

JUDAISM

The Talmud

Chullin

A massive, multi-volume compendium of rabbinic debates and commentary on the Torah that forms the basis of Jewish religious law, ethics, and practice. Presents all 37 tractates with Gemara, via Sefaria's William Davidson Talmud (the Koren Talmud Bavli translation, CC BY-NC), plus Avot and Eduyot (which have no Gemara) via Michael L. Rodkinson's 1896-1918 translation.

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Chapter 1

¹ MISHNA: Everyone slaughters an animal, i.e., can perform halakhically valid slaughter, and their slaughter is valid, except for a deaf-mute, an imbecile, and a minor, lest they ruin their slaughter because they lack competence. And for all of them, when they slaughtered an animal and others see and supervise them, their slaughter is valid.

² GEMARA: There is an apparent contradiction between the first two phrases of the mishna. The tanna begins: Everyone slaughters an animal, indicating that their performing slaughter is permitted ab initio, and then teaches: And their slaughter is valid, indicating that their slaughter is valid only after the fact.

³ Rav Aḥa, son of Rava, said to Rav Ashi: And does every use of the term: Everyone, indicate that the action in question is permitted ab initio? If that is so, in the mishna (Temura 2a), where it says: Everyone substitutes a non-sacred animal for a sacrificial animal, both men and women, is that also an expression indicating that it is permitted ab initio? But isn't it written: "He shall neither exchange it, nor substitute it, good for bad, or bad for good" (Leviticus 27:10)?

⁴ Rav Ashi answers: There, the reason the mishna uses the word everyone is that it immediately teaches: That is not to say that it is permitted for a person to substitute; rather, it means that if one did substitute a non-sacred animal for a sacrificial animal, substitution takes effect, and the one who substituted the non-sacred animal incurs [vesofeg] the forty lashes that are the punishment for violating the prohibition "Nor substitute it." But here, since the mishna does not similarly qualify its statement, it indicates that everyone may perform the slaughter ab initio.

⁵ Rav Aḥa challenges: But a mishna teaches (Arakhin 2a): Everyone takes vows of valuation and is thereby obligated to donate to the Temple treasury the value fixed by the Torah based on the age and gender of the person valued; and everyone is valued, and therefore one who vowed to donate his fixed value is obligated to pay; everyone vows to donate the market value of a person as a slave to the Temple treasury and is thereby obligated to pay; and everyone is the object of a vow if others vowed to donate his market value. Is that also an expression indicating that it is permitted ab initio? But it is written: "And if you shall cease to vow, there shall be no sin in you" (Deuteronomy 23:23), indicating that it is preferable not to vow.

⁶ And it is written: "It is better that you should not vow, than that you should vow and not pay" (Ecclesiastes 5:4); and it is taught in a baraita with regard to that verse: Better than both this one, who vows and does not pay, and that one, who vows and pays, is one who does not take a vow at all; this is the statement of Rabbi Meir. Rabbi Yehuda says: Better than both this one, who vows and does not pay, and that one, who does not vow at all, is one who vows and pays in fulfillment of that vow. Rav Aḥa comments: And even Rabbi Yehuda states his opinion only in a case where one vows and says: This animal is designated for sacrifice, as in that case there is no concern that he will fail to

fulfill his commitment, since even if the animal is stolen or lost, he is not required to bring another in its place.

⁷ But in the case of one who vows and says: It is incumbent upon me to bring an offering, even Rabbi Yehuda concedes that no, it is best not to vow at all. Likewise, it is preferable not to vow to donate a certain monetary value to the Temple treasury. Apparently, then, the statements in that mishna: Everyone takes vows of valuation, and: Everyone vows to donate the assessment of a person to the Temple treasury, do not indicate that it is permitted to do so *ab initio*.

⁸ Rav Ashi responded: And is that to say that every use of the term: Everyone, is an indication that the action in question is not permitted *ab initio*? Rather, is the term: Everyone, in the baraita that states: Everyone is obligated in the mitzva of sukka, and in the baraita that states: Everyone is obligated in the mitzva of ritual fringes, also an indication that they are not permitted *ab initio*?

⁹ Rav Aḥa answered: I am not speaking about cases where it is stated: Everyone is obligated, as it goes without saying that fulfilling any obligation is permitted *ab initio*. Rav Ashi asked: If that is so, that which was stated: Everyone who brings an offering places hands on the animal, both men and women (see Menaḥot 93a), is that also an expression indicating that it is not permitted *ab initio*? But isn't it written: "And he shall place his hand upon the head of the burnt offering, and it shall be accepted for him to effect atonement for him" (Leviticus 1:4)?

¹⁰ Rav Aḥa answered: Indeed, there are instances where the word: Everyone, indicates *ab initio*, and there are instances where the word: Everyone, indicates after the fact. Rather, concerning the term: Everyone, that appears here in the mishna, from where can it be determined that it is an expression indicating that it is permitted *ab initio*, creating an apparent contradiction in the mishna that will be difficult for you? Perhaps it is an expression indicating that everyone's slaughter is valid after the fact, and there will not be a contradiction in the mishna that will be difficult for you.

¹¹ Rav Ashi said to Rav Aḥa: I find the phrase: And their slaughter is valid, to be difficult for me. From the fact that the tanna teaches: And their slaughter is valid, which is an expression indicating that it is valid after the fact, conclude by inference that the initial phrase in the mishna: Everyone slaughters, is an expression indicating that it is permitted *ab initio*. As, if it indicated that it is valid after the fact, why do I need two phrases teaching that it is valid after the fact?

¹² Rabba bar Ulla said, in resolution of the conflict in the mishna, that this is what the mishna is teaching: Everyone slaughters, and even a ritually impure person may slaughter a non-sacred animal *ab initio*. The Gemara interjects: What is the purpose of stating that a ritually impure person may slaughter a non-sacred animal *ab initio*? There is no prohibition against rendering non-sacred meat impure. The Gemara answers that the reference is to non-sacred animals that were being prepared according to the strictures of sacrificial food, and the tanna holds that the halakhic status of non-sacred foods that were prepared according to the strictures of sacrificial food is like that of sacrificial food insofar as it is prohibited to render such food impure.

¹³ The Gemara asks: How does an impure person act in order to ensure that he will not render the flesh of the slaughtered animal impure? The Gemara answers: He brings a long knife and slaughters the animal with it, so that he will not come into contact with the flesh of the slaughtered animal.

¹⁴ Rabba bar Ulla continues his interpretation of the mishna: And the reason the mishna also indicates that he may not slaughter *ab initio* is that with regard to sacrificial animals, he may not

slaughter them *ab initio* even with a long knife, lest he come into contact with the flesh. But if he slaughtered the sacrificial animal and says: It is clear to me that I did not come into contact with the flesh, his slaughter is valid after the fact.

¹⁵ And it teaches: This is the halakha with regard to all people except for a deaf-mute, an imbecile, and a minor, who, even if they slaughtered only non-sacred animals, their slaughter is not valid even after the fact. The reason the Sages deemed such slaughter not valid is lest people in these categories interrupt the slaughter, lest they press the knife in the course of slaughter, and lest they conceal the knife beneath the windpipe or the gullet in the course of an inverted slaughter.

¹⁶ The Gemara asks: If so, with regard to the clause that follows in the mishna: And any of them who slaughtered an animal and others see and supervise them, their slaughter is valid, to which case in the mishna is it referring? If we say that the reference is to the case of a deaf-mute, an imbecile, and a minor, why was it formulated: And any of them who slaughtered? Since it stands adjacent to that halakha, the tanna should have formulated the phrase: And if they slaughtered. Rather, perhaps the reference is to the case of a ritually impure person who slaughtered a non-sacred animal. The Gemara rejects that possibility as well. But didn't you say in that case: He slaughters the animal even *ab initio*?

¹⁷ And rather, perhaps the reference is to the case of a ritually impure person who slaughtered a sacrificial animal. The Gemara rejects that possibility, as in that case, if the ritually impure person says: It is clear to me that I did not come into contact with the flesh, it is sufficient, and there is no need for supervision. The Gemara answers: Supervision is necessary in the case of a ritually impure person who slaughtered a sacrificial animal, to account for a case where the ritually impure person is not before us so that we can ask him whether he came into contact with the flesh.

¹⁸ The Gemara asks: Is this halakha of a ritually impure person who slaughtered a sacrificial animal learned from an analysis of the mishna here? It is learned explicitly from the mishna there (Zevahim 31b): With regard to all those who are unfit for Temple service who slaughtered an offering, their slaughter is valid, as the slaughter of an offering is valid *ab initio* when performed even by non-priests, by women, by Canaanite slaves, and by ritually impure individuals. And this is the halakha even with regard to offerings of the most sacred order, provided that the ritually impure will not touch the flesh of the slaughtered animal, thereby rendering it impure.

¹⁹ The Gemara answers: The mishna here is the primary source. There, since the tanna taught the rest of those disqualified for Temple service, he taught the case of a ritually impure person who slaughtered a sacrificial animal as well. And if you wish, say instead that the mishna there is the primary source, as it is standing in tractate Zevahim, which deals with sacrificial animals. Here, since the tanna taught the case of a ritually impure person who slaughtered a non-sacred animal, he also teaches the case of a ritually impure person who slaughtered a sacrificial animal.

²⁰ The Gemara asks: This ritually impure person mentioned in the mishna is one who became impure with what form of impurity? If we say that he became impure with impurity imparted by a corpse, this is difficult, as the Merciful One states: "And whosoever in the open field touches one slain with a sword" (Numbers 19:16).

²¹ It is derived from the juxtaposition of "slain" to "sword" that the halakhic status of a sword or any other metal vessel that comes into contact with a corpse is like that of a corpse itself. Similarly, if a metal utensil comes in contact with a person impure with impurity imparted by a corpse, it assumes

his status. Therefore, since the impure person is a primary source of ritual impurity, let him render the knife impure, rendering it as well a primary source of impurity, and the knife then goes and renders the flesh impure.

²² Rather, it is a case where the person became impure with impurity imparted by a creeping animal; as he assumes first-degree ritual impurity status and does not render vessels impure, the knife remains ritually pure. And if you wish, say instead that actually he became impure with impurity imparted by a corpse, and it is a case where one examined the stalk of a reed, which is a flat wooden vessel that does not become ritually impure, to ensure that it is perfectly smooth with no nicks, and slaughtered with it, as it is taught in a baraita: One may slaughter an animal with any sharp object, whether with a flint, or with glass shards, or with the stalk of a reed.

²³ § Abaye said in resolution of the apparent contradiction in the mishna that this is what the mishna is teaching: Everyone slaughters, and even a Samaritan. In what case is this statement said? It is said in a case where a Jew is standing over him and ensuring that he slaughters properly; but if the Jew merely exits and enters and does not have a constant presence, the Samaritan may not slaughter the animal.

²⁴ And if the Samaritan slaughtered the animal without supervision, the Jew cuts an olive-bulk of meat from the slaughtered animal and gives it to the Samaritan to eat. If the Samaritan ate it, it is permitted for the Jew to eat meat from what the Samaritan slaughtered. Since Samaritans are meticulous with regard to the meat that they eat and eat meat only from an animal that was slaughtered properly, the Jew may partake of the meat. But if the Samaritan did not eat the meat, there is concern that the animal was not slaughtered properly, and it is prohibited to eat from what the Samaritan slaughtered.

²⁵ And it teaches: This is the halakha with regard to all people except for a deaf-mute, an imbecile, and a minor, who, even if they slaughtered only non-sacred animals, their slaughter is not valid even after the fact. The reason the Sages deemed such slaughter not valid is lest people in these categories interrupt the slaughter, lest they press the knife in the course of slaughter, and lest they conceal the knife beneath the windpipe or the gullet in the course of an inverted slaughter.

²⁶ The Gemara asks: If so, with regard to the clause in the mishna that follows: And any of them who slaughtered an animal and others see and supervise them, their slaughter is valid, to which case in the mishna is it referring? If we say that the reference is to the case of a deaf-mute, an imbecile, and a minor, since that is the halakha to which it stands adjacent, the tanna should have formulated the phrase: And if they slaughtered, instead of: And any of them who slaughtered.

²⁷ Rather, perhaps the reference is to the case of a Samaritan who slaughters. The Gemara rejects that possibility. But didn't you say in that case: When a Jew is standing over him, a Samaritan may slaughter even *ab initio*? The Gemara concedes that the formulation of the mishna: And any of them who slaughtered, is difficult according to this explanation of the mishna.

²⁸ Rava said: And in a case where a Jew exits and enters, is it not permitted for the Samaritan to slaughter the animal *ab initio*? But didn't we learn in a mishna (Avoda Zara 69a): In the case of one who leaves a gentile in his store in which there is wine, and a Jew exits and enters, the wine is permitted? Just as there, the sporadic presence of the Jew is sufficient to ensure that the gentile will refrain from touching the wine, it should be sufficient in the case of a Samaritan who slaughters an animal as well. The Gemara rejects that proof. There, in the case of the store, does the tanna teach:

One leaves a gentile *ab initio*? The tanna teaches: One who leaves, after the fact. Consequently, there is no proof from there that the Jew's sporadic presence is sufficient to permit slaughter by a Samaritan *ab initio*.

²⁹ Rather, proof can be cited from the mishna here (Avoda Zara 61a): In a case where barrels of wine belonging to a Jew are in the possession of a gentile, and a Jew was tasked with supervising those barrels, the supervisor need not be continuously sitting and supervising to ensure that the gentile does not touch the wine; rather, even if the supervisor exits and enters, the wine is permitted. This mishna clearly indicates that exiting and entering is sufficient even *ab initio*.

³⁰ Rather, Rava said in resolution of the apparent contradiction similar to the resolution proposed by Abaye, that this is what the mishna is teaching: Everyone slaughters, and even a Samaritan. In what case is this statement said? It is said in a case where a Jew exits and enters; but if the Jew does not exit and enter and instead came and found that the Samaritan slaughtered the animal, the Jew cuts an olive-bulk of meat from the slaughtered animal and gives it to the Samaritan to eat. If the Samaritan ate it, it is permitted for the Jew to eat meat from what the Samaritan slaughtered. But if the Samaritan did not eat the meat, it is prohibited to eat from what the Samaritan slaughtered.

³¹ And it teaches: This is the halakha with regard to all people except for a deaf-mute, an imbecile, and a minor, whose slaughter is not valid even after the fact. The reason the Sages deemed such slaughter not valid is lest people in these categories interrupt the slaughter, lest they press the knife in the course of slaughter, and lest they conceal the knife beneath the windpipe or the gullet in the course of an inverted slaughter. The Gemara asks: If so, with regard to the clause in the mishna that follows: And any of them who slaughtered an animal and others see and supervise them, their slaughter is valid, to which case in the mishna is this referring? If we say that the reference is to the case of a deaf-mute, an imbecile, and a minor, since that is the halakha to which it stands adjacent, the tanna should have formulated the phrase: And if they slaughtered, instead of: And any of them who slaughtered.

³² Rather, perhaps the reference is to the case of a Samaritan who slaughters. The Gemara rejects that possibility. But didn't you say that if a Jew is present, then even if he exits and enters and does not have a constant presence, a Samaritan may slaughter even *ab initio*? The Gemara concedes that the formulation of the mishna: And any of them who slaughtered, is difficult according to this explanation of the mishna.

³³ § Rav Ashi said in resolution of the apparent contradiction in the mishna that this is what the mishna is teaching: Everyone slaughters, and even a Jewish transgressor [meshummad]. The Gemara asks: A transgressor of what sort? The Gemara answers: It is one whose transgression is to eat unslaughtered animal carcasses to satisfy his appetite, i.e., for his convenience. And the ruling of the mishna is in accordance with the statement of Rava, as Rava says: In the case of a Jewish transgressor whose transgression is that he eats unslaughtered animal carcasses to satisfy his appetite, if he seeks to slaughter an animal,

³⁴ one examines a knife to ensure that it is perfectly smooth with no nicks and gives it to the transgressor, and it is permitted to eat from what he slaughtered. But if one did not examine the knife and give it to the transgressor, the transgressor may not slaughter an animal *ab initio*. And if the transgressor slaughtered an animal, one examines his knife after his slaughter. If his knife is found to

be perfectly smooth, it is permitted to eat meat from what he slaughtered, and if not, it is prohibited to eat from what he slaughtered.

³⁵ And it teaches: This is the halakha with regard to all people except for a deaf-mute, an imbecile, and a minor, whose slaughter is not valid even after the fact. The reason the Sages deemed such slaughter not valid is lest people in these categories interrupt the slaughter, lest they press the knife in the course of slaughter, and lest they conceal the knife beneath the windpipe or the gullet in the course of an inverted slaughter. The Gemara asks: If so, with regard to the clause in the mishna that follows: And any of them who slaughtered an animal and others see and supervise them, their slaughter is valid, to which case in the mishna is it referring? If we say that the reference is to the case of a deaf-mute, an imbecile, and a minor, since that is the halakha to which it stands adjacent, the tanna should have formulated the phrase: And if they slaughtered, instead of: And any of them who slaughtered.

³⁶ Rather, perhaps the reference is to the case of a Jewish transgressor who slaughters. The Gemara asks: In what case? If it is a case where one examined a knife and gave it to the transgressor, didn't you say in that case that the transgressor may slaughter *ab initio*? Rather, perhaps the reference is to a case where one did not examine the knife. If it is a case where the knife is available, let him examine the knife now to make sure that there are no nicks. And if it is a case where the knife is not available, then when others see him slaughter, what of it? How can one eat from what he slaughtered? Perhaps he slaughtered the animal with a notched knife. The Gemara concedes that the formulation of the mishna: And any of them who slaughtered, is difficult according to this explanation of the mishna.

³⁷ § Ravina said in resolution of the apparent contradiction in the mishna that this is what the mishna is teaching: Everyone slaughters, i.e., everyone who is an expert in the halakhot of ritual slaughter slaughters; all experts are qualified to slaughter, and this is the halakha even if they are not established as accustomed to slaughter with a steady hand and without fainting.

³⁸ In what case is this statement said? It is said in a case where people know about him that he knows and is able to recite the halakhot of ritual slaughter. But if people do not know about him that he knows and is able to recite the halakhot of ritual slaughter, he may not slaughter an animal *ab initio*. And if he slaughtered an animal, one examines him; if he knows and is able to recite the halakhot of ritual slaughter it is permitted to eat meat from what he slaughtered, and if not, it is prohibited to eat from what he slaughtered.

³⁹ And it teaches: This is the halakha with regard to all people except for a deaf-mute, an imbecile, and a minor, whose slaughter is not valid even after the fact. The reason the Sages deemed such slaughter not valid is lest people in these categories interrupt the slaughter, lest they press the knife in the course of slaughter, and lest they conceal the knife beneath the windpipe or the gullet in the course of an inverted slaughter. The Gemara asks: If so, with regard to the clause in the mishna that follows: And any of them who slaughtered an animal and others see and supervise them, their slaughter is valid, to which case in the mishna is this referring? If we say that the reference is to the case of a deaf-mute, an imbecile, and a minor, since that is the halakha to which it stands adjacent, the tanna should have formulated the phrase: And if they slaughtered, instead of: And any of them who slaughtered.

⁴⁰ Rather, perhaps the reference is to a case where they are not experts. The Gemara rejects the possibility that they are not experts, as in that case, if one examines him after the slaughter to

determine his expertise in the halakhot of ritual slaughter, it is sufficient. The Gemara answers: Supervision is necessary in the case where the one who slaughtered the animal is not before us so that we can examine him.

⁴¹ And there are those who say that Ravina said that this is what the mishna is teaching: Everyone slaughters, i.e., everyone who is established as accustomed to slaughter with a steady hand and without fainting slaughters; all those established concerning this are qualified to slaughter, even if it is not known if they are experts. In what case is this statement said? It is said in a case where they slaughtered before us two or three times and did not faint. But if he did not slaughter before us two or three times he may not slaughter an animal *ab initio*, lest he faint. And if he slaughtered an animal and said: It is clear to me that I did not faint, his slaughter is valid.

⁴² And it teaches: This is the halakha with regard to all people except for a deaf-mute, an imbecile, and a minor, whose slaughter is not valid even after the fact. The reason the Sages deemed such slaughter not valid is lest people in these categories interrupt the slaughter, lest they press the knife in the course of slaughter, and lest they conceal the knife beneath the windpipe or the gullet in the course of an inverted slaughter. The Gemara asks: If so, with regard to the clause in the mishna that follows: And any of them who slaughtered an animal and others see and supervise them, their slaughter is valid, to which case in the mishna is this referring? If we say that the reference is to the case of a deaf-mute, an imbecile, and a minor, since that is the halakha to which it stands adjacent, the tanna should have formulated the phrase: And if they slaughtered, instead of: And any of them who slaughtered.

⁴³ Rather, perhaps the reference is to a case where they are not established as accustomed to slaughter with a steady hand and without fainting. The Gemara rejects that possibility, as in that case, didn't you say that if one said after the slaughter: It is clear to me that I did not faint, it is sufficient? The Gemara answers: Supervision is necessary in the case where the one who slaughtered the animal is not before us so that we can ask him whether he fainted.

⁴⁴ The Gemara summarizes: Ravina and Rabba bar Ulla did not say a resolution to the apparent contradiction in the mishna like that of Abaye, Rava, and Rav Ashi due to the fact that the phrase in the mishna: And any of them who slaughtered, is difficult for them.

⁴⁵ All of the other amora'im did not say a resolution to the apparent contradiction in the mishna like that of Rabba bar Ulla, who interprets the mishna as referring to the case of a ritually impure person; according to that version that you said: The mishna here is the primary source for the halakha of a ritually impure person who slaughtered a sacrificial animal, the other amora'im reject this interpretation because, on the contrary, the mishna there is the primary source, as it is standing in tractate Zevaḥim, which deals with sacrificial animals.

⁴⁶ The amora'im also reject the interpretation according to that other version that you said: The mishna there is the primary source, and here, since the tanna taught the case of a ritually impure person who slaughtered non-sacred animals, he teaches the case of a ritually impure person who slaughtered sacrificial animals as well. The reason is that it was not necessary for the tanna to teach the case itself of a ritually impure person who slaughtered a non-sacred animal, as in the opinion of the other amora'im, the halakhic status of non-sacred foods that were prepared according to the strictures of sacrificial food is not like that of sacrificial food, and it is permitted to render such food impure.

⁴⁷ All of the other amora'im did not say a resolution to the apparent contradiction in the mishna like that of Ravina; according to that version that he said: Experts, yes, may slaughter *ab initio*, but those that it is not known that they are experts, no, they may not slaughter *ab initio*, the other amora'im disagree because they hold that the majority of those associated with slaughter are experts. Therefore, even if it is not known whether they are experts, their slaughter is valid.

⁴⁸ According to that version that Ravina said: People who are established as accustomed to slaughter without fainting, yes, they may slaughter *ab initio*, but people who are not established as accustomed to slaughter without fainting, no, they may not slaughter *ab initio*, the other amora'im disagree because they hold that we are not concerned for the possibility of fainting.

⁴⁹ Rava did not say a resolution like that of Abaye, that the mishna is referring to a Samaritan, in accordance with the difficulty that he raised from the halakha of wine belonging to a Jew to which a gentile has access. Abaye did not say a resolution like that of Rava, that a Samaritan may slaughter *ab initio* if a Jew enters and exits, because there, in the case of wine, the gentile does not touch the wine; therefore, it is sufficient if the Jew enters and exits. Here, in the case of slaughter, the Samaritan touches the animal in the course of slaughter, and he can disqualify the slaughter in an instant. Therefore, Abaye holds that it is insufficient for a Jew to enter and exit.

⁵⁰ Rav Ashi did not say a resolution like that of both of them, Abaye and Rava, because he holds: Samaritans are converts who converted under duress due to the threat posed by lions, and their conversion is void; therefore, their halakhic status is that of a gentile, whose slaughter is not valid.

⁵¹ Abaye did not say a resolution like that of Rav Ashi, who interprets the mishna as referring to a Jewish transgressor whose transgression is that he eats unslaughtered animal carcasses to satisfy his appetite, because he does not hold that which Rava said, that such a transgressor may slaughter *ab initio* if his knife is examined beforehand by someone reliable. But as for Rava, what is the reason that he did not say a resolution in accordance with his own statement of halakha with regard to the slaughter of a transgressor and explain the mishna in the manner that Rav Ashi did?

⁵² The Gemara answers: When Rava explained that the *tanna* in the mishna is referring to the slaughter of a Samaritan, he stated his opinion in accordance with the statement of Abaye in order to resolve the difficulty that Abaye raised; but he himself does not hold accordingly.

⁵³ § The Sages taught in a baraita: The slaughter performed by a Samaritan is permitted *ab initio*. In what case is this statement said? It is said in a case where there is a Jew standing over him and supervising to ensure that the slaughter was performed properly. But if the Jew came and found that the Samaritan already slaughtered the animal, the Jew cuts an olive-bulk of meat from the slaughtered animal and gives it to the Samaritan to eat. If the Samaritan ate it, it is permitted for the Jew to eat meat from what the Samaritan slaughtered. But if the Samaritan did not eat the meat, it is prohibited to eat from what the Samaritan slaughtered.

⁵⁴ Similarly, if the Jew found in the possession of a Samaritan

⁵⁵ a string [*dekurya*] of birds, and the Jew does not know whether they were properly slaughtered, he severs the head of one of them and gives it to the Samaritan to eat. If the Samaritan ate it, it is permitted for the Jew to eat the meat from what the Samaritan slaughtered. But if the Samaritan did not eat the meat, it is prohibited to eat from what the Samaritan slaughtered.

⁵⁶ In arriving at their respective interpretations of the mishna, Abaye inferred from the first clause of the baraita and Rava inferred from the latter clause of the baraita. Abaye inferred from the first clause: The slaughter performed by a Samaritan is permitted in a case where there is a Jew actively supervising to ensure that the slaughter was performed properly, that the reason it is permitted is that the Jew is standing over him. But if the Jew exits and enters, then no, it is prohibited to eat from what the Samaritan slaughtered.

⁵⁷ Rava inferred from the latter clause: If the Jew came and found that the Samaritan already slaughtered the animal, the Jew cuts an olive-bulk of meat from the slaughtered animal and gives it to the Samaritan to eat. The reason that it is necessary to administer this test is due only to the fact that the Jew came and found that the Samaritan already slaughtered the animal. But in a case where the Jew exits and enters, it is permitted to eat from what the Samaritan slaughtered ab initio.

⁵⁸ The Gemara raises an objection: And according to Abaye, the latter clause is difficult. The Gemara answers that Abaye could have said to you: The tanna also characterizes the case where a Jew exits and enters as a case of: If the Jew came and found the Samaritan. The Gemara raises an objection: And according to Rava, the first clause is difficult. The Gemara answers that Rava could have said to you: The case where a Jew exits and enters is also considered like a case where the Jew is standing over him, and it is included in that halakha.

⁵⁹ § The baraita continues: Similarly, if the Jew found a string of birds in the possession of a Samaritan, and the Jew does not know whether they were properly slaughtered, he severs the head of one of them and gives it to the Samaritan to eat. If the Samaritan ate it, it is permitted for the Jew to eat from what the Samaritan slaughtered. But if the Samaritan did not eat the meat, it is prohibited to eat from what the Samaritan slaughtered. The Gemara asks: Why is that a reliable indication? Let us be concerned that perhaps it is this bird alone, whose head the Jew severed, that the Samaritan slaughtered properly, and the rest are unslaughtered carcasses.

⁶⁰ Rav Menashe said an answer to this question. Before presenting his answer, the Gemara cites a mnemonic for the three statements of Rav Menashe cited in this tractate, this one and two others: Inserts, a scalpel (see 31a), into rams (see 51a). Rav Menashe's answer is as follows: The case in the baraita is one where the Jew inserts the string of birds under the corners of his garment and hands the Samaritan the head of one of the birds. In that way, the Samaritan has no way of knowing from which bird the head was taken. If he ate it, apparently all the birds were slaughtered properly.

⁶¹ The Gemara challenges: And perhaps the Samaritan placed a distinguishing mark in that bird, indicating to him that it is the kosher one. Rav Mesharshiyya said: The case in the baraita is one where the Jew crushed the head that he gave the Samaritan, thereby rendering it indistinguishable from the others.

⁶² The Gemara challenges this answer: And perhaps the Samaritans hold there is no source for the slaughter of a bird in the Torah. Therefore, the fact that the Samaritan ate the bird's head is no proof that the bird was properly slaughtered.

⁶³ The Gemara rejects that possibility: And according to your reasoning, those actions that disqualify the slaughter of an animal: Interrupting the slaughter, pressing the knife, concealing the knife in the course of an inverted slaughter, diverting [hagrama] the knife from the place of slaughter, and ripping the simanim from their place before cutting them, are they written in the Torah?

⁶⁴ Rather, even though the details are not all written in the Torah, once the Samaritans embraced those disqualifications, they embraced them, and a Jew may rely on their slaughter; when they eat from the meat, it is permitted for a Jew to eat the meat as well. Here too, although the requirement of ritual slaughter for a bird is not written in the Torah, once the Samaritans embraced the mitzva of ritual slaughter, they embraced it in the same manner that it is performed by Jews.

⁶⁵ And with regard to mitzvot that are not written explicitly in the Torah that Samaritans embraced, the question of whether they are presumed to fulfill them in the manner that Jews fulfill them or they are not presumed to do so is a dispute between tanna'im, as it is taught in a baraita: It is permitted to eat the matza of a Samaritan on Passover, and a person fulfills his obligation to eat matza on the first night of Passover with it.

⁶⁶ Rabbi Elazar prohibits the consumption of the matza of a Samaritan on Passover, because the Samaritans are not experts in the details of mitzvot like Jews and do not know the precise nature of leaven prohibited by the Torah.

⁶⁷ Rabban Shimon ben Gamliel says: On the contrary, with regard to any mitzva that the Samaritans embraced and accepted upon themselves, they are more exacting in its observance than are Jews. Therefore, one may assume that they prepared the matza properly.

⁶⁸ The Gemara proceeds to analyze that baraita. The Master said: It is permitted to eat the matza of a Samaritan on Passover, and a person fulfills his obligation to eat matza on the first night of Passover with it. The Gemara asks: Isn't it obvious that if the matza is permitted one fulfills his obligation with it on Passover? The Gemara answers: Lest you say that Samaritans are not expert in the mitzva of guarding the matza for the sake of the mitzva, the tanna teaches us that they are expert. Rabbi Elazar deems it prohibited to eat the matza of Samaritans on Passover, due to the fact that the Samaritans are not experts in the details of mitzvot. He holds that Samaritans are not expert in the mitzva of guarding the matza for the sake of the mitzva.

⁶⁹ Rabban Shimon ben Gamliel says: With regard to any mitzva that Samaritans embraced and accepted upon themselves, they are more exacting in its observance than are Jews. The Gemara raises an objection: That is identical to the opinion of the first tanna. The Gemara explains: There is a practical difference between their opinions with regard to a mitzva that is written but with regard to which the Samaritans did not embrace it. The first tanna holds: Once the mitzva is written in the Torah, even if there is no knowledge that they embraced it, Samaritans can be relied upon to perform it properly. And Rabban Shimon ben Gamliel holds: Even with regard to a mitzva written in the Torah, if they embraced its observance, yes, one may rely on the Samaritans, but if they did not embrace its observance, no, one may not rely on them.

⁷⁰ The Gemara challenges: If it is so that this is the opinion of Rabban Shimon ben Gamliel, the formulation of his statement is imprecise. He said: With regard to any mitzva that Samaritans embraced and accepted upon themselves, they are more exacting in its observance than are Jews; this indicates that one may rely upon Samaritans to observe those mitzvot even if they are not written in the Torah. Therefore, he should have said: If they embraced, which addresses the statement of the first tanna. Contrary to the first tanna, who said that one may rely upon Samaritans with regard to any mitzva that is written, Rabban Shimon ben Gamliel says that one may rely upon them only if they embraced the mitzva.

⁷¹ Rather, there is a practical difference between their opinions with regard to a mitzva that is not written and with regard to which the Samaritans embraced its observance. The first tanna holds: Since it is not written, even though they embraced its observance one may also not rely upon them. Rabban Shimon ben Gamliel holds: Once it is known that they embraced observance of a mitzva, they embraced the mitzva and one may rely upon them.

⁷² § With regard to the statement of Rava cited earlier (3a), the Gemara analyzes the matter itself. Rava says: In the case of a Jewish transgressor whose transgression is that he eats unslaughtered animal carcasses to satisfy his appetite, if he seeks to slaughter an animal, one examines a knife to ensure that it is perfectly smooth with no nicks and gives it to the transgressor, and it is permitted to eat from what he slaughtered.

⁷³ The Gemara explains: What is the reason? Since in this case there is the option to slaughter the animal in a permitted manner or to slaughter the animal in a prohibited manner, such a transgressor would not intentionally forsake the permitted manner and eat food slaughtered in a prohibited manner. Since he has a knife that was examined and the majority of those associated with slaughter are experts, the food is presumed to be permitted, and there is no concern that perhaps he intentionally sabotaged the slaughter.

