibid. XIX, 10.

(37) I.e., it is necessary to indicate by some sign the existing partnership between the Jew and the gentile.

(38) By reason of a physical blemish and which has been redeemed. Such an animal is exempt from the priestly dues, v. supra 130a.

Talmud - Mas. Chullin 133b

— We must suppose in this case that the gentile was sitting by the butcher's stall.[1] But then in the case of the priest we must also suppose the same circumstances, that he sat by the stall; why then is it necessary to indicate [the partnership] by a sign? — Because people might say that he is only buying meat. Then in the case of a gentile, too, people might say that he is only buying meat, will they not? — We must suppose in this case that the gentile was sitting by the till.[2] Then in the case of the priest we must suppose the same circumstances, that he sat by the till, why is it necessary to indicate by a sign? — Because people might say that he merely trusted him [the priest].[3] Then in the case of a gentile, too, people might say that he merely trusted him? — There is no trust among heathens. If you wish, however, I can say, a gentile [partner] usually makes himself heard.[4]

The Master stated: 'If the animal was a consecrated animal that had become unfit for sacrifice, there is no need to indicate this by a sign'. This shows that it is evident to all;[5] but we have learnt: Consecrated animals that have become unfit for sacrifice may [after they have been redeemed] be sold in the market, may be slaughtered in the market, and may be weighed out by the pound![6] — R. Adda b. Ahabah suggested before R. Papa that our case refers only to those animals that are sold in the house.[7]

R. Huna said: If he[8] has a share in the head of the animal only, one is exempt from giving the cheeks; if he has a share in the forelimb, one is exempt from giving the shoulder; and if he has a share in the entrails, one is exempt from giving the maw. Hiyya b. Rab said: Even if he has only a share in one of these parts one is nevertheless exempt from all [the dues].

An objection was raised: [If he said,][9] 'The head shall be mine and the rest yours', or even [if he said], 'One hundredth part of the head [shall be mine]', he[10] is exempt. 'The fore-limb shall be mine and the rest yours', or even 'One' hundredth part of the fore-limb [shall be mine]', he is exempt. 'The entrails shall be mine and the rest yours', or even 'One hundredth part of the entrails [shall be mine]', he is exempt. Now this means, does it not, that he is exempt from the cheeks but liable to give the others; likewise that he is exempt from the shoulder but liable to give the others; and so also that he is Exempt from the maw but liable to give the others? — No, it means, he is exempt from all the dues. Then why does it not [expressly] state, 'He is exempt from all the dues'? Furthermore, it

has been expressly taught: [If he said.] 'The head shall be mine and the rest yours', or even 'One hundredth part of the head [shall be mine]', he is exempt from giving the cheeks but he is liable to give the others! — This is surely a refutation of the view of Hiyya b. Rab. It is a refutation.

R. Hisda said: The following Baraitha misled Hiyya b. Rab. For it was taught:[11] There are twenty-four priestly endowments, all bestowed upon Aaron and his sons first in general terms[12] and then specified separately,[13] and [finally confirmed] by a covenant of salt.[14] Whosoever observes them is as though he observes [the whole Torah which is expounded by] generalizations and specifications and [the sacrifices which were confirmed by] a covenant of salt,[15] and whosoever neglects them is as though he neglects [the whole Torah which is expounded by] generalizations and specifications and [the sacrifices which were confirmed by] a covenant of salt. And these are they: Ten [that are to be eaten] within the precincts of the Temple, four [that are enjoyed] in Jerusalem, and ten [that are given to them] within the borders [of the Land of Israel]. The ten [that are to be eaten] within the precincts of the Temple are: the sin-offering of an animal, the sin-offering of a bird, the guilt-offering for a known sin, the guilt-offering for a doubtful sin, the peace-offerings of the congregation.[16] the log of oil of the leper,[17] the two loaves,[18] the shewbread,[19] the remnant of the meal-offerings, the remnant of the 'Omer.[20] The four [that are enjoyed] in Jerusalem are: the firstling, the firstfruits, that which is taken away as a heave-offering from the thank-offering[21] and from the ram of the Nazirite,[22] and the hides of the [most] holy sacrifices.[23] The ten [that are given to them] within the borders [of the Land of Israel] are: the terumah, the terumah of the tithe, the dough-offering, the first of the fleece, the [priestly] dues, the redemption of the [firstborn] son,[24] the redemption of the firstling of an ass,[25] the field of possession,[26] the devoted field,[27] and [the restitution for] robbery committed upon a proselyte.[28] Now he[29] thought that since 'the [priestly] dues' were counted as one [item in the list], they are considered one;[30] but it is not the case, for can it be said that 'what is taken away as a heave-offering from the thank-offering and from the ram of the Nazirite' are considered one merely because they are counted as one item? Surely they are counted as one item because they are similar to each other; then in this case too, they are counted as one item only because they are similar to each other.

The question was raised: What is the law [if he said],[31] 'The head shall be yours and all the rest shall be mine'? Do we have regard to the part of the animal on which the obligation rests and this part belongs to the Israelite,[32] or do we have regard to the major portion of the animal and this belongs to the priest? — Come and hear: If a gentile or a priest delivered sheep to an Israelite to shear them, he[33] is exempt [from the first of the fleece]. If a man bought the fleeces of a flock belonging to a gentile, he Is exempt from the first of the fleece. In this respect the law of the shoulder and the two cheeks and the maw is more strict than the law of the first of the fleece.[34] This proves that we have regard to the part of the animal upon which the obligation rests. This proves it.

IF HE SAID, 'EXCEPT THE DUES', HE IS EXEMPT FROM GIVING THE DUES.

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(1) And this in itself is a manifest indication to all that the gentile has a share in the business.

(2) This is even stronger evidence that the gentile is a partner.

(3) To guard the till, but it does not necessarily imply that the priest has a share in the business.

(4) The circumstances were, as suggested at first, that the gentile was sitting by the butcher's stall, and so too in the case of the priest. But there is this distinction: a gentile partner would not look on in silence but would interfere in the business done by his Jewish partner, protesting from time to time at the price his partner allows, so that it would be obvious to all that the gentile has a share in the business. This, however, is not the case with a priest who is a partner in the business.

(5) That the animal is an animal unfit for sacrifice and has been redeemed. This is indicated, no doubt, by the fact that the meat is not sold in the market place like ordinary meat.

(6) Lit., 'by the litra' (the weight of one pound). It is evident from this Mishnah (Bek. V, 1) that consecrated animals which have been redeemed are treated in every way like ordinary animals.

(7) E.g., the Firstling and Cattle Tithe (cf. Bek. V, 1). In other words, the dictum of the Master that there is no need for any indication in the case of consecrated animals that became unfit refers only to the Firstling and the Cattle Tithe, for these may not, under any circumstances, be sold in the market but only in the house.
(8) Sc., the priest or the gentile.
(9) Sc., the priest or the gentile when selling the animal to an Israelite.
(10) The Israelite.
(11) B.K. 110b; Tosef. Hal. II.
(12) Cf. Num. XVIII, 8: All the hallowed things of the children of Israel unto thee have I given them.
(13) Num. XVIII, 9-19.
(14) Ibid. 19. I.e., a permanent covenant.
(15) Cf. Lev. II. 13.
(16) Offered on the Feast of Weeks, cf. Lev. XXIII, 19.
(17) Used for his purification rite; v. ibid. XIV, 10ff.
(18) Brought on the Feast of Weeks, ibid. XXIII, 17.
(19) Cf. Ex. XXV, 30; Lev. XXIV, 5-9.
(20) Lit., 'sheaf', referred to in Lev. XXIII, 10ff.
(21) Sc., the breast and the thigh and the four loaves; cf. ibid. VII, 11-14.
(22) Sc., the sodden shoulder, an unleavened cake and wafer; cf. Num. VI. 19.
(23) The hides of burnt-offerings, sin-offerings and guilt-offerings; cf. Lev. VII, 8. The hides of the lesser holy sacrifices belong to the donors; v. Zeb. 103b.
(24) I.e., the prescribed sum of five shekels; cf. Num. XVIII, 15-16.
(25) With a sheep; v. Ex. XIII, 13.
(26) Cf. Lev. XXVII, 16-21.
(27) Num. XVIII, 14.
(28) I.e., the principal and the additional fifth, cf. Num. V, 7, 8. This list is also to be found in B.K. 110b, Sonc. ed., p. 645-6. Part of this list is also found supra 131a.
(29) Hiyya b. Rab.
(30) So that he that is exempt from one portion is exempt from all.
(31) Sc., the priest when selling to an Israelite the head of an animal only.
(32) At the time of slaughtering when the obligation to give the portions falls due the Israelite is the owner of the head of the animal. And since the head belongs to the Israelite he is liable to give the two cheeks to the priest.
(33) Sc., the Israelite.
(34) For if an Israelite bought the portions of an animal from a priest from which the priestly dues are taken he is bound to give the dues; hence it is clear that the obligation rests upon the part of the animal bought.

Talmud - Mas. Chullin 134a

I can point out a contradiction to this. [It was taught: If he said,][1] 'On condition that the dues shall be given to me', he may nevertheless give them to any priest he chooses![2] — Do you oppose the terms 'except' and 'on condition that' against each other? The term 'except' is a reservation,[3] but the term on condition that' is no reservation.[4] There is, however, a further contradiction, [for it was taught: If he said.] 'On condition that the dues shall be given to me', the dues must then be given to him![5] — They differ in this: one holds that 'on condition that' is a reservation;[6] the other[7] holds that 'on condition that' is no reservation.

IF A MAN SAID, 'SELL ME THE ENTRAILS OF A COW', etc. Rab said: They taught this[8] only where [the purchaser] weighed them for himself,[9] but if the butcher weighed them for him, then the [priest's] claim is against the butcher [also].[10] R. Assi said: Even though the butcher weighed them for him his claim is with him only.[11] Shall we say that they differ in the ruling of R. Hisda? For R. Hisda stated: If a person misappropriated (an article] and, before the owner gave up hope of recovering it, another person came and consumed it, the owner has the option of collecting payment from either the one[12] or the other.[13] Now is it to be said that the one [Rab] agrees with R. Hisda and

the other [R. Assi] does not agree with R. Hisda? — No, all agree with R. Hisda, but there they differ as to whether the priestly dues are subject to the law of theft, the one [Rab] holds that they are subject to the law of theft[14] and the other [R. Assi] holds that they are not.[15] Some report the above argument independently[16] thus: Rab said: The priestly dues are subject to the law of theft; R. Assi said: The priestly dues are not subject to the law of theft.

MISHNAH. IF A PROSELYTE HAD A COW AND HE SLAUGHTERED IT BEFORE HE BECAME A PROSELYTE, HE IS EXEMPT FROM GIVING THE PRIESTLY DUES; IF [HE SLAUGHTERED IT] AFTER HE BECAME A PROSELYTE, HE IS LIABLE; IF THERE WAS A DOUBT ABOUT IT, HE IS EXEMPT, FOR THE BURDEN OF PROOF LIES UPON THE CLAIMANT.[17]

GEMARA. When R. Dimi came [from Palestine] he reported that R. Simeon b. Lakish pointed out the following contradiction to R. Johanan. We have learnt: IF THERE WAS A DOUBT ABOUT IT, HE IS EXEMPT, which shows that the doubt is decided in favour of leniency.[18] But there is a contradiction to this, for we have learnt:[19] [The grain found] in ant-holes among the standing corn,[20] belongs to the owner;[21] [as for the grain found in ant-holes] behind the reapers,[22] the uppermost layer belongs to the poor, but what is beneath belongs to the owner. R. Meir says. It all belongs to the poor, since gleanings that are in doubt are deemed to be gleanings.[23] To this [R. Johanan] answered: Do not weary me [with your arguments], since I quote that [Mishnah] as the opinion of an individual;[24] for it has been taught: R. Judah b. Agra says in the name of R. Meir: Gleanings that are in doubt are deemed to be gleanings, forgotten sheaves that are in doubt are deemed to be forgotten sheaves, and corners of the field that are in doubt are deemed to be corners of the field. The other [Resh Lakish] retorted: Teach it even in Ben Taddal's[25] name, [the difficulty, however, remains] for he adduces a reason for his view. For Resh Lakish said,[26] It is written: Do justice to the afflicted and poor;[27] what is meant by 'do justice'? Can it mean, [favour him] in his lawsuit? Surely it is written: Thou shalt not favour a poor man in his cause![28] Rather it means: Be liberal with what is yours and give it to him![29] — Raba answered,[30] Here the cow has the status of exemption [from dues], but the standing corn has the status of being subject [to the dues].[31] Said Abaye to him: Behold the case of the dough [of a proselyte, of which we learnt]:[32] If it was mixed before he became a proselyte he is exempt from giving the dough-offering; if after he became a proselyte, he is liable to give it; if there was a doubt about it, he is liable![33] — He replied. Where the doubt concerns a religious prohibition[34] we must take the more stringent view, where the doubt concerns a monetary matter we take the more lenient view.[35] For R. Hisda stated, and so also did R. Hiyya teach: Eight cases of doubt were cited in connection with a proselyte, in four he is held liable and in four he is held exempt; and these are they: with regard to his wife's sacrifice,[36] the dough-offering,[37] the firstling of an unclean animal,[38] and the firstling of a clean animal,[39] he is held liable;[40]

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(1) Sc., the priest when selling an animal to an Israelite.

(2) For the condition is contrary to Scriptural law, since by Scriptural law the owner has a power of disposal of the dues to whom he will, and it is therefore null and void. The purchaser then can dispose of the dues as he wishes, but he is bound to give them, thus apparently in conflict with our Mishnah.

(3) What was excepted did not form part of the sale, for the priest reserved these parts to himself.

(4) But merely a condition which, being contrary to Scriptural law, is null. V. Git. 82a.

(5) Thus contradicting the first Baraitha.

(6) The Tanna of the last quoted Baraitha regards the term on condition that' on all fours with the term 'except'.

(7) The Tanna of the first Baraitha.

(8) That where the entrails were sold by weight the seller must allow a reduction in the price on account of the priestly dues that were included; the implication being that the priest comes and claims the dues from the purchaser.

(9) In this case it was the purchaser who actually took away the priest's due, consequently the priest can only claim them from the purchaser and the latter in turn is entitled to an allowance in the purchase price.

(10) The priest, if he so pleases, can claim the dues from the seller (even though they are no longer in his possession) for

he was also in the wrong, and he must make every effort to obtain them for the priest. V. B.K. 115a.

(11) The priest can only claim the dues from the person in whose possession they are, in this case from the purchaser.

(12) I.e., the one who robbed him.

(13) I.e., the one who later consumed the article; for so long as the owner has not given up hope of recovering it it is deemed to be his property wherever it happens to be, so that the one who consumed it also committed an act of theft.

(14) Accordingly the butcher when he sold them committed an act of theft for which he is held liable.

(15) For since they are endowments by Divine Law they always remain the priest's property wherever they are, consequently the law of theft does not apply to them, but the person in whose possession they are is alone responsible for them to the priest.

(16) And not in connection with our Mishnah.

(17) In this case it would be upon the priest to show that the animal was slaughtered after the owner was converted to the Jewish faith.

(18) I.e., in favour of the owner.

(19) Pe'ah IV. 11.

(20) According to Rashi, that which is in front of the reapers, i.e., which the reapers have not yet reached, although they have begun to reap the field; but v. infra p. 762, n. 1, commentary of R. Samson of Sens.

(21) The law of gleanings does not apply to it, for it is certain that the grain was carried into the holes by ants and did not fall therein at the time of reaping, since that part of the field has not yet been reaped.

(22) According to R. Samson of Sens, if only the reapers have started to reap even though they have not reached the standing corn around the ant-holes; q.v.

(23) R. Meir thus in a case of doubt decides against the owner, which view clearly contradicts that of our Mishnah which is also the view of R. Meir, for an anonymous Mishnah represents the view of R. Meir, v. Sanh. 86a (Sonc. ed.) p. 566. V., however, Tosaf. s.v. ורמינהי.

(24) It is only the opinion of R. Judah b. Agra quoting R. Meir, and he is not to be relied upon.

(25) A fictitious name for some foolish babbler (Jast.). Variants are: בן ערל a stammerer, cf. ערל שפתים Ex. VI, 12; בן תרן, בן עדל probably names of persons known to have been unreliable in all matters.

(26) [Insert with MS.M., 'what is the reason of R. Judah b. Agra'?]

(27) Ps. LXXXII, 3.

(28) Ex. XXIII, 3.

(29) I.e., in matters of doubt give the poor the benefit.

(30) To reconcile the two Mishnahs.

(31) In every case of doubt we must refer to the status of the thing before the doubt arose (v. supra p. 46), and the cow then belonged to a gentile when it was exempt from dues; the cornfield, on the other hand, being the property of an Israelite, has always been subject to the various dues to the poor.

(32) Hal. III, 6.

(33) Even though at the time when the doubt arises the dough has the status of exemption from the dough-offering, for the dough of a gentile is exempt; this clearly conflicts with Raba's contention.

(34) For if the dough-offering is not given to the priest the whole dough is deemed to be tebel and forbidden to be eaten on the penalty of death at the hands of Heaven.

(35) The priestly dues are in no wise sacred and the omission to give them does not render the animal forbidden; consequently, it is only a monetary consideration, and in a case of doubt it is for the priest, the claimant, to establish his claim.

(36) Where there was a doubt whether his wife gave birth to a child before she became a proselyte or after. This case of doubt may involve a penalty of kareth, for if she gave birth after she became a proselyte she would then be obliged to bring a sacrifice consequent upon her childbirth (cf. Lev. XII); and if she failed to do so and ate consecrated food she would be liable to the penalty of kareth.

(37) The doubt here being as stated in Mishnah Hal. III, 6. This case of doubt may involve the penalty of death at the hands of Heaven, v. supra n. 3.

(38) Where there was a doubt whether the proselyte's ass brought forth a firstling before his conversion or after. If after, then the foal is forbidden for all purposes until it is redeemed with a lamb (cf. Ex. XIII, 13), which lamb had to be given to the priest; in this case of doubt, the proselyte must redeem the foal with a lamb, but he may withhold it from the priest; v. infra n. 20.

(39) The doubt here as in prec. note. This case of doubt may involve the penalty of kareth for slaughtering a firstling outside the Temple.

(40) Since these cases are matters which involve religious prohibitions and entail serious penalties, we must adopt the stricter view and impose the obligation upon the proselyte.

Talmud - Mas. Chullin 134b

with regard to the first of the fleece, the priestly dues, the redemption of his firstborn son, and the redemption of the firstling of an ass,[1] he is exempt.[2] When Rabin came [from Palestine] he reported that he had pointed out to him a contradiction with regard to the standing corn itself.[3]

Levi[4] once sowed grain in Kishor, and there were no poor to collect the gleanings, so he came before R. Shesheth. He told him: It is written: Thou shalt leave them for the poor and the stranger,[5] but not for ravens and bats.[6]

An objection was raised: One is not obliged to bring in the terumah from the threshing-floor into the town, nor from the desert into the inhabited place;[7] if, however, there is no priest there [in the district], one must hire a cow and bring it in, for otherwise there would be a waste of terumah![8] — In the case of terumah it is different, for [without setting apart the terumah] the whole is forbidden,[9] and therefore one has no choice but to set it apart.[10] But take the case of the priestly dues they do not render the whole forbidden, nevertheless it has been taught: Where the custom is only to scrape away [with boiling water the hair] of calves,[11] one should not remove the skin from the shoulder;[12] moreover, where the custom is to remove the skin from the head one should not remove the skin from the cheeks.[12] If there is no priest [to whom to give these dues], one must estimate their value[13] and then eat them, so that there should be no loss to the priest! — In the case of the priestly dues it is different, for in regard to them the term giving is used.[14] And now that you have suggested this, you may also say that in regard to terumah the term 'giving' is used.[15]

For what purpose then do I require the additional expression 'Thou shalt leave them'?[16] — For the following teaching: If a man renounced the ownership of his vineyard and rose early on the following morning and gathered the grapes, he is liable to the laws of the fallen grapes, the small clusters, the forgotten clusters, and the corners [of the vineyard], but he is exempt from the tithe.[17]

There once arrived at the Beth Hamidrash [a gift of] a bag of [golden] denars,[18] whereupon R. Ammi came in first and acquired them. But how may he do such a thing? Is it not written. And they shall give,[19] but he shall not take it himself? — R. Ammi acquired them on behalf of the poor. Or, if you wish, you may say that in the case of an eminent person it is different.[20] For it has been taught: The verse: And the priest that is highest among his brethren,[21] implies that he shall be highest among his brethren in beauty, in wisdom and in wealth. Others say: Whence is it proved that if he does not possess any wealth, his brethren, the priests, shall make him great? Because Scripture says: And the priest that is highest by reason of his brethren,[21] that is, he must be made the highest [by reason of gifts] from his brethren.

MISHNAH. WHAT COUNTS AS 'THE SHOULDER'? FROM THE JOINT UP TO THE SHOULDER-SOCKET OF THE FORELIMB;[22] AND THIS IS THE SAME FOR THE NAZIRITE.[23] THE CORRESPONDING PART OF THE HIND LEG IS CALLED THE THIGH.[24] R. JUDAH SAYS, THE THIGH EXTENDS FROM THE JOINT UP TO THE FLESHY PART OF THE LEG.[25] WHAT COUNTS AS 'THE CHEEK? FROM THE JOINT OF THE JAW TO THE PROMINENCE OF THE WINDPIPE.[26]

GEMARA. Our Rabbis taught: The shoulder,[27] that is, the right shoulder. You say it is the right shoulder, but perhaps it is the left? Scripture therefore says: 'The shoulder'. How is this implied? —

As Raba said: 'The thigh'[28] means the right thigh, so 'The shoulder' means the right shoulder. And for what purpose is 'The cheeks' stated?[29] — To include the wool Upon the head of sheep and the hair of the beard of goats. And for what purpose is 'The maw' stated?[29] — To include the fat that lies upon the stomach and the fat within the stomach.[30] For R. Joshua[31] said: The priests were in the habit of being generous with this[32] and used to return it to the owners. The only reason [for returning it] is that they were in the habit [of doing so], but had they not been of this habit it certainly would have belonged to them.

The interpreters of Scripture by symbol[33] used to say: 'The shoulder'[34] represents the hand [of Phinehas], for it is written: And took a spear in his hand.[35] 'The cheeks' represent his prayer, for so it is written: Then stood up Phinehas and prayed.[36] 'The maw' — this is to be taken in its literal sense, for so it is written: And the woman through her stomach.[37]

A Tanna derives it from the following: It is written: And the right thigh;[38] from this I only know the right thigh, whence do I know this of the shoulder of consecrated animals?[39] Because the text states: As a heave-offering.[38] And whence do I know this of the shoulder of unconsecrated animals?[40] Because the text states: Ye shall give.[41]

WHAT COUNTS AS 'THE CHEEK'? FROM THE JOINT OF THE JAW TO THE PROMINENCE OF THE WINDPIPE. But it has been taught: One should cut it away and the place of slaughtering should go with it![42] — This is no contradiction, for the one [our Mishnah] gives the opinion of the Rabbis, and the other [the Baraitha] the opinion of R. Hanina b. Antigonus. For it was taught: Any deflection [of the knife outside the top ring] invalidates the slaughtering. R. Hanina b. Antigonus testified that a deflection is permitted.[43] Or, if you wish, you may say that both statements accord with the opinion of the Rabbis, for 'with it' [in the Baraitha] means with the [rest of the] animal.[44]

CHAPTER XI

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(1) Sc., the lamb used for redeeming the firstling of the ass; v. supra n. 7.

(2) In all these cases the doubt was whether at the material time, i.e., when the obligation to make these presents to the priest fell due, this man was already a proselyte or not. Since, however, these are all monetary considerations we adopt the lenient view and leave it to the priest who is the claimant to establish his claim.

(3) I.e., that Resh Lakish had pointed out to R. Johanan a contradiction between R. Meir's views with regard to standing corn, and not, as reported by R. Dimi, a contradiction between R. Meir's views with regard to standing corn and the priestly dues. According to Rabin's report Resh Lakish had adduced a Baraitha concerning standing corn in which R. Meir's view was in direct conflict with that expressed by him in Mishnah Pe'ah IV, 11. R. Johanan, however, made the same answer as reported above, viz., that the latter Mishnah was taught by an individual.

(4) [Probably Levi b. Hama; v. D.S. note a.l.]

(5) Lev. XIX, 10.

(6) So that where there are no poor the gleanings may be gathered by the owner and consumed by him, but on no account are they to be left in the open field to be consumed by birds.

(7) The priest must go and fetch it himself.

(8) The owner must then bring it in and store it for the priest (no doubt he could claim his expenses from the priest, cf. Maim. Yad, Terumoth XII, 17); the same should also be the rule with the dues to the poor, i.e., the owner should collect and keep them for the poor, but not consume them himself.

(9) טבל 'mixed', i.e., untithed produce, which is forbidden to be eaten under the penalty of death at the hands of Heaven.

(10) And since one must set it apart in order to render the rest of the produce permitted, it becomes one's duty also to keep it in store fur the priest; but this is not the case with gleanings, for the produce is under no restriction even though the gleanings were not left.

(11) And cook it together with its skin and eat it. V. Alfasi for a variant in the text and the comment of R. Nissim

thereon.

(12) But one should give it to the priest with the skin upon it.

(13) And set aside the money to be given to the first priest that claims it. This should be the case, should it not, with the gifts to the poor too?

(14) Cf. Deut. XVIII, 3. It is thus one's duty to give them to the priest, even though no priests are available at the time.

(15) Cf. Num. XVIII, 12.

(16) This expression is found in Lev. XIX, 10 and also in XXIII, 22. Surely its purpose is to teach that one must keep the dues for the poor, is it not?

(17) For although ownerless property or property that has been renounced by its owner is free from these poor laws, in this case the original owner has by his conduct resumed the ownership of the vineyard and is therefore liable to these poor laws. This is inferred from the superfluous expression 'Thou shalt leave them', which, as shown supra 131a ff (v. Rashi), refers only to the poor laws but not to the tithe. For the special connotation of each of these terms and their Biblical sources v. supra ibid. and notes thereon. V. also B.K. 28a, and Ned. 44b.

(18) A coin, v. Glos.

(19) Deut. XVIII, 3.

(20) R. Ammi as head of the Academy was permitted to acquire the money for himself; indeed, it is a duty upon all to make him 'the greatest among his brethren'.

(21) Lev. XXI, 10.

(22) I.e., from the carpus to the scapula; it thus consists of two bones, the radius and the humerus. V. Diagram of ox.

(23) Cf. Num. VI, 19: 'the shoulder of the ram'.

(24) I.e., from the tarsus to the innominate bone; this also consists of two bones, the tibia and the femur. This portion together with the breast was to be given to the priest from every peace-offering, cf. Lev. VII, 32.

(25) I.e., it consists of one bone only, viz. the tibia.

(26) I.e., the tip of the thyroid cartilage. This extent includes the whole of the lower jaw and the tongue.

(27) Deut. XVIII, 3. הזרוע.

(28) Gen. XXXII, 33. V. supra 91a. The implication is from the additional ה 'the', in each case.

(29) I.e., the additional ה, the.

(30) The fat upon the greater and lesser curvatures of the stomach; v. Tur. Yoreh De'ah c. LXI. Perhaps the second וחלב should be read וחלב, i.e., the milk within the stomach; and from Rashi (in MSS.) this would appear to be the meaning.

(31) Probably R. Joshua b. Levi; so MS .M. In many MSS. (v. Bah) 'For' at the head of this passage is omitted, and the passage is quite independent of what has gone before.

(32) Sc., the supplementary portions of the stomach. Cf. Taz, Yoreh De'ah c. LXI, sub-sec. 7.

(33) דורשי חמורות, in MS.M. דורשי רשומות. See the exhaustive discussion of Lauterbach in JQR. (N.S.) I, pp. 291-333, 503, 531.

(34) These portions were granted to the priests as a reward for Phinehas's zealous act in slaying Zimri, and so turned away God's wrath from Israel. V. Num. XXV, 6ff.

(35) Ibid. 7. Presumably in his right hand, consequently it is the right shoulder that is to be given.

(36) Ps. CVI, 30.

(37) Num. XXV, 8.

(38) Lev. VII, 32.

(39) That the shoulder which is taken as a heave-offering from the sacrifice of the Nazirite (cf. Num. VI, 19) shall be the right one.

(40) I.e., of the priestly dues.

(41) Lev. ibid. Whatsoever is given shall be from the right side.

(42) This apparently implies that a part of the area prescribed for slaughtering must be included in 'the cheek'. This however is not the case according to the description of 'the cheek' in our Mishnah, for the tip of the thyroid cartilage, which is the limit described in the Mishnah, is surely not within the area prescribed for slaughtering.

(43) V. supra 18b. According to R. Hanina b. Antigonus the tip of the thyroid cartilage is within the area prescribed for slaughtering. It must be observed that with regard to the extent of the cheek that is given to the priest there is no difference of opinion between R. Hanina and the Rabbis.

(44) But it is not included in the portion of 'the cheek'.

Talmud - Mas. Chullin 135a

MISHNAH. THE LAW OF THE FIRST OF THE FLEECE[1] 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 BUT NOT CONSECRATED ANIMALS. THE LAW OF THE SHOULDER AND THE TWO CHEEKS AND THE MAW IS OF WIDER APPLICATION THAN THE LAW OF THE FIRST OF THE FLEECE; FOR THE LAW OF THE SHOULDER AND THE TWO CHEEKS AND THE MAW APPLIES BOTH TO HERDS AND FLOCKS, WHETHER THEY ARE MANY OR FEW,[2] WHEREAS THE LAW OF THE FIRST OF THE FLEECE APPLIES ONLY TO SHEEP, AND ONLY WHEN THERE ARE MANY. WHAT IS MEANT BY 'MANY'? BETH SHAMMAI SAY, [AT LEAST] TWO SHEEP, AS IT IS SAID, A MAN SHALL REAR A YOUNG COW AND TWO SHEEP.[3] BETH HILLEL SAY, FIVE, AS IT IS SAID, FIVE SHEEP READY DRESSED.[4] R. DOSA B. HARKINAS SAYS, FIVE SHEEP, WHICH PRODUCE EACH [A FLEECE OF THE WEIGHT OF] A MANEH[5] AND A HALF, ARE SUBJECT TO THE LAW OF THE FIRST OF THE FLEECE. BUT THE SAGES SAY, FIVE SHEEP, WHATEVER THEIR FLEECES WEIGH. AND HOW MUCH SHOULD ONE GIVE HIM?[6] THE WEIGHT OF FIVE SELA'S IN JUDAH, WHICH IS EQUAL TO TEN SELA'S IN GALILEE, OF BLEACHED WOOL BUT NOT DIRTY WOOL, SUFFICIENT TO MAKE FROM IT A SMALL GARMENT, FOR IT IS WRITTEN, THOU SHALT GIVE HIM,[7] THAT IS, THERE SHALL BE ENOUGH WORTHY TO BE CALLED 'A GIFT'. IF THE OWNER DID NOT MANAGE TO GIVE [THE FLEECE TO THE PRIEST] UNTIL IT HAD ALREADY BEEN DYED, HE IS EXEMPT;[8] IF HE ONLY BLEACHED IT BUT DID NOT DYE IT, HE IS STILL LIABLE.[9] IF A MAN BOUGHT THE FLEECES OF A FLOCK BELONGING TO A GENTILE.[10] HE IS EXEMPT FROM THE LAW OF THE FIRST OF THE FLEECE. IF A MAN BOUGHT THE FLEECES OF A FLOCK BELONGING TO HIS NEIGHBOUR AND THE SELLER KEPT BACK SOME FOR HIMSELF, THE SELLER IS LIABLE, BUT IF HE KEPT NAUGHT BACK, THE BUYER IS LIABLE. IF HE HAD TWO KINDS OF WOOL, GREY AND WHITE, AND HE SOLD THE GREY BUT NOT THE WHITE, OR [IF HE SOLD THE WOOL] OF THE MALES BUT NOT OF THE FEMALES, EACH[11] MUST GIVE [THE FIRST OF THE FLEECE] FOR HIMSELF.

GEMARA. Why does not [the law of the first of the fleece] apply to consecrated animals? — Because Scripture says, of thy sheep,[7] but not of the sheep of the Sanctuary. Now this is so because Scripture stated: 'Of thy sheep', but without this [Scriptural indication] I should have said that consecrated animals are subject to the law of the first of the fleece; but surely they may not be shorn, for it is written: Thou shalt not shear the firstling of thy flock![12] — In respect of animals consecrated for the altar this is indeed so,[13] but we were referring to animals consecrated to the Temple treasury.[14] But has not R. Eleazar said that animals consecrated to the Temple treasury are forbidden to be shorn and to be used for work? — [This is forbidden] by Rabbinic decree only. Now I might have thought that, since by law of the Torah they may be shorn, where a man did shear them he should give [the priest the first of the fleece; Scripture therefore teaches that they are not subject to the law]. But it is consecrated, is it not?[15] — I might think that he[16] must redeem it and give it to the priest. But surely it has to stand up to be appraised?[17] This is well according to him who says that animals consecrated to the Temple treasury are not subject to the law of 'standing up to be appraised', but what can you say according to him who says that they are subject to this law? — R. Mani b. Pattish suggested in the name of R. Jannai: We are referring here to the case of a man who consecrated to the Temple treasury his animal apart from its fleece. Now I might have thought that he should shear it and give [the portion] to the priest. Scripture therefore states: 'Of thy sheep' but not of the sheep of the Sanctuary. In that case it can also refer to an animal consecrated to the altar![18] — It would thereby become weak.[19] Then the animal consecrated to the Temple treasury would also become weak thereby? — [We must assume that] he said: '[I consecrate the animal] except for its fleece and the debility [resulting from the shearing of the fleece']. Then even with regard to an

animal consecrated to the altar, [we can assume that] he said: '[I consecrate the animal] except for its fleece and the debility [resulting from the shearing thereof']! — Even so the sanctity extends over the whole [animal].[20] Whence do you gather this? — Because [we have learnt:] R. Jose said: 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 animal is consecrated as a burnt-offering?[21] And even according to R. Meir who declares that the whole animal does not thereby become [consecrated as] a burnt-offering, that is so only where one consecrated a limb whereon the life [of the animal] does not depend, but if one consecrated a limb whereon the life [of the animal] depends, [he agrees that] the whole animal becomes consecrated.

Raba said, [Our Mishnah refers to the case] where a man consecrated the fleece only; now I might have said that he must shear it, redeem it, and give it to the priest. Scripture therefore states The fleece of thy sheep shalt thou give him:[22] this applies only to that which lacks shearing and giving but not to that which lacks shearing, redeeming and giving.[23]

And what does the expression 'Of thy sheep' come to teach us? — The following, which has been taught: An animal which is held jointly is subject to the law of the first of the fleece; R. Ila'i declares it exempt.[24] What is the reason for R. Ila'i's view? — Because Scripture states 'Of thy sheep', but not of that which is held jointly. And the Rabbis? — [They say that] it serves to exclude only that which is held jointly with a gentile.[25] And whence does R. Ila'i know that that which is held jointly with a gentile [is exempt]? — He derives it from the beginning of the verse, which reads: The first of thy corn,[26] but not that which is held jointly with a gentile. And the Rabbis?[27] — The word 'first' [they say] interrupts the subject-matter.[28] And R. Ila'i? — 'And' [he says] connects this[29] [with the above Subject].

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(1) Deut. XVIII, 4: And the first of the fleece of thy sheep shalt thou give him.

(2) Even if one slaughters a single beast.

(3) Isa. VII, 21. The term צאן 'flock' stated in connection with the law of the first of the fleece is in this verse used of two sheep.

(4) I Sam. XXV, 18. The expression עשויות 'ready dressed', is interpreted to mean that the commandment (עשה) of the first of the fleece had been fulfilled in respect of them.

(5) V. Glos.

(6) Sc. to the priest. V. Gemara 137b.

(7) Deut. XVIII, 4.

(8) For he has acquired absolute ownership of the wool by the change he had wrought in it. This is regarded as an act of theft and he is exempt from giving it now to the priest, in accordance with R. Hisda's dictum supra 130b.

(9) Mere bleaching, unlike dyeing, does not constitute a change whereby one can acquire the ownership of an article.

(10) Even though the wool was not shorn from the animal, but the Israelite sheared it.

(11) Both the seller and the purchaser must give to the priest the first of the fleece. V. however Gemara, 136b.

(12) Deut. XV, 19.

(13) And no verse is necessary to exclude consecrated animals fit for a sacrifice from the law of the first of the fleece.

(14) These consecrated animals may be shorn, and therefore a scriptural indication must be resorted to in order to exclude them from the law of the first of the fleece.

(15) The fleece belongs to the Temple treasury, how then can it be suggested that it be given to the priest?

(16) Probably the original owner who consecrated the beast, but v. Tosaf. s.v. ראשית.

(17) Every consecrated living animal and everything attached to it, when it is about to be redeemed must be able to stand up before the priest to be valued, in accordance with Lev. XXVII, 11, 12.

(18) For since the animal only was consecrated and not the fleece, it is permitted to use the fleece, hence it is necessary for Scripture to teach that it need not be given to the priest.

(19) I.e., by the shearing: it is therefore forbidden to shear the wool of a consecrated animal, even though the wool was not consecrated.

(20) So that in the case of an animal consecrated to the altar the exception of the fleece cannot be regarded as a

reservation and the whole animal is deemed to be consecrated; whereas in the case of an animal consecrated to the Temple treasury whatsoever is excepted will not be deemed to be consecrated.

(21) V. Tem. 10a, and supra 69b. R. Jose puts forward this argument to prove that where the foot of an animal was designated as a substitute for an already consecrated animal, the whole animal thereby becomes consecrated.

(22) Deut. XVIII, 4.

(23) Hence the fleece of consecrated animals is not subject. It must be observed that the rule of 'standing up to be appraised' does not come into consideration here for it does not apply to an inanimate object consecrated to the Temple treasury. V. p. 771, n. 3, and Tosaf. s.v. והא.

(24) The expression 'Of thy sheep' — meaning sheep belonging to a single individual — excludes, according to the view of the first Tanna (later referred to as 'the Rabbis'), sheep held jointly by an Israelite and a gentile, and according to R. Ila'i, even that which is held by two Israelites jointly.

(25) But that which is held by two Israelites jointly is subject to the law of the first of the fleece, since each is individually subject to the law, and the people of Israel are often referred to as a single individual; cf. Mak. 23b.

(26) Deut. XVIII, 4. The firstfruits of corn held jointly with a gentile is not subject to the offering of terumah; likewise it is reasonable to infer that sheep held jointly with a gentile are not subject to the law of the first of the fleece; consequently the later expression 'thy sheep' excludes that which is held jointly by Israelites.

(27) How do they meet this argument of R. Ila'i?

(28) The verse reads: The first of thy corn . . . and the first of the fleece of thy sheep shalt thou give him. The fact that Scripture repeats the word 'first' in regard to the fleece indicates that it is quite distinct from the foregoing, and no inference may be made therefrom.

(29) Were the two laws entirely distinct, Scripture would not have introduced the second with the conjunction 'and'. It evidently signifies some connection and analogy between the two.