⁷⁴ The Gemara challenges: If so, then even in a case where the Jew did not examine the knife, it should be permitted to eat from the animal slaughtered by the transgressor. The Gemara answers: It is prohibited because if the transgressor discovers that the knife is flawed, he does not exert himself to replace it with a knife with a smooth blade.

⁷⁵ The Sages said to Rava: A baraita is taught that supports your opinion: With regard to the leavened bread of transgressors, who do not eradicate their leavened bread before Passover, after Passover

⁷⁶ it is permitted immediately, due to the fact that they exchange the forbidden leavened bread in their possession with permitted leavened bread belonging to gentiles immediately after Passover.

⁷⁷ The Sages who cited this proof assumed that this baraita is in accordance with whose opinion? They assumed it is in accordance with the opinion of Rabbi Yehuda, who says: Leavened bread that was not eradicated before Passover is forbidden after Passover by Torah law. The Gemara comments: And nevertheless it is taught that it is permitted due to the fact that the transgressors exchange their leavened bread with that of gentiles. Apparently, even one who performs transgressions does not intentionally forsake the permitted and eat forbidden food, where the permitted food is easily accessible.

⁷⁸ The Gemara asks: From where in the baraita can this be proven? Perhaps the baraita is in accordance with the opinion of Rabbi Shimon, who says: Leavened bread that was not eradicated before Passover is prohibited after Passover by rabbinic law. And accordingly, when we are lenient it is with regard to prohibitions by rabbinic law, whereas with regard to prohibitions by Torah law, e.g., the prohibition of an unslaughtered carcass, we are not lenient.

⁷⁹ The Gemara answers: And let the baraita be even in accordance with the opinion of Rabbi Shimon. Does the tanna teach: As I say that they exchanged their leavened bread for the leavened bread of a gentile, which would indicate that it is an assumption? He teaches: Due to the fact that they exchange, as a statement of fact, as they certainly exchange. And if in cases involving prohibitions by rabbinic law the transgressor does not intentionally forsake the permitted and eat

forbidden food, then in prohibitions by Torah law is it not all the more so reasonable that he would not forsake the permitted in favor of the forbidden?

⁸⁰ Let us say that the following baraita supports the opinion of Rava: Everyone slaughters, and even a Samaritan, and even an uncircumcised man, and even a Jewish transgressor. The Gemara asks: This uncircumcised man, what are the circumstances? If we say that he is an uncircumcised man whose brothers died due to circumcision and the concern is that he might suffer a similar fate, clearly he may slaughter, as he is a full-fledged Jew and not a transgressor at all. Rather, it is obvious that he is a transgressor with regard to remaining uncircumcised, as he refuses to be circumcised, and the tanna holds that he may nevertheless slaughter an animal since a transgressor concerning one matter is not a transgressor concerning the entire Torah.

⁸¹ Say the latter clause of the baraita: And even a Jewish transgressor. This transgressor, what are the circumstances? If he is a transgressor concerning another matter besides eating unslaughtered animal carcasses, that is identical to the case of a transgressor with regard to remaining uncircumcised. Rather, is it not that he is a transgressor concerning the same matter of eating unslaughtered carcasses, and the baraita is in accordance with the opinion of Rava, who said that one may even rely on the slaughter of a Jewish transgressor whose transgression is that he eats unslaughtered animal carcasses to satisfy his appetite, *ab initio*?

⁸² The Gemara rejects that proof: No, actually I will say to you: The slaughter of a transgressor concerning the same matter is not valid. What is the reason? It is that since he has become accustomed to performance of that transgression, it is like a permitted act for him, and the concern is that he is not at all careful to slaughter the animal properly. Rather, the transgressor mentioned in the baraita is a transgressor with regard to idol worship, and it is in accordance with the opinion of Rav Anan, as Rav Anan says that Shmuel says: With regard to a Jew who is a transgressor with regard to idol worship, it is permitted to eat from what he slaughters.

⁸³ § The Gemara analyzes the matter itself: Rav Anan says that Shmuel says: With regard to a Jew who is a transgressor with regard to idol worship, it is permitted to eat from what he slaughters, as we found with regard to Jehoshaphat, king of Judea, who partook of the feast prepared by Ahab, king of Israel, who was a transgressor with regard to idol worship, as it is stated: “And Ahab slaughtered sheep and cattle for him in abundance, and for the people that were with him, and incited him to go up with him to Ramoth Gilead” (II Chronicles 18:2).

⁸⁴ The Gemara raises an objection: And perhaps Ahab slaughtered the animals, but Jehoshaphat did not eat the meat of those animals. The Gemara explains: It is written: “And incited him,” indicating that there was an element of persuasion that presumably involved food. The Gemara challenges this explanation: And perhaps Ahab incited him with his words. The Gemara answers: There is no incitement with words.

⁸⁵ The Gemara asks: And is there not incitement with words? But isn't it written: “If your brother... entices you secretly, saying: Let us go and serve other gods” (Deuteronomy 13:7)? The Gemara answers: There too the incitement is with eating and with drinking. The Gemara asks: But isn't it written that God said to Satan, who denounced Job: “And you incited Me against him, to destroy him gratuitously” (Job 2:3)? Clearly Satan did not incite God with food and drink. The Gemara answers: Incitement against the One on High is different, as the term is used metaphorically. By contrast, incitement with regard to people involves food and drink.

⁸⁶ The Gemara challenges: And perhaps Jehoshaphat drank at the feast but did not eat. The Gemara responds: What is different about drinking wine with Ahab that it would be permitted? It would be permitted because we say: A transgressor with regard to idol worship is not considered a transgressor with regard to the entire Torah and therefore his wine is not forbidden. With regard to eating a transgressor's food too, a transgressor with regard to idol worship is not considered a transgressor with regard to the entire Torah. Therefore, the meat of an animal that he slaughters is not forbidden.

⁸⁷ The Gemara asks: How can these cases be compared? With regard to drinking, Ahab's wine is considered ordinary wine of gentiles, and the ordinary wine of gentiles was not yet prohibited, as the Sages issued that decree only several generations later. Therefore, it was permitted for Jehoshaphat to drink Ahab's wine. But with regard to eating, I will say to you: A transgressor with regard to idol worship is considered a transgressor with regard to the entire Torah. Therefore, it was prohibited for Jehoshaphat to eat the meat from the animals slaughtered by Ahab.

⁸⁸ The Gemara answers: If you wish, say: It is clear that Jehoshaphat ate at the feast, as it is not typical conduct of a king to drink wine without eating. And if you wish, say instead: "And Ahab slaughtered sheep and cattle for him in abundance, and for the people that were with him, and incited him," is written, indicating: With what did Ahab incite Jehoshaphat? It was with slaughter of an animal. Apparently, it is permitted to eat from an animal slaughtered by a transgressor with regard to idol worship.

⁸⁹ The Gemara suggests: And perhaps Obadiah, who was the majordomo of Ahab's household and a righteous man, slaughtered the animals. The Gemara rejects that suggestion: "In abundance" is written, and Obadiah would not have managed to slaughter all the animals himself.

⁹⁰ The Gemara suggests: And perhaps the seven thousand righteous people slaughtered the animals, as it is written: "And I will leave seven thousand in Israel, all the knees that have not bowed to Baal, and every mouth that has not kissed it" (I Kings 19:18). The Gemara rejects that suggestion: They were hiding from Jezebel, Ahab's wife, and would not have gone to the palace to slaughter animals for the feast.

⁹¹ The Gemara suggests: And perhaps, although Ahab was an idolater, the men in the employ of Ahab were upstanding people, not idolaters, and they slaughtered the animals. The Gemara rejects that suggestion: That possibility should not enter your mind, as it is written: "If a ruler hearkens to matters of falsehood, all his servants are wicked" (Proverbs 29:12).

⁹² The Gemara suggests: And perhaps the men in the employ of Jehoshaphat were also not upstanding, and the animals that the men in the employ of Ahab slaughtered, the men in the employ of Jehoshaphat ate, and the animals that Obadiah slaughtered, Jehoshaphat ate.

⁹³ The Gemara rejects that suggestion: That possibility should not enter your mind; from the fact that it is written: "If a ruler hearkens to matters of falsehood, all his servants are wicked," it may be inferred that if a ruler hearkens to matters of truth, all his servants are righteous.

⁹⁴ The Gemara suggests: And perhaps the animals that the men in the employ of Ahab slaughtered, Ahab and his men ate, and the animals that the men in the employ of Jehoshaphat slaughtered, Jehoshaphat and his men ate.

⁹⁵ The Gemara rejects that suggestion: Jehoshaphat would not have separated himself from Ahab to eat and drink by himself, as he relied on him completely. From where do we derive this? If we say

that it is derived from that which is written that Jehoshaphat said to Ahab: "I am as you are, my people as your people" (I Kings 22:4), i.e., I am equally reliable, this is difficult, as, if that is so, then when Jehoshaphat said at the conclusion of that verse: "My horses as your horses," can this also be referring to reliability? Rather, Jehoshaphat's intention was: That which will befall your horses will befall my horses; so too, that which will befall you and your people will befall me and my people.

⁹⁶ Rather, it is derived that Jehoshaphat relied upon Ahab from here: "And the king of Israel and Jehoshaphat, king of Judea, sat each on his throne, arrayed in their robes, in a threshing floor, at the entrance of the gate of Samaria" (I Kings 22:10). The Gemara asks: What is the meaning of the term threshing floor in this context? If we say that it was an actual threshing floor; is that to say that the gate of Samaria was a threshing floor? Typically, the gate of a city was the place of assembly for the city's judges and elders, not a threshing floor. Rather, they were sitting in a configuration like that of a circular threshing floor, i.e., facing each other in a display of amity, as we learned in a mishna (Sanhedrin 36b): A Sanhedrin was arranged in the same layout as half of a circular threshing floor, so that the judges would see each other. This verse demonstrates that Jehoshaphat deliberated with Ahab and relied on his judgment.

⁹⁷ The Gemara suggests: Let us say that the verse written with regard to Elijah supports the opinion of Rav Anan. The verse states: "And the ravens [orevim] brought him bread and meat in the morning, and bread and meat in the evening" (I Kings 17:6); and Rav Yehuda said that Rav said: They would bring the meat from the slaughterhouse of Ahab. Clearly, Elijah would not have eaten the meat if Ahab's slaughter was not valid. The Gemara responds: Since he ate the meat according to the word of God, the case of Elijah is different, and no proof may be cited from there.

⁹⁸ The Gemara asks: What is the meaning of orevim in this context? Ravina said: They were actual ravens. Rav Adda bar Minyumi said to him: And perhaps they were two men whose names were Oreb? Isn't it written: "And they slew Oreb at the Rock of Oreb, and Zeeb they slew at the winepress of Zeeb" (Judges 7:25), indicating that Oreb is a person's name? Ravina said to him: Did the matter just so happen that the names of both of the people supplying Elijah with food were Oreb? The improbability of this occurrence indicates that they were actual ravens.

⁹⁹ The Gemara suggests: And perhaps they are called orevim after the name of their place of origin. Isn't it written: "And the Arameans had gone out in bands, and had brought away captive out of the land of Israel a minor young woman [na'ara ketana]" (II Kings 5:2)? And it is difficult for us to understand why the verse calls her a young woman and also calls her a minor, which are two different stages in a girl's development. And Rabbi Pedat said: She was a minor girl who was from a place called Naaran. Perhaps in the case of Elijah they were two people from a place called Oreb. The Gemara rejects that suggestion: If so, Orebites [oreviyyim] should have been written in the verse.

¹⁰⁰ § Let us say that the following baraita supports the opinion of Rav Anan, who says that it is permitted to eat from the slaughter of a Jew who is a transgressor with regard to idol worship: Everyone slaughters, and even a Samaritan, and even an uncircumcised man, and even a Jewish transgressor. The Gemara analyzes the baraita: This uncircumcised man, what are the circumstances? If we say that he is an uncircumcised man whose brothers died due to circumcision and the concern is that he might suffer a similar fate, clearly one may eat from what he slaughters, as he is a full-

fledged Jew and not a transgressor at all. Rather, it is obvious that he is a transgressor with regard to remaining uncircumcised, as he refuses to be circumcised.

¹⁰¹ Say the latter clause of the baraita: And even a Jewish transgressor. What are the circumstances? If he is a transgressor with regard to one matter, that is identical to the case of a transgressor with regard to remaining uncircumcised. Rather, is it not that he is a transgressor with regard to idol worship, and it is in accordance with the opinion of Rav Anan?

¹⁰² The Gemara rejects that proof: No, actually I will say to you that a transgressor with regard to idol worship may not slaughter, as the Master said: Idol worship is a severe transgression, as with regard to anyone who denies it, it is as though he acknowledges his acceptance of the entire Torah. Conversely, with regard to one who accepts idolatry, it is as though he denies the entire Torah. Therefore, his halakhic status is that of a transgressor with regard to the entire Torah, and his slaughter is not valid.

¹⁰³ Rather, the transgressor in the latter clause of the baraita is a transgressor concerning the same matter of eating unslaughtered carcasses, and it is in accordance with the opinion of Rava, who said that one may rely on the slaughter of a transgressor with regard to eating unslaughtered animal carcasses to satisfy his appetite even *ab initio*.

¹⁰⁴ The Gemara raises an objection to the opinion of Rav Anan from that which is taught in a baraita with regard to the verse: “When any man of you brings an offering unto the Lord, from the animal” (Leviticus 1:2). The tanna infers: “Of you,” indicating: But not all of you. This serves to exclude the transgressor, from whom an offering is not accepted. The tanna continues: The term “of you” is also interpreted to mean that I distinguished among you and not among the nations. Therefore, a gentile may bring an offering even if he is an idol worshipper. The expression “from the animal” serves to include people who are similar to an animal in that they do not recognize God. From here, the Sages stated: One accepts offerings from Jewish transgressors so that they will consequently repent, except for the transgressor, one who pours wine as a libation to idolatry, and one who desecrates Shabbat in public [*befarhesya*].

¹⁰⁵ This baraita itself is difficult. Initially, you said: “Of you,” indicating: But not all of you. This serves to exclude the transgressor, from whom an offering is not accepted. And then the tanna teaches: One accepts offerings from Jewish transgressors.

¹⁰⁶ The Gemara answers: This is not difficult. The first clause states that an offering is not accepted from a transgressor with regard to the entire Torah. The middle clause states that one accepts an offering from a transgressor with regard to one matter.

¹⁰⁷ The Gemara challenges: Say the last clause: Except for the transgressor, and one who pours wine as a libation to idolatry, and one who desecrates Shabbat in public. With regard to this transgressor in the last clause, what are the circumstances? If the reference is to a transgressor with regard to the entire Torah, that is identical to the first clause: Of you, and not all of you, to exclude the transgressor. And if the reference is to a transgressor with regard to one matter, the middle clause is difficult, as it is stated there that one accepts an offering from a transgressor with regard to one matter.

¹⁰⁸ Rather, is it not that this is what the mishna is saying in the last clause: Except for the transgressor to pour wine as a libation to idolatry or to desecrate Shabbat in public? Apparently, a

transgressor with regard to idol worship is a transgressor with regard to the entire Torah, and this baraita is a refutation of the opinion of Rav Anan. The Gemara concludes: It is indeed a conclusive refutation.

¹⁰⁹ The Gemara asks: And is this halakha that one does not accept an offering from a transgressor derived from the verse cited here? It is derived from the verse written there with regard to a sin offering:

¹¹⁰ “And if any one of the common people sins unwittingly...and he shall bring his offering” (Leviticus 4:27–28), from which it is inferred in a baraita: “Of the common people,” indicating: But not all of the common people. This serves to exclude a transgressor, from whom a sin offering is not accepted.

¹¹¹ Rabbi Shimon ben Yosei says in the name of Rabbi Shimon that the verse states: “And does unwittingly one of the things...that may not be done, and he becomes guilty, or if his sin that he sinned became known to him” (Leviticus 4:22–23). From the words “become known to him” it is inferred: One who repents due to his awareness that he performed a transgression, as had he known that the action is prohibited he would not have performed it, brings an offering for his unwitting transgression in order to achieve atonement. But one who does not repent due to his awareness that he sinned, e.g., a transgressor who would have sinned even had he been aware that the act is prohibited, does not bring an offering for his unwitting action.

¹¹² And we say: What is the difference between their two opinions? And Rav Hamnuna said: The difference is in the case of a transgressor with regard to eating the forbidden fat of a domesticated animal and he brought an offering for unwittingly consuming blood is the difference between them. According to the first tanna he may not bring an offering, as he is a transgressor. According to Rabbi Shimon, since he repented for unwittingly consuming blood, due to his awareness that he sinned, he brings a sin offering for that unwitting sin. In any event, this baraita apparently contradicts the previously cited baraita with regard to the source for the halakha that one does not accept an offering from a transgressor.

¹¹³ The Gemara answers: One source teaches with regard to the sin offering of a transgressor that it is not accepted, and one source teaches with regard to the burnt offering of a transgressor that it is not accepted. And both sources are necessary, as, if the Torah had taught us this halakha only with regard to a sin offering, one might have thought that it is not accepted due to the fact that it is for atonement, and as a transgressor he is undeserving of atonement, but with regard to a burnt offering, which is merely a gift [dedoron], say that one ought to accept it from him. And if the Torah had taught us this halakha only with regard to a burnt offering, one might have thought that it is not accepted due to the fact that it is not an obligation, but with regard to a sin offering, which is an obligation, say that one ought to accept it from him. Therefore, both sources are necessary.

¹¹⁴ § In the previous baraita the Sages derived from the phrase “from the animal” that people who are similar to an animal are included among those from whom offerings are accepted. The Gemara seeks to understand the meaning of the phrase: Similar to an animal, and asks: And everywhere that the word animal is written and interpreted as referring to a person, does it indicate a deficiency? But isn’t it written: “Man and animal You preserve, Lord” (Psalms 36:7), and Rav Yehuda says that Rav says: These are people who are clever in terms of their intellect, like people, and despite their

intelligence they comport themselves humbly and self-effacingly, like an animal. The Gemara answers: There it is written “man and animal.” Here, the word “animal” alone is written.

¹¹⁵ The Gemara asks: And everywhere that the terms “man” and “animal” are written together, does it indicate a virtue? But isn’t it written: “And I will sow the house of Israel and the house of Judah with the seed of man and with the seed of animal” (Jeremiah 31:26), and the Sages interpreted the phrase “seed of animal” as a reference to ignorant, inferior people. The Gemara answers: There, doesn’t the verse separate man and animal? The seed of man is discrete and the seed of animal is discrete.

¹¹⁶ § The Gemara revisits the matter of slaughter by a Samaritan and cites a mnemonic for the names of the Sages that follow: Nun, for Ḥanan; kuf, for Ya’akov; lamed, for ben Levi; and peh, for bar Kappara.

¹¹⁷ § Rabbi Ḥanan says that Rabbi Ya’akov bar Idi says that Rabbi Yehoshua ben Levi says in the name of bar Kappara: The opinions of Rabban Gamliel and his court were counted with regard to the status of the slaughter of a Samaritan, and they prohibited it. Rabbi Zeira said to Rabbi Ya’akov bar Idi: Perhaps my teacher heard that halakha only in a case where a Jew is not standing over him. Rabbi Ya’akov bar Idi said to Rabbi Zeira: This one of the Sages seems like one of the people who have not studied halakha. When a Jew is not standing over the Samaritan is it necessary to say that it is prohibited to eat from what he slaughters?

¹¹⁸ The Gemara asks: Did Rabbi Zeira accept that response from Rabbi Ya’akov bar Idi or did he not accept it from him? Come and hear a proof to resolve that dilemma from that which Rav Naḥman bar Yitzḥak says that Rabbi Asi says: I saw that Rabbi Yoḥanan ate from the slaughter of a Samaritan. And Rabbi Asi too ate from the slaughter of a Samaritan. And Rabbi Zeira wondered about it, whether perhaps they did not hear the halakha that it is prohibited to eat from the slaughter of a Samaritan but had they heard it they would have accepted it, or perhaps they heard the halakha but did not accept it.

¹¹⁹ Rabbi Zeira then resolved the matter for himself. It stands to reason that they heard it and did not accept it. As, if it enters your mind that they did not hear it, but that had they heard it they would have accepted it, how did the matter eventuate, leading these Sages to eat forbidden food? Now consider: If even through the animals of the righteous, the Holy One, Blessed be He, does not generate mishaps, then is it not all the more so true that the righteous themselves would not experience mishaps?

¹²⁰ And if it enters your mind that Rabbi Zeira did not accept from Rabbi Ya’akov bar Idi that Rabban Gamliel prohibited eating from the slaughter of a Samaritan even when a Jew was standing over him, let Rabbi Zeira resolve the matter for himself in a different manner: Here, where Rabbi Yoḥanan ate from the slaughter of a Samaritan, it was when a Jew was standing over him; there, where Rabban Gamliel prohibited eating from the slaughter of a Samaritan, it was when a Jew was not standing over him. Rather, must one not conclude from it that Rabbi Zeira accepted the response from Rabbi Ya’akov bar Idi. The Gemara affirms: Indeed, learn this from it.

¹²¹ § The Gemara asks: And what is the reason that the Sages, Rabban Gamliel and his court, issued a decree rendering it prohibited to eat from the slaughter of Samaritans? The Gemara answers: It is like that case involving Rabbi Shimon ben Elazar, in which Rabbi Meir dispatched him to bring wine from the area of the Samaritans. A certain elder found him and said to him: “And put a knife to your

throat, if you are a man given to appetite” (Proverbs 23:2), as a warning to distance himself from them and not to drink their wine, because they were not reliable. Rabbi Shimon ben Elazar went and related those matters before Rabbi Meir, and Rabbi Meir issued a decree against them.

¹²² What is the reason that the Samaritans are deemed unreliable? Rav Naḥman bar Yitzḥak said: At the peak of Mount Gerizim they found the image of a dove, which the Samaritan residents of Mount Gerizim would worship; and Rabbi Meir issued the decree according to his line of reasoning that he takes the minority into consideration, and therefore, despite the fact that the majority of Samaritans did not live on Mount Gerizim, he issued a decree rendering meat slaughtered by the majority forbidden due to the minority that worshipped that idol. And Rabban Gamliel and his court also hold in accordance with the opinion of Rabbi Meir.

¹²³ The Gemara asks: As to the plain meaning of that verse: “And put a knife to your throat, if you are a man given to appetite,” with regard to what matter is it written? The Gemara answers: It is written with regard to a student who is sitting before his teacher, as he must consider his words carefully. As Rabbi Ḥiyya teaches a baraita interpreting the verses: “When you sit to eat with a ruler, consider well [bin tavin] him that is before you; and put a knife to your throat, if you are a man given to appetite” (Proverbs 23:1–2).

¹²⁴ The tanna explains the verse: If a student knows about his teacher that he knows to respond to him with a reasoned answer, seek wisdom [bin] from him. And if the student believes that the teacher is not capable of doing so, understand [tavin] who is sitting before you, and put a knife to your throat and refrain from embarrassing him with questions that he cannot answer. And if you are a man given to appetite and you seek an answer to your question, distance yourself from him.

¹²⁵ Rabbi Abbahu dispatched Rabbi Yitzḥak ben Yosef to bring wine from the area of the Samaritans. A certain elder found him and said to him: The people here are not keepers of the Torah. Rabbi Yitzḥak went and related the matters before Rabbi Abbahu, and Rabbi Abbahu went and related the matters before Rabbi Ami and Rabbi Asi, and they did not move from there until they rendered the Samaritans full-fledged gentiles.

¹²⁶ The Gemara asks: For what matters did those Sages render them full-fledged gentiles? If it was to prohibit eating from their slaughter and to render their wine as wine used for a libation in idol worship, these prohibitions were issued previously. From there, from the generations of Rabbi Meir and Rabban Gamliel, the Sages issued a decree prohibiting them. The Gemara answers: They issued a decree, and the people did not accept it from them. Rabbi Ami and Rabbi Asi came and issued a decree, and the people accepted it from them.

¹²⁷ The Gemara asks: What is the meaning of full-fledged gentiles? Rav Naḥman bar Yitzḥak said: It means that the halakhic status of a Samaritan is like that of a gentile with regard to renouncing his domain in a jointly-owned courtyard on Shabbat and to transferring his domain in the courtyard to residents of that courtyard.

¹²⁸ And this is as it is taught in a baraita: With regard to a Jewish transgressor who nevertheless observes his Shabbat in the marketplace, i.e., in public, if he failed to establish a joining of houses in a courtyard before Shabbat, his halakhic status is that of an observant Jew, and he may renounce his domain in the courtyard and transfer his domain in the courtyard. But a transgressor who does not observe his Shabbat in the marketplace may neither renounce his domain in the courtyard nor transfer his domain in the courtyard.

¹²⁹ This is because the Sages said: Only a Jew may verbally transfer rights in his domain or renounce his rights in his domain, but with regard to a gentile, the other residents cannot establish a joining of courtyards unless the residents of the courtyard lease his domain from him. The halakhic status of one who publicly desecrates Shabbat is that of a gentile.

¹³⁰ How does a Jew transfer or renounce his domain? If a Jew says to his neighbor: My domain is transferred to you or my domain is renounced to you, his neighbor has acquired his domain, and it is not necessary for him to grant it to his neighbor by means of one of the standard modes of acquisition.

¹³¹ § The Gemara revisits the statement that the righteous would not experience mishaps. Rabbi Zeira and Rav Asi happened to come to the inn of the town of Ya'ei. In the inn, they brought before these Sages eggs that shriveled after being cooked in wine. Rabbi Zeira did not eat the eggs, and Rav Asi ate them. Rabbi Zeira said to Rav Asi: And is the Master not concerned about the possibility that the dish is a mixture containing wine that is doubtfully tithed produce [demai]? Rav Asi said to him: It did not enter my mind.

¹³² Rabbi Zeira said to himself: Is it possible that the Sages issued a decree on a mixture containing demai and the matter eventuated that Rav Asi ate forbidden food? Now, since even with regard to the animals of the righteous, the Holy One, Blessed be He, does not generate mishaps through them, is it not all the more so true that the righteous themselves would not experience mishaps?

¹³³ Rabbi Zeira emerged, analyzed, and found that no mishap was generated through Rav Asi, as we learned in a baraita (Tosefta, Demai 1:24): In the case of one who purchases wine to place into fish gravy [hamorayes] or into aluntit, a beverage in which wine is mixed, or one who purchases vetch to prepare grist from it, or lentils to prepare groats from it, if it is uncertain whether what he purchased is tithed, e.g., he bought it from one who is unreliable with regard to tithes [am ha'aretz], one is obligated to tithe it, due to the fact that it is demai. And needless to say, if it is certain that what he purchased is not tithed, he is obligated to tithe it due to the fact that it is certain that it is untithed produce.

¹³⁴ And they themselves, the gravy, aluntit, grist, and groats that one purchased from an am ha'aretz, are permitted, because they are a mixture. Since only one element of the mixture must be tithed, the food is permitted.

¹³⁵ The Gemara asks: And is it so that the Sages did not issue a decree on a mixture containing demai? But isn't it taught in a baraita: With regard to one who gives his neighbor, who is an am ha'aretz, dough to bake and gives her leaven for the dough to rise, or gives her a pot of food and the spices to cook in it, he need not be concerned about the leaven and the spices that are in the dough and the pot respectively, that perhaps she replaced them with her own, neither with regard to the possibility that they are Sabbatical Year produce nor with regard to the possibility that tithe was not separated.

¹³⁶ And if he says to her: Prepare the dough or the food for me with your own leaven and spices, he must be concerned about the leaven and the spices that are in the dough and the pot respectively, with regard to the possibility that they are Sabbatical Year produce and with regard to the possibility that tithe was not separated, even though it is a mixture containing demai.

¹³⁷ The Gemara answers: It is different there, as, since he said to her: Prepare the dough or the food for me from your own, it is like one who mixed it by direct action. Rafram said: Leaven and spices are different, as each of them is made for the purpose of adding taste to the mixture, and taste is not nullified in a mixture.

¹³⁸ The Gemara asks: And are we not concerned about replacement of the ingredients that he gave his neighbor with her own? But didn't we learn in a mishna (Demai 3:6): One who gives dough to his mother-in-law, who is suspect with regard to tithing, so that she will prepare it for him, must tithe everything that he gives her and everything that he takes back from her. This is because she is suspected of replacing an ingredient that spoils. The Gemara answers: There, the reason is like it is taught explicitly in that mishna, that Rabbi Yehuda said: The mother-in-law desires her daughter's well-being and wants to ensure that she eats quality food, and is reticent to tell her son-in-law that she replaced the ingredients that spoiled.

¹³⁹ The Gemara asks: And in general, in a case not involving one's mother-in-law, are we not concerned about the possibility of replacement? But didn't we learn in a mishna (Demai 3:5): One who gives dough or a pot of food to his innkeeper [pundakit] who is an am ha'aretz to bake or cook, tithes what he gives her and tithes what he takes back from her, due to the fact that she is suspected of replacing the ingredients? The Gemara answers: There too, her intentions are good, as the innkeeper rationalizes her deception and says: Let the student of Torah eat my hot food and I will eat his cold food.

¹⁴⁰ The Gemara asks: And are we not concerned about replacement of the ingredients? But isn't it taught in a baraita: The wife of a ḥaver, one devoted to the meticulous observance of mitzvot, especially the halakhot of ritual purity, teruma, and tithes, grinds grain with the wife of an am ha'aretz when the wife of the ḥaver is ritually impure with the impurity of a menstruating woman. In that case, there is no concern that she will eat her counterpart's untithed produce, as, since she is impure she will refrain from touching the grain so that she will not render it impure. But she may not do so when she is ritually pure, due to the concern that she will eat the untithed produce.

¹⁴¹ Rabbi Shimon ben Elazar says: Even when she is impure, the wife of the ḥaver may not grind grain together with the wife of the am ha'aretz, due to the fact that her counterpart gives her grain and she eats it without touching the rest of the grain.

¹⁴² The Gemara infers: Now that there is suspicion that the wife of the am ha'aretz steals from her husband's grain and gives it to her counterparts, is it necessary to say that she is suspect with regard to replacing ingredients? Rav Yosef said: There too there are special circumstances, as the wife of the am ha'aretz rationalizes her behavior and says metaphorically: The ox eats from its threshing, and believes that the wife of the ḥaver is entitled to some of the grain that she is grinding.

¹⁴³ § The Gemara resumes its discussion of the statement that the righteous would not experience mishaps. Rabbi Yehoshua ben Zeruz, son of the father-in-law of Rabbi Meir, testified before Rabbi Yehuda HaNasi about Rabbi Meir that he ate the leaf of a vegetable in Beit She'an without tithing or separating teruma, as he holds that Beit She'an is not part of Eretz Yisrael and therefore is not sacred with its sanctity. And Rabbi Yehuda HaNasi permitted all the produce of Beit She'an on the basis of his testimony.

¹⁴⁴ His brothers and his father's household united against him and said to him: In a place where your fathers and the fathers of your fathers treated untithed produce as forbidden, will you treat it as permitted?

¹⁴⁵ Rabbi Yehuda HaNasi interpreted this verse to them: "And he broke in pieces the copper serpent that Moses had made; for until those days the children of Israel burned incense to it; and it was called Nehushtan" (II Kings 18:4). Is it possible that they burned incense to it and Asa, a righteous king, came and did not eradicate it, and Jehoshaphat, a righteous king, came and did not eradicate it, and it remained until the time of Hezekiah? But didn't Asa and Jehoshaphat eradicate all objects of idol worship in the world?

¹⁴⁶ Rather, it must be that in not eradicating the serpent, his ancestors left Hezekiah room through which to achieve prominence [lehitgader]. I too can say that my ancestors left me room through which to achieve prominence by permitting untithed produce from Beit She'an.

¹⁴⁷ The Gemara adds: From here one learns with regard to a Torah scholar who states a new matter of halakha that one does not move [meziḥin] him from his position; and some say: One does not disregard [mazniḥin] him; and some say: One does not attribute his innovative statement to his conceit [mazḥiḥin].

¹⁴⁸ The Gemara explains: With regard to the one who says meziḥin, it is as that which is written: "And the breastplate shall not be loosed [yizah] from the ephod" (Exodus 28:28). And with regard to the one who says: One does not disregard [mazniḥin], it is as it is written: "For the Lord will not abandon [yizah] forever" (Lamentations 3:31). And with regard to the one who says mazḥiḥin, it is as we learned in a baraita (Tosefta, Sota 14:9): From the time that those with conceited [zeḥuḥei] hearts proliferated, dispute proliferated among the Jewish people.

¹⁴⁹ Yehuda, son of Rabbi Shimon ben Pazi, objects to the basic halakha: And is there anyone who says that Beit She'an is not part of Eretz Yisrael? But isn't it written: "And Manasseh did not drive out the inhabitants of Beth She'an and its towns, nor of Taanach and its towns" (Judges 1:27).