Talmud - Mas. Chullin 135b

And the Rabbis? — [They say] the Divine Law then should have stated neither 'and' nor 'first'.[1] And R. Ila'i? — [He says] since the one has no sanctity whatsoever,[2] whereas the other is itself sacred, the two had to be [in the first place] stated separately and later connected.

Alternatively, you may say, the Rabbis are of the opinion that what is held jointly with a gentile is subject to terumah.[3] For it has been taught:[4] If an Israelite and a gentile bought a field jointly, tebel and hullin[5] are inextricably mixed up in it:[6] so Rabbi. Rabban Simeon b. Gamaliel says: The part belonging to the Israelite is subject to the tithe, and the part belonging to the gentile is exempt. Now the extent of their difference consists in this, that the one authority [R. Simeon] holds the principle of bererah[7] while the other does not hold the principle of bererah, but both are agreed that whatsoever is held jointly with a gentile is subject to tithe.

In the further alternative you may say that both rules[8] are derived, according to R. Ila'i, from the expression 'thy sheep'. For why is it that what is held jointly with a gentile is exempt [from the law of the first of the fleece]? Because it is not solely his. Then what is held jointly with another Israelite should also be exempt,for it is not solely his. And the Rabbis? — [They distinguish thus:] A gentile is not subject to this law, whereas an Israelite is.[9]

Raba said: R. Ila'i agrees as regards terumah;[10] for, although it is written; 'Thy corn' [from which it would appear that] thine only [is subject to terumah] and not what is held jointly, the Divine Law stated: Your heave-offerings.[11] What then is the significance of 'thy corn'? — It excludes what is held jointly with a gentile. As regards the dough-offering,[12] although there is written the word 'first',[12] and one could draw an analogy by reason of the common word 'first'[13] from the law of the first of the fleece: as there what is held jointly is exempt so here what is held jointly is exempt, the Divine Law stated: Your dough.[12] Now this is so only because Scripture stated: 'Your dough', but had it not stated it I should have said that we should draw an analogy by reason of the common word 'first' from the law of the first of the fleece, but on the contrary we would rather draw the analogy

from the law of terumah![14] — This is indeed so; what then is the significance of 'your dough? — That there must be as much as your dough.[15]

As regards the corner of the field, although it is written: Thy field[16] [from which it would follow that] thine only is subject and not what is held jointly, the Divine Law stated: And when ye reap the harvest of your land.[16] What then is the significance of 'thy field'? — It excludes what is held jointly with a gentile.

As regards the law of the firstling, although it is written: All the firstling males that are born of thy herd and of thy flock,[17] [from which it would follow that] thine only is subject but not what is held jointly, the Divine Law stated: And the firstlings of your herd and of your flock.[18] What then is the significance of 'thy herd and thy flock'? — It excludes what is held jointly with a gentile.

As regards the law of mezuzah,[19] although it is written: Thy house,[20] [from which it would follow that] thine only is subject but not what is held jointly, the Divine Law stated: That your days may be multiplied and the days of your children.[21] What then is the significance of 'thy house'? — It is as Rabbah stated. For Rabbah stated:

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(1) If any analogy was to be inferred from the two laws, both these expressions then should have been omitted, viz., 'and' which implies connection with the preceding subject and 'first' which implies separateness.

(2) Lit., 'it is consecrated as to its value'. Not to be taken literally, since the first of the fleece has no sanctity whatsoever, whereas terumah is sacred and may be eaten by none but priests (Rashi).

(3) I.e., only the share held by the Israelite. Consequently the expression 'thy sheep' serves to exclude that which is held jointly with a gentile from the law of the first of the fleece, and the expression 'thy corn' serves to exclude that which belongs entirely to the gentile. V. Rashi s.v. ואיבעית אימא

(4) Tosef. Ter. II; and Git. 47aff.

(5) Tebel (lit., mixed) is produce which is subject to tithes but from which these have not been separated. Hullin (lit., common, unconsecrated) is produce that is free entirely from tithes, e.g., what is bought from a gentile.

(6) Even after they have divided between them the produce of the field, we do not assume that the share which each took eventually was intended for him from the beginning, so that the result would be that the Israelite's share is wholly tebel and the gentile's wholly hullin. This would mean the application of the principle of bererah i.e., retrospective designation. Rabbi does not accept this principle and maintains that each share, nay, each grain, is part tebel and part hullin; and the Israelite therefore must separate the tithe for his share from this very produce but not from other produce, neither can this produce be set aside as tithe for other produce. V. Rashi s.v. טבל.

(7) בירה, v. Glos, and also supra 14a and notes.

(8) That sheep held jointly with an Israelite as well as sheep held jointly with a gentile are exempt from the law of the first of the fleece.

(9) It is not necessary that the sheep shall belong wholly to one person, all that the law insists upon is that it shall belong to parties each subject to the law, sc. Israelites, for, after all, the people of Israel are often referred to as a single unit.

(10) That produce held jointly by Israelites is subject to terumah.

(11) The use of the second person plural suffix in this and in all subsequent cases indicates that the matter may be held by several persons jointly. 'Your heave-offerings' is not found in the Torah at all, but only in Ezek. XX, 40 and XLIV, 30. Probably the text should read: Your heave-offering, as in Num. XVIII, 27.

(12) Num. XV, 20.

(13) Stated here in connection with the dough-offering, and also in connection with the first of the fleece; Deut. XVIII, 4.

(14) With the result that what is held jointly by Israelites is subject to the dough-offering, just as it is subject to terumah. For it is an established principle that where two analogies are possible, one leading to stringency and the other to leniency, we must adopt the former; v. Yeb. 8a, Kid. 68a, and A.Z. 46b.

(15) To be subject to the dough-offering there must be a minimum quantity of dough equal to a person's daily ration in the wilderness, viz., an 'omer per head (Ex. XVI, 16), and an 'omer is the tenth part of an ephah (ibid. 36). This is equivalent in mass to forty-three and one fifth eggs, for an ephah equals four hundred and thirty-two eggs. (One ephah =

three se'ah2; one se'ah = six kabs; one kab = four logs; one log = six eggs.)
(16) Lev. XIX, 9.
(17) Deut. XV, 19.
(18) Ibid. XII, 6.
(19) V. Glos.
(20) Ibid. VI, 9.
(21) Deut. XI, 21.

Talmud - Mas. Chullin 136a

The way thou enterest [thy house], that is, with the right [foot].[1]

As regards the tithe, although it is written: The tithe of thy corn,[2] [from which would follow that] thine only is subject but not what is held jointly, the Divine Law stated: Your tithe.[3] What then is the significance of 'the tithe of thy corn'? — It excludes what is held jointly with a gentile.

As regards the priestly dues, although it is written: And he shall give,[4] and by reason of the common expression 'giving'[5] one might draw an analogy from the law of the first of the fleece: as there what is held jointly is exempt so here what is held jointly is exempt, the Divine Law stated: From them that slaughter a slaughtering.[6] Now this is so only because Scripture stated: From them that slaughter a slaughtering, but had it not stated it, I should have said that one should draw the analogy from the law of the first of the fleece; but on the contrary one should rather draw the analogy from terumah.[7] — This is indeed so; what then is the significance of 'from them that slaughter a slaughtering'? — It is as Raba said. For Raba said: The claim is made against the slaughterer.[8]

As regards the first-fruits, although it is written: Thy land,[9] [from which it would follow that] thine only is subject but not what is held jointly, the Divine Law stated: The first-ripe fruits of all that is in their land.[10] What then is the significance of 'thy land'? — It excludes land that is outside the Land [of Israel].[11] As regards the law of zizith,[12] although it is written: Thy covering,[13] [from which it would follow that] thine only is subject but not what is held jointly, the Divine Law stated: In the corners of their garments.[14] What then is the significance of 'thy covering'? — It is as Rab Judah said. For Rab Judah said: A borrowed garment is for the first thirty days exempt from zizith.[15]

As regards the law of the parapet,[16] although it is written: For thy roof,[16] [from which it would follow that] thine only is subject but not what is held jointly, the Divine Law stated: If any man fall from thence.[17] What then is the significance of 'thy roof'? — It excludes the roofs of Synagogues and Houses of Study.[18]

R. Bibi b. Abaye said: These cases[19] are all wrong,[20] for it has been taught: An animal that is held jointly is subject to the law of the firstling; R. Ila'i declares it exempt. What is the reason for R. Ila'i's view? — Because it is written: Thy herd and thy flock.[21] But it is also written: Your herd and your flock.[22] — That means of all Israel.[23]

R. Hanina of Sura said: These cases are all wrong, for it has been taught: An animal that is held jointly is subject to the priestly dues; R. Ila'i declares it exempt. What is his reason? — He draws an analogy by means of the common expression 'giving' from the law of the first of the fleece; just as there what is held jointly is exempt so here what is held jointly is exempt. Now if you could say that in respect of terumah [what is jointly held] is liable, then surely one would have to draw the analogy by means of the common expression 'giving' from terumah.[24] This proves, therefore, that even in respect of terumah [what is jointly held] is exempt.

But[25] just as terumah obtains in the Land [of Israel] only and not outside it so the law of the first of the fleece[26] should obtain in the Land only and not outside it![27] — R. Jose of Nehar Bil said: It is indeed so; for it has been taught: R. Ila'i says: The law of the priestly dues obtains only in the Land [of Israel]. Likewise R. Ila'i used to say: The law of the first of the fleece obtains only in the Land. What is R. Ila'i's reason? — Raba answered: He draws an analogy by means of the common expression 'giving' from terumah; as terumah obtains in the Land only and not outside it, so the law of the first of the fleece obtains in the Land only and not outside it.

Said to him Abaye. Then just as terumah produces the condition of tebel[28] so should the first of the fleece produce the condition of tebel, should it not? — He replied: Scripture says. And the first of the fleece of thy sheep shalt thou give him,[29] that is, you[30] have no right to it except after it has [been separated as] the first.[31]

Again just as terumah is subject to the penalty of death[32] and the additional fifth[33] so the first of the fleece should be subject to the death penalty and the additional fifth, should it not? — Scripture says: And die for it,[34] and He shall add unto it;[35] that is, 'unto it' [he shall add the fifth] but not unto the first of the fleece; for it' [they shall die] but not for the first of the fleece.

Again just as there follow after terumah the first and second [tithes] so there should follow after the first of the fleece the first and second [tithes], should there not? — Scripture says: 'The first', thus you have only [to give] the first [of the fleece].

Again just as in the case of terumah one must not set aside new [grain as terumah] for old[36] so in the case of the first of the fleece one should not give new [fleece as the due] for old? — This is indeed so; for it has been taught: If a man had two lambs and he sheared them and kept [the wool], and [next year] again sheared them and kept [the wool], and so he did for two or three years, they are not to be reckoned together.[37] It follows, however, that if he had five lambs[38] they would be reckoned together; yet [in another Baraitha] it has been taught that they would not be reckoned together. It is clear therefore that one [Baraitha] gives R. Ila'i's opinion[39] and the other that of the Rabbis.

Again just as with regard to terumah it is the law that what grows [on land in the possession of] one subject[40] [to terumah] is liable [to it], but what grows [on land in the possession of] one not subject[41] [to terumah] is exempt [from it], so it should be with regard to the first of the fleece: what grows on [sheep in the possession of] one subject to this law is liable, but what grows on [sheep in the possession of] one not subject to this law is exempt? (Whence do we know this with regard to terumah? — From the following [Baraitha][42] which was taught: If an Israelite bought a field in Syria[43] from a gentile before the produce had reached a third of its growth, it is subject [to tithe]; if it had already reached a third of its growth,[44] R. Akiba declares the increase[45] subject [to tithe], but the Sages declare it exempt.) And should you say that this is indeed so,[46] but we have learnt: IF A MAN BOUGHT THE FLEECES OF A FLOCK BELONGING TO A GENTILE HE IS EXEMPT FROM THE LAW OF THE FIRST OF THE FLEECE, so it follows that if he bought the flock [with its fleece] which was ready for shearing he would be liable![47] — Our Mishnah

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(1) On that side, sc. the right, you must fix the Mezuzah. V. Men. 340 and Yoma 11b.

(2) Ibid. XIV, 23.

(3) Ibid. XII, 6.

(4) Ibid. XVIII, 3.

(5) Used here and also in connection with the first of the fleece: shalt thou give him (ibid. 4).

(6) Ibid. XVIII, 3. The plural in this verse indicates that though the animal is held jointly by several people it is still subject to the dues.

(7) By means of the common expression 'giving' which is also used in connection with terumah (cf. Num. XVIII, 12),

with the result that what is held jointly is subject to the dues. V. supra p. 775, n. 3.
(8) V. supra 132a.
(9) Deut. XXVI, 2.
(10) Num. XVIII, 13.
(11) From the law of the firstfruits. This would not have been excluded from the expression 'their land', and therefore Scripture says: Thy land which implies the specific land of the Israelite, the Land of Israel.
(12) The fringes attached to the four corners of the garment; v. Num. XV, 38.
(13) Deut. XXII, 12.
(14) Num. ibid.
(15) For it is not 'thy covering'; v. supra 110b.
(16) Cf. Deut. XXII, 8, where it enjoined to erect a parapet around the roof of the house to prevent accidental falling off.
(17) Ibid. Any roof from which one might fall had to be fenced, even though the roof was held jointly.
(18) For the verse implies the roof of a house used as a dwelling but not the roof of any other building.
(19) These cases enumerated by Raba in which R. Ila'i is said to agree that what is jointly held is subject to the law in question are to be disregarded.
(20) Since we find that R. Ila'i exempts what is jointly held from the law of the firstling, hence Raba's argument fails with regard to this; accordingly his arguments with regard to the others cannot be upheld.
(21) Deut. XV, 19.
(22) Ibid. XII, 6.
(23) To the exclusion of gentiles. On the other hand, wherever Scripture states 'thy' it excludes what is held jointly.
(24) In accordance with the established principle quoted supra p. 775, n. 3.
(25) Here commences a new argument. Since R. Ila'i derives the law of the first of the fleece from terumah (cf. supra 135a, bot.) concerning what is held jointly with a gentile, the analogy must be carried to all its conclusions and the rules applying to the one should apply to the other. V. Rashi s.v. **אי**, and comments of Rashal, Maharsha and Maharam thereon. V. also Torath Hayyim a.l., and Gloss. of Bah.
(26) So in MS.M. and most MSS., and apparently also according to Rashi; in cur. edd. 'the priestly dues'. V. Maharam a.l.
(27) Which is contrary to our Mishnah.
(28) I.e., renders the whole produce forbidden to he eaten until the terumah is separated therefrom.
(29) Deut. XVIII, 4.
(30) Sc. the priest.
(31) But before the first of the fleece has been set apart no priest has any claim to it, and consequently the condition of tebel does not exist at all. This implication is made from the word 'first' which is redundant in the verse.
(32) If a non-priest deliberately ate terumah, he is liable to the penalty of death at the hands of Heaven; v. Sanh. 83a.
(33) If a non-priest inadvertently ate terumah, he must make restitution by paying the value thereof plus a fifth to the priest; cf. Lev. XXII, 14.
(34) Lev. XXII, 9.
(35) Ibid. 14.
(36) The produce of one year may not be given as terumah or tithe for the produce of the preceding year, or vice versa, for it is written: That which is brought forth in the field year by year (Deut. XIV, 22).
(37) Even though he has now accumulated five fleeces; for there must be five fleeces from five sheep.
(38) And he sheared some one year and the rest the next year.
(39) The second Baraitha represents R. Ila'i's view that the fleece of one year's shearing cannot be reckoned together with that of another year's shearing, as is the case with the produce of terumah.
(40) E.g., if an Israelite bought a field from a gentile.
(41) Sc. land in the possession of a gentile.
(42) Git. 47a.
(43) The Biblical Aram Zobah which was conquered by David and added by him to the Land of Israel (II Sam. VIII). It is not, however, regarded as the Land of Israel proper, and therefore what is owned there by a gentile constitutes full ownership so as to release it from the obligation of tithe. This is not the case with regard to land held by a gentile in the Land of Israel proper, v. Git. 47a.
(44) At which stage corn becomes liable to tithe, cf. Ma'as. I, 3.

(45) Sc. the last two-thirds of the growth; this increase is in fact a mixture of tebel and hullin.
(46) That fleece which had grown on sheep while in the possession of a gentile, although now in the possession of an Israelite, is exempt from the first of the fleece.
(47) Although the wool grew upon the sheep whilst they were in the possession of the gentile.

Talmud - Mas. Chullin 136b

is not in accordance with R. Ila'i.[1]

Again just as in the case of terumah one may not give one kind [as terumah] for another kind,[2] so in the case of the first of the fleece one should not give one kind [as the due] for another kind? (Whence do we know this in the case of terumah? — From the following [Baraitha] which was taught: If a man had two kinds of figs, black and white, likewise if he had two kinds of wheat, he may not give one kind as terumah or as tithe for the other kind. R. Isaac reports in the name of R. Ila'i:[3] Beth Shammai say that he may not give [one kind] as terumah [for another kind], but Beth Hillel say that he may.) So in the case of the first of the fleece one should not be permitted to give one kind [as the due] for another kind! — This is indeed so, for we have learnt: IF HE HAD TWO KINDS OF WOOL, GREY AND WHITE, AND HE SOLD THE GREY BUT NOT THE WHITE . . . EACH MUST GIVE [THE FIRST OF THE FLEECE] FOR HIMSELF.[4] But if so, in the last clause which reads: IF HE SOLD THE WOOL OF THE MALES BUT NOT OF THE FEMALES EACH MUST GIVE THE FIRST OF THE FLEECE FOR HIMSELF, is the reason also because they are two different kinds?[5] We must therefore say[6] that the Tanna was merely giving a piece of good advice, viz., that he[7] should give him of the hard as well as the soft wool;[8] likewise in the former clause he also gives a piece of good advice, viz., that he should give him of both kinds![9] — We have already stated that our Mishnah is not in accordance with R. Ila'i.

Again just as in the case of terumah there must be a ‘first offering’ such as leaves a perceptible remainder,[10] so in the case of the first of the fleece there should also be a ‘first offering’ such as leaves a perceptible remainder, should there not? — This is indeed so; for we have learnt:[11] If a man said: ‘Let all [the corn in] my threshing floor be ‘terumah’, or ‘Let all my dough be dough-offering’, his words are of no effect. It follows, however, that if he said: ‘Let all my fleeces be the first of the fleece’, his words would hold good; yet another [Baraitha] taught that his words are of no effect. It is clear therefore that one [Baraitha] gives R. Ila'i's opinion[12] and the other that of the Rabbis.

R. Nahman b. Isaac said: Nowadays the world has adopted the views of the following three Elders: that of R. Ila'i with regard to the first of the fleece, for it has been taught: R. Ila'i says: The law of the first of the fleece[13] obtains only in the Land [of Israel]; that of R. Judah b. Bathyra with regard to the words of the Torah, for it has been taught: R. Judah b. Bathyra says: The words of the Torah do not contract uncleanness;[14] and that of R. Josiah with regard to diverse kinds,[15] for it has been taught: R. Josiah says: A man does not incur guilt [for the infringement of this law][15] until he sows wheat, barley and grape-kernels with one throw of the hand.

THE LAW OF THE SHOULDER . . . IS MORE STRICT etc. Wherefore does not the Tanna state that the law of the first of the fleece is more strict in that it applies to a trefah animal, which is not so with regard to the priestly dues?[16] — Rabina said: The author [of the view in our Mishnah] is R. Simeon, for it has been taught: R. Simeon exempts trefah animals from the first of the fleece.

What is the reason for R. Simeon's view? — He draws an analogy by means of the common expression ‘giving’ from the priestly dues; just as the priestly dues do not apply to a trefah animal[16] so the law of the first of the fleece does not apply to trefah animals. But since he draws an analogy by means of the common expression ‘giving’ from the priestly dues, he should also draw an analogy by means of this common expression ‘giving’ from terumah: just as terumah obtains only in the

Land [of Israel] but not outside it so the law of the first of the fleece obtains only in the Land [of Israel] but not outside it. Wherefore then have we learnt: THE LAW OF THE FIRST OF THE FLEECE APPLIES BOTH WITHIN THE HOLY LAND AND OUTSIDE IT? — Rather we must say that this is the reason for R. Simeon's view: he draws an analogy by means of the common expression 'sheep' from the [cattle] tithe:[17] just as the tithe does not apply to a trefah animal so the law of the first of the fleece does not apply to a trefah animal. And whence do we know it there?[18] — For it is written: Whatsoever passeth under the rod,[17] thus excluding a trefah animal since it cannot pass under [the rod].[19]

And wherefore does he [R. Simeon] not draw an analogy by means of the common expression 'sheep' from the firstling:[20] just as the law of the firstling also applies to a trefah animal[21] so the law of the first of the fleece also applies to a trefah animal? — It is more logical to draw the analogy from the cattle tithe, because they[22] are alike in the following points: (i) males,[23] (ii) unclean animals,[24] (iii) quantity,[25] (iv) sanctity from the womb,[26] (v) mankind,[27] (vi) ordinary,[28] and (vii) before the Revelation.[29] On the contrary, should not the analogy be drawn rather from the law of the firstling, since they are alike in the following points: — (i) orphan-beast,[30] (ii) bought, (iii) held jointly, (iv) given,[31] (v) during the existence of [the Temple],[32] (vi) priestly endowment,[33]

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(1) For according to R. Ila'i if an Israelite bought flocks from a gentile with fleeces that were ready to be shorn he would be exempt.

(2) Even though both kinds are of the same species; cf. infra black figs and white figs.

(3) MS.M. and also in Tosef. Ter. II, 'R. Eleazar'.

(4) This case proves the rule that one may not give the fleece from one kind as the due for other kinds. For if this were not so, the seller alone would be liable to give the due both in respect of what he sold and of what he retained, in accordance with the preceding clause of the Mishnah: IF THE SELLER KEPT BACK SOME FOR HIMSELF, THE SELLER IS LIABLE; for since the various kinds count as one with regard to the priestly due it would be regarded as though the seller had retained some for himself, and only he would be liable.

(5) It would be absurd to regard the males and females of sheep as different kinds.

(6) Male and female sheep certainly count as one kind, and therefore the seller, having kept back some, viz., the females, for himself, is in fact solely liable to give the first of the fleece to the priest.

(7) Sc. the seller.

(8) The wool of male sheep is harder and therefore of less value than that of females. The seller is, in our Mishnah, advised for his own advantage to buy back some of the wool of the males from the purchaser, so as not to have to give soft and more expensive wool to the priest in respect of the hard wool of the male now in possession of the purchaser.

(9) For the seller is solely liable, inasmuch as the two colours of wool count as one kind and he retained one colour for himself. Consequently the reason of the Mishnah is not, as R. Ila'i suggested, because one may not give one kind as due for another kind.

(10) I.e., part thereof is set aside as terumah and the rest is common produce, but the whole produce is not to be terumah; cf. Ter. IV, 5.

(11) Hal. I, 9.

(12) Sc. the latter Baraitha represents the view of R. Ila'i that with regard to the first of the fleece, as with terumah, there must be a perceptible remainder.

(13) Likewise the priestly dues of the shoulder, the two cheeks, and the maw (Rashi).

(14) And therefore a man that has suffered a seminal emission may occupy himself with the study of the Torah; cf. Ber. 220.

(15) Cf. Deut XXII, 9.

(16) For with regard to the priestly dues it is written: They shall give unto the priest, that is, the dues shall be fit for the priest to be eaten by him and not for his dog only.

(17) Cf. Lev. XXVII, 32: And all the tithe of cattle and sheep, whatsoever passeth under the rod, the tenth shall be holy unto the Lord. With regard to the law of the first of the fleece the word 'sheep' is also written, cf. Deut. XVIII, 4.

(18) That the cattle tithe does not apply to a trefah animal.

(19) E.g., an animal whose hind-legs were cut off above the knee-joint (v. supra 76a). And so all trefah animals are

exempt.

(20) Cf. Deut. XV, 19: All the firstling males that are born of thy cattle and of thy sheep thou shalt sanctify unto the Lord.

(21) A firstling that is born a trefah is nevertheless sacred, and must be buried.

(22) Sc. the cattle tithe and the first of the fleece.

(23) These two laws — Sc. the cattle tithe and the first of the fleece-apply not only to male but also to female animals, whereas the firstling applies only to the males.

(24) They do not apply to unclean animals, whereas the firstling of an ass is also sacred.

(25) They require a minimum number of animals for the law to apply; for the first of the fleece there must be at least five sheep, and for the cattle tithe there must he ten animals, whereas one single firstling is sacred.

(26) They are not sacred when born, like the firstling.

(27) They do not apply to human beings, whereas the first-born of man is holy.

(28) They only apply to ordinary animals, i.e., not firstlings.

(29) These two laws were first promulgated on Mount Sinai at the giving of the Torah, whereas the law of the firstling was made known to Israel, whilst still in Egypt, cf. Ex. XIII, 2ff.

(30) An orphan, i.e., a beast whose dam died or was slaughtered at the very moment that it was born, is sacred if a firstling, and is subject to the law of the first of the fleece, but is exempt from the cattle tithe.

(31) Animals bought or held jointly or received as a gift are subject to the law of the firstling and to the first of the fleece but are exempt from the cattle tithe. V. Bek. 55b, 56b.

(32) (הבית) בפני These apply at all times both during the existence of the Temple and after it, whereas the cattle tithe does not operate nowadays; cf. Bek. 53a. V. however, Tosaf. s.v. לפני.

(33) The firstling and the first of the fleece are to be given to the priest, whereas the cattle tithe is consumed by the owner like peace-offerings.

(vii) sacred,[1] and (viii) sold,[2] and these have more points in common? — It is preferable to draw the analogy from ordinary animals.[3]

THE LAW OF THE FIRST OF THE FLEECE APPLIES ONLY TO SHEEP. Whence is this derived? — R. Hisda said: An inference is made by means of the common expression 'fleece'; it is written here: The first of the fleece,[4] and it is written there: And if he were not warned with the fleece of my sheep;[5] just as there it is [the fleece of], sheep, so here it refers to [the fleece of] sheep. Should not the inference rather be made by means of the common expression 'fleece' from the law of the firstling? For it has been taught:[6] From the verse: Thou shalt do no work with the firstling of thine ox, nor shear the fleece of the firstling of thy sheep,[7] I only know that an ox [may not be put] to any work and that the sheep [may not be] shorn, whence do I know to apply the restriction of the one to the other? The text therefore states: Thou shalt do no work . . . nor shear![8] — Scripture says: 'Thou shalt give him', and not for his sack.[9] If so, then goats' hair should also be subject to this law, should it not?[10] — It is necessary that it be shorn, which is not the case [with goats' hair].[11] But whom, have you heard, holding this view?[12] It is R. Jose, is it not?[13] And R. Jose agrees that what is the general practice [is included]![14] — As R. Joshua b. Levi said elsewhere,[15] The expression 'to stand to minister'[16] indicates something serviceable for ministering, so here too, it must be something serviceable for ministering.[17] What then is the significance of the analogy by reason of the common expression 'fleece'? — It is in respect of the following teaching of a Tanna of the school of R. Ishmael. For a Tanna of the school of R. Ishmael taught:[18] Sheep with hard wool are exempt from the law of the first of the fleece, since it is written: And if he were not warmed with the fleece of my sheep.[19]

One [Baraitha] teaches: If a man shears the [hair of] goats or washes the sheep [and plucks their wool] he is exempt from the first of the fleece.[20] Another [Baraitha] teaches: If a man shears the [hair of] goats he is exempt from the first of the fleece; if he washes the sheep [and then plucks their wool] he is liable. There is, however, no difficulty; for one [Baraitha] sets forth R. Jose's view,[21] the other that of the Rabbis. For it has been taught: Scripture says: The gleaning of thy harvest,[22] but not the gleaning of plucking.[23] R. Jose says: Gleaning is only that which falls at the reaping.[24] Is not R. Jose's view identical with that of the first Tanna? — The whole of the Baraitha sets forth R. Jose s view, render therefore, 'For R. Jose says: Gleaning is only that which falls at the reaping'.

R. Aha the son of Raba said to R. Ashi: R. Jose nevertheless agrees that what is the general practice [is included].[25] For it has been taught: R. Jose says, [Scripture states:] Harvest[22] from which I only know that reaping [is subject to the law of gleanings]; whence would I know uprooting?[26] The text therefore states: To reap.[22] And whence would I know plucking?[26] The text therefore states: When thou reapest.[27] Rabina said to R. Ashi: We have also learnt the same:[28] If rows of onions are planted among vegetables, R. Jose says: 'The corner' must be left in each [row].[29] But the Sages say: In one for all.

WHAT IS MEANT BY 'MANY'? Now Beth Shammai's view is clear, for [we see that] two sheep are also referred to as zon,[30] but what is the reason for Beth Hillel's view? — R. Kahana answered: The verse says: Five sheep ready dressed,[31] that is, 'ready' [now][32] for the fulfilment of two precepts, viz., the first of the fleece and the priestly dues. But perhaps it refers to the law of the firstling and the priestly dues? — [This cannot be, for] is not one [sheep] subject to the law of the firstling? Then according to your suggestion [it can also be asked:] Is not one [sheep] subject to the priestly dues? — Rather, said R. Ashi, the verse says: 'Five sheep ready dressed', that is, they bid their owner to be ready, addressing him, 'Up, perform the commandment'.[33]

It was taught: R. Ishmael son of R. Jose says in the name of his father,[34] Four [sheep are subject to

the law of the first of the fleece], as it is written: Four sheep for a sheep.[35] It was taught: Rabbi said: Had their[36] views been based on words from the Torah and Beribbi's[37] view on words from the prophets, we should nevertheless have had to adopt Beribbi's view,[38] how much more now that their views are based on words from the Prophets and Beribbi's view on words of the Torah! But has not a Master said,[39] A compromise of a third [independent opinion] is no true compromise?[40]

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(1) The firstling and the first of the fleece have not to be consecrated, the former because it is sacred from the womb and the latter because it has no sanctity whatsoever, whereas the cattle tithe must be consecrated with the rod.

(2) These may be sold by the priest, but the cattle tithe may neither be sold nor exchanged, v. Bek. 320.

(3) Rather than from a firstling.

(4) Deut. XVIII, 4.

(5) Job XXXI, 20.

(6) Bek. 250.

(7) Deut. XV, 19.

(8) These verbs stated at the head of the sentence imply that the prohibition is general and not restricted to the specific objects mentioned in the verse. It follows then that it is forbidden to shear 'the fleece' (i.e., the hair) of an ox; consequently by analogy with the firstling 'the fleece' of an ox should also be subject to the law of the first of the fleece.

(9) Deut. XVIII, 4. It must be given to the priest for his use, i.e., for clothing; the fleece of an ox, however, is not usually made into clothing but used for making sacks.

(10) Since goats' hair is suitable to be made into cloth.

(11) The common practice is to pluck the hair off the goats and not to shear it.

(12) That the words of the Torah must be given their strictest meaning, so that the word 'fleece' from root גזז to shear, implies only what is shorn.

(13) V. infra.

(14) And since goats' hair is generally plucked, what is plucked is deemed to be its 'fleece' and therefore should be subject to the law of the first of the fleece!

(15) Infra 1380.

(16) Deut. XVIII, 5. This verse follows immediately after the one enjoining the law of the first fleece.

(17) I.e., the fleece referred to in the preceding verse 4 must be such as could be used for the priestly robes of service, and the blue wool in the priestly garments was of sheep's wool and not of goats' hair.

(18) Bek. 17a.

(19) Job. XXXI, 20. Hence only soft wool which gives warmth is subject to the law of the first of the fleece, but not hard wool; this rule is established by reason of the analogy through the expression 'fleece'.

(20) The usual practice is to shear the wool of the sheep, and to pluck the hair of the goats after they have been washed in water so that the hair should come away more easily. Any person who acts contrary to these practices is exempt from giving the first of the fleece.

(21) The first Baraitha represents the view of R. Jose who applies the strictest meanings to the terms of Scripture.

(22) Lev. XIX, 9.

(23) If a man harvested his field by plucking with his hand the ears of corn he is not subject to the law of gleanings.

(24) Lit., 'which comes on account of the harvest'.

(25) And with many vegetables, e.g., onions and garlic, plucking is the normal method of 'ingathering', and renders the field subject to the law of 'the corner'.

(26) Is also subject to the law of gleanings.

(27) Lev. XXIII, 22. This as well as the 'preceding expression 'to reap' is redundant in the verse and serves to include every manner of 'harvesting' which is the usual practice with regard to the particular plants.

(28) Pe'ah III, 4.

(29) Of all vegetables only onions and garlic are subject to the law of 'the corner'. Here, since the other vegetables separate the rows of onions from each other, each row, maintains R. Jose, is deemed a separate field and therefore each is subject to the law of 'the corner'. It is clear, however, that that which is usually plucked, as onions, is subject to the law of the corners.

(30) צאן, 'flock'; in the verse quoted by him in the Mishnah; Isa. VII, 21.

(31) I Sam. XXV, 18.

(32) Since there is the required minimum of five sheep.
(33) This can only refer to the law of the first of the fleece for which, as is apparent from the verse, there must be a minimum of five sheep; for the law of the firstling and the priestly dues apply even to a single sheep.
(34) So according to Rashi, Alfasi and MSS. In cur. edd. 'In the school of R. Ishmael b. R. Jose it was said in the name of his father'.
(35) Ex. XXI, 37. Here the word צאן is used of four sheep.
(36) Sc. the views of Beth Shammai and of Beth Hillel in our Mishnah.
(37) A title of honour applied to scholars of eminence; here applied to R. Jose. V. supra p. 52, and J.E. III, p. 52.
(38) Since it is assumed for the present that Beribbi's view is in the nature of a compromise, i.e., not so many as five as Beth Hillel would have it; nor so few as two as Beth Shammai, but four.
(39) Pes. 21a; Naz. 53a; B.K. 116a.
(40) And cannot be accepted as the final decision. Here Beribbi's view is not a true compromise, for it does not adopt any of the arguments of the conflicting Rabbis, but constitutes a third independent opinion opposed in its entirety to each of the other opinions.

Talmud - Mas. Chullin 137b

— R. Johanan said: He[1] had it as a tradition deriving from Haggai, Zechariah and Malachi.[2] R. DOSA B. HARKINAS SAYS . . . [WHATEVER THEIR FLEECES WEIGH]. What is meant by 'WHATEVER'? — Rab said, [At least] a maneh and a half,[3] provided each supplies [no less than] a fifth[4] [of this quantity]. Samuel said, [At least] sixty [sela's], and he gives thereof one sela' to the priest. Rabbah b. Bar Hana said in the name of R. Johanan, [At least] six [sela's], and he gives five to the priest and retains one for himself. Ulla said in the name of R. Eleazar: Our Mishnah expressly says: WHATEVER.[5]

We have learnt: AND HOW MUCH SHOULD ONE GIVE HIM? THE WEIGHT OF FIVE SELA'S IN JUDAH, WHICH IS EQUAL. TO TEN SELA'S IN GALILEE. Now this is in order according to the views of Rab and R. Johanan,[6] but it surely presents a difficulty, does it not, to Samuel and R. 'Eleazar?[7] — Then, as you would have it, it also presents a difficulty to Rab? For did not Rab and Samuel both rule that the proper measure for the first of the fleece is one sixtieth part?[8] But the fact is as has already been taught in connection with this [Mishnah] that Rab and Samuel both said; it[9] speaks of the case of an Israelite who has many fleeces and who wishes to distribute them[10] among a number of priests, and we tell him that he must not give less than the weight of five sela's to each.

[To turn to] the main text. 'Rab and Samuel both ruled: The proper measure for the first of the fleece is one sixtieth part, for terumah one sixtieth part, and for the "corner" one sixtieth part'. 'For terumah one sixtieth part'. But we have learnt: The proper measure for terumah, if a man is liberal, is one fortieth part?[11] — According to the law of the Torah the measure is one sixtieth part,[12] but by Rabbinic enactment it is one fortieth part. But has not Samuel stated that one grain of wheat frees the stack?[13] — The law of the Torah is as Samuel stated it;[14] but the Rabbinic enactment is that in respect of that which is subject [to terumah] by the Torah[15] the measure is one fortieth part, and in respect of that which is subject [to terumah] only by the Rabbis[16] the measure is one sixtieth part.

'For the "corner" one sixtieth part'. But we have learnt:[17] These are the things which have no fixed measure: the corner [of the field], the firstfruits, and the appearance-offering![18] — By law of the Torah there is no fixed measure, but by Rabbinic enactment it is fixed as one sixtieth part. Then what does he teach us? We have learnt it: The corner should not be less than one sixtieth part, even though they have said that no fixed measure is prescribed for the corner![19] — That gives the rule for the Land [of Israel], here [Rab and Samuel] give the rule for outside the Land [of Israel]. When Isi b. Hini went up [to Palestine], R. Johanan found him teaching his son [our Mishnah and using the term] rehelim.[20] He [R. Johanan] said to him, 'Use the term reheloth'.[21] The other retorted, 'But it is

written: Two hundred rehelim'.[22] He replied: 'The Torah uses its own language and the Sages their own'.[23] He [R. Johanan] then enquired, 'Who is the head of the Academy[24] in Babylon'? 'Abba Arika',[25] he replied. 'And you simply call him Abba Arika'![26] said [R. Johanan]. 'I remember when I was sitting before Rabbi, seventeen rows behind Rab, seeing sparks of fire leaping from the mouth of Rabbi into the mouth of Rab and from the mouth of Rab into the mouth of Rabbi, and I could not understand what they were saying; and you simply call him Abba Arika!' Then the other asked, 'What is the minimum quantity subject to the law of the first of the fleece'? — 'Sixty [sela's]', he replied. 'But', said the other, 'we have learnt: WHATEVER [THEIR FLEECES WEIGH]!' 'Then what difference is there between me and you'?[27] he retorted.

When R. Dimi came [from Palestine] he reported: With regard to the first of the fleece, Rab said: Sixty;[28] R. Johanan said in the name of R. Jannai: Six.[29] Thereupon Abaye said to R. Dimi: One opinion is quite in order, but the other presents to us a difficulty. There is indeed no contradiction between the one opinion of R. Johanan and the other, for one is his own opinions the other that of his master;[30] but surely there is a contradiction between this opinion of Rab and the other, for Rab has said: At least a maneh and a half![31] — There is also no contradiction between this opinion of Rab and the other, for by 'a maneh' he meant [a maneh] of forty sela's, so that [a maneh and a half] is equal to

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(1) R. Jose.

(2) And therefore his opinion should be accepted as final.

(3) From the five sheep there must be a minimum quantity of wool, of one maneh and a half in order to be subject to the law of the first of the fleece. This quantity equals thirty-seven and a half sela's (one maneh twenty-five sela's).

(4) No sheep shall supply less than seven and a half sela's of wool.

(5) Whatever quantity of wool the five sheep produce, even though only one sela' in all, it is subject to this law.

(6) For R. Johanan expressly stated that five sela's weight shall be given to the priest in every case, even out of a total of six sela's! Rab also agrees with the ruling of the Mishnah that five sela's' weight must be given to the priest, but he merely establishes the minimum quantity of wool that is subject to this law.

(7) For according to Samuel the quantity of one sela' only, and according to Ulla even less, shall be given to the priest.

(8) I.e., the amount to be given to the priest shall not be less than one sixtieth part of the whole; whereas now it is suggested, according to Rab, that out of a total of thirty.seven and a half sela's five shall be given to the priest, almost one-seventh!