¹⁵⁰ The Gemara answers: That which Rabbi Shimon ben Elyakim says in the name of Rabbi Elazar ben Pedat, who says in the name of Rabbi Elazar ben Shammua, escaped the attention of Yehuda: Many cities were conquered by those who ascended from Egypt to Eretz Yisrael, led by Joshua, son of Nun, and were not conquered by those who ascended from Babylonia to Eretz Yisrael in the return to Zion led by Ezra. Among those cities was Beit She'an.

¹⁵¹ And Rabbi Yehuda HaNasi holds: The initial consecration with which Eretz Yisrael was sanctified during the era of Joshua, son of Nun, in terms of the obligation to fulfill land-based mitzvot, sanctified Eretz Yisrael for its time but did not sanctify it forever. Rather, the obligation lapsed with the exile to Babylonia. When those who ascended from Babylonia returned to Eretz Yisrael and sanctified the land, they left certain places unsanctified, so that the poor would rely upon them for sustenance during the Sabbatical Year, when produce is not plentiful. Since these areas were not sanctified, it is permitted to sow crops there during the Sabbatical Year, and the poor will not go hungry. Once Rabbi Yehuda HaNasi discovered that Beit She'an was one of those cities, he exempted it from land-based mitzvot.

¹⁵² Rabbi Yirmeya said to Rabbi Zeira: How did Rabbi Yehuda HaNasi rely on the testimony of Rabbi Yehoshua ben Zeruz to exempt from terumot and tithes produce that grows in Beit She'an?

But wasn't it merely a leaf that Rabbi Meir ate? It is permitted to eat untithed produce incidentally, not in the framework of a meal. Rabbi Zeira said to him: He ate the leaf from a bundle, and we learned in a mishna (Ma'asrot 1:5): With regard to a vegetable that is typically bound in a bundle, one is obligated to separate teruma and tithes from the moment that it is bound. From that point, one may not eat from it even incidentally before tithing.

¹⁵³ Rabbi Yirmeya said to Rabbi Zeira: And perhaps it was not on Rabbi Meir's mind, and his attention was diverted when he ate the leaf. Rabbi Zeira answered: Now, since even with regard to the animals of the righteous, the Holy One, Blessed be He, does not generate mishaps through them, is it not all the more so true that the righteous themselves would not experience mishaps?

¹⁵⁴ Rabbi Yirmeya asked: And perhaps Rabbi Meir tithed those leaves from produce in another place. Rabbi Zeira answered: *Haverim* are not suspected of separating teruma from produce that is not proximate to the produce for which it is being separated. Rabbi Yirmeya asked: And perhaps Rabbi Meir set his sight on this side of the vegetable with the intent of separating teruma and tithes, and ate a leaf on the other side. Rabbi Zeira said to him: See who the great man is who is testifying about Rabbi Meir. Certainly a man of the stature of Rabbi Yehoshua ben Zeruz accurately observed and reported Rabbi Meir's actions.

¹⁵⁵ § The Gemara asks: What is the reference to animals of the righteous, about whom it is stated that God does not generate mishaps through them? It is based on the incident where Rabbi Pineḥas ben Ya'ir was going to engage in the redemption of captives, and he encountered the Ginai River.

¹⁵⁶ He said to the river: Ginai, part your water for me and I will pass through you. The river said to him: You are going to perform the will of your Maker and I am going to perform the will of my Maker, to flow in my path. With regard to you, it is uncertain whether you will perform His will successfully, and it is uncertain whether you will not perform His will successfully. I will certainly perform His will successfully. Rabbi Pineḥas ben Ya'ir said to the river: If you do not part, I will decree upon you that water will never flow through you. The river parted for him.

¹⁵⁷ There was a certain man who was carrying wheat for the preparation of matza for Passover. Rabbi Pineḥas ben Ya'ir said to the river: Part your waters for that person too, as he is engaged in the performance of a mitzva. The river parted for him. There was a certain Arab [*taya'a*] who was accompanying them. Rabbi Pineḥas ben Ya'ir said to the river: Part your waters for that person too, so that he will not say: Is that what one does to a person who accompanies him? The river parted for him.

¹⁵⁸ Rav Yosef said: How great is this man, Rabbi Pineḥas ben Ya'ir, greater than Moses and the six hundred thousand who left Egypt, as there, at the Red Sea, the waters parted one time, and here the waters parted three times. The Gemara asks: And perhaps here too, the waters parted one time, and the river began to flow again only after all three of them passed. Rather, this man was as great as Moses and the six hundred thousand children of Israel.

¹⁵⁹ After crossing the river, Rabbi Pineḥas ben Ya'ir happened to come to a certain inn [*ushpiza*]. His hosts cast barley before his donkey for him to eat. The donkey did not eat it.

¹⁶⁰ The hosts sifted the barley with a utensil, but the donkey did not eat it. They separated the chaff from the barley by hand, but the donkey did not eat it. They wondered why the donkey would not eat the barley. Rabbi Pineḥas ben Ya'ir said to his hosts: Perhaps the barley is not tithed. They tithed it

and the donkey ate it. Rabbi Pineḥas ben Ya'ir said: This poor animal is going to perform the will of its Maker, and you are feeding it untithed produce? Rabbi Zeira was referring to this donkey when it spoke of God preventing mishaps from occurring through animals of the righteous.

¹⁶¹ The Gemara asks: And is one who purchases grain that is demai in order to feed his animal obligated to tithe it? But didn't we learn in a mishna (Demai 1:3): One who purchases grain in the market for sowing or for feeding an animal, or flour to process animal hides, or oil to kindle a lamp, or oil to smear on vessels is exempt from the obligation of tithing demai?

¹⁶² The Gemara answers: There, it was stated with regard to that mishna that Rabbi Yoḥanan says: They taught this only in a case where one purchased those items initially for the animal or for the other purposes enumerated in the mishna, but if he purchased them initially for a person and reconsidered his plans for them and decided to use them for an animal, he is obligated to tithe the demai. And it is taught in a baraita in support of that understanding: In the case of one who purchases produce from the market for human consumption, and he reconsidered his plans for it and decided to use it for an animal, that person may neither place it before his animal nor before the animal of another unless he tithed the produce.

¹⁶³ Rabbi Yehuda HaNasi heard that Rabbi Pineḥas ben Ya'ir arrived, and he emerged to greet him. Rabbi Yehuda HaNasi said to him: Is it your desire to dine with me? Rabbi Pineḥas ben Ya'ir said to him: Yes. Rabbi Yehuda HaNasi's face beamed [tzahavu], as it was well known that Rabbi Pineḥas ben Ya'ir did not accept invitations to dine with others.

¹⁶⁴ Rabbi Pineḥas ben Ya'ir said to Rabbi Yehuda HaNasi: Are you under the impression that deriving benefit from the Jewish people is forbidden to me by vow? On the contrary, the Jewish people are holy. I avoid accepting invitations, as there is one who wants to invite guests to dine with him but he does not have the means, and I do not want to enjoy a meal that my host cannot afford. And there is one who has the means but does not want to host guests, and with regard to those people it is written: "Eat not the bread of him that has an evil eye, neither desire his delicacies. For as one that has reckoned within himself, so is he: Eat and drink, says he to you; but his heart is not with you" (Proverbs 23:6–7). But you want to invite guests to dine with you, and you have the means.

¹⁶⁵ But now I am rushing [mesarheivna], as I am engaged in the performance of a matter involving a mitzva. When I come back I will enter to dine with you.

¹⁶⁶ When Rabbi Pineḥas ben Ya'ir came back, he happened to enter through that entrance in which white mules were standing. He said: The Angel of Death is in this person's house, and I will eat with him? White mules were known to be dangerous animals.

¹⁶⁷ Rabbi Yehuda HaNasi heard the comment of Rabbi Pineḥas ben Ya'ir and emerged to greet him. He said to him: I will sell the mules. Rabbi Pineḥas ben Ya'ir said to him: You will thereby violate the prohibition: "Nor place a stumbling block before the blind" (Leviticus 19:14), as it is prohibited for any Jew to keep a destructive animal in his possession.

¹⁶⁸ Rabbi Yehuda HaNasi said to him: I will declare the mules ownerless. Rabbi Pineḥas ben Ya'ir said to him: You will thereby increase the damage, as there will be no owner to restrain it. Rabbi Yehuda HaNasi said to him: I will remove their hooves so that they will be unable to kick and cause damage. Rabbi Pineḥas ben Ya'ir said to him: There is the requirement to prevent suffering to

animals, and you will be violating it. Rabbi Yehuda HaNasi said to him: I will kill them. Rabbi Pineḥas ben Ya'ir said to him: There is the prohibition: Do not destroy items of value.

¹⁶⁹ Rabbi Yehuda HaNasi was greatly imploring him to enter his home until a mountain rose between them and Rabbi Yehuda HaNasi could no longer speak with him. Rabbi Yehuda HaNasi wept and said: If during their lifetimes it is so that the righteous are great, after their death it is all the more so true. The Gemara comments: This is as Rabbi Ḥama bar Ḥanina says: The righteous are greater after their death, more so than during their lifetimes, as it is stated: “And it came to pass, as they were burying a man, that they spied a raiding party; and they cast the man into the tomb of Elisha; and as soon as the man touched the bones of Elisha, he revived, and stood up on his feet” (II Kings 13:21).

¹⁷⁰ Rav Pappa said to Abaye: This proof from the case of Elisha that the righteous are greater after death is not valid. And perhaps this transpired to fulfill with regard to Elisha the blessing of Elijah, as it is written: “Please, let a double portion of your spirit be upon me” (II Kings 2:9). Elijah revived one dead person and this one is the second revived by Elisha. Abaye said to Rav Pappa: If so, is this consistent with that which is taught in a baraita: The dead person arose on his feet but he did not go to his home, indicating that he had not truly been revived?

¹⁷¹ The Gemara asks: But if that is the case, in what manner was Elijah's blessing fulfilled? It is as Rabbi Yoḥanan says: The blessing was fulfilled when he cured the leprosy of Naaman, since a leper is equivalent to a dead person, as it is stated with regard to Miriam when she was afflicted with leprosy: “Please, let her not be as one dead” (Numbers 12:12).

¹⁷² Apropos white mules, which were likened to the Angel of Death, Rabbi Yehoshua ben Levi says: Why are the mules called yemim (see Genesis 36:24)? It is because their terror [eimatom] is cast over all creatures, as Rabbi Ḥanina says: In all my days, no man has asked me about a wound caused him by a white mule and survived, indicating that they are extremely dangerous. The Gemara asks: But haven't we seen that some people survive after being wounded by a white mule? The Gemara answers: Say instead, no man has asked me about a wound caused him by a mule and the wound healed. The Gemara asks: But haven't we seen that such wounds heal? The Gemara answers: The wound that we say does not heal is one caused by a mule the top of whose legs are white.

¹⁷³ The Gemara relates other statements of Rabbi Ḥanina: With regard to the verse: “There is none else beside Him” (Deuteronomy 4:35), Rabbi Ḥanina says: And even sorcery is ineffective against the will of God. The Gemara relates: There was a certain woman who would try to take dust from beneath the feet of Rabbi Ḥanina in order to perform sorcery on him and harm him. Rabbi Ḥanina said to her: Take the dust, but the matter will be ineffective for you, as it is written: “There is none other beside Him.” The Gemara asks: But doesn't Rabbi Yoḥanan say: Why is sorcery called keshafim? It is an acronym for makhshishin pamalya shel mala, meaning: That they diminish the heavenly entourage [pamalya], indicating that they function contrary to the will of God. The Gemara answers: Rabbi Ḥanina is different, as, because his merit is great, sorcery has no effect on him.

¹⁷⁴ And Rabbi Ḥanina says: A person injures his finger below, on earth, only if they declare about him on high that he should be injured, as it is stated: It is of the Lord that a man's goings are established; and a man, what does he understand of his way (see Psalms 37:23 and Proverbs 20:24). Rabbi Elazar says: The blood of a wound effects atonement like the blood of a burnt offering. Rava said: This is stated with regard to a wound on his right thumb, as one applies force with that thumb

and the wound is consequently more severe; and it is also stated with regard to a second wound in the same place before the first has healed, and it is provided that he is wounded while going to perform a matter involving a mitzva.

¹⁷⁵ Apropos Rabbi Pineḥas ben Ya'ir, the Gemara notes that they said about Rabbi Pineḥas ben Ya'ir: In all his days he never broke bread and recited a blessing on a piece of bread that was not his, and from the day that he achieved cognition he did not benefit even from the meal of his father, because he eschewed benefit from everyone.

¹⁷⁶ § Rabbi Zeira says that Shmuel says: If one heated a knife until it became white hot [libben] and slaughtered an animal with it, his slaughter is valid, as cutting the relevant simanim with the knife's sharp blade preceded the effect of its white heat. Had the effect of the heat preceded the cutting, the animal would have been rendered a tereifa, an animal with a wound that will cause it to die within twelve months, before the slaughter was completed, by searing the windpipe and the gullet. The Gemara asks: But aren't there the sides of the knife, which burn the throat and render the animal a tereifa? The Gemara answers: The area of the slaughter in the throat parts immediately after the incision, and the tissue on either side of the incision is not seared by the white-hot blade.

¹⁷⁷ A dilemma was raised before the Sages: If one heated a skewer [shappud] until it became white hot and struck a person with it, and after the wound healed a leprous mark developed, is that mark adjudged as a leprous boil or is it adjudged as a leprous burn?

¹⁷⁸ What is the practical difference whether it is adjudged a boil or a burn? The difference is for that which is taught in a baraita: Both a leprous boil and a leprous burn become impure during one week of quarantine with two symptoms: With white hair that grows in the leprous mark and with spreading of the leprous mark. And why did the verse divide them into two separate passages even though their halakhic status is the same? The verse divided them to say that they do not join together to constitute the requisite measure of impure leprous marks. Rather, there is impurity only if the boil or the burn constitutes that measure individually.

¹⁷⁹ And it is taught in a baraita: Which wound is a boil and which is a burn? If one was struck with wood, with a stone, with pomace, with the hot springs of Tiberias, or with any item that is not heated by fire, a phrase that serves to include lead that was mined from its source in the ground, which is occasionally hot enough to burn a person, this impression left on the skin is a boil. And which wound is a burn? If one was burned with a coal, with hot ashes, with boiling limestone, with boiling gypsum [begippesit], or with any item that is heated by fire, a phrase that serves to include water heated by fire, this impression left on the skin is a burn.

¹⁸⁰ And it is taught in a baraita: If there is a boil and a burn on the same place on the skin and a leprous mark developed, the later wound determines the nature of the leprosy. Therefore, if the boil preceded the burn, the burn nullifies the boil and the mark is a leprous burn. And if the burn preceded the boil, the boil nullifies the burn and the mark is a leprous boil.

¹⁸¹ And here, where the dilemma was raised whether the mark that develops from being struck with a hot skewer is a boil or a burn, what are the circumstances? It is a case where initially there was a boil half the size of a split bean on the person's skin, and one heated a skewer until it became white hot and struck him with it, and another mark half the size of a split bean emerged on the skin there.

¹⁸² The Gemara clarifies the dilemma: What is the halakha? Does the effect of the blow come first and then the effect of the heat comes and nullifies the effect of the blow, and it is a half-measure boil and a half-measure burn and they do not join together to constitute a full measure? Or perhaps the effect of the heat comes first and then the effect of the blow comes and nullifies the effect of the heat, and it is a half-measure boil and a half-measure boil and they join together.

¹⁸³ The Gemara suggests: Come and hear a resolution to the dilemma from that which Rabbi Zeira says that Shmuel says: If one heated a knife until it became white hot and slaughtered an animal with it, his slaughter is valid, as cutting the relevant simanim with the knife's sharp blade preceded the effect of its white heat. Apparently, the effect of the blow comes first. The Gemara rejects that proof: Cutting with a sharp blade is different from striking with a blunt object, and only in the case of a blade does the cut precede the effect of the heat.

¹⁸⁴ The Gemara suggests: Come and hear a resolution to the dilemma from a baraita: If one heated a skewer until it became white hot and struck a person with it and after the wound healed a leprous mark developed, that mark is adjudged as a leprous burn caused by fire. Apparently, the effect of the blow precedes the effect of the burn. The Gemara rejects that proof: There too, the reference is to a case where he stabbed the skin with the skewer, which is the same as cutting with a sharp blade.

¹⁸⁵ § Rav Nahman says that Rabba bar Avuh says: With regard to a knife used for idol worship, it is permitted to slaughter an animal with it, but it is prohibited to cut meat with it. It is permitted to slaughter an animal with it because slaughtering it is a destructive action vis-à-vis the animal, which is worth more when it is alive. But it is prohibited to cut meat with it, because once the animal is slaughtered, cutting it is a constructive action that renders the meat manageable.

¹⁸⁶ Rava said: There are times when it is prohibited for one who slaughters an animal to use a knife used for idol worship, e.g., in the case of an animal that is in danger, meaning that it is about to die. If he does not slaughter the animal it would become an unslaughtered carcass and depreciate in value. And there are times when it is permitted for one who cuts meat to use a knife of idol worship, e.g., in the case of an animal whose thighs are intended to be sent as a gift to a person of stature. Cutting it into pieces would render it unfit for this purpose, thereby diminishing its value.

¹⁸⁷ The Gemara challenges: And derive that it is prohibited to use a knife used for idol worship, not because benefit from it is prohibited, but due to the residue of fat of forbidden carcasses on the knife.

¹⁸⁸ The Gemara rejects that possibility: Rav Nahman is referring to the case of a new knife on which there is no residue.

¹⁸⁹ The Gemara challenges: If it is a new knife, both according to Rabbi Yishmael and according to Rabbi Akiva, who disagreed about whether an idol is forbidden from the moment that one crafts it or from the moment that one worships it, a knife is merely in the category of accessories of idol worship, and accessories of idol worship are forbidden only after they are used for idol worship. The Gemara explains: If you wish, say that the reference is to a case where he cut a branch [gevaza] for idol worship with the knife, which leaves no residue. And if you wish, say instead that Rav Nahman is referring to the case of an old knife that he burned until it became white hot in the fire, and therefore, there is no residue on the knife.

¹⁹⁰ § It was stated: With regard to one who slaughters an animal with the knife of gentiles, Rav says: He peels off a layer of the flesh from the place on the animal where the knife touched the flesh and

the forbidden residue on the knife was absorbed. And Rabba bar bar Ḥana says: He rinses the place where the knife touched the flesh. The Gemara suggests: Let us say that they disagree about this, that one Sage, Rabba bar bar Ḥana, holds: The area of the slaughter on the throat is cold and does not absorb the forbidden residue, and therefore rinsing is sufficient. And one Sage, Rav, holds: The area of the slaughter on the throat is hot and therefore it absorbs the forbidden residue.

¹⁹¹ The Gemara rejects that suggestion: No, it is possible that everyone holds that the area of the slaughter on the throat is hot. For the one who says that he peels off a layer, it works out well, and the one who says that he rinses the place where the knife touched the flesh holds that since the two organs that must be severed in ritual slaughter [simanim], i.e., the windpipe and the gullet, are occupied with discharging blood, they do not absorb the residue.

¹⁹² There are those who say that everyone holds that the area of the slaughter on the throat is cold. For the one who says that he rinses the place where the knife touched the flesh, it works out well, and the one who says that he peels off a layer holds that although that area is cold, due to the pressure of the knife on the throat, the flesh absorbs the residue.

¹⁹³ § With regard to a knife with which an animal that is a tereifa was slaughtered, Rav Aḥa and Ravina disagree. One says: One purges it in hot water to remove the absorptions from the tereifa, and one says: One rinses it in cold water, and that is sufficient. And the halakha is: One may rinse it even in cold water. And if there is a tattered piece of a curtain with which to wipe the knife, one need not rinse it.

¹⁹⁴ And according to the one who says that one purges it in hot water, what is the reason that he must do so; is it due to the premise that the knife absorbed forbidden residue? That reasoning should not be limited to a case where he slaughtered a tereifa. A knife with which he slaughtered an animal that is permitted should also require purging, because it absorbed residue from the limb from a living animal before the slaughter was completed. The Gemara answers: When is there concern that the knife absorbed the residue? It is when the throat grows warm. When does it grow warm? It is at the point when the slaughter is complete. At that moment, it is already permitted.

¹⁹⁵ § Rav Yehuda says that Rav says: The slaughterer requires three knives, one with which he slaughters the animal, and one with which he cuts meat, and one with which he cuts forbidden fats. One may not use the same knife for cutting the meat and the forbidden fats due to the residue on the knife after cutting the forbidden fats.

¹⁹⁶ The Gemara suggests: And let him designate one knife for cutting both the meat and forbidden fats and cut meat with it and then cut forbidden fats with it. In this manner the forbidden residue on the knife will not affect the meat. The Gemara explains: The Sages issued a rabbinic decree prohibiting the use of one knife to cut meat and then forbidden fats lest he also cut forbidden fats and cut meat thereafter. The Gemara challenges: Now too, after the decree mandating separate knives there is a concern that they will be confused for him and he will use the knife that cut the forbidden fats to cut the meat. The Gemara explains: Since the Sages required him to have two knives, he has a conspicuous marker on one of the knives that will prevent confusion.

¹⁹⁷ And Rav Yehuda says that Rav says: The slaughterer requires two vessels of water, one with which he rinses meat and one with which he rinses forbidden fats. The Gemara suggests: And let him designate one vessel and rinse meat with the water in the vessel and then rinse forbidden fats with the water in the same vessel. The Gemara explains: The Sages issued a rabbinic decree to prohibit doing

so lest he rinse fats and rinse meat thereafter. The Gemara challenges: Now too, after the decree mandating separate vessels there is a concern that they will be confused for him and he will rinse meat in the vessel in which he rinsed fats. The Gemara answers: Since the Sages required him to have two vessels, he has a conspicuous marker on one of the vessels that will prevent confusion.

¹⁹⁸ § Ameimar says in the name of Rav Pappa: A person should not place [lishof] the flanks of an animal atop other meat so that the forbidden fats that are attached to the flanks are in contact with the other meat, due to the fact that the forbidden fat liquefies and flows and the meat absorbs it.

¹⁹⁹ The Gemara raises an objection: If so, and that is a concern, when the flanks are placed in their typical manner [teritzi] as well, with the forbidden fat above the meat of the flanks, the forbidden fat flows and the meat of the flanks absorbs it. The Gemara explains: The membrane between the forbidden fat and the meat of the flanks interposes from below and prevents absorption of the forbidden fat. The Gemara challenges: If so,

²⁰⁰ from above too there is a membrane that should prevent the forbidden fat from flowing onto the piece of meat even if the forbidden fat is placed directly upon it. The Gemara explains: Since the hand of the slaughterer touches the upper membrane, that membrane disintegrates and the forbidden fat flows onto the meat.

²⁰¹ § And Rav Yehuda says that Rav says: A Torah scholar is required to learn the requisite skills to perform three matters: Writing, so that he will be able to write texts on various occasions, ritual slaughter, and circumcision. And Rav Ḥananya bar Shelamya says in the name of Rav: He must also learn to tie the knot of the phylacteries, and to recite the blessing of the grooms by heart and with the traditional intonation, and to tie ritual fringes to the corners of a garment. The Gemara notes: And the other amora, Rav Yehuda, holds that those skills are commonplace and do not require special training.

²⁰² § And Rav Yehuda says that Shmuel says: With regard to any slaughterer who does not know the halakhot of ritual slaughter, it is prohibited to eat from his slaughter. And these are the halakhot of ritual slaughter: Interrupting the slaughter, pressing the knife, concealing the knife under the windpipe or the gullet in the course of an inverted slaughter, diverting the knife from the place of slaughter, and ripping the simanim from their place before cutting them.

²⁰³ The Gemara asks: What is the novelty in what Rav is teaching us? We learned all of them in the mishnayot in the second chapter of this tractate, and therefore it is obvious that a slaughterer who does not know these halakhot is not qualified. The Gemara answers: No, it is necessary in a case where the slaughterer slaughtered before us twice or three times and slaughtered well. Lest you say: From the fact that he slaughtered the other animals well, this animal he also slaughtered well; therefore, Rav teaches us: Since he did not learn the halakhot, sometimes it happens that he interrupts the slaughter or presses the knife, and he does not know that he invalidated the slaughter.

²⁰⁴ § And Rav Yehuda says that Shmuel says: The slaughterer must examine the simanim, the windpipe and the gullet, after completing the slaughter. Rav Yosef said: We learn in a mishna (32a) as well: Rabbi Shimon says: The slaughter is not valid if he interrupted the slaughter for an interval equivalent to the duration of an examination. What, is it not an interval equivalent to the duration of an examination of the simanim? Apparently, one is obligated to examine the simanim.

²⁰⁵ Abaye said to him: No, this is what Rabbi Yoḥanan says: It is an interval equivalent to the duration of an examination of the knife, as the Sages instituted that one must take the knife to be examined by a Torah scholar prior to slaughtering the animal. Rav Yosef said to him: If so, you have rendered your statement subject to circumstances, as sometimes the Torah scholar is near and sometimes the Torah scholar is far, and the time required for examination varies accordingly. Rather, it is an interval equivalent to the duration of an examination performed by a slaughterer who is a Torah scholar. In that case, the travel time is not factored, just the time of the examination, which does not vary.

²⁰⁶ The Gemara asks: If the slaughterer did not examine the simanim after completing slaughter of the animal, what is the halakha? Rabbi Eliezer ben Antigonus says in the name of Rabbi Elazar, son of Rabbi Yannai: The halakhic status of the slaughtered animal is that of a tereifa, and it is forbidden for consumption, but it does not impart impurity. It was taught in a baraita: Its halakhic status is that of an unslaughtered carcass, and it imparts impurity by means of carrying it.

²⁰⁷ The Gemara asks: With regard to what principle do they disagree? The Gemara answers: They disagree with regard to the application of the halakha stated by Rav Huna, who says: An animal during its lifetime exists with the presumptive status of prohibition, as it is prohibited to eat a living animal, and it continues to have this status even after its death until it will become known to you in what manner it was slaughtered, i.e., whether it was properly slaughtered. Once the animal was slaughtered, it exists with the presumptive status of permissibility until it will become known to you in what manner it was rendered a tereifa.

²⁰⁸ It is with regard to the application of this halakha that Rabbi Elazar, son of Rabbi Yannai, and the tanna of the baraita disagree in a case where the slaughterer did not examine the simanim after completing the slaughter. One Sage holds: Since it has not been verified that the animal was slaughtered properly, the animal exists with the presumptive status of prohibition, and since now it is dead, it assumes the status of an unslaughtered carcass and imparts impurity. And one Sage holds: With regard to the presumptive status of prohibition, we say that the animal is forbidden until it is verified that it was slaughtered properly; with regard to the presumptive status of ritual impurity we do not say that the animal is impure, as a living animal is not ritually impure.

²⁰⁹ § The Gemara proceeds to analyze the matter itself. Rav Huna says: An animal during its lifetime exists with the presumptive status of prohibition until it will become known to you in what manner it was slaughtered. Once the animal was slaughtered, it exists with the presumptive status of permissibility until it will become known to you in what manner it was rendered a tereifa. The Gemara challenges this: And let us say that once the animal was slaughtered, it became permitted, instead of saying that it exists with the presumptive status of permissibility. The Gemara explains: This teaches us that even if a flaw developed in the animal that raises uncertainty with regard to its permitted status, it retains its presumptive status of permissibility.

²¹⁰ As Rabbi Abba raised a dilemma before Rav Huna: If a wolf came and took the innards of a slaughtered animal, what is the halakha?

²¹¹ The Gemara asks: Took? In that case the innards are not there, and therefore there is no way of seeing an indication of a flaw. Rather, the dilemma is: In a case where a wolf perforated the innards of a slaughtered animal, what is the halakha? The Gemara challenges: Perforated? We see that the wolf perforated them and in that case too there is no indication of a flaw. Rather, the dilemma is: In a

case where a wolf took the innards and returned them when they are perforated, what is the halakha? Are we concerned that perhaps the wolf perforated the innards in the place of a preexisting perforation and the animal was a tereifa from the outset, or is that possibility not a concern?

²¹² Rav Huna said to Rabbi Abba: One is not concerned that perhaps the wolf perforated the innards in the place of a preexisting perforation, because one relies on the presumptive status of permissibility.

²¹³ Rabbi Abba raised an objection to the opinion of Rav Huna: If one saw a bird pecking at a fig or a mouse gnawing at melons,

²¹⁴ one is concerned that perhaps the bird or the mouse perforated it in the place of the preexisting perforation caused by a snake, and it is prohibited to eat the fig or the melon, due to the danger that the snake might have left its venom.

²¹⁵ Rav Huna said to Rabbi Abba: Are you comparing danger to prohibition? Danger is different, and one rules stringently in cases involving danger. Rava said to him: What is different about the fact that the ruling in cases of uncertainty involving danger is stringent, given that in cases of uncertainty involving prohibition the ruling is also stringent?

²¹⁶ Abaye said to Rava: And is there no difference between prohibition and danger? But isn't it the halakha that in a case of uncertainty involving ritual impurity in the public domain, its uncertain impurity leaves it pure, while in a case of uncertainty involving water that is exposed and therefore susceptible to a snake leaving venom in it, the water is forbidden.

²¹⁷ Rava said to Abaye: There, in the case of ritual impurity in the public domain, the Sages learned this halakha through tradition from the case of a sota, a woman who enters into seclusion with a particular man after her husband warns her not to. She is forbidden to her husband even though there is uncertainty whether or not she committed adultery. Just as a sota is forbidden only in a case of uncertainty in the private domain, as there is no seclusion in the public domain; so too with regard to ritual impurity, one becomes ritually impure in a case of uncertainty only in the private domain.

²¹⁸ Rav Shimi raises an objection to the opinion of Rava from a mishna (Teharot 4:2): If the carcass of a creeping animal was in the mouth of a weasel, and that weasel was walking on loaves of teruma, and there is uncertainty whether the creeping animal touched the loaves and uncertainty whether it did not touch the loaves, its uncertain impurity leaves it pure, while in a case of uncertainty involving water that is exposed and therefore susceptible to a snake leaving venom in it, the water is forbidden.

²¹⁹ The Gemara answers: There too, the halakha is derived from the case of a sota. Just as the uncertainty in the case of sota involves an entity that has consciousness in order for her to be asked whether she was unfaithful and is forbidden to her husband, so too here, only uncertainty involving an entity that has consciousness in order for it to be asked whether the loaves were rendered impure would become impure. The weasel does not have that consciousness.

²²⁰ Rav Ashi said: Come and hear additional proof that danger is more severe than prohibition (see mishna Para 11:1): In the case of a flask of purification water that one left exposed and he came back and found it covered, it is ritually impure, as I say: An impure man entered into there and covered it, and in the course of doing so he rendered the vessel and its contents impure.

²²¹ In a case where one left the vessel covered and came back and found it exposed, if it is in a place where a weasel could drink from it, or a snake according to the statement of Rabban Gamliel, or if

there is concern that dew fell into it at night, the purification waters are disqualified for sprinkling in the process of purification of a person impure with impurity imparted by a corpse, due to the concern that the saliva of the weasel or the dew, which are unfit for sprinkling, intermingled with it. Nevertheless, the water is not impure.

²²² And Rabbi Yehoshua ben Levi says: What is the reason that there is no concern that a ritually impure person exposed the waters and rendered them impure?

²²³ It is due to the fact that it is the typical manner of creeping animals to expose the contents of a vessel so that they may drink. Therefore, the exposure of the water is attributed to a creeping animal or to a ritually pure person. By contrast, in a case where he left the vessel exposed and found it covered, the concern is that it was an impure man who covered it, since it is not the typical manner of creeping animals to cover exposed vessels. Evidently, with regard to prohibition or ritual impurity, there are circumstances of uncertainty when the ruling is lenient.

²²⁴ Alternatively, it can be inferred from the baraita that the reason the contents of the vessel are impure or disqualified, respectively, is that he left it exposed and came back and found it covered or that he left it covered and came back and found it exposed. But if he found the vessel just as he left it, there is neither impurity nor disqualification.

²²⁵ But in a situation of uncertainty where he left exposed water and then came and found the vessel exposed, the water is forbidden under all circumstances. Learn from it that danger is more severe than prohibition. The Gemara affirms: Indeed, learn from it.

²²⁶ We learned in a mishna there (Terumot 8:4): Three liquids are forbidden due to exposure: Water, wine, and milk. How long shall they remain exposed and their contents will be forbidden? It is a period equivalent to the time necessary so that a snake could emerge from a proximate place and drink. And how far away is considered a proximate place? Rav Yitzḥak, son of Rav Yehuda, said: Even a period equivalent to the time necessary so that a snake could emerge from beneath the handle of the vessel and drink.