(9) The statement of the Mishnah FIVE SELA'S does not purport to establish this amount as the minimum quantity to be given to the priest, for this is fixed at one sixtieth in accordance with the ruling of Rab and Samuel.

(10) Sc. the sixtieth part.

(11) V. Ter. IV, 3, where the Mishnah continues: If he is mean it is one sixtieth part. Surely Rab and Samuel would not adopt as the general standard the measure given in the case of a mean person.

(12) This is indicated in Ezek. XLV, 13: This is the heave offering (terumah) which ye shall offer; the sixth part of an ephah (i.e., half a se'ah) from an homer of wheat (i.e., thirty se'ah). That is one sixtieth part.

(13) The obligation of terumah can be discharged by the removal of one grain from the heap, since the Torah does not prescribe any specific amount.

(14) That one grain discharges the obligation of terumah.

(15) Viz., corn, wine, and oil; cf. Deut. XVIII, 4.

(16) Viz., other fruits (besides the vine) and vegetables.

(17) Pe'ah I, 1.

(18) Heb. ראיון. The offerings to be brought on appearing before the Lord at the three Festivals (in accordance with Deut. XVI, 16: They shall not appear before the Lord empty) are not limited in their value; but see Hag. 20.

(19) Pe'ah I, 2.

(20) In the ruling of R. Dosa b. Harkinas. רחלים, the plural of רחל (a ewe, lamb) with the masculine plural ending im.

(21) רחלות with the feminine plural ending oth.

(22) Gen. XXXII, 15.

(23) In the speech of the Rabbis there is a marked tendency to adopt the plural ending oth in place of the ending im with which the same words are found in the Bible. Cf. the plural of עולם, קרבן, המון, etc.
(24) ריש סדרא; identified by Zuri (תולדות המשפט הצבור, pp. 247ff) as the Archi Synagogis, the supreme authority over the synagogues. V. Sot., (Sonc. ed.) p. 202, n. 5.]
(25) Sc. Rab. The surname Arika 'long' was given to him because of his tall physical stature, cf. Nid. 24b. Others regard Arika as a title of honour; v. Jast. s.v., and Weiss Dor, III, 247.
(26) And not by the generally accepted title of 'Rab', the Master, par excellence.
(27) 'If I do not know the interpretation of the Mishnah, then l am no better than you'. The Mishnah by the expression WHATEVER' assumed a minimum of sixty sela's so that the priest would receive at least one sela'.
(28) The weight of sixty sela's is the minimum quantity subject to the law of the first of the fleece. Or: the amount to be given to the priest must be one sixtieth part of the whole.
(29) In MS.M. 'sixty'. V. Maharam a.l.
(30) In fact there is an apparent contradiction between two statements of R. Johanan. Above it has been stated: 'Rabbah b. Bar Hana said in the name of R. Johanan: At least six sela's', but subsequently we read that R. Johanan told Isi b. Hini that there must be at least sixty sela's in order to be subject to the law of the first of the fleece. The report of R. Dimi however clears up this contradiction, for it is manifest that the former statement was not the personal view of R. Johanan but that of his teacher R. Jannai, and R. Dimi expressly reported it so.
(31) I.e., there must be a maneh and a half — thirty-seven and a half sela's — to be subject to the law of the first of the fleece, whereas according to R. Dimi Rab ruled that there must be a minimum of sixty sela's. According to the second interpretation (v. p. 790, n. 9) the contradiction between Rab is this: Rab is reported by R. Dimi to have ruled that the measure for the first of the fleece is one sixtieth part, whereas previously Rab ruled that out of thirty-seven and a half sela's, the minimum quantity that is subject to the law of the first of the fleece, one sela', which is the very least that would constitute 'giving's must be given to the priest.

Talmud - Mas. Chullin 138a

sixty sela's. But do we know of any Tanna that refers to a maneh of forty sela's? — We do, indeed; for it has been taught: A new[1] waterskin, even though it can hold pomegranates, is clean; if it had been sewn and then was torn, [it thereby becomes clean provided the rent was of] such a size as to let through pomegranates. R. Eliezer b. Jacob says: Of such a size as to let through a warp-clew [which weighs] one fourth part of a maneh of forty sela's.[2]

AND NOW MUCH SHOULD ONE GIVE HIM . . . [OF BLEACHED WOOL]. A Tanna taught: It does not mean that one must first bleach it and give it him, but that after the priest has bleached it there should be the weight of five sela's.[3]

SUFFICIENT TO MAKE FROM IT A SMALL GARMENT. Whence is this derived? — R. Joshua b. Levi said: The expression 'to stand to minister'[4] indicates that it[5] must be something serviceable for ministering, and that is, the girdle.[6] Perhaps it is the robe [that is meant]? — If you grasp a lot, you cannot hold it; if you grasp a little, you can hold it.[7] Perhaps it is the woollen cap [that is meant]? For it has been taught: Upon the High Priest's head there lay a woollen cap upon which was placed the plate [of gold], in order to fulfil literally what is said: And thou shalt put it on a lace of blue wool![8] — The verse says: Him and his sons,[9] that is, an article worn alike by Aaron and his sons.[10] But the girdle is not worn alike [by High Priest and priest], is it? This, however, presents no difficulty to him who holds that the girdle worn by the High Priest [on the Day of Atonement][11] was not similar to that worn by an ordinary priest [the whole year round];[12] but what can be said according to him who holds that the girdle worn by the High Priest [on the Day of Atonement] was similar to that worn by an ordinary priest [the whole year round]?[13] — The name girdle, however, is to be found with each.[14]

IF THE OWNER DID NOT MANAGE TO GIVE etc. It was stated: If a man sheared the first [sheep] and immediately sold it,[15] R. Hisda says: He is liable [to give the first of the fleece]; but R.

Nathan b. Hoshaia says: He is exempt. 'R. Hisda says: He is liable', because he has shorn;[16] 'R. Nathan b. Hoshaia says: He is exempt', because at the time that the requisite quantity has been reached one must be able to refer to [the sheep as] 'thy sheep', and this is not the case here.[17]

We have learnt: IF A MAN BOUGHT THE FLEECES OF A FLOCK BELONGING TO A GENTILE, HE IS EXEMPT FROM THE LAW OF THE FIRST OF THE FLEECE. It follows from this that if [he acquired] the flock for [the time that he was] shearing, he would be liable [to the first of the fleece].[18] But why? Does not each sheep leave his possession after it has been shorn?[19] — R. Hisda interpreted this according to the view of R. Nathan b. Hoshaia as follows: He[20] granted him possession of the flock for thirty days.[21]

IF A MAN BOUGHT THE FLEECE OF A FLOCK BELONGING TO HIS NEIGHBOUR, [AND THE SELLER KEPT BACK SOME FOR HIMSELF, THE SELLER IS LIABLE]. Who is the authority that holds that where the seller keeps back some for himself we turn to the seller?[22] — R. Hisda said: It is R. Judah, for we have learnt:[23] If a man sold single trees[24] in his field, the buyer must leave the 'Corner' from each tree.[25] R. Judah said: This applies only if the owner of the field had not kept back [any tree for himself], but if the owner of the field had kept back some for himself he must leave the 'Corner' for the whole.[26] Raba said to him: But did not the Master himself say: 'Provided the owner of the field had begun to reap'?[27] And if you were to suggest in this case, too, 'Provided the owner of the sheep had begun to shear,[28] [I reply that the cases are not alike]. For it is right in that case, since it is written: And when ye reap the harvest of your land;[29] that is, the moment one begins to reap one becomes bound to leave the 'Corner' for the whole field; but in this case, the moment one begins to shear one does not become liable for the whole flock.[30] — Rather, said Raba: It is the following Tanna, for we have learnt:[31] If a man said: 'Sell me the entrails of this cow', and among them were the priestly dues, he[32] must give them to the priest, and [the seller] need not allow any reduction in the purchase price on that account. But if he bought them from him by weight, he must give them to a priest, and [the seller] must allow a reduction in the price on that account.

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(1) I.e., unfinished; the skin had not yet been sewn up completely and therefore it cannot contract uncleanness, for it is an unfinished article.

(2) Cf. Kel. XVII, 1, 2.

(3) I.e., it is not incumbent upon an Israelite to give the priest bleached wool, but he must estimate such a quantity as would, after bleaching, make up five sela's weight.

(4) Deut. XVIII, 5; this verse follows immediately after the law of the first of the fleece.

(5) Sc. the first of the fleece given to the priest.

(6) Which is the smallest article among the priestly robes, and could he woven out of five sela's of wool.

(7) A proverbial saying. I.e., where there are two possible inferences always select that which gives the smaller result. V. Rashi s.v. תפשת.

(8) Ex. XXVIII, 37.

(9) Deut. XVIII, 5.

(10) Whereas the woollen cap was worn by the High Priest only.

(11) Which was of linen only, cf. Lev. XVI, 4.

(12) V. Yoma 6a. For the whole year round both the High Priest and the ordinary priest wore a girdle of wool and linen combined, cf. Ex. XXXIX, 29; so that a woolen girdle is a garment worn alike by priest and High Priest.

(13) I.e., both were of linen, and only the High Priest wore a girdle of wool and linen (except on the Day of Atonement); so that it cannot be said that the 'woollen girdle' was worn alike by 'Aaron and his sons'.

(14) Lit., 'is in the world'. Both the High Priest and ordinary priests were alike in that they wore girdles although the material in each case was different.

(15) Sc. the sheep, and so he did with all his sheep (Rashi and R. Nissim). V., however Maim. Yad, Bikkurim, X, 15.

(16) The requisite number of sheep; and at the time of shearing each sheep was still his, and it is in accordance with the precept of the Torah 'The first of the fleece of thy sheep'.

(17) For when the obligation of the first of the fleece falls due, namely with the shearing of the fifth sheep, the owner has

already sold the first four sheep.

(18) The reason for the exemption in the Mishnah is that the sheep at no time belonged to the shearer, but if they did belong to him, even if only temporarily, he would be liable.

(19) This clearly is in conflict with R. Nathan b. Hoshaia.

(20) Sc. the gentile.

(21) The case was not, as assumed, that immediately after the shearing of each sheep that sheep reverted to its owner, but that the ownership in all the sheep remained with the Israelite for thirty days, or for any period until the end of all the shearing.

(22) I.e., the obligation to give the first of the fleece to the priest lies entirely upon the seller.

(23) Pe'ah. III, 5.

(24) Lit., 'trunks of trees', meaning single trees, but not several trees together with the land between them.

(25) For each tree is regarded as a separate entity, and each is subject to the law of the 'Corner'.

(26) Thus the obligation of leaving the 'Corner', even in respect of the trees actually sold, lies upon the seller, since he kept back some for himself. This view therefore corresponds with the view in our Mishnah.

(27) I.e., he had begun to gather in the fruits before he had sold any of the trees; in that case the duty of the 'Corner' lay upon him in respect of the entire field.

(28) Only then is the seller liable to give the priest's due.

(29) Lev. XIX, 9.

(30) The obligation of the first of the fleece arises only after the shearing, for Scripture does not use the expression here 'And when ye shear'.

(31) V. supra 132a.

(32) The purchaser.

Talmud - Mas. Chullin 138b

Hence it is clear that no man sells the priestly dues; here, too, the priest's due no man sells.[1] Therefore, if the seller kept back [some fleece for himself] the seller is solely liable [to give the first of the fleece], for the buyer can say to him, 'The priest's due still remains with you'. If he did not keep back anything for himself the buyer is liable,[2] for the seller can say to him, 'I never sold you the priest's due'.

CHAPTER XII

MISHNAH. THE LAW OF LETTING [THE DAM] GO FROM THE NEST[3] 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 BIRDS BUT NOT CONSECRATED BIRDS. THE LAW OF COVERING UP THE BLOOD[4] IS OF WIDER APPLICATION THAN THE LAW OF LETTING THE DAM GO; FOR THE LAW OF COVERING UP THE BLOOD APPLIES TO WILD ANIMALS AS WELL AS BIRDS, WHETHER THEY ARE AT ONE'S DISPOSAL[5] OR NOT, WHEREAS THE LAW OF LETTING [THE DAM] GO FROM THE NEST APPLIES ONLY TO BIRDS AND ONLY TO THOSE WHICH ARE NOT AT ONE'S DISPOSAL. WHICH ARE THEY THAT ARE NOT AT ONE'S DISPOSAL? SUCH AS GEESE AND FOWLS THAT MADE THEIR NESTS IN THE OPEN FIELD;[6] BUT IF THEY MADE THEIR NESTS WITHIN A HOUSE OR IN THE CASE OF HERODIAN DOVES,[7] ONE IS NOT BOUND TO LET [THE DAM] GO. AN UNCLEAN BIRD ONE IS NOT BOUND TO LET GO. IF AN UNCLEAN BIRD WAS SITTING ON THE EGGS OF A CLEAN BIRD, OR A CLEAN BIRD ON THE EGGS OF AN UNCLEAN BIRD, ONE IS NOT BOUND TO LET IT GO. AS TO A COCK PARTRIDGE,[8] R. ELIEZER SAYS ONE IS BOUND TO LET IT GO, BUT THE SAGES SAY ONE IS NOT BOUND.

GEMARA. R. Abin and R. Meyasha [taught the following:] One said that the expression 'both within the Holy Land and outside it'[9] was in every case unnecessary,[10] except in [the Mishnah of]

'The first of the fleece',[11] [where it had to be stated] in order to exclude the view of R. Ila'i, who holds that the law of the first of the fleece obtains only in the Land of Israel.[12] The other said, the expression 'both during the existence of the Temple and after it'[9] was in every case unnecessary, except in [the Mishnah of] 'It and its young', [where it had to be stated,] for I might have argued that, since that law is stated in connection with laws concerning sacrifices,[13] it is in force only as long as sacrifices continue but it is not in force once sacrifices are no more, [the Tanna] therefore found it necessary to teach us [that it is binding for all time]. Furthermore both said that the expression 'in respect of unconsecrated and consecrated animals',[14] was in every case necessary except in [the Mishnah of] 'The sciatic nerve',[15] for it is obvious that the prohibition of the nerve has not vanished merely because the animal has been consecrated. But did we not establish [that Mishnah] as dealing with the young of consecrated animals?[16] — Yes, but why did we establish [the Mishnah] in that way? Was it not because we were faced with the difficulty: 'Why did [the Tanna] state it'? In reality however[17] this at the very outset should offer no difficulty, for since this expression was stated in one Mishnah where it was necessary[18] it was also stated in the other where it was not necessary at all.

IN RESPECT OF UNCONSECRATED BIRDS BUT NOT CONSECRATED BIRDS. Why not? — Because the verse: Thou shalt in any wise let the dam go,[19] clearly refers only to such as you are bound to let go, excluding such as you are not bound to let go but rather to bring to the Temple treasurer. Rabina said: It follows, therefore, that if a clean bird killed a man, one is not bound to let it go,[20] because the verse: 'Thou shalt in any wise let the dam go', clearly refers only to such as you are bound to let go, excluding such as you are not bound to let go but rather to bring to the Beth din.[21] But what are the circumstances here? If it had already been condemned,

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(1) And therefore whenever the seller keeps back anything for himself it is to be presumed that he has kept back the priest's due, for that he certainly would not sell.

(2) Not because the obligation rests upon the buyer, but because at the sale the priestly dues were not intended to pass from the seller to the buyer.

(3) Deut. XXII, 6, 7.

(4) Lev. XVII, 13.

(5) I.e., always ready at hand for one's purpose and use.

(6) Although geese and fowls are usually domesticated, if they became wild and broke loose and nested in the open field the law of letting the dam go applies.

(7) A special breed of doves favoured by Herod; or, as some read הדרמיאות, doves from a particular locality. These doves are quite domesticated. V. infra 139b.

(8) Which like the hen partridge broods upon eggs of other birds; cf. Jer. XVII, 11.

(9) Stated in the opening Mishnah of Chap. V, VI, VII, X, XI, XII.

(10) Since every precept which is not dependent upon the land obtains both within the Land of Israel and outside it; v. Kid. 36b.

(11) And also the Mishnah dealing with the Priestly dues, (supra Chap. X) the law of which is derived from that of the 'first of the fleece'. (Rashi, Tosaf.).

(12) V. supra 136b.

(13) The law of 'It and its young' (Lev. XXII, 28) is immediately preceded and followed by laws concerning sacrifices.

(14) Stated in the opening Mishnah of Chap. V and VII.

(15) At the opening of Chap. VII.

(16) V. supra 89b. The case therefore is not obvious, for it teaches that the prohibition of the nerve can be superimposed upon the existing prohibition of consecrated things.

(17) In the view of R. Abin and R. Meyasha.

(18) At the opening of Chap. V.

(19) Deut. XXII, 7.

(20) If found in the nest sitting upon its young ones.

(21) I.e., the Court, to be put to death.

then surely it would have been put to death! Rather we must say that it had not yet been condemned, in which case one is bound to bring it to the Beth din so as to carry into effect the verse: So shalt thou put away the evil from the midst of thee.[1]

What are the circumstances with regard to consecrated birds? If you say that a man had a nest in his home and consecrated it, but in that case the law does not apply, for the verse: If a bird's nest chance to be before thee,[2] excludes what is at one's disposal. You will say then that a man saw a nest somewhere and consecrated it, but in that case would it become consecrated? Does not the Divine Law say. And when a man shall sanctify his house to be holy,[3] [from which we conclude that] just as his house is in his possession so must everything [that he may wish to sanctify] be in his possession? You will then say that a man lifted up the young ones,[4] consecrated them, and put them back again; but in such a case, even though they were not consecrated, the law would not apply, for we have learnt: If a man took the young and brought them back again into the nest, and afterwards the dam returned to them, he is not bound to let it go.[5] You will therefore say that he lifted up the dam, consecrated it, and put it back again; but in that case at the very outset, even before he consecrated it, he was bound to let it go, for it was taught: R. Johanan b. Joseph says: If a man consecrated a wild animal and then slaughtered it, he is exempt from covering up [the blood];[6] if he slaughtered it and afterwards consecrated it, he is bound to cover up [the blood], since he was already bound to cover up [the blood] before it was consecrated![7] Rab suggested[8] the case where a man consecrated the young of his dovecote[9] and they later broke lose.[10] Samuel suggested the case where a man consecrated his hen[11] to the Temple treasury.[12] Now one can understand why Samuel does not suggest the case of Rab; it is because he wishes to state the law even in respect of that which is consecrated to the Temple treasury only. But why does not Rab suggest the case of Samuel? — Rab would answer thus: It is only in the case where a man consecrated the young of his dove-cote that one is not bound to let the dam go, for they are consecrated for the altar; and inasmuch as they are themselves consecrated for an offering, [even though they break loose,] their sanctity has not gone.[13] But where a man consecrated his hen to the Temple treasury, inasmuch as it was not consecrated for the altar but only for its value, as soon as it breaks loose its sanctity has gone, and the law of letting the dam go applies. But Samuel says: Wherever it[14] happens to be it is in the Lord's treasury, for it is written: The earth is the Lord's and the fullness thereof.[15]

And so, too, did R. Johanan say: It is a case where a man consecrated his hen to the Temple treasury, and afterwards it broke loose. Thereupon R. Simeon b. Lakish said to him: Surely as soon as it breaks loose its sanctity has gone! — He replied: Wherever it happens to be it is in the Lord's treasury, for it is written: ‘The earth is the Lord's and the fullness thereof’.