²²⁷ The Gemara asks: If it is only the time necessary for the snake to emerge and drink, doesn't one see the snake drink, in which case there is no uncertainty? Rather, it is a period equivalent to the time necessary for a snake to emerge from a proximate place, drink, and return to its hole. If one left exposed liquid unattended for that interval, it is possible that the snake drank the liquid unseen by the owner of the liquid.

²²⁸ § It was stated: With regard to one who slaughters an animal with a knife that was afterward found to be notched, Rav Huna says: Even if, after the slaughter and before the knife was examined, he broke bones with the knife all day, the slaughter is not valid, as we are concerned that perhaps the knife became notched on the hide of the neck. And Rav Ḥisda says: The slaughter is valid, as perhaps it was on the bone that he broke with the knife after the slaughter that it became notched.

²²⁹ The Gemara asks: Granted, Rav Huna stated his opinion in accordance with his halakha cited earlier (9a): An animal during its lifetime exists with the presumptive status of prohibition until it becomes known in what manner it was slaughtered. But as for Rav Ḥisda, what is the reason for his ruling that the slaughter is valid? The Gemara answers that Rav Ḥisda could have said to you: A bone certainly notches the knife, but with regard to hide, it is uncertain whether it notches the knife and

uncertain whether it does not notch it. This is a case of certainty and uncertainty, and the principle is that an uncertainty does not override a certainty.

²³⁰ Rava raises an objection to the opinion of Rav Ḥisda to support the opinion of Rav Huna, from a baraita: If one immersed and emerged from the ritual bath and an interposing item was later found on him, then even if he had been engaged in handling that same type of item for the entire day after his immersion, the immersion does not fulfill his obligation. This is so until he will say: It is clear to me that this interposition was not on me beforehand. And here it is a case where he certainly immersed, and it is uncertain whether the interposition was on him at that time and uncertain whether it was not on him, and nevertheless, contrary to the opinion of Rav Ḥisda, the uncertainty overrides the certainty.

²³¹ The Gemara rejects that proof: It is different there, as it can be said: Establish the status of the impure person on the basis of his presumptive status of impurity, and say that he did not immerse properly.

²³² The Gemara challenges: Here too, establish the status of the animal on the basis of its presumptive status of prohibition and say that it was not slaughtered properly. Why does Rav Ḥisda rule that it is permitted? The Gemara explains: That status has been undermined, as the slaughtered animal is before you. There is no indication that the slaughter was not valid, and most slaughtered animals are slaughtered properly.

²³³ The Gemara challenges: Here too, in the case of immersion, the status of impurity is undermined, as the person who has immersed is before you. The Gemara explains: The case of immersion is different, as a flaw developed in the presumptive validity of the immersion, since there is an interposition.

²³⁴ The Gemara challenges: Here too, a flaw developed in the presumptive validity of slaughter, as the knife is notched. The Gemara explains: In the case of slaughter, the knife became flawed, but the animal did not become flawed. Therefore, the animal assumes the presumptive status of permissibility. By contrast, in the case of immersion, the interposition was found on the person, thereby nullifying his presumptive status of purity.

²³⁵ The Gemara raises an objection to the opinion of Rav Ḥisda from a baraita: The slaughter of a bird is valid with the cutting of one siman, the windpipe or the gullet. Therefore, if one cut the gullet, and the windpipe was displaced thereafter, the slaughter is valid. If the windpipe was displaced and one cut the gullet thereafter, the slaughter is not valid.

²³⁶ If one cut the gullet, and the windpipe was found displaced, and he does not know whether the windpipe was displaced before the slaughter or whether it was displaced after the slaughter; that was the incident that came before the Sages, and they said: In any case of uncertainty with regard to slaughter, the slaughter is not valid.

²³⁷ The Gemara asks: With regard to the expansive formulation: With regard to any case of uncertainty with regard to slaughter, what does it serve to add? Does it not serve to add a case like this one where there is uncertainty whether the knife was notched before or after the slaughter? The Gemara answers: No, it serves to add a case of uncertainty whether he interrupted the slaughter in the middle, or uncertainty whether he pressed the knife on the simanim. If he did either, it invalidates the slaughter.

²³⁸ The Gemara asks: And in what way is uncertainty whether he interrupted the slaughter or pressed the knife different from uncertainty whether the knife became notched before or after the slaughter? The Gemara answers: There, in the case of uncertainty with regard to interruption or pressing, the flaw developed in the animal, and the slaughter is not valid. Here, in the case of uncertainty whether the knife became notched before or after the slaughter, a flaw developed in the knife but a flaw did not develop in the animal, and the slaughter is valid.

²³⁹ And the halakha is in accordance with the opinion of Rav Huna that the slaughter is not valid in a case where he did not break a bone with the knife. And the halakha is in accordance with the opinion of Rav Ḥisda that the slaughter is valid in a case where he broke a bone with the knife. Learn by inference that Rav Ḥisda rules that the slaughter is valid even if he did not break a bone with the knife. The Gemara asks: But if he did not break bones, on what was the knife notched? It must have been on the hide. Why, then, is the slaughter valid? The Gemara answers: Say that it was notched on the neck bone after he completed slaughtering the animal.

²⁴⁰ The Gemara relates: There was an incident, and Rav Yosef deemed as many as thirteen animals tereifot when he discovered the knife was notched after slaughtering the final animal. The Gemara asks: In accordance with whose opinion did Rav Yosef issue his ruling? Is it in accordance with the opinion of Rav Huna, who holds that the concern is that the knife was notched by the animal's hide, and he ruled that even the first animal is forbidden? The Gemara answers: No, perhaps it is in accordance with the opinion of Rav Ḥisda, who holds that the notch is attributed to the neck bone, and they are all forbidden except for the first animal.

²⁴¹ And if you wish, say instead: Actually, it is in accordance with the opinion of Rav Huna, as, if it were in accordance with the opinion of Rav Ḥisda, since we attribute the notch to the neck bone as a leniency, from where is it ascertained that it is on the neck bone of the first animal that it was notched? Perhaps it is on the neck bone of the last animal that it was notched, and all of the animals are permitted.

²⁴² Rav Aḥa, son of Rava, said to Rav Ashi: Rav Kahana requires an examination of the knife between each and every act of slaughter. The Gemara asks: In accordance with whose opinion did Rav Kahana issue his ruling? Is it in accordance with the opinion of Rav Huna, and he stated the halakha to invalidate the slaughter of the first animal that he slaughtered if he discovers a notch in the knife? The Gemara answers: No, perhaps it is in accordance with the opinion of Rav Ḥisda, according to the first of the two explanations of the ruling of Rav Yosef, who holds that if a notch is found it is attributed to the neck bone, and examination of the knife is required to validate the slaughter of the next animal.

²⁴³ The Gemara raises an objection: If so, and the reference is to the examination before slaughter, the knife should require the examination of a Torah scholar that was required by the Sages. The Gemara explains: There is no need for a Sage to examine the knife, based on the principle: The testimony of one witness, in this case the slaughterer, is deemed credible with regard to ritual matters. The Gemara challenges: If so, even from the outset, examination of the knife by a Torah scholar should also not be required. The Gemara explains: Didn't Rabbi Yoḥanan say that the Sages said to show the knife to a Torah scholar only due to the requirement to show deference to the Sage? Once deference was shown before the initial slaughter, it is no longer necessary to do so.

²⁴⁴ § Apropos the statement of Rav Huna that an animal during its lifetime exists with the presumptive status of prohibition, and therefore in cases of uncertainty whether the animal was properly slaughtered, one rules stringently and it is prohibited to eat its flesh, the Gemara asks: From where is this matter that the Sages said: Establish the status of the matter on the basis of its presumptive status, derived?

²⁴⁵ Rabbi Shmuel bar Naḥmani said that Rabbi Yonatan said that the verse states with regard to leprosy of houses that after a priest views a leprous mark: “And the priest shall emerge from the house to the entrance of the house, and quarantine the house seven days” (Leviticus 14:38). The Gemara asks: How can the priest quarantine the house based on his viewing the leprous mark? Perhaps as he was emerging and coming out of the house, the size of the leprous mark diminished and it lacks the requisite measure for leprosy. Rather, is it not due to the fact that we say: Establish the status of the matter on the basis of its presumptive status?

²⁴⁶ Rav Aḥa bar Ya’akov objects to that proof: And perhaps the verse is referring to a case where the priest emerged backward, as in that case, the priest sees the leprous mark as he emerges.

²⁴⁷ Abaye said to him that there are two refutations of that statement. One is that emerging backward is not called emerging, and the priest would not fulfill the verse “And the priest shall emerge from the house” by doing so. And furthermore, in a case where the leprous mark is behind the door, what is there to say? Even walking backward would not enable the priest to see it. And if you would say that the priest can open a window in the wall to enable him to see the leprous mark, but didn’t we learn in a mishna (Nega’im 2:3): In a dark house one may not open windows to enable him to see his leprous mark?

²⁴⁸ Rava said to Abaye: With regard to that which you say: Emerging backward is not called emerging, the case of the High Priest on Yom Kippur will prove that this is not so, as emerging is written in his regard (see Leviticus 16:18), and we learned in a mishna (Yoma 52b): The High Priest emerged and came out backward in the manner of his entry, facing the Ark in the Holy of Holies. And with regard to that which you say: In a dark house, one may not open windows to enable him to see his leprous mark, this statement applies only in a case where the existence of a leprous mark in the house was not yet established; but in a case where the existence of a leprous mark in the house was already established, it was established, and the priest may open a window to view it.

²⁴⁹ It is taught in a baraita not in accordance with the opinion of Rav Aḥa bar Ya’akov, who suggested that the verse is referring to a case where the priest emerged from the house backward and therefore there is no proof that one lets the matter remain in its presumptive status. It is written: “And the priest shall emerge from the house to the entrance of the house and quarantine the house.” One might have thought that he may go into his own house and quarantine the house from there; therefore, the verse states: “To the entrance of the house,” referring to the house that is being quarantined.

²⁵⁰ If he must emerge to the entrance of the house, one might have thought that he may stand beneath the lintel and quarantine the house; therefore, the verse states: “From the house,” indicating that he does not quarantine the house until he emerges from the house in its entirety. How so? He stands alongside the lintel and quarantines the house.

²⁵¹ The baraita concludes: And from where is it derived that if he went inside his own house and quarantined the leprous house, or that if he stood inside the leprous house and quarantined it, that his

quarantine is a valid quarantine? It is derived from that which the verse states: “And quarantine the house,” meaning in any case. Apparently, the quarantine is valid even if he is unable to see the leprous mark, as the mark remains in its previous presumptive status.

²⁵² And Rav Aḥa bar Ya’akov interprets the baraita in accordance with his opinion

²⁵³ in a case where there is a row of standing men, from the house to be quarantined to the priest’s house, and they each say to the one standing next to him that the leprous mark remains standing unaltered.

²⁵⁴ § After discussing the role of presumptive status in determining halakha, the Gemara discusses the role of the majority. From where is this matter that the Sages stated: Follow the majority, derived? The Gemara is surprised at the question: From where do we derive it? Obviously, it is derived from a verse, as it is written explicitly: “After the majority to incline” (Exodus 23:2).

²⁵⁵ The Gemara explains: With regard to a majority that is quantifiable before us, for example, in the case of a piece of meat that was found on the street before ten shops, nine shops selling kosher meat and one shop selling non-kosher meat, one follows the majority and deems that piece kosher. Or when the Sanhedrin adjudicates a case, one follows a majority of the judges in determining the ruling. In these cases, we do not raise the dilemma.

²⁵⁶ When the dilemma is raised to us it is in the case of a majority that is not quantifiable before us, for example, the case of a minor boy and a minor girl. If the boy entered into levirate marriage with the girl, it is permitted for them to remain married, and there is no concern that when they grow older it will be discovered that the boy or the girl never develop sexually. Rather, one follows the majority, that minors develop sexually at puberty. It is with regard to that non-quantifiable majority that the Gemara asks: From where do we derive it?

²⁵⁷ Rabbi Elazar said an answer to this question. Before presenting his answer, the Gemara cites a mnemonic for the names of the Sages who address this question: Zayin, Rabbi Elazar; mem, Mar, son of Ravina; nun, Rav Naḥman bar Yitzḥak; shin, Rav Sheshet; beit, Rabba bar Rav Sheila; het, Rav Aḥa bar Ya’akov; mem, Rav Mari; kaf, Rav Kahana; nun, Ravina; shin, Rav Ashi.

²⁵⁸ Rabbi Elazar’s answer was as follows: It is derived from the halakha concerning the head of a burnt offering, that one severs it from the animal’s body but does not cut it into smaller pieces, as the verse states: “And he shall flay the burnt offering and cut it into its pieces” (Leviticus 1:6), and it is inferred: The animal is cut into its pieces, but its pieces, including its head, are not cut into pieces. Rabbi Elazar suggested: And since the head is not cut and cannot be examined, let us be concerned that perhaps the brain membrane was perforated, which would render the animal a tereifa and unfit for sacrifice. Rather, is the reason we are not concerned for this not due to the fact that we say: Follow the majority of animals, which are not tereifot?

²⁵⁹ The Gemara asks: From where is that conclusion drawn? Perhaps the reference is to a case where one splits the head open and examines the brain membrane. And if that could not be due to the inference: The animal is cut into its pieces, but its pieces are not cut into pieces, that statement applies in a case where one cuts the head completely in half. But in a case where the sides of the head remain joined, we have no problem with it. Therefore, no proof can be cited from here.

²⁶⁰ Mar, son of Ravina, said: The fact that we follow a non-quantifiable majority is derived from the halakha of the breaking of a bone in the Paschal offering, as the Merciful One states: “Nor shall you

break a bone thereof” (Exodus 12:46). Mar, son of Ravina, suggested: And let us be concerned that perhaps the brain membrane was perforated and the animal is a tereifa, as it is impossible to examine its brain membrane since one may not break its bones. Rather, is the reason we are not concerned for this not due to the fact that we say: Follow the majority of animals, which are not tereifot?

²⁶¹ The Gemara asks: From where is that conclusion drawn? Perhaps the reference is to a case where one places a coal on the head and burns through the head, exposing the brain membrane, and then examines it, as it is taught in a baraita: One who cuts the sinews or burns the bones of the Paschal offering is not subject to lashes due to the prohibition of breaking bones. Therefore, no proof can be cited from here either.

²⁶² Rav Naḥman bar Yitzḥak said: It is derived from the halakha of the tail of a lamb brought as a peace offering, with regard to which the Merciful One states: “And he shall sacrifice of the peace offering...the fat tail whole, which he shall remove opposite the rump bone” (Leviticus 3:9), meaning that the tail must remain intact and may not be cut. Rav Naḥman bar Yitzḥak suggested: And let us be concerned that perhaps the segment of the spinal column in the tail was severed prior to slaughter, rendering the animal a tereifa and unfit for sacrifice. Rather, is the reason we are not concerned for this not due to the fact that we say: Follow the majority of animals, which are not tereifot?

²⁶³ And if you would say in rejection of that proof that one severs the tail from below the spine, in a place that would not render the animal a tereifa, the Merciful One states: “Opposite the rump bone [he’atze],” the place where the kidneys advise [yo’atzot], This is a location where severing the spinal column renders the animal a tereifa. Consequently, the proof that the majority is followed remains intact.

²⁶⁴ The Gemara asks: From where is that conclusion drawn? Perhaps the reference is to a case where one splits the tail and examines the spinal column. And if that could not be, due to the requirement that the fat tail remain “whole,” that statement applies in a case where one cuts the tail completely in half. But in a case where the sides of the tail remain joined, we have no problem with it. Therefore, no proof can be cited from here.

²⁶⁵ Rav Sheshet, son of Rav Idi, said: The principle of following a non-quantifiable majority is derived from the halakha of the heifer whose neck is broken when a person is found killed in an area that is between two cities and the murderer is unknown (Deuteronomy 21:1–9). As the Merciful One states: “And all the elders of that city...shall wash their hands over the heifer whose neck was broken, in the valley” (Deuteronomy 21:6), from which it is inferred: Other than its neck being broken, the heifer should remain in a state where it is whole. And if one does not follow the majority, let us be concerned that perhaps the animal is a tereifa. Rather, is the reason we are not concerned for this not due to the fact that we say: Follow the majority of animals, which are not tereifot?

²⁶⁶ And if you would say in rejection of that proof that there is no need for an examination, as what difference is there whether it is a tereifa, since it is neither eaten nor sacrificed, didn’t they say in the school of Rabbi Yannai: A term of atonement is written in its regard (see Deuteronomy 21:8), indicating that the halakhic status of the heifer whose neck is broken is like that of sacrificial animals, and a tereifa is unfit for use in that ritual?

²⁶⁷ Rabba bar Rav Sheila said: The principle of following an unquantifiable majority is derived from the halakha of the red heifer, with regard to which the Merciful One states: “And he shall slaughter...

and he shall burn” (Numbers 19:3, 5), from which it is derived: Just as its slaughter is performed when it is whole, so too its burning is performed when it is whole. And if the majority is not followed, let us be concerned that perhaps the animal is a tereifa. Rather, is the reason we are not concerned for this not due to the fact that we say: Follow the majority of animals, which are not tereifot?

²⁶⁸ And if you would say in rejection of that proof that there is no need for an examination, as what difference is there whether it is a tereifa, since it is neither eaten nor sacrificed, the Merciful One called it ḥatat, meaning purification, just as a sin offering is called ḥatat, indicating that in both cases a tereifa is unfit.

²⁶⁹ Rav Aḥa bar Ya’akov said: The fact that one follows a non-quantifiable majority is derived from the halakha of the scapegoat, with regard to which the Merciful One says: “And he shall take the two goats...one lot for the Lord and one lot for Azazel” (Leviticus 16:7–8). From the fact that the verse mentions the two goats together, the Sages inferred that the two goats should be equal. But how can it be ascertained that they are equal; let us be concerned

²⁷⁰ that perhaps one of the animals, the scapegoat, is a tereifa. Since it is not slaughtered, but is rather cast from a cliff while alive, there is no way to ascertain that it is not a tereifa. Rather, is the reason we are not concerned for this not due to the fact that we say: Follow the majority of animals, which are not tereifot?

²⁷¹ And if you would seek to reject that proof and say that there is no need for an examination, as what practical difference is there to us whether it is a tereifa, since it is neither eaten nor sacrificed, and the two goats are fit after the fact even if they are not equal (see Yoma 62a); doesn’t the lot determine the goat for Azazel only with regard to an item, a goat, that is fit for sacrifice to the Lord? And if you would say that we examine the goat after it is cast from the cliff and do not rely on a majority, but didn’t we learn in a mishna (Yoma 67a): The goat did not reach halfway down the mountain until it was torn limb from limb.

²⁷² Rav Mari said: The fact that one follows a non-quantifiable majority is derived from the halakha of one who strikes his father or his mother, with regard to whom the Merciful One states: Kill him (see Exodus 21:15). Rav Mari clarifies: But let us be concerned that perhaps the man that he struck is not actually his father. Rather, is the reason we are not concerned for this not due to the fact that we say: Follow the majority, and the majority of acts of intercourse performed by a married woman are attributable to the husband.

²⁷³ The Gemara asks: From where is that conclusion drawn? Perhaps the reference is to a case where at the time he was conceived his mother and father were incarcerated together in prison. Therefore, the fact that it was his father that he struck is based on certainty, not a majority. The Gemara answers: Even so, there is no steward [apotropos] for restraining sexual immorality, and the identity of his father is not based on certainty.

²⁷⁴ Rav Kahana said: It is derived from the halakha of one who kills another person, with regard to whom the Merciful One states: Kill him (see Exodus 21:12). Rav Kahana clarifies: And let us be concerned that perhaps the person that he killed was a tereifa, one who has a wound or condition that will lead to his death within twelve months. One who kills a tereifa is exempt from capital punishment because in that sense, the halakhic status of a tereifa is that of a dead person. Rather, is

the reason we are not concerned for this not due to the fact that we say: Follow the majority of people, who are not tereifot?

²⁷⁵ And if you would seek to reject that proof and say that we examine the corpse to determine whether he was a tereifa, wouldn't the corpse be mutilated through that examination? And if you would say that due to concern for the possibility of an unjustified loss of life of that murderer, we will mutilate the corpse to determine whether the victim was a tereifa, it would remain necessary to rely on the majority, as let us be concerned that perhaps there was a perforation in the place that he stabbed the victim with the sword.

²⁷⁶ Ravina said: It is derived from the halakha of conspiring witnesses, with regard to whom the Merciful One states: "And you shall do unto him as he had conspired to do unto his brother" (Deuteronomy 19:19). If the witnesses testified falsely that a person is guilty of a capital offense, they are liable to receive the death penalty. And let us be concerned that perhaps that person against whom they testified was a tereifa, and they should not be executed for conspiring to have a tereifa executed. Rather, is the reason we are not concerned for this not due to the fact that we say: Follow the majority of people, who are not tereifot?

²⁷⁷ And if you would say in rejection of that proof that we examine the corpse of the executed defendant to determine whether he was a tereifa, but isn't it taught in a baraita that a distinguished Sage [beribbi] says with regard to witnesses who conspired to have a person killed based on their testimony: If the conspiring witnesses have not yet killed the accused with their testimony, they are executed; but if they killed the accused with their testimony, they are not executed.

²⁷⁸ Rav Ashi said: The principle of following a non-quantifiable majority is derived from the halakha of slaughter itself, with regard to which the Merciful One states: Slaughter the animal and eat it. And let us be concerned that perhaps he is slaughtering the animal in the place of a preexisting perforation. Rather, is the reason we are not concerned for this not due to the fact that we say: Follow the majority of animals that are not tereifot?

²⁷⁹ Rav Ashi said: I stated this halakha before Rav Kahana, and some say that Rav Kahana stated this halakha before Rav Shimi, and the Sage before whom the halakha was stated said to the one who stated it: And perhaps where it is possible to examine the situation it is possible, and the majority is not followed; but where it is not possible to examine the situation it is not possible, and the majority is followed.

²⁸⁰ As if you do not say so, then according to Rabbi Meir, who despite the existence of a majority takes the minority into consideration and does not follow the majority, is it indeed true that one does not eat meat due to the concern that there was a perforation in the place that he slaughtered the animal? And if you would say, indeed, according to Rabbi Meir it is prohibited to eat meat,

²⁸¹ then with regard to the Paschal offering and sacrificial meat that one is obligated to eat, what is there to say? Rather, according to Rabbi Meir, there is no alternative to saying: Where it is possible to examine the situation it is possible, and the majority is not followed; where it is not possible to examine the situation it is not possible, and the majority is followed. If so, here too, according to the Rabbis, it cannot be proven from the above sources that one follows a non-quantifiable majority ab initio, as perhaps where it is possible to examine the situation it is possible, and where it is not possible to examine the situation it is not possible, and the majority is followed.

²⁸² § Rav Naḥman says that Rav says: In the case of a person who saw one who slaughtered an animal, if the person saw him slaughtering continuously from beginning to end of the act, he is permitted to eat from his slaughter, and if not, he is prohibited from eating from his slaughter.

²⁸³ The Gemara asks: What are the circumstances? If it is a case where the onlooker knows that he is knowledgeable in the halakhot of slaughter, why do I require that the onlooker saw the slaughter? Even if he did not see him slaughter, the onlooker may rely on his slaughter. And if the onlooker knows that he is not knowledgeable in the halakhot of slaughter, it is obvious that only if the person saw him slaughtering from beginning to end he is permitted to eat from his slaughter.

²⁸⁴ Rather, perhaps it is a case where the onlooker does not know whether he is knowledgeable or whether he is not knowledgeable. But if that is the case, let us say: The majority of those associated with slaughter are experts in the halakhot of slaughter, and one may rely on his slaughter.

²⁸⁵ Isn't it taught in a baraita: In a case where one found a slaughtered chicken in the marketplace, or where one said to his agent: Go out and slaughter a chicken, and he went and found the chicken slaughtered and he does not know who slaughtered it, its presumptive status is that it was slaughtered properly.

²⁸⁶ Apparently, we say: The majority of those associated with slaughter are experts. Here too, in a case where it is unknown whether he is knowledgeable, let us say: The majority of those associated with slaughter are experts.

²⁸⁷ The Gemara answers: Actually, the reference is to a case where the onlooker knows that the one slaughtering is not knowledgeable in the halakhot of slaughter, and where he slaughtered one siman before us properly. Lest you say: From the fact that this siman was slaughtered properly, that siman was also slaughtered properly; therefore, Rav teaches us that this is not so. As, perhaps this siman happened to be slaughtered properly for him, but with regard to the other siman, perhaps he interrupted the slaughter or perhaps he pressed the knife, invalidating the slaughter.

²⁸⁸ Rav Dimi bar Yosef raised a dilemma before Rav Naḥman: With regard to one who says to his agent: Go out and slaughter a chicken, and he went and found the chicken slaughtered, what is the halakha? Rav Naḥman said to him: Its presumptive status is that it was slaughtered properly. And he raised another dilemma: With regard to one who says to his agent: Go out and separate teruma for me, and he went and found that teruma was separated from his produce, what is the halakha? Rav Naḥman said to him: Its presumptive status is not that teruma was separated.

²⁸⁹ Rav Dimi bar Yosef challenged: Whichever way you look at it, your ruling is problematic. If there is a presumption that an agent performs his assigned agency, that should be the case even with regard to teruma; and if there is no presumption that an agent performs his assigned agency, there should be no such presumption even with regard to slaughter.

²⁹⁰ Rav Naḥman said to Rav Dimi in jest: After you eat a kor of salt over it, and analyze the matter at length, you will be able to understand the difference. Actually, there is no presumption that an agent performs his assigned agency, and in the case of slaughter, even if perhaps another person heard him instruct the agent and that person went and slaughtered the chicken, the slaughter would be valid, because the majority of those associated with slaughter are experts. By contrast, in the case of teruma, if perhaps another person heard him instruct the agent and then went and separated his teruma, he becomes one who designates teruma without the knowledge of the owner of the produce;

and with regard to one who designates teruma without the knowledge of the owner of the produce, his teruma is not teruma.

²⁹¹ The Gemara suggests: Let us say that the statement: The majority of those associated with slaughter are experts, is a dispute between tanna'im, as it is taught in a baraita: In a case where one's young goats and roosters were lost, and the owner went and found them slaughtered, Rabbi Yehuda deems the meat forbidden, and Rabbi Ḥanina, son of Rabbi Yosei HaGelili, deems it permitted. Rabbi Yehuda HaNasi said: The statement of Rabbi Yehuda appears correct in a case where the owner found the slaughtered animals in a scrap heap, as the concern is that they were thrown away because the slaughter was not valid. And the statement of Rabbi Ḥanina, son of Rabbi Yosei HaGelili, appears correct in a case where he found them in the house.

²⁹² What, is it not with regard to this matter that they disagree, that one Sage, Rabbi Ḥanina, holds: We say that the majority of those associated with slaughter are experts, and one Sage, Rabbi Yehuda, holds: We do not say that the majority of those associated with slaughter are experts?

²⁹³ Rav Naḥman bar Yitzḥak said: No, the fact is that everyone agrees that the majority of those associated with slaughter are experts, and if he found the slaughtered goats or roosters in the house, everyone agrees that it is permitted to eat the meat. If he found them in a scrap heap that is in the marketplace, everyone agrees that it is prohibited to eat the meat. When they disagree is in a case where he found them in a scrap heap that is in the house. One Sage, Rabbi Yehuda, holds: A person is prone to cast his unslaughtered animal carcass onto a scrap heap that is in the house. And one Sage, Rabbi Ḥanina, holds: A person is not prone to cast his unslaughtered animal carcass onto a scrap heap that is in the house.

²⁹⁴ The Master said in the baraita that Rabbi Yehuda HaNasi said: The statement of Rabbi Yehuda appears correct in a case where he found them in the scrap heap. The Gemara asks: What is the term scrap heap referring to in this context? If we say the reference is to a scrap heap in the marketplace, didn't you say that everyone agrees that it is prohibited, and it is not merely the opinion of Rabbi Yehuda? Rather, it is obvious that he found it on a scrap heap that is in the house, and it is in that case that Rabbi Yehuda HaNasi rules in accordance with the opinion of Rabbi Yehuda.

²⁹⁵ Say the latter clause of the statement of Rabbi Yehuda HaNasi: And the statement of Rabbi Ḥanina, son of Rabbi Yosei HaGelili, appears correct in a case where he found them in the house. What is the word house referring to in this context? If we say the reference is to an actual house, didn't you say that everyone agrees that it is permitted? Rather, it is obvious that he found it on a scrap heap that is in the house. If so, it is difficult, as there is a contradiction between one statement of Rabbi Yehuda HaNasi, where he rules in accordance with the opinion of Rabbi Yehuda to prohibit the meat in a case where it is found in a scrap heap in the house, and another statement of Rabbi Yehuda HaNasi, where he rules in accordance with the opinion of Rabbi Ḥanina, son of Rabbi Yosei HaGelili, to permit the meat in that case.

²⁹⁶ The Gemara explains: This is what Rabbi Yehuda HaNasi is saying: The statement of Rabbi Yehuda appears correct to Rabbi Ḥanina, son of Rabbi Yosei HaGelili, in a case where one found them in a scrap heap that is in a marketplace, as Rabbi Ḥanina, son of Rabbi Yosei HaGelili, disagrees with Rabbi Yehuda only in a case where one found them in a scrap heap that is in the house. But in a case where he found them in a scrap heap that is in a marketplace he concedes to Rabbi Yehuda. And the statement of Rabbi Ḥanina, son of Rabbi Yosei HaGelili, appears correct to

Rabbi Yehuda in a case where he found them in the house, as he concedes to Rabbi Ḥanina in that case.

²⁹⁷ § The mishna stated: Everyone slaughters an animal, i.e., can perform halakhically valid slaughter, and their slaughter is valid, except for a deaf-mute, an imbecile, and a minor, lest they ruin their slaughter. The Gemara infers: The tanna does not teach: Due to the concern that they ruined their slaughter, in the past tense; rather, he teaches: Lest they ruin their slaughter, in the future. Rava says: That is to say that one does not give them non-sacred animals for slaughter *ab initio*, even with the supervision of others.

²⁹⁸ The mishna continues: And for all of them, when they slaughtered an animal and others see and supervise them, their slaughter is valid, including even a deaf-mute, an imbecile, and a minor, who lack competence and whose intent is not halakhically effective. The Gemara asks: Who is the tanna who taught that we do not require intent for slaughter?

²⁹⁹ Rava said: It is Rabbi Natan, as Oshaya, the youngest of the company of Sages, taught a baraita, stating: If one threw a knife to embed it in the wall, and in the course of its flight the knife went and slaughtered an animal in its proper manner, Rabbi Natan deems the slaughter valid, and the Rabbis deem the slaughter not valid. Oshaya teaches the baraita and he states about it: The halakha is in accordance with the opinion of Rabbi Natan that there is no need for intent to perform a valid act of slaughter.

³⁰⁰ The Gemara asks: How could the slaughter in the baraita be valid? But don't we require that the slaughterer move the knife back and forth on the throat of the animal? When one throws a knife, it goes in one direction and does not return. The Gemara answers: The case in the baraita is one where the knife went and cut the animal's throat, caromed off the wall and came back to cut the throat again in its proper manner.

³⁰¹ § Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan raises a dilemma: In matters that require thought and intent, does a minor have halakhically effective thought, or does he not have halakhically effective thought?

³⁰² Rabbi Ami said to Rabbi Ḥiyya bar Abba: And let Rabbi Yoḥanan raise this dilemma with regard to the action of a minor, whether the action of a minor that indicates intent is effective. What is different about the action of a minor that Rabbi Yoḥanan does not raise a dilemma? Is it due to the fact that we learned in a mishna (Kelim 17:15): A deaf-mute, an imbecile, and a minor have the capacity to perform an action that is halakhically effective? With regard to thought as well let him not raise this dilemma, as we learned in the same mishna: They do not have the capacity for halakhically effective thought.

³⁰³ As we learned in that mishna: With regard to an acorn, a pomegranate, or a nut, which minors hollowed in order to measure dirt with them or that they affixed to a scale, the halakhic status of those shells is that of vessels, and they are susceptible to ritual impurity. By contrast, if the minors merely thought to use the shells for measuring or weighing, unlike adults, they do not thereby render those shells into vessels. The reason for this distinction is due to the fact that they have the capacity to perform an action,

³⁰⁴ but they do not have the capacity to effect a halakhic status by means of thought.

³⁰⁵ Rabbi Ḥiyya bar Abba said to Rabbi Ami: With regard to a case of effecting a halakhic status by means of thought alone, Rabbi Yoḥanan does not raise a dilemma. When he raises a dilemma, it is with regard to a case where his thought is discernible from his actions.

³⁰⁶ For example, in a case where an animal that is brought as a burnt offering was standing in the south of the Temple courtyard and a minor took it to the north of the courtyard, the designated place for its slaughter, and slaughtered it there, what is the halakha? Can one conclude from the fact that he took it to the north and slaughtered it there that he had the intent to slaughter the animal for the sake of a burnt offering; or perhaps he moved the animal to the north because a place did not happen to be available for him in the south?