I can point out a contradiction between the words of R. Johanan [here] and the words of R. Johanan [elsewhere]; and I can point out a contradiction between the words of Resh Lakish [here] and the words of Resh Lakish [elsewhere]. For it has been stated: [If a man said], ‘Let this maneh be for the Temple treasury’, and it was stolen or lost, R. Johanan says: He is responsible for it until it reaches the hands of the Temple treasurer; but Resh Lakish says: Wherever it is it is in the Lord's treasury, for it is Written, ‘The earth is the Lord's and the fullness thereof’. Hence there is a contradiction between R. Johanan's statements, and between Resh Lakish's statements.[16] [I concede that] there is not necessarily a contradiction between Resh Lakish's statements, for this [the former] view he expressed before he had learnt the true view from his master R. Johanan,[17] whilst that [the latter] view he expressed after he had learnt it from his master R. Johanan.[18] But surely there is a contradiction between the statements of R. Johanan! — There is no contradiction even between the statements of R. Johanan, for in one case the man said: ‘I take upon myself [an offering]’ and in the other case he said: ‘Let this be [an offering]’.[19] It follows then that, according to Resh Lakish, a man

is not responsible [for his offering] even though he said: 'I take upon myself'. But we have learnt: What is a votive-offering and what a freewill-offering? It is a votive-offering when a man says: 'I take upon myself a burnt-offering'; it is a freewill-offering when a man says: 'Let this be a burnt-offering'. And wherein do votive-offerings differ from freewill-offerings? With a votive-offering if it dies or is stolen or lost, he is responsible for it [and must replace it]; but with a freewill-offering, if it dies or is stolen or lost he is not responsible for it.[20] — Resh Lakish can answer thus: That is so[21] only with regard to what is consecrated for the altar, since it still needs to be offered as a sacrifice;[22] but with regard to what is consecrated to the Temple treasury, since it has not to be offered as a sacrifice, he is not responsible for it even though he said 'I take upon myself'.[23] But we have learnt:[24] If a man said: 'Let this ox be a burnt-offering', or, 'Let this house be an offering', and the ox died or the house fell down, he is not bound to make restitution; but if he said: 'I take upon myself [to offer] this ox for a burnt-offering', or, 'I take upon myself [to present] this house as an offering', and the ox died or the house fell down, he must make restitution![25] — That is so only where the ox died or the house fell down, then indeed he must make restitution, since they are no more in existence; but where they are in existence, wherever they happen to be, they are still within the Lord's treasury, for it is written: 'The earth is the Lord's and the fullness thereof'. R. Hamnuna said: All agree that regarding vows of valuation,[26] even though a man said: 'I take upon myself',[27] he is not bound to make restitution, for these cannot be expressed without the formula 'I take upon myself'. For how else can they be expressed? If he were only to say: 'My valuation', then [we do not know] upon whom [lies this obligation]; and if he were to say: 'The valuation of So-and-So', [we still do not know] upon whom [lies the obligation]. Raba demurred: But surely he can say: 'Here is my valuation', or, 'Here is the valuation of So-and-so'. Moreover it has been taught: R. Nathan says: It is written: And he shall give thy valuation in that day, as a holy thing unto the Lord.[28] What does Scripture teach thereby? But inasmuch as we find that, with regard to consecrated things and second tithe, if a man exchanged them for unconsecrated money and the money was stolen or lost, he is not liable to make restitution,[29]

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(1) Ibid. XIII, 6.

(2) Ibid. XXII, 6.

(3) Lev. XXVII, 24.

(4) Thereby acquiring them as his own.

(5) Since the young ones have become his own property the law of sending away does not apply, for they are always at his disposal. V. infra 141a.

(6) For the law of covering up the blood (v. Lev. XVII, 13) does not apply to consecrated animals; v. supra 83b.

(7) And consecration does not set aside the existing obligation of covering up the blood; likewise it does not set aside the existing obligation of letting the dam go.

(8) In answer to the question of how to construe a case where the law of letting the dam go might possibly apply to consecrated birds.

(9) Intending them to be offered as bird-offerings upon the altar.

(10) They are no more at his disposal, and so the law of letting the dam go would apply were it not for the fact that they were consecrated.

(11) Which is not allowed for an offering, but is consecrated merely for its value.

(12) And it also broke loose and became wild; v. note 5.

(13) And the law of letting the dam go does not apply.

(14) Even what is consecrated only for its value.

(15) Ps. XXIV, 1. Therefore even though it has broken loose it is still within the Lord's treasury and sacred.

(16) For in the discussion regarding the law of letting the dam go it was R. Johanan who advanced the argument that the whole earth is the Lord's treasury, whereas in the latter dispute it is Resh Lakish who advances this view.

(17) Resh Lakish then held that if a consecrated bird had broken loose its sanctity had gone and it was subject henceforth to the law of letting the dam go; but later R. Johanan convinced him that it was not so, with the argument that the earth is the Lord's treasury, which argument Resh Lakish eventually accepted.

(18) Therefore where a man consecrated an animal and it was lost or stolen, he has no further responsibility with regard

to it, since it is still within the Lord's treasury.
(19) R. Johanan, although maintaining the principle that wherever a thing happens to be it is still within the Lord's treasury, nevertheless holds a man responsible for his offering if he expressed himself thus: 'I take upon myself', for then the personal obligation is not discharged until the Temple treasurer has actually received it.
(20) Kin. I, 1; R.H. 6a; Meg. 82. Resh Lakish surely would not maintain his view in opposition to the Mishnah quoted and hold that even where a man said: 'I take upon myself', he is not responsible for it.
(21) That where a man says: 'I take upon myself', he is responsible for it.
(22) Therefore so long as he has not brought his offering to the Temple he will not have discharged his obligation, and up to then he is responsible for it.
(23) For as soon as he dedicates it to the Temple it automatically becomes part of the Temple treasury, and wherever it happens to be it is still within the Lord's treasury.
(24) 'Arak. 20b.
(25) Even though he specified the subject consecrated by the term 'this' he is nevertheless responsible since he undertook the vow as a personal charge. It is, however, evident from this that even in respect of what is consecrated to the Temple treasury, e.g., a house, one is bound to make restitution, contra Resh Lakish.
(26) Where a man vows to the Temple the 'valuation' of himself or of another person. The 'valuation' is fixed according to the scale prescribed in the Torah, cf. Lev. XXVII, 1ff.
(27) And he set aside the fixed amount and it was lost or stolen.
(28) Lev. XXVII, 23. This verse is stated in connection with the law of the redemption of a field that was bought and afterwards consecrated unto the Temple, and the reference in this verse to 'thy valuation' is certainly strange and out of place.
(29) For Scripture does not state that the redemption money shall be given unto the Lord, but simply that it is holy, ibid. 15.

Talmud - Mas. Chullin 139b

I might say that it is the same with regard to this too;[1] the text therefore states: 'And he shall give thy valuation in that day as a holy thing unto the Lord'; that is to say, it is still consecrated [in thy hand] until it reaches the hand of the Temple treasurer.[2] — Rather if this statement was reported it must have been reported as follows: R. Hamnuna said: All agree that regarding vows of valuation, even though a man did not say 'I take upon myself', he is bound to make restitution, for it is written: 'And he shall give thy valuation etc.', that is to say, it is still consecrated in thy hand until it reaches the hand of the Temple treasurer. THE LAW OF COVERING UP THE BLOOD IS OF WIDER APPLICATION etc. Our Rabbis taught: It is written: If a bird's nest chance to be before thee [in the way, in any tree or on the ground].[3] What does Scripture teach thereby? But because it is also written: Thou shalt in any wise let the dam go, but the young thou mayest take unto thyself,[4] I might suppose that one should go searching over mountains and hills to find a nest, the text therefore states: 'chance to be', that is, if it happens to be before you. 'A nest', that is, any nest whatsoever.[5] 'A bird's', that is, of a clean but not of an unclean bird. 'Before thee', that is, in a private domain.[6] 'In the way', that is, in a public place. Whence do I know even [if found] on trees? The text states: 'In any tree'. Whence do I know even [if found] in cisterns, ditches or caverns? The text states: 'Or on the ground'. But since in the end we include everything, wherefore [does Scripture say], 'Before thee in the way'? To teach you, just as on the way the nest cannot be said to be ready at your hand,[7] so everywhere the nest must not be ready at your hand; hence they said, [Wild] doves of the dove-cote, and doves of the loft, and birds which made their nests in the cornices[8] [in the walls] in large houses, and geese and fowls that made their nests in the open field,[9] one is bound to let the dam go; but if they made their nests within a house, or in the case of Herodian doves, one is not bound to let the dam go.

The Master said: 'Just as on the way the nest cannot be said to be ready at your hand, so everywhere the nest must not be ready at your hand'. Is this [teaching] necessary? It is surely inferred from the expression 'chance to be' thus, 'chance to be', but not what is at one's disposal!

Moreover, what is the significance of the expression ‘before thee’? — Rather we must say: The expression ‘before thee’ serves to include those birds that were once before you and which later broke loose; and the expression ‘in the way’ points to the teaching of Rab Judah in the name of Rab. For Rab Judah said in the name of Rab: If a man found a nest in the sea[10] he is bound to let the dam go, since it is written: Thus saith the Lord, who maketh a way in the sea.[11] Then, in like manner, if a man found a nest in the sky,[12] inasmuch as it is written: The way of an eagle in the sky,[13] he should also, should he not, be bound to let the dam go? — It [the sky] is referred to as ‘the way of an eagle’, but never simply as ‘way’.

The Papunians[14] asked of R. Mattenah: What if one found a nest upon a man's head? — He replied, lt is written: And earth upon his head.[15] Where is Moses indicated in the Torah?[16] [they asked]. — In the verse: For that he also is flesh.[17] Where is Haman indicated in the Torah? — In the verse: Is it [hamin] from the tree?[18] Where is Esther indicated in the Torah? — [In the verse,] And I will surely hide [asthir] my face.[19] Where is Mordecai indicated in the Torah? — In the verse: Flowing myrrh,[20] which the Targum renders as mira dakia.[21] WHICH ARE THEY THAT ARE ‘NOT AT ONE'S DISPOSAL’? etc. R. Hiyya and R. Simeon [b. Rabbi differ]: One reads [in the Mishnah] ‘Hadresioth’, and the other reads ‘Hardesioth’. He who reads ‘Hardesioth’[22] derives the word from the name of Herod; and he who reads ‘Hadresioth’ derives it from their place of origin.[23] R. Kahana said: ‘I once saw them, and there were sixteen rows of them, each row extending over one mil, and they were calling out, kiri kiri.[24] One, however, did not call out kiri kiri, and its neighbour said to it, ‘You blind fool, call out kiri kiri’. The other replied: ‘You blind fool, call out rather kiri keri’.[25] Straightway she was taken and slaughtered. R. Ashi said: R. Hanina told me that all this was empty words. Empty words! surely not![26] — Say, rather: All this [conversation][27] was effected by magic spells.[28]

AN UNCLEAN BIRD ONE IS NOT BOUND TO LET GO. Whence is this derived? — R. Isaac said: From the verse: If a nest of a bird [zippor] chance to be before thee.[29] Now the term ‘ ‘of’[30] applies both to clean and unclean birds, but as for the term ‘zippor’, we find clean birds referred to as zippor but not unclean birds. Come and hear: It is written: The likeness of any winged zippor.[31] Surely ‘zippor’ includes both clean and unclean birds, and ‘winged’ includes locusts! — No, ‘zippor’ refers only to clean birds, and ‘winged’ includes both unclean birds and locusts. Come and hear: It is written: Beasts and all cattle, creeping things and winged zippor.[32] Surely ‘zippor’ includes both clean and unclean birds, and ‘winged’ includes locusts. — No, ‘zippor’ refers only to clean birds, and ‘winged’ includes both unclean birds and locusts. Come and hear: It is written: Every zippor of every sort.[33] Surely the interpretation is as suggested in the above objection! — No, it is as suggested in the above reply. Come and hear: It is written: And thou, son of man, [thus saith the Lord God]: Speak unto the zippor of every sort.[34] Surely the interpretation is as suggested in the above objection! — No, it is as suggested in the above reply.

Come and hear:

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(1) Sc. with regard to vows of valuation, that one is not bound to make restitution for the loss of the valuation money.

(2) Hence a man is responsible for the valuation money until it actually reaches the Temple treasury, thus in conflict with R. Hamnuna.

(3) Deut. XXII, 6.

(4) Ibid. 7.

(5) Even though there is only one egg or one young bird in it. V. infra Mishnah 140b.

(6) But only in such a private domain as cannot acquire the nest or the bird for the owner, e.g. a private field which is unguarded or has no fences round it. Cf. B.M. 11a.

(7) For the birds are not yet caught and certainly not at one's disposal.

(8) **טפיחין** pitcher-shaped vessels put up in walls and corners as resting places for birds (Jast). Cf. Bez., Sonc. ed., p. 124, nn. 3-4.

(9) Lit., ‘orchards’.
(10) A tree was washed away into the sea and upon it was a bird's nest.
(11) Isa. XLIII, 26. Hence the term ‘way’ includes the expanse of the sea.
(12) The bird was carrying its nest while flying.
(13) Prov. XXX, 19.
(14) I.e., men of Papunia, a town situated between Bagdad and Pumbeditha (v. map at end of Kid., Sonc. ed.).
(15) II Sam. XV, 32. Earth even though upon a man's head is still called earth and is looked upon as on the ground; likewise a nest upon a man's head is also looked upon as on the ground, and so the law of letting the dam go applies.
(16) I.e., where in the Torah is the coming of Moses foretold? Possibly it is an attempt to find some indication or hint of the name of Moses even in Genesis, the First Book of Moses.
(17) Gen. VI, 3. Heb. בשגם which in the numerical value of its letters is equivalent to the name משה Moses — 345. Moreover this verse adds: Therefore shall his days be a hundred and twenty years, which corresponds with the years of the life of Moses.
(18) Ibid. III, 11. Heb. המן. The first word can be read as Haman, and the second can refer to the tree or gallows upon which Haman was hanged; cf. Esth. VII, 10.
(19) Deut. XXXI, 18. Heb. אסתיר. The second word is very like the name Esther, אסתר both in spelling and in sound. The verse in general foretells the many evils and troubles that shall befall Israel when they forsake the ways of God, and this was the case at the time of Esther, cf. Meg. 12a.
(20) Ex. XXX, 23. Heb. מר דרור.
(21) The aramaic translation of Onkelos renders the Hebrew by מירא דכיא, which words both in spelling and in sound resemble מרדכי, Mordecai.
(22) הדרמיאות, i.e., Herodian.
(23) הדרמיאות. The locality referred to is unknown. V. supra, Mishnah p. 795, n. 5.
(24) קירי, Master’, from Gr. ** referring to Herod.
(25) כירי (in current ed. בירי) ‘slave’ from Gr. **, ‘a slave’. Kiri keri = the master is a slave.
(26) For R. Kahana actually said that he saw these doves.
(27) Of the birds.
(28) Lit., ‘words’.
(29) Deut. XXII, 6. Heb. צפור.
(30) עוף.
(31) Ibid. IV, 17; with reference to the prohibition of idolatry.
(32) Ps. CXLVIII, 10.
(33) Lit., ‘of every winged (species)’. Gen. VII, 14.
(34) Lit., ‘of every winged (species)’. Ezek. XXXIX, 17.

Talmud - Mas. Chullin 140a

It is written: And the zippor of the heaven dwelt in the branches thereof![1] — They[2] are designated ‘the zippor of the heaven’, but not ‘zippor’ alone. Come and hear: It is written: Every zippor that is clean ye may eat;[3] from which we may deduce that there is [a zippor] that is unclean! — No, we may deduce that there is [a zippor] that is forbidden.[4] But which is that? If it is one that is trefah, but this is expressly stated[5] [to be forbidden]. And if it is the slaughtered bird of the leper,[6] but this is inferred from the next verse: And these are they of which ye shall not eat,[7] which includes the slaughtered bird of the leper![8] — It is, in truth, the slaughtered bird of the leper,[9] and [it is repeated so as to teach that] one infringes on that account a positive and also a negative precept.[10] But why not say that it is a trefah bird [that is meant, and it teaches that] one infringes on that account a positive and also a negative precept? — ‘The meaning of a verse is to be deduced from its context’, and the context deals with those that are slaughtered.[11] Come and hear: It is written: Two living zipparim.[12] Now what is meant by ‘living’? It means, does it not, those that are fit for your mouth,[13] and from which follows that there are also those [zipparim] that are not fit for your mouth? — No, by ‘living’ is meant those whose principal limbs are living.[14] Come and hear from the next word [in the above verse]: Clean.[12] Is not the inference that there are unclean [zipparim]?[15] — No, the

inference is that there are trefah [clean birds].[15] But are not trefah birds excluded by the term 'living'? Of course this presents no difficulty to him who says that a trefah can continue to live,[16] but according to him who says that a trefah cannot continue to live what can be said? Moreover, both according to him who says that a trefah can continue to live and him who says that it cannot continue to live, this[17] is inferred from the teaching of a Tanna of the school of R. Ishmael. For a Tanna of the school of R. Ishmael taught: There have been prescribed qualifying and atoning sacrifices within the Temple, and there have been prescribed qualifying and atoning sacrifices outside the Temple;[18] just as with regard to the qualifying and atoning sacrifices prescribed within the Temple, the qualifying sacrifices are equal to the atoning sacrifices, so with regard to the qualifying and atoning sacrifices prescribed outside the Temple, the qualifying sacrifices are equal to the atoning sacrifices![19] — Rather said R. Nahman b. Isaac, [The expression 'clean'] serves to exclude the birds of a beguiled city.[20] But for which one?[21] If for the one that must be set free, but surely the Torah would not enjoin to set it free if it would thereby lead to transgression![22] Rather it could serve for the one that must be slaughtered.[23]

Raba said, [The expression 'clean'] serves to exclude [the following case]: that one may not use this bird before it is set free so as to make up the pair of birds [for the purification rites] of another leper. But for which one?[24] If for the one that was to be slaughtered, but surely it must be set free![25] Rather it could serve for the one that was to be set free.[26]

R. Papa said, [The expression 'clean'] serves to exclude birds that were obtained in exchange for an idol, for it is written: And become a devoted thing like unto it;[27] whatever you bring into being from [the devoted thing] is to be treated like it. But for which one?[28] If for the one that must be set free, but surely the Torah would not enjoin to set it free if it would thereby lead to transgression! Rather it could serve for the one that must be slaughtered,[29] Rabina said: We are dealing here with a bird that had killed a man.[30] But what are the circumstances? If it had already been condemned, then it must be put to death; we must therefore say that it had not yet been condemned. But for which one [of the leper's birds might this be used]? If for the one that must be set free, but surely it must be brought to the Beth din so as to carry into effect the verse: So shalt thou put away the evil from the midst of thee![31] Rather it could serve for the one that must be slaughtered.[32]

IF AN UNCLEAN BIRD WAS SITTING ON THE EGGS OF A CLEAN BIRD . . . [ONE IS NOT BOUND TO LET IT GO]. This is indeed clear of an unclean bird sitting on the eggs of a clean bird, for the law [of letting the dam go] applies only to a 'zippor',[33] and this is not the case here; but why [is one not bound to let go] the clean bird that was sitting on the eggs of an unclean bird? It is a zippor, is it not? — As R. Kahana said [in another connection]. It is written, [But the young] thou mayest take for thyself,[34] 'for thyself' but not for thy dogs; here too [we say the same], 'Thou mayest take for thyself', but not for thy dogs.

In what connection was this statement of R. Kahana said? — In connection with the following Baraitha which was taught: If the dam is trefah, one is still bound to let it go; if the young ones are trefah, one is not bound to let the dam go. Whence is this derived? — R. Kahana said: It is written: '[But the young] thou mayest take for thyself'; 'for thyself' but not for thy dogs. But should we not regard a trefah dam on the same footing as [trefah] young ones, and as in the case of trefah young ones one is not bound to let the dam go so in the case of a trefah dam one is not bound to let it go?

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(1) Dan. IV, 9. Since here there is no other synonym for bird mentioned in the verse, then surely the term 'zippor' includes all, both clean and unclean birds.

(2) Sc. unclean birds.

(3) Deut. XIV, 11.