³⁰⁷ Rabbi Ami asked: But with regard to this matter, too, Rabbi Yoḥanan already said a conclusive resolution one time, as we learned in a mishna (Makhshirin 6:1): In the case of one who takes his produce up to the roof to protect it from insects, and dew fell upon it, the produce is not in the category of the verse: “But when water is placed upon the seed” (Leviticus 11:38), from which it is derived that produce becomes susceptible to ritual impurity only if it is dampened by one of seven liquids and its owner was agreeable to its dampening. And if after taking the produce up to the roof he intended that the produce would be dampened by dew, the produce is in the category of the verse “But when water is placed upon the seed.”

³⁰⁸ That mishna continues: In a case where a deaf-mute, an imbecile, or a minor took the produce up to the roof, even if they intended that the produce would be dampened by dew, the produce is not in the category of the verse “But when water is placed upon the seed” due to the fact that they have the capacity to perform an action but they do not have the capacity for halakhically effective thought.

³⁰⁹ And Rabbi Yoḥanan says: The tanna taught this halakha only in a case where the minor did not turn them over. But if he turned them over, indicating that he wants them to be dampened by the dew, the produce is in the category of the verse “But when water is placed upon the seed.” Evidently, Rabbi Yoḥanan rules that when the intention of a minor is apparent from his actions, it is halakhically effective.

³¹⁰ Rabbi Ḥiyya bar Abba said to Rabbi Ami that this is the dilemma that Rabbi Yoḥanan raises: In a case where the intent of a minor is clear from his actions, is the fact that his thought is effective by Torah law or by rabbinic law? That is one version of the exchange between Rabbi Ḥiyya bar Abba and Rabbi Ami.

³¹¹ Rav Naḥman bar Yitzḥak teaches their exchange in this manner. Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan raises a dilemma: With regard to a minor, does he have the capacity to perform an action that is halakhically effective or does he not have the capacity to perform such an action?

³¹² Rabbi Ami said to Rabbi Ḥiyya bar Abba: And let Rabbi Yoḥanan raise this dilemma with regard to the thought of a minor. What is different about the thought of a minor that Rabbi Yoḥanan does not raise a dilemma? Is it due to the fact that we learned in a mishna (Kelim 17:15): A deaf-mute, an imbecile, and a minor do not have the capacity for effective thought? With regard to action as well let him not raise this dilemma, as we learned in the same mishna: They have the capacity to perform an action.

³¹³ Rabbi Ḥiyya bar Abba said to Rabbi Ami that this is the dilemma that Rabbi Yoḥanan raises: Is the fact that their actions are effective and their thought is ineffective by Torah law, and a minor’s

action would consequently be effective even with regard to the sacrifice of a burnt offering, or is this fact by rabbinic law and it is merely a stringency? And Rabbi Yoḥanan resolves the dilemma: They have the capacity to perform an action and it is effective, even by Torah law. But they do not have the capacity for effective thought, even by rabbinic law. Nevertheless, in a case where his thought is apparent from his actions, by Torah law he does not have effective thought, and by rabbinic law he has effective thought.

³¹⁴ § Shmuel asked Rav Huna: From where is it derived with regard to one who acts unawares in the slaughter of sacrificial animals, i.e., he slaughtered without intending to perform the act of slaughter at all, that the offering is disqualified? Rav Huna said to him that it is derived from a verse, as it is stated: “And he shall slaughter the young bull” (Leviticus 1:5), indicating that the slaughter must be for the sake of a young bull, i.e., knowing that he is performing an act of slaughter. Shmuel said to him: we received this as an established halakha already that one must have intent to slaughter the animal *ab initio*. But from where is it derived that intent to slaughter is indispensable even after the fact? It is derived from a verse, as the verse states: “You shall slaughter it to your will” (Leviticus 19:5), indicating: Slaughter the animal with your intent, i.e., in the form of a purposeful action.

³¹⁵ MISHNA: Slaughter performed by a gentile renders the animal an unslaughtered carcass, and the carcass imparts ritual impurity through carrying.

³¹⁶ GEMARA: The slaughter renders the animal an unslaughtered carcass, yes; an item from which deriving benefit is prohibited, no. Who is the tanna who taught the mishna? Rabbi Ḥiyya, son of Rabbi Abba, said that Rabbi Yoḥanan said: It is not in accordance with the opinion of Rabbi Eliezer, as, if it were in accordance with the opinion of Rabbi Eliezer, doesn’t he say: The unspecified thought of a gentile is for idol worship.

³¹⁷ Rabbi Ami said that this is what the mishna is teaching: Slaughter performed by a gentile renders the animal an unslaughtered carcass, but slaughter performed by a heretic is for the sake of idol worship. The Gemara notes: We learn from an inference in the mishna that which the Sages taught explicitly in a baraita: Slaughter performed by a heretic is for the sake of idol worship and deriving benefit from it is prohibited, the halakhic status of his bread is that of the bread of a Samaritan, the status of his wine is that of wine used for a libation in idol worship, his sacred scrolls that he writes are the scrolls of sorcerers and it is a mitzva to burn them, his produce is untithed produce even if he separated teruma and tithes, and some say: Even

³¹⁸ his sons are mamzerim, as he is indifferent to his wife’s engaging in adultery.

³¹⁹ The Gemara asks: And the first tanna, why did he not include the ruling that the sons of a heretic are mamzerim? The Gemara answers: In his opinion, a heretic does not release his wife and allow her to engage in adultery.

³²⁰ The Master said in the mishna: Slaughter performed by a gentile renders the animal an unslaughtered carcass. The Gemara challenges this: And let us be concerned that perhaps he is a heretic who is a devout idolater and deriving benefit from his slaughter is prohibited. Rav Naḥman said that Rabba bar Avuh says: There are no such heretics among the nations of the world.

³²¹ The Gemara asks: But don’t we see that there are? The Gemara answers: Say the majority of the people of the nations of the world are not heretics, and with regard to slaughter one follows the majority. The Gemara notes: Rabba bar Avuh holds in accordance with that which Rabbi Ḥiyya bar

Abba says that Rabbi Yoḥanan says: The status of gentiles outside of Eretz Yisrael is not that of idol worshippers, as their worship is not motivated by faith and devotion. Rather, it is a traditional custom of their ancestors that was transmitted to them.

³²² Rav Yosef bar Minyumi says that Rav Naḥman says: There are no heretics among the nations of the world, i.e., gentile heretics do not have the halakhic status of actual heretics. The Gemara asks: With regard to what matter did Rav Naḥman state the halakha? If we say that it is with regard to slaughter, now that you said the slaughter of a Jewish heretic is forbidden, is it necessary to say the slaughter of a gentile heretic is forbidden? Rather, it is with regard to the halakha that one lowers them into a pit, i.e., one may kill a heretic, and Rav Naḥman holds that one may not kill them. But this too is difficult, as now if one lowers a Jewish heretic into a pit, is it necessary to say that one lowers a gentile heretic?

³²³ Rav Ukva bar Ḥama said: It is stated with regard to accepting an offering from them, as it is taught in a baraita with regard to the verse: “When any person of you shall bring an offering” (Leviticus 1:2): The verse states: “Of you,” and not: Of all of you, to exclude the Jewish transgressor who regularly violates a prohibition. Furthermore, God states: “Of you,” to mean that among you, the Jews, I distinguished between a transgressor and other Jews, but not among the nations. One accepts an offering from all gentiles, even a heretic.

³²⁴ The Gemara asks: From where do you draw that conclusion? Perhaps this is what the verse is saying: With regard to offerings from Jews, from righteous Jews accept the offering and from wicked Jews do not accept the offering; but with regard to the nations of the world, do not accept their offerings at all. The Gemara rejects that possibility: That should not enter your mind, as it is taught in a baraita with regard to the verse: “Any man [ish ish] from the house of Israel...who shall sacrifice his offering” (Leviticus 22:18): Since it would have been sufficient to write: A man [ish], what is the meaning when the verse states: “Any man [ish ish]”? It serves to include the gentiles, who may vow to bring vow offerings and gift offerings like a Jew.

³²⁵ § The mishna states with regard to an animal slaughtered by a gentile: And the carcass imparts ritual impurity through carrying. The Gemara asks: Isn’t it obvious? Since it is considered an unslaughtered carcass it imparts ritual impurity through carrying. Rava said that this is what the tanna is teaching: This slaughtered animal imparts ritual impurity through carrying, and you have another animal that imparts impurity even in a tent, i.e., if one is beneath the same roof with this animal he becomes impure even though he neither touched it nor carried it. And which animal is that? That animal is an idolatrous offering, and this statement is in accordance with the opinion of Rabbi Yehuda ben Beteira cited below.

³²⁶ There are those who say an alternative version of Rava’s statement: Rava said that this is what the tanna is teaching: This slaughtered animal imparts ritual impurity through carrying, and you have another animal that is like this one in that it imparts ritual impurity through carrying and does not impart impurity in a tent. And which animal is this? This animal is an idolatrous offering, and this statement is not in accordance with the opinion of Rabbi Yehuda ben Beteira.

³²⁷ As it is taught in a baraita that Rabbi Yehuda ben Beteira says: From where is it derived with regard to an idolatrous offering that it imparts impurity in a tent? It is derived from a verse, as it is stated: “They adhered to Ba’al-Peor and ate the offerings to the dead” (Psalms 106:28). Just as a corpse imparts impurity in a tent, so too an idolatrous offering imparts impurity in a tent.

³²⁸ MISHNA: In the case of one who slaughters an animal at night, and likewise in the case of the blind person who slaughters an animal, his slaughter is valid.

³²⁹ GEMARA: The Gemara infers from the formulation of the mishna: One who slaughters, and not: One may slaughter, that with regard to the slaughter of one who slaughters at night, after the fact, yes, it is valid, but *ab initio*, one may not do so. The Gemara raises a contradiction from a baraita (Tosefta 1:4): One may always slaughter, both during the day and at night, both on the rooftop and atop a ship, indicating that slaughter at night is permitted *ab initio*.

³³⁰ Rav Pappa said: The tanna of the baraita is referring to a case where there is a torch opposite the slaughterer; therefore, it is permitted *ab initio*. Rav Ashi said: The language of the baraita is also precise, as slaughter at night is taught there in the baraita similar to slaughter during the day, based on the juxtaposition: Both during the day and at night. And here slaughter at night is taught similar to the slaughter performed by a blind person, with no light, based on the juxtaposition: One who slaughters at night, and likewise the blind person who slaughters. Therefore, the slaughter is valid only after the fact. The Gemara concludes: Learn from it.

³³¹ MISHNA: In the case of one who slaughters an animal on Shabbat or on Yom Kippur, although he is liable to receive the death penalty, his slaughter is valid.

³³² GEMARA: Rav Huna says that Ḥiyya bar Rav taught in the name of Rav: If one slaughtered an animal on Shabbat and Yom Kippur, although the slaughter is valid, consumption of the animal is prohibited for that day, and the members of the company of Sages, i.e., those in the academy, tended to say that this halakha is the opinion of Rabbi Yehuda.

³³³ The Gemara asks: Which opinion of Rabbi Yehuda? Rabbi Abba said: It is the opinion of Rabbi Yehuda with regard to preparation for Shabbat, as we learned in a mishna (Shabbat 156b): One may cut the gourds before an animal on Shabbat, provided that they were picked prior to Shabbat. And likewise, one may cut an animal carcass to place before the dogs on Shabbat. Rabbi Yehuda says: If it was not already a carcass prior to Shabbat, it is prohibited to cut it or even move it on Shabbat because it is not prepared for use on Shabbat. Apparently, since it was not prepared from yesterday, it is prohibited. Here too, in the mishna where an animal was slaughtered on Shabbat or Yom Kippur, since it was not prepared from yesterday, it is prohibited.

³³⁴ Abaye said to Rabbi Abba: Are the cases comparable? There, in the mishna in tractate Shabbat, initially the animal is prepared for use by a person, as it was prepared for slaughter, and now that it died without slaughter on Shabbat it is prepared for dogs. But in the mishna here, initially the animal is prepared for use by a person and now after it was slaughtered it remains prepared for use by a person. Rabbi Abba rejects that distinction: Do you hold that an animal during its lifetime is designated for consumption and therefore is prepared for use by a person? On the contrary, an animal during its lifetime is designated for breeding.

³³⁵ Abaye asked: If that is so that an animal is not designated for consumption, according to Rabbi Yehuda, how do we slaughter an animal on a Festival? Rabbi Abba said to Abaye: During its lifetime, the animal is designated for consumption and designated for breeding. If it was slaughtered, it is retroactively clarified that it was designated for consumption; if it was not slaughtered, it is retroactively clarified that it was designated for breeding.

³³⁶ But isn't it so that Rabbi Yehuda does not accept the principle of retroactive designation? From where do we derive that this is Rabbi Yehuda's opinion? If we say that we learn it from that which is taught in the following baraita, there is no proof.

³³⁷ It is taught in a baraita (Tosefta, Demai 8:7): In the case of one who purchases wine from among the Samaritans just before Shabbat, and presumably teruma and tithes were not separated, he acts as follows: If there are one hundred log of wine in the barrels, he says: Two log that I will separate in the future are teruma, as the mandated average measure of teruma is one-fiftieth; ten log are first tithe; and a tenth of the remainder, which is nine log, are second tithe. And he deconsecrates the second tithe that he will separate in the future, transferring its sanctity to money, and he may drink the wine immediately, relying on the separation that he will perform later, which will clarify retroactively which log he designated for the tithes and for teruma. This is the statement of Rabbi Meir. Rabbi Yehuda and Rabbi Yosei and Rabbi Shimon prohibit this practice. Apparently, Rabbi Yehuda does not accept the principle of retroactive designation.

³³⁸ The Gemara comments: That is no proof, as there, the reason for the opinion of Rabbi Yehuda is as is taught in the latter clause of the baraita: The Rabbis said to Rabbi Meir: Don't you concede that perhaps the wineskin will burst before he manages to separate the teruma, and this person will have been found retroactively to be drinking untithed produce? Rabbi Meir said to the Rabbis: The mere possibility that this may occur is not a concern. When it actually bursts, I will be concerned. Evidently, Rabbi Yehuda's opinion is not due to his rejection of the principle of retroactive designation, but due to his concern that the wineskin will burst before the tithes are actually separated.

³³⁹ Rather, the fact that Rabbi Yehuda does not accept the principle of retroactive designation is learned from that which Ayo teaches with regard to the joining of Shabbat boundaries in a case where one knows that two Torah scholars are planning to deliver lectures on Shabbat outside the city limits, one east of the city and one west of the city, and on Shabbat eve one has not yet decided which of the lectures he wishes to attend. In that case, he may place the food for the joining of boundaries on both sides of the city and stipulate that he will be able to go beyond the city limits in whichever direction he chooses.

³⁴⁰ As Ayo teaches that Rabbi Yehuda says: A person may not stipulate that his joining of the boundaries will take effect on two matters as one. Rather, he may stipulate that if one Sage comes to the east, his joining of the boundaries takes effect to the east, and if he comes to the west, his joining takes effect to the west, while if he stipulates that it should take effect to here or to there and he will go in whichever direction he chooses, in that case, the joining does not take effect.

³⁴¹ And we discussed this baraita: What is different in a case where one stipulates that it should take effect to here or to there such that the joining does not take effect? It is because there is no retroactive designation. If so, stipulating that the joining will take effect to the east or west, depending upon where the Sage goes, should also not take effect because there is no retroactive designation.

³⁴² And Rabbi Yoḥanan said: This is a case where when he makes the stipulation, the Sage has already come to either the east or the west, and the joining takes effect in that direction. He makes a stipulation because he does not know where the Sage came. The joining takes effect without the principle of retroactive designation. Nevertheless, since it is clear from the first case of Ayo that Rabbi Yehuda does not accept the principle of retroactive designation, the question remains: From

where is it derived that an animal that is slaughtered on Shabbat or Yom Kippur is forbidden for the day that it was slaughtered?

³⁴³ Rather, Rav Yosef said: When Rav said that the halakha that consumption of the animal is prohibited for that day is the opinion of Rabbi Yehuda, the reference is to the opinion of Rabbi Yehuda with regard to vessels, as we learned in a mishna (Shabbat 124b): With regard to all vessels that may be moved on Shabbat, their shards may be moved as well, provided that they are suited for some type of labor. Shards of a large bowl may be used to cover the mouth of a barrel. Shards of a glass vessel may be used to cover the mouth of a cruse.

³⁴⁴ Rabbi Yehuda says: And it is permitted to use the shards provided that they are suited for a type of labor similar to their original use. In the case of shards of a large bowl, it must be possible to pour a thick broth into them, and in the case of shards of a glass vessel, it must be possible to pour oil into them.

³⁴⁵ The Gemara infers: If they are suited for a type of labor similar to their original use, yes, they may be moved; but if they are suitable for another type of labor, they may not be moved. Apparently, since the shard was not prepared from yesterday for this type of labor, it is prohibited to move it. Here too, since the animal that was slaughtered was not prepared from yesterday, it is prohibited to eat it.

³⁴⁶ Abaye said to Rav Yosef: Are the cases comparable? There, in the mishna with regard to vessels, initially it was a vessel and now it is the shard of a vessel, and it is a case of an item that came into being, and it is therefore prohibited to move it. Here, in the case of an animal slaughtered on Shabbat, initially, during its lifetime, it was designated as food, and ultimately, after slaughter, it is food, so it is merely food that was separated [de'ifrat].

³⁴⁷ And we heard that it is Rabbi Yehuda who says: Food that was separated is permitted, as we learned in a mishna (Shabbat 143b): One may not squeeze fruits on Shabbat in order to extract liquids from them. And if liquids seeped out on their own, it is prohibited to use them on Shabbat, lest one come to squeeze fruit on Shabbat.

³⁴⁸ Rabbi Yehuda says: If the fruits were designated for eating, the liquid that seeped from them on Shabbat is permitted. And if the fruits were designated for their liquids, the liquids that seeped from them on Shabbat are forbidden, lest he come to squeeze them on Shabbat. With regard to fruits that are designated for consumption, the liquid is considered food that was separated and is permitted. The same halakha applies with regard to an animal slaughtered on Shabbat: Since it was designated for consumption, its meat is food that was separated and should be permitted according to Rabbi Yehuda.

³⁴⁹ The Gemara rejects that interpretation and states that, on the contrary, there is proof that Rabbi Yehuda would prohibit eating an animal that was slaughtered on Shabbat. Wasn't it stated with regard to that mishna that Rav Yehuda says that Shmuel says: Rabbi Yehuda conceded to the Rabbis in the case of baskets of olives and grapes that are typically designated for their liquids, even though one had planned to eat them, that liquid that seeps from them is forbidden?

³⁵⁰ Apparently, since olives and grapes are typically designated for squeezing, one sets his mind to use them for their liquids, and were it permitted for him to use their liquids that seep out on Shabbat, the concern is that he will come to squeeze them on Shabbat. Therefore, the Sages decreed that the

liquids are forbidden. Here too, since the animal is designated for slaughter, a person sets his mind to eat it. Therefore, were it permitted for him to eat the meat on Shabbat, the concern is that he will come to slaughter it on Shabbat. Consequently, the Sages decreed that the meat is prohibited.

³⁵¹ The Gemara justifies Abaye's interpretation of the mishna: This explanation is valid only according to Rav, who said that the ruling that it is prohibited to eat an animal slaughtered on Shabbat until after Shabbat is according to the opinion of Rabbi Yehuda. Didn't Rav say: Rabbi Yehuda was in disagreement with the Rabbis even in the case of baskets of olives and grapes? According to Rav himself, just as Rabbi Yehuda deems permitted liquids that seeped from olives and grapes on their own, Rabbi Yehuda should have also deemed an animal that was slaughtered on Shabbat permitted for that day.

³⁵² Rather, Rav Sheshet, son of Rav Idi, said: When Rav said that the halakha that it is prohibited to consume the animal that day is the opinion of Rabbi Yehuda, the reference is to the opinion of Rabbi Yehuda with regard to lamps, as it is taught in a baraita: One may move, for purposes other than lighting it, a new earthenware lamp that was never used. But one may not move an old lamp covered with residue of oil and soot, because a person sets it aside from use due to repugnance. Since it was set aside at the beginning of Shabbat, it is set aside for the entire Shabbat and it may not be moved even if a need to move it arises; this is the statement of Rabbi Yehuda. The same halakha applies with regard to an animal slaughtered on Shabbat: Since it was prohibited when Shabbat began as the limb of a living being, it remains prohibited for the entire Shabbat.

³⁵³ The Gemara rejects that analogy. Say that you heard Rabbi Yehuda rule that it is prohibited for the entire Shabbat in a case where it is set aside due to repugnance, like the old lamp. Did you hear that he said that it is prohibited for the entire Shabbat in a case where it is set aside due to a prohibition, like the animal? The Gemara answers: Yes, as we learned in a baraita that Rabbi Yehuda says:

³⁵⁴ One may move all metal lamps on Shabbat, even old ones, because they do not become repugnant like earthenware lamps, except for a metal lamp that one kindled on that same Shabbat and that was burning when Shabbat began, which it is prohibited to move for the entire Shabbat due to the prohibition against extinguishing.

³⁵⁵ The Gemara rejects that analogy. And perhaps it is different there, in the case of the burning lamp, as he set it aside by direct action when he kindled the lamp. By contrast, in the case of an animal, he did not set it aside, and therefore, perhaps once it is slaughtered it is permitted.

³⁵⁶ Rather, Rav Ashi said: When Rav said that the halakha that consumption of the animal is prohibited for that day is the opinion of Rabbi Yehuda, the reference is to the opinion of Rabbi Yehuda with regard to one who cooks, as we learned in a baraita: With regard to one who cooks on Shabbat, if he did so unwittingly, he may eat what he cooked. If he acted intentionally, he may not eat what he cooked. This is the statement of Rabbi Meir.

³⁵⁷ Rabbi Yehuda says: If he cooked the food unwittingly, he may eat it at the conclusion of Shabbat, as the Sages penalized even one who sinned unwittingly by prohibiting him from deriving immediate benefit from the dish that he cooked. If he cooked it intentionally, he may never eat from it.

³⁵⁸ Rabbi Yoḥanan HaSandlar says: If he acted unwittingly, the food may be eaten at the conclusion of Shabbat by others, but not by him. If he cooked the food intentionally, it may never be eaten,

neither by him nor by others. According to Rav, the mishna is referring to a case where one slaughtered the animal unwittingly. According to Rabbi Yehuda, the slaughter is valid but it is prohibited to eat the animal on Shabbat.

³⁵⁹ The Gemara challenges this: And let us interpret the mishna as referring to a case where he slaughtered the animal intentionally, and explain that it is in accordance with the opinion of Rabbi Meir, who rules that eating the animal in such a case is permitted only after the conclusion of Shabbat.

³⁶⁰ The Gemara responds: That possibility should not enter your mind, as the case of slaughter on Shabbat is juxtaposed to and taught in a manner similar to the case of slaughter on Yom Kippur. Just as with regard to slaughter on Yom Kippur, it is no different whether one slaughtered it unwittingly and it is no different whether he slaughtered it intentionally, he may not eat it that day due to the fast, so too here, with regard to slaughter on Shabbat, it is no different whether he slaughtered it unwittingly and it is no different whether he slaughtered it intentionally, he may not eat it that day. Rabbi Meir, though, deems it permitted for one who cooked unwittingly to eat the cooked food on Shabbat.

³⁶¹ The Gemara asks: And can you interpret the mishna as referring to a case of unwitting slaughter and in accordance with the opinion of Rabbi Yehuda? But isn't it taught in the mishna: Although he is liable to receive the death penalty? One is liable to be executed only if he intentionally performs labor on Shabbat. The Gemara answers that this is what the mishna is saying: Although if he slaughtered it intentionally he is liable to receive the death penalty, here, in a case where he slaughtered the animal unwittingly, his slaughter is valid.

³⁶² The Gemara challenges: And let us interpret the mishna in accordance with the opinion of Rabbi Yoḥanan HaSandlar, who says: It is no different whether he cooked unwittingly and it is no different whether he cooked intentionally; he may not eat it on Shabbat. The Gemara explains: Rabbi Yoḥanan HaSandlar draws a distinction with regard to the conclusion of Shabbat, in that he permits eating food cooked on Shabbat for others and not for him, while the tanna of our mishna teaches: His slaughter is valid, without qualification, indicating that with regard to his ruling it is no different for him and it is no different for others.

³⁶³ § The tanna taught a baraita before Rav: One who cooks on Shabbat unwittingly may eat the food that he cooked; if he did so intentionally, he may not eat the food that he cooked, and Rav silenced him.

³⁶⁴ The Gemara asks: What is the reason that Rav silenced him? If we say it is because Rav holds in accordance with the opinion of Rabbi Yehuda and the tanna taught the baraita in accordance with the opinion of Rabbi Meir, can it be that merely because he holds in accordance with the opinion of Rabbi Yehuda he silences one who teaches a baraita in accordance with the opinion of Rabbi Meir?

³⁶⁵ And furthermore, does Rav hold in accordance with the opinion of Rabbi Yehuda? But doesn't Rav Ḥanan bar Ami say: When Rav issues a ruling to his students, he issues a ruling in accordance with the opinion of Rabbi Meir, and when he teaches in his public lecture delivered on the Festival, he teaches in accordance with the opinion of Rabbi Yehuda, due to his concern that the ignoramuses would treat the prohibition of labor on Shabbat with disdain?

³⁶⁶ And if you would say that the tanna taught the baraita before Rav during the public lecture and Rav silenced him so that the ignoramuses would not learn from him, is that to say that everyone attending the public lecture listens to the tanna who is citing the baraita? There is no need to silence the tanna, because they listen to the disseminator [amora], the Sage who repeats what he hears from Rav loudly for the benefit of those attending the lecture, and the amora quoted Rav's ruling in accordance with the opinion of Rabbi Yehuda.

³⁶⁷ Rav Nahman bar Yitzhak said: The tanna taught the halakha of one who slaughters before Rav: One who slaughters an animal on Shabbat unwittingly may eat from the slaughtered animal; if he slaughtered it intentionally, he may not eat from the slaughtered animal. Rav said to the tanna: What do you think, that the halakha is in accordance with the opinion of Rabbi Meir? Rabbi Meir deems eating permitted only in the case of one who cooks unwittingly on Shabbat, as even before he cooks the food it is fit to be chewed [lakhos], i.e., to be eaten uncooked, in a permitted manner, and therefore it was not set aside from use when Shabbat began. But in the case of one who slaughters an animal, where the meat was not fit to chew, Rabbi Meir does not permit eating it on Shabbat, because it was set aside from use on Shabbat.

³⁶⁸ The Gemara asks: But isn't the mishna addressing the case of one who slaughters an animal, and Rav Huna says that Hiyya bar Rav taught in the name of Rav: Consumption of the animal is prohibited for that day, and the members of the company of Sages, i.e., those in the academy, tended to say that this halakha is the opinion of Rabbi Yehuda, from which it may be inferred: But Rabbi Meir permits consumption of the slaughtered animal even on Shabbat, and he is not concerned that the animal was set aside from use when Shabbat began?

³⁶⁹ The Gemara answers: When Rabbi Meir permits consumption of the slaughtered animal even on Shabbat,

³⁷⁰ it is in a case where one had a critically ill person in his household while it was still day, before Shabbat, as it is permitted to slaughter the animal for such a person even on Shabbat. Therefore, the unslaughtered animal was not set aside from use.

³⁷¹ The Gemara asks: If so, what is the reason that Rabbi Yehuda prohibited consumption of the meat on Shabbat? The Gemara answers: He issued this ruling in a case where one had a critically ill person in his household before Shabbat and that person recovered. In that case, although the unslaughtered animal was not set aside from use when Shabbat began, it is prohibited to slaughter it on Shabbat. According to Rabbi Yehuda, if he slaughtered it unwittingly, its consumption is prohibited on Shabbat.

³⁷² And that which Rav silenced the tanna for not stating that an unslaughtered animal is set aside from use, even when the prohibited labor of slaughter was performed unwittingly, is in accordance with that which Rav Aha bar Adda says that Rav says, and some say it is that which Rabbi Yitzhak bar Adda says that Rav says: In the case of one who slaughters an animal to feed an ill person on Shabbat, it is prohibited for a healthy person to partake of the slaughtered animal on Shabbat. In a case of one who cooks food to feed an ill person on Shabbat, it is permitted for a healthy person to partake of that food.

³⁷³ What is the reason for this distinction? This food was fit to be chewed before it was cooked, and therefore it was not set aside from use when Shabbat began, and the meat of that animal was not fit to

be chewed before the animal was slaughtered, and therefore it was set aside from use when Shabbat began.

³⁷⁴ Rav Pappa says: There are times when one slaughters for an ill person on Shabbat and it is permitted for a healthy person to eat the meat on Shabbat, such as where he had a critically ill person in his household before Shabbat and the animal was designated for slaughter while it was still day, before Shabbat; in that case, it was not set aside from use. And there are times when one cooks on Shabbat for an ill person and it is prohibited for a healthy person to eat the food on Shabbat, such as where one cut a gourd that was attached to the ground for the ill person on Shabbat. Because it is prohibited to detach the gourd on Shabbat, it is set aside from use and forbidden.

³⁷⁵ Rav Dimi of Neharde'a says that the halakha is: In the case of one who slaughters for an ill person on Shabbat, it is permitted for a healthy person to eat the raw meat [be'umtza]. What is the reason that it is permitted? Since it is impossible for an olive-bulk of meat to be permitted without slaughter of the entire animal, when he slaughters the animal, he slaughters it with the ill person in mind. Since slaughter of the animal was permitted, all its meat is permitted even for a healthy person. In the case of one who cooks for an ill person on Shabbat, it is prohibited for a healthy person to eat the food on Shabbat. What is the reason that it is prohibited? It is due to a rabbinic decree lest he increase the amount of food that he is cooking on behalf of the healthy person.

³⁷⁶ MISHNA: In the case of one who slaughters an animal with the smooth side of a hand sickle, which has both a smooth and a serrated side, or with a sharpened flint, or with a reed that was cut lengthwise and sharpened, his slaughter is valid.

³⁷⁷ All slaughter [hakkol shoḥatin], and one may always slaughter, and one may slaughter with any item that cuts, except for the serrated side of the harvest sickle, a saw, the teeth of an animal when attached to its jawbone, and a fingernail, because they are serrated and they consequently strangle the animal and do not cut its windpipe and gullet as required.

³⁷⁸ GEMARA: The Gemara notes that the language of the mishna, which states: One who slaughters an animal with a hand sickle, with a flint, or with a reed, rather than: One may slaughter, indicates that after the fact, yes, the slaughter is valid, but one may not slaughter with those blades ab initio. The Gemara asks: Granted, one may not slaughter it with a hand sickle, lest he come to perform the slaughter with the other, serrated, side; but as a flint and a reed have no serrated side, is it so that one may not slaughter with those ab initio? And the Gemara raises a contradiction from a baraita: One may slaughter with any item that cuts, whether with a flint, or with glass shards, or with the stalk of a reed.

³⁷⁹ The Gemara answers: This is not difficult. There, where the baraita permits slaughter ab initio, it is referring to slaughter with a flint and a reed when they are detached. Here, where the mishna says that the slaughter is valid only after the fact, it is referring to slaughter with a flint and a reed when they are attached to the ground, as Rav Kahana says: In the case of one who slaughters with a blade that is attached to the ground, Rabbi Yehuda HaNasi deems the slaughter not valid and Rabbi Ḥiyya deems it valid. The Gemara infers: Even Rabbi Ḥiyya deems the slaughter valid only after the fact; but one may not do so ab initio.

³⁸⁰ In accordance with which opinion did you interpret the mishna? Is it in accordance with the opinion of Rabbi Ḥiyya, and the slaughter is valid after the fact? But if so, with regard to that which is taught in a baraita: One may slaughter with any item that cuts, whether with a blade that is

detached from the ground or with a blade that is attached to the ground, whether the knife is above and the neck of the animal is below or the knife is below and the neck of the animal is above; in accordance with whose opinion is it? It is in accordance neither with the opinion of Rabbi Yehuda HaNasi nor with the opinion of Rabbi Ḥiyya. If one would claim that it is in accordance with the opinion of Rabbi Ḥiyya, he says: After the fact, yes, the slaughter is valid, but it is not permitted to slaughter in this manner *ab initio*. If one would claim that it is in accordance with the opinion of Rabbi Yehuda HaNasi, he says: Even after the fact, the slaughter is not valid.

³⁸¹ The Gemara answers: Actually, the baraita is in accordance with the opinion of Rabbi Ḥiyya, and he permits slaughter with these blades even *ab initio*. And the fact that the opinions of Rabbi Yehuda HaNasi and Rabbi Ḥiyya were formulated such that they disagree concerning the halakha after the fact is to convey to you the far-reaching nature of the opinion of Rabbi Yehuda HaNasi that the slaughter is not valid even after the fact.

³⁸² But rather, the mishna here, which teaches: With regard to one who slaughters, after the fact, yes, it is valid, but it is not *ab initio*, in accordance with whose opinion is it? It is in accordance neither with the opinion of Rabbi Yehuda HaNasi nor with the opinion of Rabbi Ḥiyya. If one would claim that it is in accordance with the opinion of Rabbi Ḥiyya, he says: The slaughter is permitted even *ab initio*. If one would claim that it is in accordance with the opinion of Rabbi Yehuda HaNasi, he says: Even after the fact, the slaughter is not valid.

³⁸³ The Gemara answers: Actually, Rabbi Ḥiyya holds that it is permitted to slaughter with these blades, and even *ab initio*; and the mishna here, which teaches: One who slaughters, is in accordance with the opinion of Rabbi Yehuda HaNasi.

³⁸⁴ The Gemara objects: This is difficult, as there is a contradiction between one statement of Rabbi Yehuda HaNasi and another statement of Rabbi Yehuda HaNasi, as in his dispute with Rabbi Ḥiyya he holds that the slaughter is not valid. The Gemara answers: This contradiction is not difficult. There, in his dispute with Rabbi Ḥiyya, Rabbi Yehuda HaNasi holds that slaughter is not valid in a case where the blade was attached from the outset; here, in the mishna, Rabbi Yehuda HaNasi deems the slaughter valid after the fact in a case where the blade was detached and ultimately he reattached it.

³⁸⁵ The Gemara asks: And from where do you say that there is a difference for us between a blade that was attached from the outset and a blade that was detached and ultimately he reattached it? As it is taught in a baraita: With regard to one who slaughters with a mechanism [*bemukhni*] of a wheel with a knife attached to it, his slaughter is valid; with an item that is attached to the ground, his slaughter is valid; if one embedded a knife in a wall and slaughtered with it, his slaughter is valid. If there was a flint emerging from a wall or a reed arising from the ground on its own and he slaughtered with it, his slaughter is not valid.

³⁸⁶ Ostensibly, the two clauses of the baraita are difficult, as they contradict each other, since the first clause states that slaughter with a blade that is attached is valid and the latter clause states that slaughter is not valid. Rather, must one not conclude from it that there is a difference between a case where the blade was attached from the outset and a case where the blade was detached and ultimately he reattached it? The Gemara affirms: Indeed, learn from it.

³⁸⁷ § The Master said: In the case of one who slaughters with a mechanism of a wheel with a knife attached to it, his slaughter is valid. The Gemara asks: But isn't it taught in a baraita that his slaughter

is not valid? The Gemara answers: This contradiction is not difficult. This baraita, which rules that the slaughter is valid, is in a case where the knife was attached to a potter's wheel, whose movement is generated by the potter pressing on a pedal. Since the slaughter was performed by the force of the person's actions, the slaughter is valid. That baraita, which rules that the slaughter is not valid, is in a case where the knife was attached to a waterwheel. Since the slaughter was not performed by the force of the person's actions, the slaughter is not valid.

³⁸⁸ And if you wish, say instead: The rulings of both this baraita and that baraita are in a case where the knife was attached to a waterwheel, and the contradiction is not difficult. This baraita, which rules that the slaughter is valid, is in a case where the movement of the slaughter was generated by primary force, as the person releases the water that turns the wheel, and on that initial turn of the wheel the knife slaughters the animal. That baraita, which rules that the slaughter is not valid, is in a case where the slaughter was generated by secondary force, as the knife slaughters the animal on the second turn of the wheel.

³⁸⁹ And this is like that which Rav Pappa says: In the case of a certain person who bound another and diverted a flow [bidka] of water upon him and he died, the one who diverted the water is liable for his murder. What is the reason? It is because those were his arrows that were effective in his murder. And this matter applies in a case where he killed the other person by primary force, as the person was proximate to him and was directly drowned by the water. But if the person was further away and was killed by secondary force after the water flowed on its own, it is not by his direct action; rather, it is merely an indirect action, and he is exempt.

³⁹⁰ § Rav sat behind Rabbi Ḥiyya, and Rabbi Ḥiyya sat before Rabbi Yehuda HaNasi, and Rabbi Yehuda HaNasi sat and said: From where is it derived that slaughter is performed specifically with a blade that is detached? It is derived from a verse, as it is stated: "And Abraham stretched forth his hand and took the knife to slaughter his son" (Genesis 22:10). Rav said to Rabbi Ḥiyya: What is he saying? Rabbi Ḥiyya said to Rav: He is saying an incorrect reason, comparable to the letter vav that is written on the rough surface of a tree trunk [a'ufta]. The Gemara asks: But didn't Rabbi Yehuda HaNasi say a verse as proof for his statement? The Gemara answers: The verse teaches us the diligence of Abraham, who had a knife prepared to slaughter Isaac. It does not teach any halakha concerning ritual slaughter.

³⁹¹ § Apropos the issue of slaughter with a detached blade, Rava said: It is obvious to me that concerning an item that was detached and ultimately one attached it, with regard to the matter of idol worship its halakhic status is that of a detached item, as the Master says: One who bows to his house has rendered it forbidden as an object of idol worship. And if it enters your mind to say that its halakhic status is that of an attached item, it is written with regard to idolatry: "Their gods, upon the high mountains" (Deuteronomy 12:2), from which it is derived: But the mountains are not their gods, as items attached to the ground are never rendered forbidden as objects of idol worship. The halakhic status of a house built from stones that were detached is that of a detached item.

³⁹² With regard to the matter of rendering seeds susceptible to ritual impurity, there is a dispute between tanna'im, as we learned in a mishna (Makhshirin 4:3): In the case of one who places a bowl on the wall while it is raining so that the bowl will be rinsed with the rainwater, if the water from the bowl then falls onto produce, that is under the rubric of the verse: "But when water is placed upon the seed" (Leviticus 11:38). The water has the halakhic status of a liquid that he poured of his own

volition on fruit and seeds. Consequently, it renders them susceptible to ritual impurity. But if he placed the bowl there so that the wall will not be damaged, it is not under the rubric of the verse “but when water is placed upon the seed.” Since he had no intent to use the water, it is not considered to have entered the bowl of his own volition, and it does not render produce susceptible to impurity.

³⁹³ This mishna itself is difficult, as the inferences from the first clause and the latter clause are contradictory. In the first clause you said: In the case of one who places a bowl on the wall so that the bowl will be rinsed with the rainwater, that is under the rubric of the verse “but when water is placed upon the seed,” and the water renders produce susceptible to impurity. By inference, if he placed the bowl so that the wall will be rinsed by means of the bowl, that is not under the rubric of the verse “but when water is placed upon the seed.” That water would not render produce susceptible to impurity, because the intent was for the water to rinse the wall, which is an item attached to the ground.

³⁹⁴ And then the mishna teaches in the latter clause: If he placed the bowl so that the wall will not be damaged, it is not under the rubric of the verse: “But when water is placed upon the seed.” By inference, if he placed the bowl so that the wall will be rinsed, that is under the rubric of the verse: “But when water is placed upon the seed,” as a wall has the status of a detached item, since it was built from stones that were detached.

³⁹⁵ Rabbi Elazar said: This mishna is disjointed; the tanna who taught this first clause did not teach that second clause. There is a tannaitic dispute whether the status of a wall that is built from detached stones is that of an attached item or a detached item. Rav Pappa said: The entire mishna is the opinion of one tanna: This first clause is in the case of the wall of a cave, which is attached from the outset; that latter clause is in the case of the wall of a building, which is built from stones that were detached from the ground.

³⁹⁶ And this is what the mishna is saying: In the case of one who places a bowl on the wall so that the bowl will be rinsed with the rainwater, that is under the rubric of the verse “but when water is placed upon the seed,” and the water renders produce susceptible to impurity. By inference, if he placed the bowl so that the wall will be rinsed by means of the bowl, that is not under the rubric of the verse “but when water is placed upon the seed.”

³⁹⁷ In what case is this statement said? It is said in the case of the wall of a cave, which was always attached to the ground. But in the case of the wall of a building, whose stones were detached and subsequently reattached, if he places the bowl so that the wall will not be damaged, that is when it is not under the rubric of the verse “but when water is placed upon the seed.” But if he places the bowl so that the wall will be rinsed, that is under the rubric of the verse “but when water is placed upon the seed.”

³⁹⁸ Rava raises a dilemma:

³⁹⁹ In the case of a blade that was detached and ultimately one attached it, with regard to slaughter, what is the halakha?

⁴⁰⁰ The Gemara suggests: Come and hear proof from a baraita: If there was a flint emerging from a wall or a reed arising from the ground on its own and he slaughtered with it, his slaughter is not valid. Since the wall itself was made from stones that were detached and subsequently reattached, the slaughter is not valid.

⁴⁰¹ The Gemara rejects that proof: What are we dealing with here? We are dealing with the case of the wall of a cave that was always attached. The language of the baraita is also precise in support of that explanation, as the tanna teaches the case of the flint emerging from a wall juxtaposed to, and therefore similar to, the case of a reed arising from the ground on its own, which was also always attached. The Gemara affirms: Indeed, learn from it that this is the case.

⁴⁰² The Gemara suggests: Come and hear proof from a baraita: If one embedded a knife in a wall and slaughtered with it, his slaughter is valid. The knife was detached and then reattached, and the slaughter is valid. The Gemara rejects the proof: The reason that the slaughter is valid is that a knife is different, as he does not subsume it to the wall.

⁴⁰³ The Gemara suggests: Come and hear proof from an earlier point in that baraita: If one slaughtered with an item that is attached to the ground, his slaughter is valid. This is a case where it was detached and then attached, as later in the baraita a case is cited when the blade was always attached and the slaughter is not valid. The Gemara rejects the proof: Perhaps the phrase that follows in the baraita: If one embedded a knife in a wall, is explaining the previous case. And accordingly, what is the meaning of attached to the ground? It is in the case of a knife, as he does not subsume it to the wall. But if he embedded a flint in a wall and slaughtered with it, his slaughter would be valid. Therefore, there is no proof from this baraita.

⁴⁰⁴ § The Master said in the baraita: If one embedded a knife in a wall and slaughtered with it, his slaughter is valid. Rav Anan says that Shmuel says: The tanna taught this halakha only in a case where the knife is above and the animal's neck is below, and he raises the animal's head and draws it back and forth on the blade. But in a case where the knife is below and the animal's neck is above, the slaughter is not valid because we are concerned lest he press the knife, due to the weight of the animal, thereby cutting the simanim without drawing the knife back and forth, which invalidates the slaughter.

⁴⁰⁵ The Gemara asks: But isn't it taught explicitly in the baraita: With any item that cuts, one may slaughter, whether with a blade that is attached to the ground or with a blade that is detached from the ground; whether the knife is below and the neck of the animal is above or the knife is above and the neck of the animal is below?

⁴⁰⁶ Rav Zevid said: The baraita is taught disjunctively: In the case where the knife is below and the neck of the animal is above, the slaughter is valid when the blade is detached. In the case where the knife is above and the neck of the animal is below, the slaughter is valid even when the blade is attached. Rav Pappa said: The baraita that teaches that one may slaughter even when the attached knife is below is referring to slaughter of a bird, which is light, and there is no concern that the weight of the bird will cause the slaughterer to press the bird's neck onto the knife.

⁴⁰⁷ § Rav Ḥisda says that Rabbi Yitzḥak says, and some say it was taught in a baraita: Five matters were said with regard to the stalk of a reed, which is used for cutting due to its sharpness. One may neither slaughter with it, due to the concern that splinters will be separated and become embedded in the simanim, invalidating the slaughter; nor circumcise with it for the same reason, due to the potential danger; nor cut meat with it, lest splinters become embedded in the meat and endanger one who eats it; nor pick one's teeth with it, lest he wound himself; nor wipe with it after relieving oneself.

⁴⁰⁸ The baraita teaches: One may neither slaughter with it. The Gemara asks: But isn't it taught in another baraita: With any sharp object one may slaughter an animal, whether with a flint, or with glass shards, or with the stalk of a reed? Rav Pappa said: There, the reference is to a specific type of reed that grows in a marsh, which becomes a smooth, hard surface when it dries.

⁴⁰⁹ The baraita teaches: Nor cut meat with it. Rav Pappa cuts with the stalk of a reed the innards of fish, which are transparent, such that any splinters would be obvious. Rabba bar Rav Huna cuts with it the meat of a bird, which is soft and will not cause the stalk of the reed to splinter.

⁴¹⁰ The baraita teaches: Nor wipe with it after relieving oneself. The Gemara objects: Derive that one may not wipe with it because the Master said: One who wipes with an object that is flammable, his lower teeth, i.e., the rectum that holds the intestines in place, fall out. Rav Pappa said in explanation: The reference in the baraita is not to wiping after relieving oneself. Rather, we are speaking with regard to wiping the blood or dirt from the opening of a wound.

⁴¹¹ § The mishna teaches: All slaughter [hakkol shoḥatin] and one may always slaughter. The Gemara interprets the phrase: All slaughter [hakkol shoḥatin], to mean all animals are included in the mitzva of slaughter, and even a bird.

⁴¹² With regard to the statement: One may always slaughter, who is the tanna who taught this halakha? Rabba said: It is Rabbi Yishmael, as it is taught in a baraita with regard to the verse: "When the Lord your God shall expand your border, as He has promised you, and you shall say: I will eat flesh...you may eat flesh with all the desire of your soul" (Deuteronomy 12:20), Rabbi Yishmael says: The verse comes only to permit consumption of the non-sacrificial meat of desire to the Jewish people.

⁴¹³ As, at the outset, the meat of desire was forbidden to them, and anyone who wanted to eat meat would sacrifice the animal as an offering. After the priest sprinkled the blood, it was permitted for one to eat the meat. When they entered into Eretz Yisrael, the meat of desire was permitted for them, and they could slaughter and eat meat wherever they chose.

⁴¹⁴ Rabba added: And now that the Jewish people were exiled, might one have thought that they return to their initial prohibition? Therefore, we learned in the mishna: One may always slaughter non-sacrificial meat.

⁴¹⁵ Rav Yosef objects to this. If so, this phrase: One may always slaughter, is inappropriate; the tanna should have taught: One may always slaughter and eat, as the matter of permission primarily relates to eating the meat, not to slaughtering the animal. And furthermore, initially, what is the reason that the meat of desire was forbidden? It was because in the wilderness, they were proximate to the Tabernacle and could partake of sacrificial meat from the table of God. And ultimately, what is the reason that the meat of desire was permitted? The reason was that in Eretz Yisrael they were distant from the Tabernacle.

⁴¹⁶ And, if so, all the more so now, in exile, when they are even more distant from the Temple, the meat of desire should be permitted. Consequently, it is unnecessary for the mishna to teach this halakha.

⁴¹⁷ Rather, Rav Yosef said: The tanna who teaches this halakha is Rabbi Akiva, as it is taught in a baraita with regard to the verse: "If the place that the Lord your God shall choose to put His name there be too far from you, then you shall slaughter of your herd and of your flock" (Deuteronomy

12:21), Rabbi Akiva says: The verse comes only to prohibit for them consumption of meat of an animal killed by means of stabbing rather than valid slaughter, as, initially, the meat of stabbing was permitted for them. When they entered into Eretz Yisrael, the meat of stabbing was forbidden to them, and it was permitted to eat the meat of an animal only after valid slaughter.

⁴¹⁸ Rav Yosef added: And now that the Jewish people were exiled, might one have thought that stabbed animals are restored to their initial permitted state? Therefore, we learned in the mishna: One must always slaughter the animal to eat its meat.

⁴¹⁹ The Gemara asks: With regard to what principle do they disagree? The Gemara answers that Rabbi Akiva holds: The meat of desire was not forbidden at all, and Rabbi Yishmael holds: The meat of stabbing was not permitted at all.

⁴²⁰ The Gemara asks a series of questions: Granted, according to Rabbi Yishmael, who holds that the meat of stabbing was forbidden in the wilderness, that is the meaning of that which is written with regard to the burnt offerings sacrificed in the Tabernacle: “And he shall slaughter the young bull” (Leviticus 1:5). But according to Rabbi Akiva, what is the meaning of: “And he shall slaughter”? Why would he slaughter it if stabbing is permitted? The Gemara answers: Sacrificial animals are different, as slaughter is required in that case. By contrast, there was no obligation to slaughter non-sacrificial animals to eat their meat.

⁴²¹ Granted, according to Rabbi Yishmael, who holds that the meat of stabbing was forbidden in the wilderness, that is the meaning of that which is written: “Will flocks and herds be slaughtered for them” (Numbers 11:22), indicating that they slaughtered the animals in the wilderness. But according to Rabbi Akiva, what is the meaning of: “Will flocks and herds be slaughtered for them”? Ostensibly, the words: Be stabbed for them, should have been written. The Gemara answers: In the wilderness, their stabbing is their slaughter.

⁴²² Granted, according to Rabbi Yishmael, that is the meaning of that which we learned in a mishna (85a) with regard to the mitzva of covering the blood of an undomesticated animal or a bird: One who slaughters an undomesticated animal and the slaughter is not valid and it became an unslaughtered carcass by his hand, and one who stabs an animal, and one who rips the simanim from their place before cutting them, invalidating the slaughter, is exempt from covering the blood. One must cover the blood of only an animal whose slaughter was valid. But according to Rabbi Akiva, why is one exempt from covering the blood of an animal that was stabbed, since in his opinion when they were commanded to cover blood, animals that were stabbed were permitted?

⁴²³ The Gemara answers: Since the meat of stabbing was forbidden, it was forbidden, and the halakhic status of stabbing is no longer that of slaughtering.

⁴²⁴ Granted, according to Rabbi Akiva, who says that the meat of desire was not forbidden at all, that is the meaning of that which is written before they entered Eretz Yisrael: “However, as the gazelle and as the deer is eaten, so shall you eat of it, the pure and the impure may eat of it alike” (Deuteronomy 12:22). This means that just as it is permitted to eat the meat of a gazelle and a deer in the wilderness in a state of ritual impurity, so may you eat them when you enter Eretz Yisrael, although at that point it will be prohibited to stab them and eat their meat, as their meat will be permitted only through slaughter. But according to Rabbi Yishmael, who holds that the meat of desire was forbidden in the wilderness, were the gazelle and the deer themselves permitted in the wilderness? They are not brought as offerings.

⁴²⁵ The Gemara answers: When the Merciful One rendered the meat of desire forbidden, that was specifically the meat of a domesticated animal that is fit for sacrifice. But the Merciful One did not render forbidden undomesticated animals that are not fit for sacrifice.

⁴²⁶ § Rabbi Yirmeya raises a dilemma according to the opinion of Rabbi Akiva, who says that the meat of stabbing was permitted in the wilderness: With regard to the limbs of the meat of stabbing that the Jewish people took with them into Eretz Yisrael, what is their halakhic status?

⁴²⁷ The Gemara asks: When? With regard to what period does Rabbi Yirmeya raise his dilemma? If we say that the dilemma is with regard to the seven years during which they conquered the land, now, non-kosher items were permitted for them during that period, as it is written: “And it shall be, when the Lord your God shall bring you into the land that He swore to your fathers, and houses full of all good things...and you shall eat and be satisfied” (Deuteronomy 6:10–11), and Rabbi Yirmeya bar Abba says that Rav says: Cuts of pig meat [kotlei daḥazirei] that they found in the houses were permitted for them; is it necessary to say that the meat from the stabbing of a kosher animal was permitted?

⁴²⁸ Rather, Rabbi Yirmeya’s dilemma is with regard to the period thereafter. And if you wish, say instead: Actually, his dilemma is with regard to the seven years during which they conquered the land, as perhaps when the forbidden food was permitted for them, it was specifically food from the spoils of gentiles, but their own forbidden food was not permitted. The Gemara concludes: The dilemma shall stand unresolved.

⁴²⁹ § Rabba says: You explained the phrases in the mishna: All slaughter, and: One may always slaughter. In what way do you explain the phrase: One may slaughter with any item that cuts?

⁴³⁰ And if you would say that it means: Whether with a flint, or with glass shards, or with the stalk of a reed, but isn’t this phrase taught in a manner similar to those other phrases in the mishna? If these phrases: All slaughter, and: One may always slaughter, are referring to those that slaughter, this phrase too is referring to those that slaughter; and if those phrases are referring to those that are slaughtered, this phrase too is referring to those that are slaughtered. The first two phrases in the mishna were explained as referring to the animals that are slaughtered. The first phrase was interpreted to include birds, and the second phrase was interpreted as referring to the halakha that meat may be eaten only through slaughter of the animal.

⁴³¹ Rather, Rava said that the entire mishna is referring to those that slaughter. The initial phrase means everyone [hakkol] slaughters. Although an identical phrase was used in the first mishna (2a), both are necessary: One is to include a Samaritan and one is to include a Jewish transgressor. The second phrase: One may always slaughter, means both during the day and at night, both on a rooftop and atop a ship, and there is no concern that it will appear that he is slaughtering in an idolatrous manner to the hosts of heaven or to the god of the sea. The phrase: One may slaughter with any item that cuts, means: Whether with a flint, or with glass shards, or with the stalk of a reed.

⁴³² The mishna states: Except for the serrated side of the harvest sickle, and the saw. Shmuel’s father would notch a knife and send it to Eretz Yisrael to ask if it is fit for slaughter, and would notch a knife in a different manner and send it to Eretz Yisrael in order to determine the type of notch that invalidates slaughter. They sent to him from Eretz Yisrael that the principle is: We learned that the notch that invalidates slaughter is like a saw, whose teeth point upward, as it rips the simanim with every draw of the knife back and forth.

⁴³³ The Sages taught in a baraita:

⁴³⁴ The status of a knife in which there are several notches is considered like that of a saw; and with regard to a knife in which there is only one notch, if it catches, the slaughter is unfit, but if it entangles [mesukhsekhet], the slaughter is fit. What are the circumstances of a notch that catches, and what are the circumstances of a notch that entangles? Rabbi Eliezer said: A notch that catches is one that has a sharp edge on two sides, while a notch that entangles is one that has a sharp edge on one side.

⁴³⁵ The Gemara challenges this explanation: What is different about a notch with a sharp edge on two sides, where the first edge [moresha] compromises the neck by removing the hide and the flesh, and the latter edge rips the simanim; in the case of a notch with a sharp edge on one side too, the sharp tip of the knife compromises the neck and the edge of the notch rips the simanim. The Gemara explains: The reference is to a notch that stands at the top of the knife, which begins the slaughter. The Gemara objects: Ultimately, when the knife goes in one direction it compromises the neck and when it comes back in the other direction it rips the simanim. The Gemara explains: The reference is to a case where he drew the knife backward and did not draw it forward.

⁴³⁶ Rava says: There are three types of notches in a knife. If the notch catches, one may not slaughter with it, and if he slaughtered, his slaughter is not valid. If the notch entangles, one may not slaughter with it ab initio; and if he slaughtered with it, his slaughter is valid after the fact. If the notch rises and falls in the knife and has no sharp edges, one may slaughter with it ab initio.

⁴³⁷ Rav Huna, son of Rav Neḥemya, said to Rav Ashi: You said to us in the name of Rava that if the notch entangles, the slaughter is not valid. But doesn't Rava say: If the notch entangles, the slaughter is valid? Rav Ashi answers: This is not difficult. Here, where Rava says that the slaughter is not valid, is in a case where he drew the knife back and forth. There, where Rava says that the slaughter is valid, is in a case where he drew the knife backward and did not draw it forward.

⁴³⁸ Rav Aḥa, son of Rav Avya, said to Rav Ashi: If the knife was similar to an awn of grain [sasa], which is not perfectly smooth but does not have actual notches, what is the halakha? Rav Ashi said to him: Who will give us from the meat of an animal slaughtered with that knife, and we will eat it.

⁴³⁹ § Rav Ḥisda says: From where is it derived that examination of a knife is an obligation by Torah law? It is derived from a verse, as it is stated with regard to Saul's instructions to the people: "And slaughter with this and eat" (I Samuel 14:34), indicating that Saul gave them the knife only after ensuring that it was fit to slaughter their animals.

⁴⁴⁰ The Gemara asks: Isn't it obvious that a knife must be examined before slaughter? Since were one to create a perforation in the gullet, the animal would be a tereifa, therefore the knife requires examination to prevent that situation. The Gemara answers: We are saying that a source for the halakha that one must show the knife to a Torah scholar for examination is needed. The Gemara asks: Is that an obligation by Torah law? But doesn't Rabbi Yoḥanan say that the Sages said to show the knife to a Torah scholar only due to the requirement to show deference to the Torah scholar? The Gemara answers: Indeed, it is a requirement by rabbinic law, and the verse is cited as a mere support for that practice, not as a source.

⁴⁴¹ The Gemara notes: In the West, Eretz Yisrael, they examine the knife in the sun to determine whether there is a notch. In Neharde'a they examine the knife with water. They would place the

blade on the surface of the water, and if there was a notch, it would noticeably alter the surface of the water. Rav Sheshet would examine it with the tip of his tongue. Rav Aḥa bar Ya'akov would examine it with a strand of hair. He would pass the strand over the blade of the knife and if there was a notch, it would be caught in that notch.

⁴⁴² In Sura they say: The knife consumes the flesh; let the flesh examine the knife. Since the concern is that the knife will rip the flesh during the slaughter, it should be examined by passing it on the tongue or the fingertip. Rav Pappa said: The knife requires examination on the flesh, and on the fingernail, and on the three sides of the knife, i.e., the blade and the two sides of the knife.

⁴⁴³ Ravina said to Rav Ashi: Rav Sama, son of Rav Mesharshiyya, said to us in your name that which you said to him in the name of Rava: The knife requires examination on the flesh, and on the fingernail, and on the three sides. Rav Ashi said to Ravina: On the flesh and on the fingernail I said, and on the three sides I did not say. There are those who say that Rav Ashi said to him: On the flesh and on the fingernail and on the three sides I said, and in the name of Rava I did not say.

⁴⁴⁴ Ravina and Rav Aḥa, son of Rava, were sitting before Rav Ashi. People brought a knife before Rav Ashi to examine it. Rav Ashi said to Rav Aḥa, son of Rava: Examine it. He examined it on the fingernail, and on the flesh, and on the three sides. Rav Ashi said to him: Well done, and Rav Kahana likewise said that this is the way to examine a knife.

⁴⁴⁵ Rav Yeimar said: Examination on the fingernail and on the flesh is necessary, and examination on the three sides is not necessary. Doesn't Rabbi Zeira say that Shmuel says: If one heated a knife until it became white hot and slaughtered an animal with it, his slaughter is valid, as its sharp blade preceded the effect of its white heat; and it is difficult for us: But aren't there the sides of the knife, which burn the throat and render the animal a tereifa? And we say: The area of the slaughter in the throat separates quickly after the incision, and the tissue on either side of the incision is not seared by the white hot blade. Here too, the area of slaughter separates quickly, and notches on the side of the knife do not come in contact with the simanim.

⁴⁴⁶ § Rav Huna bar Rav Ketina says that Rabbi Shimon ben Lakish says that there are three deficiencies with the same measure, as follows: The deficiency of a bone in the Paschal offering, with regard to which it is written: "Neither shall you break a bone therein" (Exodus 12:46); the deficiency of an ear in a firstborn animal that renders it blemished and unfit for sacrifice, in which case a priest may slaughter it anywhere and eat it; and the deficiency that constitutes a blemish in other forms of sacrificial animals.

⁴⁴⁷ And Rav Ḥisda says: There is the deficiency of a knife as well. The Gemara asks: And the other amora, Rabbi Shimon ben Lakish, why does he not include the knife? The Gemara answers: He does not include it because he is not speaking with regard to non-sacred animals.

⁴⁴⁸ Rav Ḥisda continues: And with regard to all of these deficiencies, the measure of their deficiency is equivalent to the measure of deficiency that renders the altar unfit.

⁴⁴⁹ And how much is the deficiency that renders the altar unfit? It is a deficiency that is sufficient for a fingernail to be impeded on it.

⁴⁵⁰ The Gemara raises an objection from a baraita: How much is the deficiency that renders the altar unfit? Rabbi Shimon ben Yoḥai says: One handbreadth. Rabbi Eliezer ben Ya'akov says: One olive-bulk. The Gemara answers: This apparent contradiction is not difficult. This measure of one

handbreadth or one olive-bulk is referring to a deficiency in the limestone coating of the altar; that smaller measure of a fingernail being caught is referring to a deficiency in the stone of the altar.

⁴⁵¹ § Apropos the obligation to show the knife to a Torah scholar, Rav Huna says: This slaughterer who did not present [sar] the knife before a Torah scholar, we ostracize him. And Rava says: We remove him from his position and we proclaim about meat from an animal that he slaughtered that it is tereifa.

⁴⁵² The Gemara notes: And they do not disagree. Here, where Rav Huna says that he is ostracized, it is in a case where his knife was discovered intact, and he is ostracized for treating the scholar with contempt. There, where Rava says that his slaughter is proclaimed tereifa, it is in a case where his knife was discovered not intact, as in that case the meat from all animals that he slaughtered is suspect. Ravina said: In a case where his knife was discovered not to be intact, one spreads excrement on the flesh so that even to a gentile it will not be sold.

⁴⁵³ There was a certain slaughterer who did not present his knife before Rava bar Ḥinnana. Rava bar Ḥinnana ostracized him, and removed him from his position, and proclaimed about meat from an animal that he slaughtered that it is tereifa. Mar Zutra and Rav Ashi happened before Rava bar Ḥinnana in his place of residence. Rava bar Ḥinnana said to them: Let the Sages examine the matter of the slaughterer, as small children are dependent upon him.

⁴⁵⁴ Rav Ashi examined his knife and it was discovered intact, and he deemed his meat fit for consumption. Mar Zutra said to Rav Ashi: And shouldn't the Master be concerned for the honor of the elder, Rava bar Ḥinnana, who removed him from his position and you restored him? Rav Ashi said to Mar Zutra: We are carrying out his agency, as he requested that we examine the matter of the slaughterer.

⁴⁵⁵ § Rabba bar Huna says: With a detached tooth and a detached fingernail, it is permitted to slaughter ab initio. The Gemara asks: But didn't we learn in the mishna (15b): Except for the harvest sickle, and the saw, and the teeth, and the fingernail, because they strangle?

⁴⁵⁶ The Gemara answers that the contradiction between this statement with regard to a tooth and that statement with regard to a tooth is not difficult: This statement of Rava bar Huna that one may slaughter with a tooth is referring to slaughter with one tooth. That mishna that prohibits slaughter with teeth is referring to slaughter with two teeth, as due to the gap between them they rip the simanim. The contradiction between the statement with regard to a fingernail and the statement with regard to a fingernail is not difficult: This statement of Rava bar Huna that one may slaughter with a fingernail is referring to slaughter with a detached fingernail. That mishna that prohibits slaughter with a fingernail is referring to slaughter with an attached fingernail, in accordance with the opinion of Rabbi Yehuda HaNasi (15b), who invalidates slaughter performed with an item attached to the ground or a living animal.

⁴⁵⁷ MISHNA: In the case of one who slaughters an animal with a harvest sickle, which is serrated with its teeth inclined considerably in one direction, in a forward direction, where the serrations do not tear the flesh, Beit Shammai deem the slaughter not valid and Beit Hillel deem it valid. And they both agree that if they smoothed its serrations so that they do not tear the flesh, its halakhic status is like that of a knife and one may slaughter with it.

⁴⁵⁸ GEMARA: Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: Even when Beit Hillel deemed the slaughter valid, they deemed it valid only to purify it from the ritual impurity of an unslaughtered carcass; but its consumption is prohibited. Rav Ashi said: The language of the mishna is also precise, as the tanna teaches: Beit Shammai deem the slaughter not valid and Beit Hillel deem it valid, and he does not teach: Beit Shammai prohibit and Beit Hillel permit its consumption. The Gemara objects: But according to your reasoning, let the tanna teach: Beit Shammai deem the carcass ritually impure and Beit Hillel deem it ritually pure. Rather, the terms deem it not valid and deem it valid and the terms prohibit and permit are all one matter, and no inferences may be drawn from that phrasing.

⁴⁵⁹ MISHNA: With regard to one who slaughters an animal from within the cricoid cartilage that forms a complete ring at the top of the windpipe and left a thread breadth over the surface of the ring in its entirety intact, as the knife did not go beyond the ring toward the head of the animal, his slaughter is valid. Rabbi Yosei, son of Rabbi Yehuda, says: It is valid even if he left a thread breadth over the majority of the surface of the ring.

⁴⁶⁰ GEMARA: It is Rav and Shmuel who both say: The halakha is in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda. And even Rabbi Yosei, son of Rabbi Yehuda, says his statement only with regard to the large upper ring, since it encircles the entire windpipe, but with regard to the rest of the rings, which are incomplete and where a strip of flesh connects their edges, he did not state his halakha. Therefore, his slaughter is not valid, as he is required to slaughter in the space between those rings and not in the rings themselves.