(4) Although it is a clean bird.

(5) Cf. Lev. XXII, 8, which verse, according to Rabbinic tradition, refers to a clean bird that was rendered trefah.

(6) Lev. XIV, 4, 5. Of the two birds used in the purification rites of a leper one was slaughtered and was thereupon rendered forbidden for all purposes, cf. Kid. 57a, A.Z. 74a.
(7) Deut. XIV, 12. 'Of which' clearly refers to those clean birds mentioned in the preceding verse, implying that some of those are forbidden even though clean.
(8) V. Kid. loc. cit.
(9) That is excluded from v. 11.
(10) By deriving any benefit from the slaughtered bird of the leper one transgresses the negative precept implied in Deut. XIV, 12, and also the positive precept (i.e., the negative inference from a positive precept which has the force of a positive precept) derived from Deut. XIV, 11.
(11) For the passage begins with the verse: 'Every clean bird ye may eat', which means, of course, only if slaughtered.
(12) Lev. XIV, 4.
(13) Lit., 'living in your mouth', i.e., permitted to be eaten.
(14) And only excludes those clean birds which have an entire limb missing.
(15) Which are excluded from use in the purification rites of a leper.
(16) V. supra 42a.
(17) That a trefah bird may not be used in the purification rites of a leper.
(18) A qualifying sacrifice is one that renders a person fit to enter the Temple and partake of sacred food; in most cases (e.g., the sin-offering brought by a woman after childbirth, or the guilt-offering of a leper) the service of the sacrifice was performed inside the Temple, but in some cases (e.g. the bird-offerings of a leper) the service was performed outside the Temple. An atoning sacrifice, on the other hand, is one that atones for a sin committed; in most cases (e.g., the usual sin-offerings and guilt-offerings) the service of the sacrifice was performed inside the Temple, but in a few cases (e.g., the Scapegoat, and the heifer whose neck was to be broken) the service was performed outside the Temple.
(19) And therefore what is regarded as unfit for an atoning sacrifice, e.g. an animal that is trefah or has a physical blemish, may not be used for a qualifying sacrifice. Hence a trefah bird may not be used for the purification rites of a leper, and there is no need for any express term to exclude it.
(20) A city whose inhabitants were enticed into idolatry was to be utterly destroyed and everything belonging to it was forbidden absolutely; cf. Deut. XIII, 13ff. The term 'clean' thus excludes the birds of this town from being used in the purification rites of the leper.
(21) For which of the two birds of the leper's offering could such a bird be used? Cf. Lev. XIV, 4ff, where two birds are prescribed for the leper's offering, one was to be slaughtered whilst the other was to be set free.
(22) Lit., 'for a stumbling-block'. The finder of the bird, not knowing that it originally came from a beguiled city, will eat it, and so be led into sin by another's performance of a precept. On this ground therefore it cannot be suggested that birds from a beguiled city may be used for the leper's offering.
(23) The word 'clean' is therefore necessary to exclude such a bird.
(24) Of the second leper's birds would it at all be possible for this to be used.
(25) In order to fulfil the rites for the purification of the first leper; thus it certainly may not be slaughtered for the second leper.
(26) I.e., it could' serve this same purpose for both lepers, were it not for the fact that the word 'clean' excludes such a case.
(27) Deut. VII, 26.
(28) V. supra n. 2.
(29) The term 'clean' is therefore necessary to exclude such a bird from use in the purification rites of the leper.
(30) V. p. 807, n. 10.
(31) Deut. XIII, 6.
(32) For by being slaughtered it is put away from the midst of thee'. Hence the verse is necessary to exclude it.
(33) I.e., a clean bird.
(34) Ibid. XXII, 7.

Talmud - Mas. Chullin 140b

— If that were so, then the teaching that the term zippor' excludes an unclean bird is superfluous.[1] But it has been taught: The dam of young that is trefah, one is bound to let go![2] — Abaye answered:

It is to be explained thus: If the dam of the young is trefah, one is bound to let it go.

R. Hoshaia raised the question: What is the law if a man put his hand into a nest and cut through a small part of the throat organs [of the young ones]? Should we say that, since if he were to leave off cutting at this point they would become trefah,[3] the rule '"Thou mayest take for thyself" but not for thy dog' applies;[4] or rather, since it is within his power to finish cutting, we still say [of these young ones] 'Thou mayest take for thyself', and he is therefore bound to let the dam go? — This question remains unanswered.

R. Jeremiah raised the question: Would a cloth be regarded as an interposition or not?[5] Would [loose] feathers be an interposition or not? Would addled eggs be an interposition or not?[6] What if there were two layers of eggs, one above the other?[7] What if the male bird was upon the eggs and the dam was upon the male?[8] — These questions remain unanswered. R. Zera raised the question: What is the law if a dove was sitting on a tasil's[9] eggs, or if a tasil was sitting on dove's eggs? Abaye said: Come and hear: IF AN UNCLEAN BIRD WAS SITTING ON THE EGGS OF A CLEAN BIRD, OR A CLEAN BIRD ON THE EGGS OF AN UNCLEAN BIRD, ONE IS NOT BOUND TO LET IT GO. It follows, does it not, that if a clean [bird was sitting upon the eggs of another] clean bird, one is bound to let it go? — Perhaps this is so only with a hen partridge.[10]

AS TO A COCK PARTRIDGE, R. ELIEZER SAYS ONE IS BOUND TO LET IT GO, BUT THE SAGES SAY ONE IS NOT BOUND. R. Abbahu said: What is the reason of R. Eliezer? — He draws an analogy between the expressions 'brood'; for it is written here: As the partridge broodeth over young which he has not brought forth,[11] and it is written there: She shall hatch and brood under her shadow.[12]

R. Eleazar said: They[13] differ only with regard to a cock partridge, but as for a hen partridge all agree that one is bound to let it go. Is not this obvious? for the Mishnah expressly says: A COCK PARTRIDGE! — One might have thought that even the hen partridge the Rabbis exempt [from letting go], but the reason why the cock partridge was stated [in the Mishnah] was to set forth the extent of R. Eliezer's view; we are therefore taught [that it is not so].

R. Eleazar also said: They differ only with regard to a cock partridge, but as for the male of any other [bird] all agree that one is exempt [from letting it go]. Is not this obvious? For the Mishnah expressly says: AS TO A COCK PARTRIDGE? — One might have thought that even the male of any other bird R. Eliezer declares one bound [to let go], but the reason why the cock partridge was stated was to set forth the extent of the Rabbis'[14] view; we are therefore taught [that it is not so]. There has also been taught [a Baraitha] to this effect: The male of any other bird one is not bound [to let go]; as to a cock partridge. R. Eliezer declares one bound [to let it go], but the Sages say one is not bound.

MISHNAH. IF THE DAM WAS HOVERING [OVER THE NEST] AND HER WINGS TOUCH THE NEST, ONE IS BOUND TO LET HER GO; IF HER WINGS DO NOT TOUCH THE NEST, ONE IS NOT BOUND TO LET HER GO. IF THERE WAS BUT ONE YOUNG BIRD OR ONE EGG [IN THE NEST], ONE IS STILL BOUND TO LET THE DAM GO, FOR IT IS WRITTEN: A NEST,[15] THAT IS, ANY NEST WHATSOEVER. IF THERE WERE THERE YOUNG BIRDS ABLE TO FLY OR ADDLED EGGS, ONE IS NOT BOUND TO LET [THE DAM] GO, FOR IT IS WRITTEN, AND THE DAM SITTING UP ON THE YOUNG OR UPON THE EGGS;[15] AS THE YOUNG ARE LIVING BEINGS SO THE EGGS MUST BE SUCH AS [WOULD PRODUCE] LIVING BEINGS; HENCE ADDLED EGGS ARE EXCLUDED. AND AS THE EGGS NEED THE CARE OF THE DAM SO THE YOUNG MUST BE SUCH AS NEED THE CARE OF THE DAM; HENCE THOSE THAT ARE ABLE TO FLY ARE EXCLUDED.

GEMARA. Our Rabbis taught: It is written: Sitting,[15] but not hovering. I might then Suppose that even when her wings touch the nest [the law does not apply], the text therefore stated: 'Sitting'. How is this implied? — Because it is not written 'brooding'.[16]

Rab Judah said in the name of Rab: If she[17] was perched upon two branches of a tree, we must consider, if when the branches slip away from each other she would fall upon them,[18] one is bound to let her go, but if not, one is not bound [to let her go].

An objection was raised. [It was taught:] If she was sitting among them, one is not bound to let her go, if upon them, one is bound to let her go; if she was hovering over the nest, even though her wings touch the nest, one is not bound to let her go. Now presumably the expression 'upon them' bears the same meaning as 'among them', and just as 'among them' means that she is actually touching them so 'upon them' also means that she is actually touching them; it follows, however, that if she was upon the branches of a tree, one is not bound [to let her go]![19] — No, the expression 'upon them' bears the same meaning as 'among them', and just as 'among them' clearly means that she is not touching them from above so 'upon them' also means that she is not touching them from above, and that must be the case where she was upon the branches of a tree.[20] It is indeed more logical to argue thus, for if you were to hold that when perched upon the branches of a tree one is not bound [to let her go], then the Tanna, in place of the case 'If she was hovering over the nest, even though her wings touch the nest, one is not bound to let her go', should rather have taught the case where she was perched upon the branches of a tree, and it would go without saying that where she was hovering [over the nest one is not bound to let her go!][21] — [This argument is not conclusive for] he wished to state the case where she was hovering [over the nest] to teach that, even though her wings actually touch the nest, one is not bound to let her go. But have we not learnt: IF THE DAM WAS HOVERING OVER THE NEST, AND HER WINGS TOUCH THE NEST, ONE IS BOUND TO LET HER GO? — R. Jeremiah answered, The Baraitha deals with the case where her wings touch the side of the nest.[22]

Another version reads as follows: Shall we say that the following [Baraitha] is a support for his view?[23] For it was taught: If she was sitting among them, one is not bound to let her go, if upon them, one is bound to let her go; if she was hovering over the nest, even though her wings touch the nest, one is not bound to let her go. Now presumably the expression 'upon them' bears the same meaning as 'among them', and just as 'among them' clearly means that she is not touching them from above so 'upon them' also means that she is not touching them from above, and that must be the case where she was upon the branches of a tree! — No, the expression 'upon them' bears the same meaning as 'among them', and just as 'among them' means that she is actually touching them so 'upon them' also means that she is actually touching them, but if she was perched upon the branches of a tree one would not be bound [to let her go]. But if so, [the Tanna] in place of the last case 'If she was hovering over the nest, even though her wings touch the nest, one is not bound to let her go',

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(1) For if by making this comparison a trefah dam is excluded, then in like manner an unclean bird would also be excluded, thus rendering the interpretation derived from the term 'zippor' unnecessary.

(2) It is assumed that the Baraitha means this: if the young ones were trefah and the dam was not, one is bound to let the dam go; thus in conflict with R. Kahana.

(3) For in the case of birds the slaughtering is valid only when the greater portion of one organ of the throat has been cut, and to leave off before this requisite amount has been cut through would render the bird trefah. It must, however, be assumed here that the partly-cut organ was the gullet, for a partly-cut windpipe does not render trefah (v. supra 29a); v. Shak, Yoreh De'ah c. 292, sec. 15; and Glosses of R. Bezalel Regensburg a.l.

(4) Accordingly one is not bound to let the dam go.

(5) If a cloth was spread over the eggs in the nest and the mother-bird was sitting on it, does the law of sending away apply or not? The doubt arises through a strict literal interpretation of the verse: And the dam sitting upon the young or

upon the eggs (Deut. XXII, 6), which would exclude every case where some extraneous object interposed between the dam and the eggs.

(6) Since the law does not apply where there are only addled eggs in the nest (i.e., rotten eggs, incapable of producing a chicken; v. Mishnah infra), if these addled eggs formed a layer over ordinary eggs, interposing between the dam and the ordinary eggs, are they regarded as an interposition, in which case the law of letting the dam go does not apply, or not?

(7) Does the upper layer serve as an interposition, so that one may take away the eggs of the lower layer without first letting the dam go, or not?

(8) Since the law of letting the dam go does not apply to a male bird sitting on the eggs (v. supra), is the male bird deemed an interposition between the dam and the eggs, or not?

(9) תסיל a clean bird, resembling a dove; cf. supra 62a.

(10) I.e., the inference which Abaye makes from the statement of the Mishnah, that where one clean bird sits upon the eggs of another clean bird the law applies, may be restricted only to the case of the hen partridge which habitually broods over other birds' eggs.

(11) Jer. XVII, 11. This verse clearly refers to the cock partridge because of the masculine form of the verb 'he has not brought forth'.

(12) Isa. XXXIV, 15. The comparison is between the brooding by the dam in this verse and the brooding by the male bird in the previous verse; in each case it is a proper brooding.

(13) R. Eliezer and the Rabbis.

(14) The Sages.

(15) Deut. XXII, 6.

(16) Which would signify constantly sitting upon the eggs.

(17) Throughout this passage 'she' refers to the dam and 'them' to the young or the eggs.

(18) V. p. 821, n. 4.

(19) Since she does not actually touch them; contrary to Rab Judah's ruling.

(20) For since she is directly above them, even though she does not touch them, the law of 'letting the dam go' applies.

(21) If where she was perched the whole time directly over the nest the law of 'letting the dam go' does not apply, how much less where she was hovering over the nest!

(22) Whereas in our Mishnah the case is that the wings touch the nest from above, thus actually touching the young birds or the eggs, and therefore one is bound to let the dam go. V. however, Maim. Yad, Shechitah, XIII, 13; and Tur, Yoreh De'ah, c. 292.

(23) Rab's view, as quoted by Rab Judah.

Talmud - Mas. Chullin 141a

should rather have taught the case where she was perched upon the branches of a tree, and it would go without saying that where she was hovering [over the nest one is not bound to let her go]! — He wished to state the case where she was hovering [over the nest] to teach that, even though her wings actually touch the nest, one is not bound to let her go. But have we not learnt: IF THE DAM WAS HOVERING OVER THE NEST, AND HER WINGS TOUCH THE NEST, ONE IS BOUND TO LET HER GO? — R. Jeremiah[1] answered: The Baraitha[2] deals with the case where her wings touch the side of the nest. IF THERE WAS BUT ONE YOUNG BIRD OR ONE EGG etc. A certain Rabbi said to Raba: Perhaps it should be the reverse, thus if there was but one young bird or one egg [in the nest], one is not bound to let the dam go, for according to the verse there must be young or eggs,[3] which is not the case here; and if there were there young birds able to fly or addled eggs, one is bound to let the dam go, for it is written, a nest, that is, any nest whatsoever! — [He replied,] If that were so, the verse should have stated: 'And the dam sitting upon them'; why is it written: And the dam sitting upon the young or upon the eggs? To compare the young with the eggs[4] and the eggs with the young.[5]

MISHNAH. IF A MAN LET [THE DAM] GO AND SHE RETURNED, EVEN FOUR OF FIVE TIMES, HE IS STILL BOUND [TO LET HER GO AGAIN], FOR IT IS WRITTEN, THOU SHALT IN ANY WISE LET THE DAM GO.[6] IF A MAN SAID, 'I WILL TAKE THE DAM AND

LET THE YOUNG GO', HE IS STILL BOUND [TO LET HER GO], FOR IT IS WRITTEN, 'THOU SHALT IN ANY WISE LET THE DAM GO'. IF A MAN TOOK THE YOUNG[7] AND BROUGHT THEM BACK AGAIN TO THE NEST, AND AFTERWARDS THE DAM RETURNED TO THEM, HE IS NOT BOUND TO LET HER GO.[8]

GEMARA. A certain Rabbi said to Raba: Perhaps 'shalleah'[9] means once, and 'teshallah'[10] twice? — He replied: 'Shalleah' implies even a hundred times; and as for 'teshallah', [it is required for the following teaching:] I only know [this law in the case where the dam is required] for matters of choice,[11] whence do I know [that this law applies even when it is required] for the fulfilment of a precept?[12] The text therefore states: 'teshallah', [thou shalt let her go] under all circumstances.

R. Abba the son of R. Joseph b. Raba said to R. Kahana: Then the only reason [for this] is that the Divine Law stated 'teshallah', but otherwise I should have said that [where one required the dam] for the fulfilment of a precept, the law did not apply. But there is here, is there not, both a positive and a negative precept?[13] And [it is established law that] a positive precept[14] cannot override a positive and negative precept! — It is necessary for the case where one had transgressed and had taken the dam. Now he has already transgressed the negative precept, and there remains only the positive precept; and one might suppose that now a positive precept can override this [remaining] positive precept,[15] [Scripture] therefore teaches us [that it is not so]. This is in order, however, according to him who teaches[16] that it depends upon whether he has fulfilled or not fulfilled [the positive precept],[17] but according to him who teaches that it depends upon whether he has nullified or not nullified [the positive precept],[18] then so long as this man has not slaughtered the dam he has not transgressed the negative precept.[19] Moreover, according to R. Judah who maintains that the precept of letting [the dam] go was intended only in the first instance,[20] there is now [after the transgression of the law] not even a positive precept![21] — Rather, said Mar son of R. Ashi, we suppose the case where a man took up the dam in order to let it go, in which case there is no infringement of the negative precept; there is, however, a positive precept and [it might be suggested that] the positive precept [of the leper's offering] should override this positive precept.[22] But in what way is this positive precept more potent than that?[23] — Because one might argue: since a Master has said,[24] Great is the peace between man and wife, for the Torah has permitted the name of the Holy One, blessed be He, which is to be written in all sanctity, to be washed away in the waters of bitterness,[25] and since a leper so long as he has not been cleansed is forbidden marital intercourse, (for it is written: And he shall dwell outside his tent seven days;[26] 'his tent' signifies his wife,[27] hence he is forbidden marital intercourse) — one might therefore argue, since he is forbidden marital intercourse, the positive precept in his case[28] should override the positive precept of letting the dam go, we are therefore taught [that it is not so].

MISHNAH. IF A MAN TOOK THE DAM WITH THE YOUNG, R. JUDAH SAYS, HE HAS INCURRED [FORTY] STRIPES, AND HE NEED NOT NOW LET HER GO. BUT THE SAGES SAY, HE MUST LET HER GO, AND HE DOES NOT INCUR STRIPES. THIS IS THE GENERAL RULE: [FOR THE TRANSGRESSION OF] ANY NEGATIVE PRECEPT WHICH ADMITS OF A REMEDY BY THE SUBSEQUENT FULFILMENT OF A POSITIVE COMMAND,[29] ONE DOES NOT INCUR STRIPES.[30]

GEMARA. R. Abba b. Memel raised the question: Is the reason for R. Judah's view [in the Mishnah] that he is of the opinion that [for the transgression of] a negative precept which can be remedied by a subsequent act [of the transgressor] one incurs stripes, or is it that elsewhere he is of the opinion that [for the transgression of] a negative precept which can be remedied by a subsequent act one does not incur stripes, but here the reason is that he maintains that the precept of letting [the dam] go was intended only in the first instance?[31] — Come and hear: A thief and a robber are subject to the penalty of stripes; so R. Judah. Now is not this a case of a negative precept which can be remedied by a subsequent act,for the Divine Law says: Thou shalt not rob,[32] and also: He shall

restore that which he took by robbery?[33] You can therefore infer from this that the reason for R. Judah's view [in our Mishnah] is that he is of the opinion that [for the transgression of] a negative precept which can be remedied by a subsequent act [of the transgressor] one incurs stripes. Thereupon R. Zera said to them,[34] Have I not told you that every Baraitha that was not taught in the school of

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(1) So in MS.M. and also in the first version supra; cur. edd. 'Rab Judah'.

(2) So according to MSS, and Maharsha (q.v.); in the text 'The Mishnah'. The latter, however, in all probability, was the text before Maim. and Tur. loc. cit.; v. D.S. a.l.