⁴⁶¹ The Gemara objects: And with regard to the rest of the rings, Rabbi Yosei, son of Rabbi Yehuda, did not state his halakha; but isn't it taught in a baraita that Rabbi Yosei, son of Rabbi Yehuda, says:

⁴⁶² With regard to one who slaughters from within the rest of the rings, even though they do not encircle the entire windpipe, since they encircle the majority of the windpipe his slaughter is valid. The baraita adds: And in a case where the knife is diverted from the place of slaughter above the ring, the slaughter is not valid. Rabbi Ḥanina ben Antigonus testified about a case where the knife is diverted from the area of slaughter above the ring that in such a case the slaughter is valid. Contrary to that which Rav and Shmuel said with regard to the opinion of Rabbi Yosei, son of Rabbi Yehuda, he holds that slaughter from within the other rings is valid.

⁴⁶³ Rav Yosef said: Rabbi Yosei bar Yehuda is saying two statements; Rav and Shmuel hold in accordance with his opinion with regard to one matter, that if one cuts a majority of the windpipe within the large ring the slaughter is valid, and disagree with him with regard to one matter, as in their opinion if one cuts the windpipe within the other rings, the slaughter is not valid.

⁴⁶⁴ The Gemara objects: But didn't Rav and Shmuel say: And even Rabbi Yosei, son of Rabbi Yehuda, said his statement only with regard to the large upper ring and not with regard to the other rings, indicating that in their opinion, this is the opinion of Rabbi Yosei, son of Rabbi Yehuda? The Gemara explains that this is what Rav and Shmuel are saying: The halakha is in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda, with regard to cutting the majority of the windpipe within the large ring, and the halakha is not in accordance with his opinion with regard to the other rings that since they encircle a majority of the windpipe, one may slaughter within them as well.

⁴⁶⁵ When Rabbi Zeira ascended from Babylonia to Eretz Yisrael, he ate meat from an animal during whose slaughter the knife was diverted from the place of slaughter, with regard to which Rav and Shmuel ruled that the slaughter is not valid, and in Eretz Yisrael the ruling was that the slaughter is

valid. The Torah scholars in Eretz Yisrael said to Rabbi Zeira: Aren't you from Babylonia, the place where Rav and Shmuel are the halakhic authorities? You should follow their ruling. Rabbi Zeira said to them: Who said this halakha citing Rav and Shmuel? It was Yosef bar Ḥiyya, referring to Rav Yosef. Yosef bar Ḥiyya learns from everyone, even from students of Rav and Shmuel who misquote their statements.

⁴⁶⁶ Rav Yosef heard the comment of Rabbi Zeira and was angry. He said: Do I learn from everyone? I learn from Rav Yehuda, who is so meticulous in citing the statements of Rav and Shmuel that he cites even uncertainties with regard to attribution of statements to the men who said them. As Rav Yehuda says that Rabbi Yirmeya bar Abba says, and it is uncertain whether it is in the name of Rav and uncertain whether it is in the name of Shmuel: A tribunal of three permits slaughter of a blemished firstborn animal outside of the Temple in a place where there is no expert Sage to consult.

⁴⁶⁷ The Gemara asks: And does Rabbi Zeira not accept the principle that when a person travels from place to place, the Sages impose upon him the stringencies of the place from which he emerged and the stringencies of the place to which he went?

⁴⁶⁸ Abaye said: That statement applies when one travels from one place in Babylonia to another place in Babylonia, or from one place in Eretz Yisrael to another place in Eretz Yisrael, or alternatively, when one descends from Eretz Yisrael to Babylonia. But when one ascends from Babylonia to Eretz Yisrael, this principle does not apply. Since we, the residents of Babylonia, are subordinate to them in terms of halakha, we act in accordance with their custom.

⁴⁶⁹ Rav Ashi said: Even if you say that when one travels from Babylonia to Eretz Yisrael, he is required to act stringently in accordance with the custom of the place from which he emerged, that statement applies only in a case where his intent is to return. Rabbi Zeira was not one whose intent was to return. Therefore, he was not obligated to observe the Babylonian stringencies.

⁴⁷⁰ Abaye said to Rav Yosef: But didn't the Sages who came from Meḥoza say that Rabbi Zeira says in the name of Rav Naḥman: In a case where the knife is diverted from the place of slaughter above the ring, the slaughter is valid? Rav Yosef said to him: Each river and its unique course, i.e., each place follows its custom, and in Meḥoza the custom was not in accordance with the opinion of Rav and Shmuel.

⁴⁷¹ The Gemara relates that Rabbi Shimon ben Lakish deemed the slaughter valid in a case where one cut the windpipe at the tip of the thyroid cartilage that is above the large ring. Rabbi Yoḥanan proclaimed about Rabbi Shimon ben Lakish: He greatly exaggerated the limits of valid slaughter. Rav Pappi said in the name of Rava: If one cut the windpipe and encountered the arytenoid cartilage that is adjacent to the upper ring in the direction of the jaw and covered by the tip of the thyroid cartilage, the animal is a tereifa, i.e., forbidden. Since the arytenoid cartilage is outside the area of slaughter, the slaughter is invalid.

⁴⁷² A dilemma was raised before the Sages: Does encountered mean encountered and touched it, as it is written: "And he encountered him and he died" (I Kings 2:25); or perhaps it means encountered but did not touch, like that which is written: "And the angels of God encountered him" (Genesis 32:2)?

⁴⁷³ It was stated that Rav Pappa said in the name of Rava: If one left part of the arytenoid cartilage, i.e., if he cut it in the middle, the slaughter is valid. Rav Ameimar bar Mar Yenuka said: I was

standing before Rabbi Ḥiyya, son of Rav Avya, and he said to me: If one left part of the arytenoid cartilage, the slaughter is valid. Ravina said to Rav Ashi: Rav Shemen of Suvara said to me that Mar Zutra happened to come to our place and taught: If one left part of the arytenoid cartilage, the slaughter is valid. Mar bar Rav Ashi said: If one encountered the arytenoid cartilage, the slaughter is valid. If one left part of the arytenoid cartilage, the animal is a tereifa.

⁴⁷⁴ The Gemara concludes: And the halakha is: If one slaughters from the incline of the thyroid cartilage and below in the direction of the windpipe, the slaughter is valid, and that is in accordance with the opinion that one who left part of the arytenoid cartilage has still performed a valid slaughter, as the arytenoid cartilage extends beyond this point.

⁴⁷⁵ The Gemara relates that Rav Naḥman deemed the slaughter valid in a case where one slaughtered from the incline of the thyroid cartilage and below. Rav Ḥanan bar Rav Ketina said to Rav Naḥman: In accordance with whose opinion is that ruling? It is neither in accordance with the opinion of the Rabbis nor in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda, who both hold that if one cuts the windpipe above the large upper ring, the cricoid cartilage, the slaughter is not valid.

⁴⁷⁶ Rav Naḥman said to him: Neither do I know Ḥillek nor do I know Billek, i.e., I know the reason neither for this one's opinion nor for that one's opinion. I know the halakha, as Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says, and some say that Rabbi Abba bar Zavda says that Rabbi Ḥanina says, and some say that Rabbi Ya'akov bar Idi says that Rabbi Yehoshua ben Levi says: From the incline of the thyroid cartilage and below, the slaughter is valid.

⁴⁷⁷ § The Gemara returns to analyzing the baraita (18b): In a case where the knife is diverted from the place of slaughter above the ring, the slaughter is not valid. Rabbi Ḥanina ben Antigonus testified about a case where the knife is diverted from the place of slaughter above the ring that the slaughter is valid. And Rabbi Yehoshua ben Levi says: With regard to a case where the knife was diverted according to the opinion of the Rabbis cited in the mishna, the slaughter is valid according to the opinion of Rabbi Yosei, son of Rabbi Yehuda, who ruled that the slaughter is valid when the majority of the windpipe was cut within the large, upper ring.

⁴⁷⁸ And with regard to a case where the knife was diverted according to the opinion of Rabbi Yosei, son of Rabbi Yehuda, it is valid according to the opinion of Rabbi Ḥanina ben Antigonus, who ruled that even if a majority of the windpipe was cut outside the large upper ring, the slaughter is valid.

⁴⁷⁹ The Gemara objects: That is obvious. The Gemara explains: Lest you say that the statement of Rabbi Ḥanina ben Antigonus, who ruled that in a case where the knife is diverted from the place of slaughter above the ring it is valid, addresses the statement of the Rabbis and he agrees with the opinion of Rabbi Yosei, son of Rabbi Yehuda, that the slaughter is not valid when the majority of the windpipe was cut above the large upper ring, therefore, Rabbi Yehoshua ben Levi teaches us that this is not the case.

⁴⁸⁰ The Gemara objects: And say it is indeed so that Rabbi Ḥanina ben Antigonus agrees with Rabbi Yosei, son of Rabbi Yehuda. The Gemara responds: If so, the formulation of the baraita should have been: Rabbi Ḥanina ben Antigonus testified about it. Since the opinion of Rabbi Ḥanina ben Antigonus was introduced merely with the term: Testified, apparently he disagrees with all of the other opinions. The Gemara concludes: And the halakha is in accordance with the opinion of Rabbi Ḥanina ben Antigonus, as Rav Naḥman holds in accordance with his opinion.

⁴⁸¹ § The mishna cited a dispute between the Rabbis, who hold that in a case where one slaughtered within the large upper ring and did not leave a thread breadth over the entire surface of the ring, the slaughter is not valid, and Rabbi Yosei, son of Rabbi Yehuda, who holds that even if one left a thread breadth over a majority of the surface of the ring, the slaughter is valid. Apropos to that, Rav Huna said that Rav Asi says: The dispute is only in a case where one cut two-thirds of the windpipe within the ring and then diverted the knife upward toward the head of the animal and cut the remaining one-third, as the Rabbis hold that we require the entire slaughter to be performed within the large ring, and Rabbi Yosei, son of Rabbi Yehuda, holds: The halakhic status of its majority is like that of its entirety.

⁴⁸² But if one diverted the knife upward toward the head of the animal, cut one-third of the windpipe, and then cut two-thirds within the ring, everyone agrees that the slaughter is not valid, as when the life left the animal, i.e., when the majority of the windpipe was cut, we require that the entire majority be cut by means of slaughter, and that is not so in this case.

⁴⁸³ Rav Ḥisda said to Rav Huna: On the contrary, let the Master say the opposite. The dispute is only in a case when one diverted the knife upward toward the head of the animal, cut one-third of the windpipe, and then cut two-thirds within the ring, as Rabbi Yosei, son of Rabbi Yehuda, holds that the slaughter is valid just as it is in the case where half the windpipe is deficient. In that case, once the slaughterer cuts any additional part of the windpipe, the slaughter is valid because the cut that rendered a majority of the windpipe slaughtered was performed properly. So too in this case, since the cut of the second third was performed properly, the slaughter is valid.

⁴⁸⁴ And the Rabbis hold that there, in the case of the deficient windpipe, the deficiency was in the place of proper slaughter, and therefore most of the life of the animal left in the proper place. Here, the first third was cut while the knife was diverted, and therefore most of the life of the animal did not leave in the place of proper slaughter.

⁴⁸⁵ But in a case where one cut two-thirds of the windpipe within the ring and then diverted the knife and cut the remaining one-third, everyone agrees that the slaughter is valid, as didn't we learn in a mishna (27a): The halakhic status of the slaughter of the majority of one siman, the windpipe or the gullet, is like that of the slaughter of the entire siman itself?

⁴⁸⁶ Rav Yosef said to Rav Ḥisda: Who will say to us that with regard to the mishna there concerning the majority of one siman, Rabbi Yosei, son of Rabbi Yehuda, did not teach it? Perhaps Rabbi Yosei, son of Rabbi Yehuda, taught it, and the Rabbis disagree.

⁴⁸⁷ Abaye said to Rav Yosef: Is that to say that with regard to all principles that address majorities in general, Rabbi Yosei, son of Rabbi Yehuda, taught them? Rav Yosef said to him: I am speaking of the principle of majority with regard to slaughter, as we heard that the Rabbis disagree with him.

⁴⁸⁸ Some say that there is an alternative version of this discussion: Rav Huna said that Rav Asi says: The dispute is only in a case where one diverted the knife upward toward the head of the animal, cut one-third of the windpipe, and then cut two-thirds within the ring, as Rabbi Yosei, son of Rabbi Yehuda, holds that the slaughter is valid just as it is in the case where half the windpipe is deficient, and the Rabbis hold that there, in the case of the deficient windpipe, the deficiency was in the place of proper slaughter, but here, most of the life of the animal did not leave in the place of proper slaughter.

⁴⁸⁹ But in a case where one cut two-thirds of the windpipe within the ring and then diverted the knife and cut the remaining one-third, everyone agrees that the slaughter is valid, as didn't we learn in a mishna (27a): The halakhic status of the slaughter of the majority of one siman, the windpipe or the gullet, is like that of the slaughter of the entire siman itself?

⁴⁹⁰ Rav Ḥisda objects to this: Who will say to us that with regard to the mishna there concerning the majority of one siman, Rabbi Yosei, son of Rabbi Yehuda, did not teach it? Perhaps Rabbi Yosei, son of Rabbi Yehuda, taught it, and the Rabbis disagree. Rav Yosef said to Rav Ḥisda: Is that to say that with regard to all principles that address majorities in general, Rabbi Yosei, son of Rabbi Yehuda, taught them? Rav Ḥisda said to him: I am speaking of the principle of majority with regard to slaughter, as we heard that the Rabbis disagree with him.

⁴⁹¹ § If one diverted the knife and cut one-third of the windpipe, and then cut one-third properly, and then diverted and cut the final one-third, Rav Huna says that Rav says: The slaughter is valid. Rav Yehuda says that Rav says: The animal is a tereifa, i.e., forbidden. Rav Huna says that Rav says: The slaughter is valid, as when the life left the animal, it was in the course of a valid slaughter that it left. Rav Yehuda says that Rav says: The animal is a tereifa, as we require a majority of the windpipe to be cut with valid slaughter, and that is not the case.

⁴⁹² If one cut one-third of the windpipe properly, and then diverted the knife and cut one-third, and then cut the final one-third of the windpipe properly, Rav Yehuda says that Rav said: The slaughter is valid. When the Sages came and asked Rav Huna, he said to them: It is a tereifa. Rav Yehuda heard the ruling of Rav Huna, and he was angry. He said: I deem it a tereifa and he deems the slaughter valid, and I deem the slaughter valid and he deems it a tereifa. Rav Huna said: It is proper that he was angry. One reason is that he heard it from Rav and I did not hear it from Rav; and furthermore, isn't there the majority of the siman that was cut with valid slaughter?

⁴⁹³ Rav Ḥisda said to Rav Huna: Do not retract your statement,

⁴⁹⁴ as, if you retract your statement, you repudiate the first ruling that you stated with regard to a case where one diverted the knife and cut one-third of the windpipe, and then cut one-third properly, and then diverted and cut the final one-third. There, what is the reason that you deemed the slaughter valid? The reason is that when life left the animal with the cutting of the second third of the windpipe, it left the animal in the course of valid slaughter. Based on that reasoning, here too, when life left the animal with the cutting of the second third of the windpipe, it left the animal in the course of diverting the knife, and the slaughter is invalid.

⁴⁹⁵ Rav Naḥman happened to come to Sura, where they asked him: If one cut one-third of the windpipe properly, and then diverted the knife and cut one-third, and then cut the final one-third of the windpipe properly, what is the halakha? He said to them: Isn't that the halakha stated by Rabbi Elazar bar Minyumi, as Rabbi Elazar bar Minyumi says: Slaughter that is performed like the teeth of a comb, which are jagged, is valid.

⁴⁹⁶ The Gemara objects: And perhaps Rabbi Elazar bar Minyumi stated his halakha only when the slaughter goes up and down within the proper place of slaughter. The Gemara asks in response: Within the proper place of slaughter, what is the purpose of stating it? Clearly the slaughter is valid in that case. The Gemara explains: Lest you say that we require slaughter that is clear and straight, and slaughter that is jagged is not straight, therefore, Rabbi Elazar bar Minyumi teaches us that nevertheless, the slaughter is valid.

⁴⁹⁷ The Gemara cites a mnemonic for the order of the Sages in the following discussion: Beit for Rabbi Abba; kaf for Rav Kahana; dalet for Rav Yehuda.

⁴⁹⁸ Rabbi Abba sat behind Rav Kahana and Rav Kahana sat before Rav Yehuda, and he sat and said to Rav Yehuda: If one cut one-third of the windpipe properly, and then diverted the knife and cut one-third, and then cut the final one-third of the windpipe properly, what is the halakha? Rav Yehuda said to Rav Kahana: His slaughter is valid.

⁴⁹⁹ Rav Kahana then asked: If one diverted the knife and cut one-third of the windpipe, and then cut one-third properly, and then diverted and cut the final one-third, what is the halakha? Rav Yehuda said to him: His slaughter is not valid.

⁵⁰⁰ Rav Kahana then asked: If one cut in a place where there was a perforation in the front of the windpipe and continued cutting, what is the halakha? Rav Yehuda said to him: His slaughter is valid.

⁵⁰¹ Rav Kahana further asked: If one cut the windpipe and after cutting half the windpipe encountered a perforation, after which point a majority of the windpipe had been cut, what is the halakha? Rav Yehuda said to him: His slaughter is not valid.

⁵⁰² Rabbi Abba went to Eretz Yisrael and stated these halakhot in the presence of Rabbi Elazar, and Rabbi Elazar went and stated these halakhot in the presence of Rabbi Yoḥanan. Rabbi Yoḥanan said to him: What is different about a case where one cut in a place where there was a perforation relative to a case where he encountered a perforation in the middle of the slaughter?

⁵⁰³ Rabbi Elazar said to him: In a case where one cut in a place where there was a perforation, it becomes like an animal that a gentile began to slaughter and a Jew completed its slaughter, in which case the slaughter is valid. In a case where one cut the windpipe and encountered a perforation, it becomes like an animal that a Jew began to slaughter and a gentile completed its slaughter, in which case the slaughter is not valid. Rabbi Yoḥanan mockingly proclaimed about him: Gentile, gentile, i.e., you merely repeat something about gentiles. Rabbi Yoḥanan did not accept the distinction.

⁵⁰⁴ Rava said: Rabbi Yoḥanan did well when he proclaimed about him: Gentile, gentile. Granted, there, in the case where the gentile completed the slaughter, since a Jew was supposed to cut a majority of the windpipe and he did not cut it, when life left the animal it left by the hand of a gentile. But here, after all, he was the one who slaughtered the entire animal, and the animal was not a tereifa until this point, and so what difference is there to me if one began to cut in a place where there was a perforation and what difference is there to me if he encountered a perforation?

⁵⁰⁵ MISHNA: One who slaughters from the sides of the throat, his slaughter is valid. One who pinches the neck of a bird offering from the sides, his pinching is not valid. One who slaughters from the nape [ores] of the neck, his slaughter is not valid. One who pinches a bird offering from the nape of the neck, his pinching is valid. One who slaughters from the throat, his slaughter is valid. One who pinches a bird offering from the throat, his pinching is not valid, as the entire nape is valid for pinching and the entire throat is valid for slaughter. It is found that that which is valid for slaughter is not valid for pinching and that which is valid for pinching is not valid for slaughter.

⁵⁰⁶ GEMARA: With regard to the statement in the mishna: One who slaughters an animal from the ores, its slaughter is not valid, the Gemara asks: What is the meaning of ores? If we say that the reference is to the actual occipital bone at the rear of the skull, why does this halakha apply specifically to one who slaughters from the ores? Even if one pinches a bird offering from the ores it

would also not be valid, as the Merciful One states: “Pinch off its head adjacent to its ores” (Leviticus 5:8), at the nape beneath the occipital bone, and not its ores. Rather, what is the ores mentioned in the mishna? It is adjacent to the ores, the back of the neck below the occipital bone, as it is taught in the latter clause of the mishna: The entire nape is valid for pinching.

⁵⁰⁷ The Gemara asks: From where are these matters derived? They are derived as the Sages taught in a baraita: In the phrase “adjacent to [mimmul] its ores,” adjacent means a place that sees the ores and not the ores itself. And likewise, the verse states: “And they reside adjacent to me [mimmuli]” (Numbers 22:5); and the verse states: “For they have turned their ores unto Me, and not their face” (Jeremiah 2:27). The Gemara asks: What is added by the latter proof, introduced with the term: And the verse states? The Gemara answers: And if you would say, we do not know where the ores itself is, so that we will know where adjacent to it is, come and hear: “For they have turned their ores unto Me, and not their face,” from which it may be ascertained by inference that the ores is opposite the face, at the rear of the head.

⁵⁰⁸ § The sons of Rabbi Ḥiyya say: How is the mitzva of pinching of a bird offering performed? One moves the two simanim that must be severed in ritual slaughter, i.e., the windpipe and the gullet, behind the nape and pinches. There is a dispute among the Sages with regard to the meaning of the statement. There are those who say: The mitzva ab initio is to pinch through the spinal column first and then pinch the windpipe and the gullet, and one may even move the simanim to behind the nape and pinch. And there are those who say: The mitzva is specifically to move the simanim behind the nape and pinch.

⁵⁰⁹ The Gemara notes: And it is reasonable according to the one who says: One may even move the simanim behind the nape. From where does one draw that conclusion? It is from the fact that the mishna teaches: One who slaughters from the nape of the neck, his slaughter is not valid. One who pinches from the nape of the neck, his pinching is valid.

⁵¹⁰ And if it enters your mind that the mitzva is specifically to move the simanim behind the nape and pinch them, why did the tanna say specifically that if one pinches in this manner it is valid? Even if one slaughters from the nape in this manner the slaughter would be valid. Rather, must one not conclude from it that the proper understanding is: One may even move the simanim behind the nape and pinch, and the mishna is referring to a case where one did not move the simanim behind the nape.

⁵¹¹ Rabbi Yannai says: The young ones [rovin], the sons of Rabbi Ḥiyya, shall receive their response that rejects their statement from that which is taught in the mishna: It is found that that which is valid for slaughter is not valid for pinching and that which is valid for pinching is not valid for slaughter. What does this statement serve to exclude? Does it not serve to exclude the case where one moves the simanim behind the nape, teaching that it is valid only for slaughter and not for pinching?

⁵¹² Rabba bar bar Ḥana said: No, perhaps it serves to exclude one who uses a tooth or a fingernail that is not detached, which are valid for pinching and not valid for slaughter. The Gemara objects: That could not be, as the tanna teaches explicitly the case of a tooth and a fingernail in a mishna (15b), and there was no need to repeat it.

⁵¹³ Rather, Rabbi Yirmeya said: The statement of the mishna: That which is valid for slaughter is not valid for pinching, serves to exclude drawing back and forth. One who pinches may not cut the simanim by drawing his fingernail back and forth. Rather, he must press and cut them in one motion.

The Gemara asks: This works out well according to the one who says: Drawing back and forth for pinching is not valid, but according to the one who says: It is valid, what is there to say? The Gemara answers: The sons of Rabbi Ḥiyya hold in accordance with the one who says: Drawing back and forth for pinching is not valid.

⁵¹⁴ Rav Kahana says: The mitzva of pinching is that one cuts with his fingernail from the nape and continues downward, and that is its mitzva. Rabbi Avin thought to say: Cuts and continues downward, yes; draws back and forth, no. Rabbi Yirmeya said to him: All the more so that drawing back and forth for pinching is valid. The Gemara asks: And what is the meaning of the phrase: That is its mitzva, which indicates that it is specifically in that manner? The Gemara answers: Say that it means: That too is its mitzva.

⁵¹⁵ § Rabbi Yirmeya says that Shmuel says: Any place that is valid for slaughter on the throat is correspondingly valid for pinching on the nape. By inference, any place on the throat that is not valid for slaughter is not valid for pinching. The Gemara asks: What does this statement serve to exclude? If we say that it serves to exclude ripping the simanim from their place before cutting them, which is invalid with regard to pinching just as with regard to slaughter, but didn't Rami bar Yeḥezkel teach: There is no disqualification of ripping the simanim in the case of a bird?

⁵¹⁶ Rav Pappa said: It serves to exclude pinching the occipital bone at the back of its head; just as it is not the place of slaughter, it is not the place of pinching. The Gemara asks: Isn't it obvious that pinching at the back of its head is not valid? The Merciful One states: "Adjacent to its nape," and not at its head.

⁵¹⁷ The Gemara answers: What is its head that is not the place for pinching? It is the incline of its head, e.g., in a case where one began at the incline of its head and diverted and continued until he reached below to the place of the simanim, where he completed the pinching. Since he began the process in the incorrect location, it is invalid, similar to slaughter. And this is in accordance with the opinion that Rav Huna says that Rav Asi says, as Rav Huna says that Rav Asi says: If one diverted the knife upward and cut one-third of the windpipe and then cut two-thirds within the ring, the slaughter is not valid.

⁵¹⁸ Rav Aḥa, son of Rava, said to Rav Ashi: With regard to that which Rami bar Yeḥezkel teaches: There is no disqualification for ripping simanim in a bird, we say it only according to the one who says: There is no source for the slaughter of a bird in the Torah.

⁵¹⁹ But according to the one who says: There is a source for the slaughter of a bird in the Torah, there is disqualification for ripping simanim in a bird as well.

⁵²⁰ Rav Ashi said to him: On the contrary, the opposite is reasonable. According to the one who says: There is a source for the slaughter of a bird in the Torah, the halakhot of slaughter are not explicit and were transmitted to Moses orally, and it can be said that this is what God taught him, that there is no disqualification for ripping simanim. And even according to the one who says that the halakhic status of a bird is like that of an animal, as the halakhot of the slaughter of a bird are derived from the halakhot of the slaughter of an animal, perhaps God taught Moses that with regard to the matter of ripping simanim it will not be like an animal.

⁵²¹ But according to the one who says: There is no source for the slaughter of a bird in the Torah, but rather it is by rabbinic law, from where are the halakhot of the slaughter of a bird learned? They are

learned from the halakhot of the slaughter of an animal; consequently, the entire matter of the slaughter of a bird is like that of an animal.

⁵²² Ravina said: Ravin bar Kisi said to me: With regard to that which Rami bar Yehezkel teaches, i.e., that there is no disqualification for ripping simanim in a bird, we say it only with regard to pinching, but with regard to slaughter, there is disqualification for ripping simanim. The Gemara objects: But doesn't Rabbi Yirmeya say that Shmuel says: Any place that is valid for slaughter on the throat is correspondingly valid for pinching on the nape, but that which is not valid for slaughter is not valid for pinching. The Gemara explains: That halakha disagrees with this statement of Shmuel.

⁵²³ § Ze'eiri says: If the neck bone of an animal or a bird was broken and most of the surrounding flesh was cut with it, the status of the animal or the bird is that of an unslaughtered carcass. It is dead and can no longer be rendered fit by slaughter.

⁵²⁴ Rav H̥isda said that we learn this in a mishna (Zevaḥim 68a) as well: If one pinched a bird offering with a knife and not with his thumbnail, the bird renders the garments of one who swallows it impure when it is in the throat, which is the halakha in the case of an unslaughtered carcass of a kosher bird. And if you would say that if the neck bone of an animal or a bird was broken and most of the surrounding flesh was cut with it, the bird is not an unslaughtered carcass but it is a tereifa, then since with regard to a bird offering its pinching is its slaughter, let pinching with a knife be effective to purify the bird from the impurity of an unslaughtered carcass, as a tereifa does not transmit impurity when slaughtered properly. From the halakha that pinching with a knife does not render the bird pure it is evident that when its neck bone is broken the bird is rendered an unslaughtered carcass.

⁵²⁵ The Sages say in response: There, pinching with a knife is ineffective in rendering it pure not because the breaking of the neck bone renders the bird an unslaughtered carcass. Rather, it is because it is not slaughter at all. The Gemara asks: What is the reason? Rav Huna says: It is because he conceals the knife and performs an inverted slaughter, which invalidates the slaughter. Rava says: It is because he presses the knife.

⁵²⁶ The Gemara asks: With regard to the one who says: Because he conceals the knife and performs an inverted slaughter, what is the reason that he does not say: Because he presses the knife? The Gemara answers: It is because he holds that drawing back and forth in pinching is valid. The Gemara asks: And the one who says: Because he presses the knife, what is the reason that he does not say: Because he conceals [maḥlid] the knife? The Gemara answers that he could have said to you: What are the circumstances of concealing the knife? It is like a rat [ḥulda] that resides in the foundations of houses that are concealed. Here, when he begins cutting from the nape of the neck, that knife is exposed.

⁵²⁷ Rava said: If that which Ze'eiri said: If the neck bone of an animal or a bird was broken and most of the surrounding flesh was cut with it, the status of the animal or the bird is that of an unslaughtered carcass, is difficult for me, this is difficult for me: How does pinching a bird offering prepare it for sacrifice? Since pinching involves breaking the neck bone and cutting most of the surrounding flesh with it before cutting the simanim, what significance is there to pinching the simanim? And does he stand and pinch a dead bird? If it is dead, of what use is the pinching?

⁵²⁸ Abaye said to him: And even without the statement of Ze'eiri, let the case of a bird burnt offering be difficult for you, as it requires cutting of two simanim. Since slaughter of a non-sacred bird

requires cutting of one siman, once one siman is cut the bird is considered dead for all intents and purposes, and does he stand and pinch a dead bird? Rava said to him: There, he continues pinching in order to fulfill through it the mitzva of separation between the head and the body in the bird burnt offering.

⁵²⁹ The Gemara asks: If so, there should be an obligation to cut the skin of the bird as well in order to fulfill the mitzva of separation. Abaye answers: Any element that invalidates slaughter invalidates separation, and any element that does not invalidate slaughter does not invalidate separation. Failure to cut the skin does not invalidate slaughter.

⁵³⁰ The Gemara objects: But isn't there the minority of the simanim according to the Rabbis, which do not invalidate slaughter, as, if one slaughtered a majority of the simanim and a minority remained uncut, the slaughter is valid, and they hold that they invalidate separation? The Gemara clarifies: Rather, say: Any element that is in effect with regard to slaughter is in effect with regard to separation, and any element that is not in effect with regard to slaughter is not in effect with regard to separation. The two simanim, although they do not invalidate slaughter, are part of the mitzva of slaughter, while the skin is not part of the mitzva of slaughter.

⁵³¹ In any case, the statement of Ze'eiri remains difficult. What is the significance of pinching a dead bird? Rava said: Say in explanation: And likewise he does when he pinches, he cuts the spinal column and the neck bone without a majority of the surrounding flesh and then he pinches the simanim.

⁵³² The Gemara relates: When Rabbi Zeira ascended from Babylonia to Eretz Yisrael, he found Rabbi Ami sitting and saying this halakha that Ze'eiri said, and Rabbi Zeira said to him: And does one stand and pinch a dead bird? Rabbi Ami was astonished [eshtomam] for a moment (see Daniel 4:16), and thought about it and said to Rabbi Ami: Say that this is what he does: He cuts the spinal column and the neck bone without a majority of the surrounding flesh.

⁵³³ That is also taught in a baraita: How does one pinch the nape of a bird sin offering? He cuts the spinal column and the neck bone without a majority of the surrounding flesh until he reaches the gullet or the windpipe. Once he has reached the gullet or the windpipe, he cuts one siman or its majority and a majority of the surrounding flesh with it; and in a burnt offering he cuts two simanim or the majority of two simanim.

⁵³⁴ The Gemara asks: Who is the tanna whose opinion is cited in the baraita? If you say it is the Rabbis, don't they say that one must cut specifically two simanim and not their majority? If it is in accordance with the opinion of Rabbi Elazar, son of Rabbi Shimon, doesn't he say that one must cut only a majority of the two simanim and no more, in which case why does the baraita specify two simanim or the majority of two simanim?

⁵³⁵ The Gemara answers: Say that when the baraita says two, it is according to the Rabbis; when it says a majority of two, it is according to Rabbi Elazar, son of Rabbi Shimon. And if you wish, say instead: Both this, two, and that, a majority of two, are in accordance with the opinion of Rabbi Elazar, son of Rabbi Shimon, and what is the meaning of two? It does not mean two simanim in their entirety; rather, it means that one must cut a significant majority of the simanim that is similar to two entire simanim.

⁵³⁶ § Rav Yehuda says that Shmuel says: If the neck bone of a person was broken and a majority of the surrounding flesh with it was cut, that person imparts impurity in a tent, i.e., if one is beneath the same roof with him he becomes impure, as his halakhic status is that of a corpse even though he is still twitching.

⁵³⁷ And if you say that the incident of the death of Eli, the High Priest, whose death is described: “And his neck bone broke, and he died” (I Samuel 4:18), was one where the neck bone broke without the majority of the surrounding flesh being cut, and nevertheless he died immediately, the Gemara responds: Old age is different, as it is written: “And it came to pass, when he made mention of the Ark of God, that he fell from 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; and he had judged Israel forty years” (I Samuel 4:18).