(3) Deut. XXII, 6. The verse states these nouns in the plural, i.e., several young or several eggs.

(4) I.e., as eggs need the care of the dam so the young must be such as need the care of the dam, thus excluding such as can fly.

(5) I.e., as the young are living beings so the eggs must be such as can produce living beings, thus addled eggs are excluded, v. Mishnah supra. Consequently the expression 'a nest', signifying any nest whatsoever, includes a nest that has but one young or one egg in it.

(6) Ibid. 7. Lit., 'letting go thou shalt let go'; i.e., as often as necessary. V. Gemara infra.

(7) Having already let the dam go.

(8) For this man has acquired possession of the young ones, and they are now always at his disposal, consequently the law no longer applies.

(9) שלח, 'to let go', the infinitive of the verb.

(10) תשלח, 'thou shalt let go', the imperfect of the verb.

(11) I.e., for one's own purposes, either for food or for breeding.

(12) E.g., for the leper's sacrifice (Lev. XIV, 4) or for the sacrifice of a woman after childbirth (ibid. XII, 8). Whence do I know that even for these religious purposes it is not permitted to take the dam?

(13) The negative precept Thou shalt not take the dam, and the positive precept Thou shalt in any wise let the dam go.

(14) For the fulfilment of which the bird is required, v. n. 3.

(15) I.e., that the positive precept of offering birds for the leper's sacrifice should override the positive precept of letting the dam go.

(16) V. Mak. 15a, 16a.

(17) In all prohibitions the transgression of which can be rectified by a subsequent act of the transgressor — e.g., the prohibition: Thou shalt not rob (Lev. XIX, 13), can after the transgression thereof be rectified by the remedial precept: He shall restore that which he took by robbery (ibid. V, 23) — the transgressor is not liable to forty stripes unless after the transgression he does not immediately (or, at the Court's bidding, v. Rashi, Mak. 15a s.v. הניחא) fulfil the remedial precept. In our case, therefore, if the man does not let the dam go at once he has transgressed the law and is liable to stripes. Accordingly there now remains only the positive precept and this could be overridden by another positive precept were it not for the expression 'teshallah', v. supra.

(18) I.e., the transgressor does not incur the penalty of stripes for the infringement of the negative precept unless he has also nullified his chances of performing the remedial precept, e.g., here if he slaughtered the dam. But so long as he has not nullified the remedial precept, even though he defers it to some later date, he is not liable to stripes.

(19) It cannot therefore be suggested that the positive precept of the leper's sacrifice should override the law of letting the dam go for the latter still involves a positive and a negative precept; accordingly the verse stated above to exclude this is now superfluous.

(20) I.e., on finding a bird's nest a man should immediately let the dam go, for as soon as he takes up the dam he thereby transgresses the law for which he incurs forty stripes (v. next Mishnah). Thereafter he is not obliged to let her go at all, but may use it for any purpose.

(21) It, therefore, cannot be suggested that the man had transgressed the law and taken the dam, for then according to R. Judah it may be used for all purposes.

(22) By taking the dam he has not infringed the negative precept, since he took it for the purpose of letting it go, and even if he does not let it go it cannot be said that he has transgressed this negative precept retroactively. There now remains incumbent upon him the positive precept of letting it go, but this would be overridden if he were to retain it for the fulfilment of the positive precept of the leper's offering. The verse is therefore necessary to exclude this possibility.

(23) Why should the precept of the leper's offering be considered more important so as to override the precept of letting

the dam go?
(24) Shab. 116a and elsewhere.
(25) Cf. Num. V, 23.
(26) Lev. XIV, 8.
(27) Cf. Deut. V, 27: Go say to them: Return to your tents, which was a permission to resume marital relations.
(28) I.e., the offering of birds which brings about the leper's purification and also the restoration of conjugal relationships.
(29) Lit., 'in which there is (the command,) Rise and do'.
(30) Provided one fulfilled the, remedial positive act immediately according to one view above, or one did not nullify the chances of performing the remedial act according to the other view above. V. supra p. 815, n. 8 and p. 816, n. 1, notes 5 and 6, and Mak. 15b.
(31) And therefore once the dam has been taken both the negative and positive precepts have been infringed, and one is no longer obliged to send it away. V. p. 816, n. 3.
(32) Lev. XIX, 13.
(33) Ibid. V, 23. This precept obviously can only be taken as a remedial act for the preceding prohibition; nevertheless according to R. Judah the robber incurs the penalty of stripes.
(34) So in MS.M. 'To them', i.e., to the students in the Beth Hamidrash (House of Study) who quoted the foregoing teaching. Cur. edd. 'to him'.

Talmud - Mas. Chullin 141b

R. Hiyya and R. Oshaia[1] is not authentic, and that you should not put it forward as a refutation in the Beth Hamidrash? Perhaps it was taught thus: [A thief and a robber] are not subject to the penalty of forty stripes.

Come and hear: R. Oshaia and R. Hiyya taught: [It is written,] Thou shall not go back [to fetch it],[2] but if a man went back [and gathered the forgotten sheaf] — [It is written,] Thou shalt not wholly reap,[3] but if a man did reap the whole field — he is subject to the penalty of forty stripes;[4] so R. Judah. You may infer from this that the reason for R. Judah's view is that he is of the opinion that [for the transgression of] a negative precept which can be remedied by a subsequent act [of the transgressor] one incurs stripes! — Perhaps the reason here is that he maintains that the precept of leaving [the gleanings etc. for the poor] was intended only in the first instance.[5] Rabina said to R. Ashi: Come and hear: [It is written,] And ye shall let nothing of it remain until the morning; [and that which remaineth of it until the morning] ye shall burn with fire.[6] Scripture here came and provided a positive precept as a remedy for[7] the [disregarded] prohibition, to indicate that the prohibition is not punishable by stripes; so R. Judah. You may then infer from this that the reason for R. Judah's view [in our Mishnah] is that he maintains that the precept of letting [the dam] go was intended only in the first instance. This indeed proves it.[8]

R. Idi b. Abin said to R. Ashi: Our Mishnah also proves it, for it states: IF A MAN TOOK THE DAM WITH THE YOUNG, R. JUDAH SAYS, HE HAS INCURRED [FORTY] STRIPES, AND HE NEED NOT NOW LET HER GO. Now if you were to say that the reason for R. Judah's view is that he is of the opinion that [for the transgression of] a negative precept which can be remedied by a subsequent act [of the transgressor] one incurs guilt,[9] then it should have stated: 'He has incurred [forty] stripes and must also let her go'! — Perhaps the Mishnah is to be interpreted thus: He has not cleared himself [by merely letting her go] until he has suffered stripes.[10]

How far must he let it go? — Rab Judah said, until it is out of his reach.[11]

How should he let it go? — R. Huna said: With its feet.[12] Rab Judah said: With its wings.[13] 'R. Huna said: With its feet', for it is written: That let go freely the feet of the ox and the ass.[14] 'Rab Judah said: With its wings', for its wings are also [regarded as feet].[15]

A man once clipped the wings [of the dam before letting it go], let it go and then caught it again. Rab Judah had him flogged and ordered him: 'Go, keep it until it grows its wing feathers again and then let it go'. But whose view did he adopt? For according to R. Judah he suffers stripes but need not let it go, and according to the Sages he must let it go but does not suffer stripes? — In truth he adopted the view of the Sages, but [the flogging] was chastisement of the Rabbis.[16]

A man once came to Raba and asked: What is the law with regard to the Temah?[17] Said [Raba to himself]: Does not this man know that one is bound to let go a clean bird? He [Raba] then said to him: Perhaps [you enquire because] there was [in the nest] but one young bird or one egg? He replied: That is so.[18] Then said [Raba] to him: This surely should not give rise to any doubt;[18] it is expressly stated in our Mishnah: If there was but one young bird or one egg [in the nest], one is still bound to let [the dam] go. The other then sent it away; whereupon Raba set snares for it and caught it. But is there not ground here for suspicion?[19] — He acted in an indirect manner[20] [as did not give rise to suspicion].

Our Rabbis taught:[21] [Wild] doves of the dove-cote,[22] and doves[22] of the loft, are subject to the law of letting [the dam] go, and are forbidden as [coming within the category of] theft in the interest of peace.[23] Now if the dictum of R. Jose b. Hanina,[24] that a man's courtyard acquires [property] for him even without his knowledge, is correct, then apply to this case the verse: If a bird's nest chance to be before thee, which excludes that which is always at one's disposal![25] — Raba[26] said: As soon as the greater part of the egg has emerged [from the body of the bird] the law of letting [the dam] go applies, whereas [the owner of the dovecote] does not acquire it until it falls into his courtyard; therefore the ruling: 'Are subject to the law of letting [the dam] go' means, before it falls into his courtyard.[27] If so, why are they forbidden as theft?[28] — That refers to the mother-bird.[29] Alternatively, you may say, it refers indeed to the eggs, for when the greater part of the egg has emerged his mind is set upon it.[30] But now that Rab Judah has said in Rab's name that it is forbidden to take the eggs so long as the dam is sitting on them, for it is written: Thou shalt in any wise let the dam go,[31] and then only: Thou mayest take the young to thee,[31] — you may even say that it [the egg] fell into his courtyard, [nevertheless the law of letting the dam go applies], for whenever he himself may acquire it his courtyard acquires it for him, but whenever he himself may not acquire it his courtyard cannot acquire it for him either.[32] If so, why are they forbidden as theft in the interests of peace? If he[33] let the dam go, then [to take the eggs] is actual theft,[34] and if he did not let it go, then he is bound to let it go?[35] — We are referring to a minor.[36] But is a minor subject to provisions enacted in the interests of peace? — It means this: The father of the minor must return [the eggs][37] in the interests of peace.

Levi b. Simon assigned to Rab Judah the young of his dovecote. When the latter came before Samuel he advised him: 'Go, knock on the nest so that [the brooding birds] shall rise up, and then take possession'. But why was this necessary?[38] If in order to take possession of them;[39] but surely he could have acquired them by means of a 'cloth'.[40] And if for the purpose of the Festival,[41]

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(1) Who were disciples of R. Judah the Patriarch who collected the Baraitha (v. Glos.).

(2) Deut. XXIV, 19.

(3) Lev. XIX, 9.

(4) Although in each case the Torah provides a remedial act, to leave the forgotten sheaf and the corner of the field for the poor and the stranger.

(5) But once the law has been transgressed there is no longer a duty to leave them for the poor; hence the precept 'to leave' is not a remedial act.

(6) Ex. XII, 10.

(7) Lit., 'after'.

(8) It cannot be otherwise since here R. Judah expressly states his view that for the transgression of a negative precept

which can be remedied by a subsequent act of the transgressor one does not incur stripes.
(9) And on this assumption the precept of letting the dam go must be observed even after the transgression of the law.
(10) I.e., although he is bound even now to let her go he nevertheless suffers forty stripes.
(11) And then if this same person succeeds in catching it again he is permitted to use it.
(12) I.e., he must let it go so that it should be able to walk away on its feet. In this manner he has fulfilled his obligation even though he may have injured its wings so that it cannot fly away. Aliter: he must get hold of it with its feet and set it free.
(13) I.e., that it should be able to fly with its wings.
(14) Isa. XXXII, 20. The expression 'feet' is used in connection with 'letting go'.
(15) So MS.M. V. Rashal and Maharsha a.l. Cur. edd. 'since these are its wings'.
(16) The punishment decreed by the Rabbis for disobedience as opposed to stripes ordained by Biblical law.
(17) A clean bird, perhaps the bullfinch, cf. Lewysohn, Zoologie des Talmuds, p. 181.
(18) The text in cur. edd. is doubtful; the translation rests upon the reading in MS.M.
(19) That Raba ordered the other to let the dam go only that he might gain possession of it himself.
(20) Lit., 'as though (doing a thing) with the back of the hand'.
(21) B.M. 102a.
(22) I.e., doves that roam at large seeking their food in the open field, but come to rest for the night in the dove-cote or in the loft.
(23) Strictly they do not belong to the owner of the dove-cote, but the Rabbis, for the sake of peace, and knowing that he has set his mind on them, recognized his right to them as against all others.
(24) V. B.M. 11a, and 102a.
(25) And since the dove-cote has acquired the eggs for the owner the law of letting the dam go surely cannot apply.
(26) So in B.M. 102a. Cur. edd. 'Rab'; in MS.M. 'Rabbah'.
(27) Since the egg has not emerged entirely the dove-cote has not acquired it for the owner, so that it is not at his disposal; and therefore it is subject to the law of sending away.
(28) Seeing that the egg has not yet become the property of the owner of the dove-cote.
(29) I.e., to take away the mother-bird is regarded by the Rabbis as theft, but only in the interests of peace, for the owner of the dove-cote has no doubt been looking forward to acquire this bird, since it has nested from time to time in his dove-cote, and it would therefore be wrong to deprive him of it. Similarly to take the egg, inasmuch as it has not wholly emerged from the mother-bird but is deemed a part thereof, would also constitute theft (Rashi). Cf. however Tosaf. B.M. 102a, s.v. **אי**.
(30) And therefore, in the interests of peace, it is forbidden to deprive the owner of the dove-cote of these eggs to which he has been looking forward; but in respect of the mother-bird he has no better claim than a stranger. And on the other hand, so long as the egg has not actually been laid the law of letting the dam go still applies.
(31) Deut. XXII, 7.
(32) And since he cannot acquire it himself for the dam is sitting on it, his courtyard likewise cannot acquire it for him, so that it is not at his disposal, and therefore the law of letting the dam go applies.
(33) Sc. any person who comes to take the eggs.
(34) For as soon as the dam is lifted up from the eggs the latter become the property of the owner of the courtyard.
(35) Before the eggs can be taken, so that they are forbidden in any case.
(36) Who is about to take the eggs from the dove-cote and upon whom the law of letting the dam go is not binding.
(37) To the owner of the dove-cote.
(38) To knock on the nest so as to make the birds rise up.
(39) According to the usual manner of acquiring a thing by lifting up.
(40) The passing of a cloth or any article from one party to the other effected the transfer of the subject matter 'of the transaction. V. B.M. 47a. Cf. Ruth IV, 7.
(41) Whatever is intended to be used on the Festival must be 'set in readiness' before the Festival, otherwise it would be regarded as mukzeh, i.e., laid aside and not to be used on the Festival. The knocking on the nest would therefore be regarded as setting them in readiness for the Festival.

Talmud - Mas. Chullin 142a

it is sufficient to stand by and say: 'This one and that one I shall take'.[1] — These eggs[2] were newly laid and Levi b. Simon himself had not yet acquired them.[3] [Samuel] therefore said this to him [Rab Judah], 'Go knock on the nest so that [the brooding birds] shall rise up and Levi b. Simon shall acquire them, and afterwards let him assign them to you by means of a "cloth".'

MISHNAH. A MAN MAY NOT TAKE THE DAM WITH THE YOUNG EVEN FOR THE SAKE OF CLEANSING THE LEPER.[4] IF IN RESPECT OF SO LIGHT A PRECEPT, WHICH DEALS WITH THAT WHICH IS BUT WORTH AN ISSAR,[5] THE TORAH SAID, THAT IT MAY BE WELL WITH THEE, AND THAT THOU MAYEST PROLONG THY DAYS,[6] HOW MUCH MORE [MUST BE THE REWARD] FOR THE OBSERVANCE OF THE MORE DIFFICULT PRECEPTS OF THE TORAH!

GEMARA. It was taught: R. Jacob says,[7] There is no precept in the Torah, where reward is stated by its side, from which you cannot infer the doctrine of the resurrection of the dead.[8] Thus, in connection with honouring parents it is written: That thy days may be prolonged, and that it may go well with thee.[9] Again in connection with the law of letting [the dam] go from the nest it is written: 'That it may be well with thee, and that thou mayest prolong thy days'. Now, in the case where a man's father said to him, 'Go up to the top of the building and bring me down some young birds', and he went up to the top of the building, let the dam go and took the young ones, and on his return he fell and was killed-where is this man's length of days, and where is this man's happiness? But 'that thy days may be prolonged' refers to the world that is wholly long,[10] and 'that it may go well with thee' refers to the world that is wholly good.[10] But[11] perhaps such a thing could not happen? — R. Jacob actually saw this occurrence. Then perhaps that person had conceived in his mind a sinful thought? — The Holy One, blessed be He, does not reckon the sinful thought for the deed.[12] Perhaps then he had conceived in his mind idolatry, and it is written: That I may take the house of Israel in their own heart,[13] which, according to R. Aha b. Jacob, refers to thoughts of idolatry?[14] — This was what he [R. Jacob] meant to convey: if there is a reward for precepts in this world, then surely that [reward] should have stood him in good stead and guarded him from such thoughts that he come not to any hurt; we must therefore say that there is no reward for precepts in this world.

But did not R. Eleazar say that those engaged[15] in [the performance of] a precept never come to harm? — When returning from the performance of a precept it is different. But did not R. Eleazar say that those engaged in a precept never come to harm, either when going [to perform it] or when returning [from the performance thereof?] — It must have been a broken ladder [that was used],[16] so that injury was likely; and where injury is likely it is different, as tt is written: And Samuel said: How can I go? If Saul hear it, he will kill me.[17]

R. Joseph said: Had Aher[18] interpreted this verse[19] as R. Jacob, his daughter's son, did, he would not have sinned. What actually did he see? — Some say: He saw such an occurrence.[20] Others say, He saw the tongue of R. Huzpith the Interpreter[21] lying on a dung-heap, and he exclaimed, 'Shall the mouth that uttered pearls lick the dust'! But he knew not that the verse: 'That it may go well with thee', refers to the world that is wholly good, and that the verse: That thy days may be prolonged' refers to the world that is wholly long.

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(1) In accordance with the view of Beth Hillel; Bez. 10a.

(2) Lit., 'these fruits'. The eggs were newly laid and the dam was still sitting over them.

(3) For so long as the dam was sitting upon them his courtyard could not acquire the eggs for him.

(4) For whose purification rites two birds were required, one to be slaughtered and the other to be set free into the open field, cf. Lev. XIV, 4ff.

(5) V. Glos. Rarely would the dam be worth more than an issar.

(6) Deut. XXII, 7.

(7) The word דבי 'in the school of' is to be omitted, so in MS.M. and in Kid. 39b.

(8) Lit., ‘upon which the doctrine of the resurrection of the dead does not depend’.
(9) Deut. V, 16.
(10) The promise of bliss is to be fulfilled in the world to come, and one must not expect to receive the reward of a good deed in this world; v. infra, and Kid. loc. cit.
(11) The rest of this chapter from this point is omitted in MS.M., and apparently it was not in the text before Rashi; cf. Tosef. Hul. end. It has been inserted here from Kid. loc. cit.
(12) Lit., ‘He does not combine the (evil) thought with the (evil) deed’; i.e., God does not punish for the sinful thought.
(13) Ezek. XIV, 5.
(14) l.e., the intention to serve idolatry is punishable like the act.
(15) Lit., ‘sent’.
(16) By the person who went up to the top of the building to fetch the young ones.
(17) 1 Sam. XVI, 2. Although Samuel was bidden by God he nevertheless hesitated for the danger of his mission was apparent.
(18) Lit., ‘Another’, ‘a stranger’, the name attached to Elisha b. Abuyah, the great scholar and teacher of R. Meir, on his apostasy, V. Hag. 15a.
(19) Which promises happiness and length of days to him that performs the commandment; cf. Deut. V, 16, and XXII, 7.
(20) Where a person engaged in the performance of a precept met with an accident and was killed. This incident made him doubt the truth of the Torah and he turned unbeliever.
(21) A martyr of the Hadrianic persecution. He is mentioned in the Mishnah once only; Sheb. X, 6. He acted as Interpreter or Amora (v. Glos.) for R. Gamaliel, v. Ber. 27b.