⁵³⁸ Rabbi Shmuel bar Naḥmani says that Rabbi Yoḥanan says: If one ripped a person like one cuts a fish, lengthwise, the halakhic status of the ripped person is that of a corpse even though he is still convulsing, and he imparts impurity in a tent. Rabbi Shmuel bar Yitzḥak says: And that is specifically if he was ripped from his back.

⁵³⁹ § The Gemara resumes discussions of the halakhot of an animal. Shmuel says: If one rendered the animal like a shard [gistera] by cutting it in two widthwise, its halakhic status is that of an unslaughtered carcass even though it is still convulsing. Rabbi Elazar says: If the thigh, the hind leg of the animal, was removed and its recess is obvious, it is an unslaughtered carcass and it imparts impurity even if it remains alive. The Gemara asks: What are the circumstances of its recess being obvious? Rava said: It is any situation where the animal is collapsed and even so its hind leg is visibly lacking.

⁵⁴⁰ We learned in a mishna there (Oholot 1:6) with regard to creeping animals whose carcasses are ritually impure: If their heads were removed, even if they are convulsing, they are impure like the tail of a lizard that was severed that convulses even though it is not alive.

⁵⁴¹ The Gemara asks: What is the meaning of the term: Were removed? Reish Lakish said: They were actually removed. Rabbi Asi said that Rabbi Mani said: It is like the separation of the head of the bird burnt offering.

⁵⁴² Rabbi Yirmeya said to Rabbi Asi: Do you mean like the separation of the head of the bird burnt offering according to the Rabbis, who hold that in addition to the neck bone and the surrounding flesh, one also completely severs the simanim, and then you and Reish Lakish do not disagree, as it is just like breaking the neck of the animal, since nothing remains other than the skin? Or perhaps you mean like the separation of the head of the bird burnt offering according to Rabbi Elazar, son of Rabbi Shimon, who says that one cuts the majority of two simanim, and you and Reish Lakish disagree, as Reish Lakish holds that the animal imparts impurity only when it is completely beheaded.

⁵⁴³ Rabbi Asi said to Rabbi Yirmeya: I mean like the separation of the head of the bird burnt offering according to Rabbi Elazar, son of Rabbi Shimon, who says that one cuts the majority of two simanim, and we disagree.

⁵⁴⁴ There are those who say that Rabbi Shimon ben Lakish said: They were actually removed. Rabbi Asi said that Rabbi Mani said: It is like the separation of the head of the bird burnt offering according

to Rabbi Elazar, son of Rabbi Shimon, who holds that one suffices with cutting a majority of two simanim.

⁵⁴⁵ § The Gemara asks: What is the opinion of the Rabbis, and what is the opinion of Rabbi Elazar, son of Rabbi Shimon? The dispute is as it is taught in a baraita: With regard to a sliding-scale offering, in which a poor person who cannot afford an animal sin offering brings two doves or two pigeons, one as a sin offering and one as a burnt offering, it is written: “And he shall prepare the second as a burnt offering, according to the ordinance” (Leviticus 5:10), which means according to the ordinance of an animal sin offering in whose stead the offering was brought.

⁵⁴⁶ Do you say that it is according to the ordinance of an animal sin offering, or perhaps it is only according to the ordinance of a bird sin offering? The Gemara answers: When it says with regard to the bird burnt offering brought as a gift offering: “And the priest shall bring it to the altar” (Leviticus 1:15), meaning that it shall be sacrificed in a unique manner, the verse distinguished between a bird sin offering and a bird burnt offering. And if so, how do I realize the meaning of the term “according to the ordinance”? It means according to the ordinance of an animal sin offering; just as an animal sin offering comes only

⁵⁴⁷ from non-sacred animals and not from an animal purchased with second-tithe money, and it is sacrificed only during the day, and with the right hand of the priest, so too, a bird burnt offering comes only from non-sacred animals, and it is sacrificed only during the day, and with the right hand of the priest.

⁵⁴⁸ The baraita asks: If so, perhaps just as there, with regard to an animal sin offering, slaughter is valid with the cutting of the majority of two simanim, the windpipe and the gullet, so too here, with regard to a bird burnt offering, the pinching is valid with the cutting of the majority of two simanim. Therefore, the verse states: “And pinched off its head...and burned it on the altar” (Leviticus 1:15). This indicates that just as with regard to burning, the head is burned by itself and the body is burned by itself, so too with regard to pinching, the head remains by itself and the body remains by itself.

⁵⁴⁹ Rabbi Yishmael says: “According to the ordinance” (Leviticus 5:10), which is written with regard to the sliding-scale bird sin offering, means according to the ordinance of the bird sin offering mentioned in the previous verse. Just as a bird sin offering is pinched adjacent to its nape (Leviticus 5:8), beneath the occipital bone, so too a bird burnt offering is pinched adjacent to its nape, beneath the occipital bone.

⁵⁵⁰ If so, perhaps just as there, with regard to the bird sin offering, he pinches and does not separate between the head and the body and leaves one siman uncut, so too here, with regard to the burnt offering, he pinches and does not separate between the head and the body and leaves one siman uncut. Therefore, the verse states: “And the priest shall bring it,” meaning that a bird burnt offering shall be sacrificed in a unique manner, not like the sin offering.

⁵⁵¹ Rabbi Elazar, son of Rabbi Shimon, says: “According to the ordinance” means according to the ordinance that is written with regard to a bird sin offering. Just as there,

⁵⁵² after the pinching, the priest holds [ohez] the head and the body of the bird and sprinkles the blood on the altar, so too here, with regard to the bird burnt offering, he holds the head and the body and sprinkles the blood on the altar.

⁵⁵³ The Gemara asks: What is he saying? There is no requirement with regard to a bird sin offering that the priest hold both the head and the body while sprinkling the blood. The Gemara answers that this is what he is saying: Just as there, with regard to the bird sin offering, when the head is attached [aḥuz] to the body, the priest sprinkles the blood on the altar, so too here, with regard to the bird burnt offering, when the head is attached to the body, the priest sprinkles the blood on the altar. This is what was cited above in the name of Rabbi Elazar, son of Rabbi Shimon, that one cuts a majority of two simanim in a burnt offering and not the two simanim in their entirety.

⁵⁵⁴ The baraita continues: If so, perhaps just as there, in the sin offering, the pinching is performed with the cutting of one siman, so too here, in the burnt offering, the pinching is performed with the cutting of one siman. To counter this, the verse states: “And the priest shall bring it,” meaning that the burnt offering is sacrificed in a manner different from that of the sin offering, by cutting two simanim.

⁵⁵⁵ The Gemara asks: And according to the first tanna, once we derive that both simanim of a bird burnt offering must be cut in their entirety from the verse: “And pinch off its head...and burn it on the altar,” why do I need the phrase: “And the priest shall bring it?”

⁵⁵⁶ The Gemara answers: If not for the verse that states: “And the priest shall bring it,” I would say: What is the meaning of “according to the ordinance” that is stated with regard to the bird burnt offering? It means according to the ordinance of the bird sin offering mentioned in that same passage, in the sense that even in the burnt offering, the priest cuts only one siman.

⁵⁵⁷ And if you would say that one cannot suggest this interpretation due to the verse: “And pinch off its head...and burn it on the altar,” I would say that perhaps another halakha would be derived from that verse: Just as burning the offering is atop the altar, so too pinching is performed atop the altar.

⁵⁵⁸ Now that the Merciful One writes: “And the priest shall bring it,” indicating the distinction between the pinching of a bird burnt offering and the pinching of a bird sin offering, derive this also from the verse: “And pinch off its head...and burn it on the altar,” i.e., that the body and the head of a bird burnt offering must be completely separated.

⁵⁵⁹ § The first tanna of the baraita derives from the analogy between the bird burnt offering and the animal sin offering that a bird burnt offering is brought only from non-sacred animals and not from an animal purchased with second-tithe money, that it is sacrificed only during the day, and that the priest sacrificing it must do so with his right hand. The Gemara asks: From where do we derive the halakha that an animal sin offering comes only from non-sacred animals? Rav Ḥisda said that the verse states: “And Aaron shall sacrifice the bull of the sin offering that is his” (Leviticus 16:6, 11), from which it is derived: The animal must come from his cattle, but not from communal property, from his cattle, but not from second-tithe property.

⁵⁶⁰ The Gemara objects: The halakha that the bird burnt offering is sacrificed only during the day is derived from the verse: “In the day that he commanded the children of Israel to present their offerings” (Leviticus 7:38), not from the halakha of the animal sin offering. The Gemara explains: The requirement of sacrificing the bird burnt offering during the day is not derived from the halakha of the animal sin offering, and it was cited in that list incidentally, for no reason [kedi].

⁵⁶¹ The Gemara objects: The halakha that the priest performs the service with his right hand is derived from the statement of Rabba bar bar Ḥana, as Rabba bar bar Ḥana says that Rabbi Shimon

ben Lakish says: Any place where the terms finger or priesthood are stated with regard to offerings, the sacrificial rites of that offering are performed only with the right hand, and in the context of the bird burnt offering the term “priest” is employed. It is therefore unnecessary to derive this halakha from the analogy to the animal sin offering.

⁵⁶² The Gemara responds: And the other tanna, the first tanna of the baraita, who derived that the right hand is used from the analogy to the animal sin offering based on the term “according to the ordinance,” did not derive it from the statement of Rabba bar bar Ḥana because in his opinion, in order to derive that the right hand must be used, if the verse mentions only the priesthood, it requires mention of finger for the limitation to apply. If the verse mentions only the term finger, then it does not require a mention of the priesthood as well. With regard to the bird burnt offering, the priesthood is mentioned, but the word finger is not. Therefore, the halakha must be derived from the animal sin offering.

⁵⁶³ It is taught in the baraita that Rabbi Yishmael derived from the term “according to the ordinance” that is written with regard to the bird burnt offering that the pinching of the bird burnt offering is performed at the nape of the neck, as it is in a bird sin offering. The Gemara asks: And as for the first tanna and Rabbi Elazar, son of Rabbi Shimon, who derive other matters from that term, from where do they derive that pinching of the bird burnt offering is performed at the nape of the neck? The Gemara answers: They derive pinching that is written with regard to the burnt offering: “And pinch off its head” (Leviticus 1:15), from pinching that is written with regard to the sin offering: “And pinch off its head adjacent to its neck” (Leviticus 5:8).

⁵⁶⁴ MISHNA: It is written with regard to bird offerings: “He shall bring his offering of doves, or of young pigeons” (Leviticus 1:14). The age that is fit for sacrifice in doves, mature birds, is unfit for sacrifice in pigeons, immature birds; the age that is fit for sacrifice in pigeons is unfit for sacrifice in doves. At the intermediate stage of the beginning of the yellowing of its plumage (see 22b), a bird is unfit both as this, a pigeon, and as that, a dove, since it is no longer a fledgling but is not yet a mature bird.

⁵⁶⁵ GEMARA: The Sages taught a baraita in explaining the mishna: Doves, when they are older, are fit for sacrifice; when they are younger, they are unfit. Pigeons, when they are younger, are fit for sacrifice; when they are older, they are unfit. It is found that that which is fit for sacrifice in doves is unfit for sacrifice in pigeons; that which is fit for sacrifice in pigeons is unfit for sacrifice in doves.

⁵⁶⁶ The Sages taught in a baraita with regard to the verse: “And he shall bring his offering of doves, or of young pigeons” (Leviticus 1:14), that doves are older and not younger. As one might have thought: And couldn’t this be derived through an a fortiori inference:

⁵⁶⁷ If pigeons, which were not deemed fit when older, were deemed fit when younger, as the term “young pigeons” indicates that they are young, then with regard to doves, which were deemed fit when older, isn’t it logical that they were deemed fit when younger? Therefore, the verse states: “Doves,” meaning older and not younger.

⁵⁶⁸ The baraita continues: Young pigeons must be younger and not older, as one might have thought: And couldn’t this be derived through an a fortiori inference: If doves, which were not deemed fit when younger, were deemed fit when older, then with regard to pigeons, which were deemed fit when younger, isn’t it logical that they were deemed fit when older? Therefore, the verse states: “Young pigeons,” meaning younger and not older.

⁵⁶⁹ The Gemara asks: What is the biblical derivation of these matters? Rava said: It is derived from the fact that it is not found that the verse would deviate from the norm and write: Of young doves, or of pigeons; rather, the wording in the Torah is always “of doves” or “of young pigeons.” Evidently, doves must be older and pigeons must be younger.

⁵⁷⁰ The Gemara objects: Say instead that with regard to pigeons, since the Merciful One writes: “Young,” this means younger birds, yes, older birds, no; but with regard to doves, if one wishes, let him bring older birds, and if he wishes, let him bring younger birds. The Gemara responds: Since doves and pigeons are always juxtaposed to one another in the Torah, it is derived that the halakha of doves is similar to the halakha of pigeons: Just as with regard to pigeons the halakha is younger birds, yes, older birds, no, so too with regard to doves, the halakha is older birds, yes, younger birds, no.

⁵⁷¹ The Sages taught in a baraita: One might have thought that all the older doves or all the younger pigeons would be fit for sacrifice; therefore, the verse states: “Of doves,” and not all doves; “of young pigeons,” and not all young pigeons. This serves to exclude birds at the beginning of the yellowing of their neck plumage, which are unfit as this, doves, and as that, pigeons. They are unfit as doves because they are not sufficiently old and as pigeons because they are no longer young. The tanna elaborates: From when are the doves fit? It is from when the color of their feathers turns a glistening gold. From when are the pigeons unfit? It is from when their feathers turn yellow.

⁵⁷² Ya’akov Korḥa taught a baraita: From when are pigeons fit? It is from when ye’alu. He teaches the baraita and he states its explanation: The reference is to that which is stated: “Its fledglings will suck up [ye’alu] blood” (Job 39:30). When is that? Abaye said: It is from the stage when one plucks a feather from it and blood emerges.

⁵⁷³ § Rabbi Zeira raises a dilemma: With regard to one who says: It is incumbent upon me to bring a burnt offering of doves or of pigeons, and he brought birds at the beginning of the yellowing of their neck plumage of this, doves, and of that, pigeons, what is the halakha? Is it a case of uncertainty whether it is considered older or younger, and therefore when he brings both he fulfills his obligation, as one of the birds was fit for sacrifice; or perhaps a bird at the beginning of the yellowing is an entity in and of itself and is neither older nor younger, and he does not fulfill his obligation?

⁵⁷⁴ Rava said: Come and hear proof from the baraita where it is taught that the verse: “Of doves or of young pigeons,” serves to exclude birds at the beginning of the yellowing of their neck plumage that are unfit as this, doves, and as that, pigeons. Granted, if you say that a bird at that stage is an entity in and of itself, that works out well, as the verse serves to ensure that a bird at that stage of development will never be sacrificed. But if you say that it is a case of uncertainty, was it necessary for the verse to exclude a case of uncertainty?

⁵⁷⁵ The Gemara rejects that proof: When the phrase in the verse “of doves or of young pigeons” was necessary, it was to exclude a bird that was the object of bestiality or a bird that was worshipped as a deity.

⁵⁷⁶ As it could enter your mind to say: Since it is written with regard to the halakhot of disqualified offerings: “Because their corruption [moshḥatam] is in them, there is a blemish in them” (Leviticus 22:25), referring to two types of disqualifications: Corruption and blemish, and the school of Rabbi Yishmael taught: Anywhere that the term corruption [hashḥata] is stated, it is referring to nothing other than a matter of licentiousness and idol worship. The Gemara cites proofs for this claim:

Corruption is referring to matters of licentiousness, as it is written: “For all flesh had corrupted [hishhit] their way upon the earth” (Genesis 6:12); the word “way” alludes to sexual intercourse.

⁵⁷⁷ Corruption is also referring to idol worship, as it is written: “Lest you deal corruptly [tashhitun], and make you a graven image” (Deuteronomy 4:16); one might have thought: Any type of offering that a blemish disqualifies, matters of licentiousness and idol worship disqualify it, and any type of offering that a blemish does not disqualify, matters of licentiousness and idol worship do not disqualify it. And with regard to these birds, since blemishes do not disqualify them, as the Master says: There is a requirement of an unblemished state and male gender in a sacrificial animal and there is no requirement of an unblemished state and male gender in sacrificial birds, say that matters of licentiousness and idol worship should also not disqualify the birds. Therefore, the tanna teaches us from the phrase in the verse “of doves or of young pigeons” that a bird that was the object of bestiality and a bird that was worshipped as a deity are disqualified.

⁵⁷⁸ § Apropos the discussion of the beginning of the yellowing of the neck plumage, the Gemara cites another matter where there is uncertainty as to whether an animal of a particular age is of uncertain status or an entity in and of itself. Rabbi Zeira raises a dilemma: With regard to one who says: It is incumbent upon me to bring an animal burnt offering of a ram, which is a sheep that is at least thirteen months old, or of a lamb, which is up to one year old, and he brought a palges, which is between one year and thirteen months old, what is the halakha?

⁵⁷⁹ The Gemara elaborates: According to the opinion of Rabbi Yoḥanan, do not raise a dilemma, as he says that a palges is an entity in and of itself, as we learned in a mishna (Para 1:3): If one was obligated to bring a ram or lamb as an offering, and he sacrificed a palges, he brings with it the meal offering and the libations of a ram offering, namely, a meal offering of two-tenths of an ephah of fine flour mingled with four log of oil, and a libation of four log of wine, but it does not fulfill his obligation to bring his offering.

⁵⁸⁰ And Rabbi Yoḥanan says that the requirement to bring the meal offering and libations of a ram offering is derived from the verse in the portion of the libations: “Or for a ram, you shall prepare for a meal offering two-tenths of an ephah of fine flour mixed with one-third of a hin of oil” (Numbers 15:6); that serves to include the palges, whose meal offering and libations are like that of a ram. Based on that derivation, there is no uncertainty with regard to the status of the palges.

⁵⁸¹ When you raise a dilemma, it is according to the opinion of bar Padda, who holds that it is a case of uncertainty,

⁵⁸² as he says that one who sacrifices a palges brings the meal offering and the libation of a ram and stipulates: If it is a ram, this is its meal offering and libation, and if it is a lamb, whose meal offering and libation are less than that of the ram, then the remainder will be a gift offering.

⁵⁸³ The dilemma is: Do we say that he stipulates only if it is a ram or if it is a lamb, but he does not stipulate the possibility that it is an entity in and of itself, as bar Padda does not accept such a possibility? If so, bar Padda holds that one who vowed to bring a ram or a lamb can fulfill his obligation by bringing a palges and stipulating accordingly. Or perhaps bar Padda holds that he also stipulates the possibility that it is an entity in and of itself, and in that case he says: If it is an entity, let the entire libation be a gift offering. According to that possibility, even according to bar Padda, if one vowed to bring a ram or a lamb and brought a palges, due to the uncertainty he does not fulfill his obligation. The Gemara concludes: The dilemma shall stand unresolved.

⁵⁸⁴ § The concept of an entity in and of itself is mentioned with regard to a thanks offering, with which one must bring twenty tenths of an ephah for the accompanying loaves: Ten tenths of an ephah for matza and ten for leavened bread. Rabbi Zeira raises a dilemma: With regard to one who says: It is incumbent upon me to bring loaves of a thanks offering of leavened bread or of matza, and he brought leavening dough [siur], what is the halakha?

⁵⁸⁵ The Gemara asks: Siur according to whose opinion? If the reference is to the siur of Rabbi Meir, who says that it is dough at the stage when its surface pales, according to Rabbi Yehuda it is not leavened bread at all; it is full-fledged matza and one fulfills his vow to bring matza.

⁵⁸⁶ If the reference is to the siur of Rabbi Yehuda, who says that it is dough at the stage when it has cracks that look like the antennae of locusts and is in accordance with the opinion of Rabbi Meir, Rabbi Meir holds that it is full-fledged leavened bread, and one fulfills his vow to bring leavened bread.

⁵⁸⁷ And if the reference is to the siur of Rabbi Meir and is in accordance with the opinion of Rabbi Meir, although one is not liable to receive karet for eating it on Passover, from the halakha that one is flogged for eating it on Passover it is clearly leavened bread, with which one fulfills his vow to bring leavened bread.

⁵⁸⁸ Rather, the dilemma is with regard to the siur of Rabbi Yehuda and is in accordance with the opinion of Rabbi Yehuda, who holds that although one is obligated to destroy it before Passover, one is not liable to receive lashes for eating it on Passover. It is unclear whether this is due to uncertainty or due to siur having a unique status. Therefore, Rabbi Zeira raises the dilemma: What is its status? Is it a case of uncertainty, and consequently one who vowed to bring loaves of matza or leavened bread and brings siur fulfills his obligation whichever way you look at it, because if it is matza, he fulfills his vow to bring matza, and if it is leavened bread, he fulfills his vow to bring leavened bread? Or perhaps siur is an entity in and of itself, neither matza nor leavened bread, and he does not fulfill his obligation at all.

⁵⁸⁹ The Gemara asks: Even if it is a case of uncertainty, how can a person fulfill his vow with that siur? But doesn't Rav Huna say that one who says: It is incumbent upon me to bring loaves of a thanks offering, is obligated to bring a thanks offering and all its loaves, twenty tenths of an ephah, ten for matza and ten for leavened bread? And since he is obligated to bring a thanks offering and all its loaves, but this man does not know whether the siur that he brought is leavened bread so that he will bring matza, or whether the siur that he brought is matza so that he will bring leavened bread, so how can he fulfill his vow? In any case, the only way that he could fulfill his vow would be to bring an additional twenty tenths of an ephah.

⁵⁹⁰ The Gemara answers: No, the dilemma of Rabbi Zeira is necessary only in a case where one said: It is incumbent upon me to bring the loaf element of the thanks offering to exempt the thanks offering of so-and-so from the obligation to bring loaves, as in that case he can fulfill his vow because he did not obligate himself to bring a thanks offering.

⁵⁹¹ The Gemara objects: Ultimately, this man who brings the thanks offering does not know whether the siur that the other contributed is leavened bread so that he will bring matza, or whether the siur that the other contributed is matza so that he will bring leavened bread. Therefore, the man bringing the thanks offering must bring both matza and unleavened bread in addition to the siur, and the one who vowed has then not exempted him from any obligation by contributing the siur. The Gemara

responds: No, the dilemma of Rabbi Zeira is necessary only in a case where he said: It is incumbent upon me to bring loaves of leavened bread or matza for the thanks offering of so-and-so, but did not say: To exempt his thanks offering. In that case, he is not obligated to fulfill the other's obligation, and the dilemma is: Does the man fulfill his vow by bringing the loaves of siur or does he not fulfill his vow? The Gemara concludes: The dilemma shall stand unresolved.

⁵⁹² MISHNA: That which is fit in a red heifer is unfit in a heifer whose neck is broken; that which is fit in a heifer whose neck is broken is unfit in a red heifer.

⁵⁹³ GEMARA: The Sages taught in a baraita in explanation of the mishna: With regard to the red heifer, with slaughter it is fit; with breaking the neck it is unfit. With regard to the heifer whose neck is broken, with breaking the neck it is fit; with slaughter it is unfit. Consequently, that which is fit in a red heifer is unfit in a heifer whose neck is broken; that which is fit in a heifer whose neck is broken is unfit in a red heifer.

⁵⁹⁴ The Gemara asks: And let it be derived that the red heifer is fit with breaking the neck by means of an a fortiori inference: If a heifer whose neck is broken, which is not rendered fit with slaughter, is rendered fit with breaking the neck, then with regard to a red heifer, which is rendered fit with slaughter, isn't it logical that it is rendered fit with breaking the neck?

⁵⁹⁵ The Gemara answers that the verse states with regard to the red heifer: "And he shall slaughter it" (Numbers 19:3), and it mentions the term statute: "This is the statute of the Torah" (Numbers 19:2), indicating that with slaughter, yes, the red heifer is rendered fit; with breaking the neck, the red heifer is not rendered fit.

⁵⁹⁶ The Gemara asks: And is it so that anywhere that statute is written with regard to a certain matter, we do not learn an a fortiori inference? But what about Yom Kippur, with regard to which statute is written: "And this shall be an everlasting statute unto you" (Leviticus 16:34), and nevertheless it is taught in a baraita: "And Aaron shall bring forward the goat upon which the lot came up for the Lord, and he shall offer it for a sin offering" (Leviticus 16:9). The verse indicates that the lottery renders the goat a sin offering, but a verbal designation of the goat with the status of a sin offering does not render it a sin offering.

⁵⁹⁷ The baraita continues: A verse is necessary to teach this halakha, as one might have thought that the opposite conclusion is correct: Could this not be derived through an a fortiori inference: If in a case where the lottery does not sanctify the animal with a specific designation, such as in the case of two birds brought by a woman after childbirth, and nevertheless a verbal designation of that offering sanctifies it, in a case where the lottery sanctifies the animal on Yom Kippur, isn't it logical that a verbal designation as a sin offering sanctifies it? Therefore, the verse states: "And render it a sin offering;" the lottery renders the goat a sin offering, but a verbal designation of a sin offering does not render the goat a sin offering.

⁵⁹⁸ The Gemara infers: The reason that the a fortiori inference is not learned is that the Merciful One writes: "And he shall offer it for a sin offering." But otherwise we would learn an a fortiori inference, despite the fact that statute is written with regard to the Yom Kippur service.

⁵⁹⁹ The Gemara explains: Actually, one may learn an a fortiori inference even in a case where statute is written. Nevertheless, with regard to the heifer whose neck is broken, the Merciful One restricts the use of breaking the neck: "And all the Elders of that city...shall wash their hands over the heifer

whose neck is broken” (Deuteronomy 21:6). From the relative pronoun “whose” it is derived: This heifer is killed by breaking the neck, but no other, i.e., the red heifer, is killed by breaking the neck.

⁶⁰⁰ The Gemara challenges: And let it be derived that the heifer whose neck is broken is rendered fit with slaughter by means of an a fortiori inference: If a red heifer, which is not rendered fit with breaking the neck, is rendered fit with slaughter, then with regard to a heifer whose neck is broken, which is rendered fit with breaking the neck, isn’t it logical that it is rendered fit with slaughter? The Gemara responds that the verse states: “And shall break the neck of the heifer there in the valley” (Deuteronomy 21:4). The doubled reference to breaking the neck in the two verses indicates that by breaking the neck, yes, the heifer may be killed; by slaughter, the heifer may not be killed.

⁶⁰¹ MISHNA: There is an element with which priests remain fit and Levites are unfit, and there is also an element with which Levites remain fit and priests are unfit.

⁶⁰² GEMARA: The Sages taught in a baraita in explanation of the mishna: Priests are rendered unfit for Temple service with the blemishes enumerated in the Torah (see Leviticus 21:16–23), but remain fit with the passage of years, as from the moment that they reach majority they are fit for service for the rest of their lives. Levites remain fit for Temple service with the blemishes enumerated in the Torah but are unfit with the passage of years, as they are fit for service only between the ages of thirty and fifty (see Numbers 4:47). It is found that there is an element with which priests remain fit and Levites are unfit, and there is an element with which Levites remain fit and priests are unfit.

⁶⁰³ The Gemara asks: From where are these matters derived? The Gemara answers: It is as the Sages taught in a baraita: “This is that which pertains to the Levites” (Numbers 8:24); why must the verse state this? Since it is stated: “And from the age of fifty years he shall return from the service” (Numbers 8:25), we learned with regard to the Levites that the passage of years disqualifies them. One might have thought that blemishes disqualify them too. And ostensibly, it could be learned through logical inference: If priests, with regard to whom the passage of years does not disqualify them, blemishes disqualify them, then in the case of Levites, with regard to whom the passage of years disqualifies them, isn’t it logical that blemishes disqualify them? Therefore, the verse states: “This is that which pertains to the Levites,” from which it is derived: “This,” the passage of years, is a disqualification that pertains to the Levites, and there is no other disqualification that pertains to the Levites.

⁶⁰⁴ One might have thought that priests would be disqualified with the passage of years. And ostensibly, could this not be derived through the following a fortiori inference: If Levites, with regard to whom blemishes do not disqualify them, the passage of years disqualifies them, then in the case of priests, with regard to whom blemishes disqualify them, isn’t it logical that the passage of years disqualifies them? Therefore, the verse states: “Which pertains to the Levites,” and not which pertains to the priests.

⁶⁰⁵ One might have thought that the Levites were disqualified with the passage of years even in Shiloh, the permanent place of the Tabernacle, and in the eternal Temple. Therefore, the verse states: “To perform the work of service, and the work of bearing burdens” (Numbers 4:47), juxtaposing the two forms of Levite service to teach: I stated the disqualification of the passage of years only at a time when there is Levite service involving carrying the Tabernacle on their shoulders.

⁶⁰⁶ The baraita notes that one verse states: “From twenty-five years old and upward” (Numbers 8:24), and one verse states: “From thirty years old and upward” (Numbers 4:47). It is impossible to

say thirty, as twenty-five is already stated, and it is impossible to say twenty-five, as thirty is already stated. How can these verses be reconciled? Twenty-five years old is the time for apprenticeship and thirty for service.

⁶⁰⁷ From here it is derived that a student who did not see a positive indication in his studies after five years will no longer see a productive result from those studies. Rabbi Yosei says that the period is three years, as it is stated with regard to Daniel and his cohort who instructed the king of Babylonia: “And they should be raised three years” (Daniel 1:5), “and he should teach them the books and the language of the Chaldeans” (Daniel 1:4).

⁶⁰⁸ The Gemara asks: And how does the other tanna explain the verses in Daniel? The Gemara answers: He holds that the verses in Daniel cannot be cited as a source for this principle because the language of the Chaldeans is different, as it is easy and can be learned in a shorter period. The Gemara asks: And how does the other tanna, Rabbi Yosei, explain the verses with regard to the Levites? The Gemara answers: He holds that the halakhot of Temple service are different, as they are difficult and require a longer period of study.

⁶⁰⁹ The Sages taught in a baraita: A priest, from the time he reaches puberty and grows two pubic hairs until he ages, is fit for Temple service, and blemishes disqualify him. A Levite from the age of thirty until the age of fifty is fit for Temple service, and the passage of years disqualifies him. In what case is this statement said? It is said with regard to the Tent of Meeting of the Tabernacle in the wilderness. But with regard to Shiloh and in the eternal Temple, Levites are disqualified only due to a change in voice that renders them unable to recite the songs in the Temple with their brethren. Rabbi Yosei said: What is the verse from which this is derived?

⁶¹⁰ “It came to pass, when the trumpeters and singers were as one, to make one sound to be heard” (II Chronicles 5:13). This indicates that the Levites must be capable of singing in one voice, and one who is unable to do so is unfit for service.

⁶¹¹ The baraita teaches that the priest is eligible for service until he ages. The Gemara asks: Until when, i.e., what is the definition of aging in this context? Rabbi Ela says that Rabbi Ḥanina says: Until his hands and feet begin to tremble.

⁶¹² We learned in a mishna there (Mikvaot 8:4): With regard to one who experienced a seminal emission who then immersed in a ritual bath and did not urinate before immersing, when he urinates he is ritually impure, because residue of the semen remain in his body and was discharged with the urine, rendering him impure. Rabbi Yosei says: In the case of an ill person and an elderly person, he is ritually impure; in the case of a young person and a healthy person, he is ritually pure, as the semen was presumably discharged in its entirety at the outset.

⁶¹³ Until when is one considered a young person? Rabbi Ela says that Rabbi Ḥanina says: Anyone who is able to stand on one of his legs and remove his shoe or put on his shoe is considered young. They said about Rabbi Ḥanina that he was eighty years old and would stand on one of his legs and remove his shoe or put on his shoe. Rabbi Ḥanina says: The hot water and oil that my mother smeared on me in my youth benefited me in my old age.

⁶¹⁴ The Sages taught: If one’s beard is fully grown, he is fit to be appointed an emissary of the community for various matters, and to descend before the ark as a prayer leader, and to lift his hands for the Priestly Benediction. From when is a priest fit for Temple service? It is from the time he

reaches puberty and grows two pubic hairs. Rabbi Yehuda HaNasi says: I say that he is not fit for Temple service until he is twenty years of age.

⁶¹⁵ Rav Ḥisda said: What is the reason for the opinion of Rabbi Yehuda HaNasi? The reason is as it is written: “And appointed the Levites, from twenty years old and upward, to oversee of the work of the House of the Lord” (Ezra 3:8). And what does the other tanna hold? He holds that to oversee is different and requires an older priest.

⁶¹⁶ The Gemara asks: But what proof can be cited from this verse with regard to priests; isn’t that verse written with regard to Levites? The Gemara answers: It is understood in accordance with the statement of Rabbi Yehoshua ben Levi, as Rabbi Yehoshua ben Levi says: In twenty-four places in the Bible the priests are called Levites. And this is one of those verses: “And the priests the Levites, the sons of Zadok” (Ezekiel 44:15). The verse in Ezra is another one of the verses.

⁶¹⁷ The Sages taught in a baraita with regard to the verse: “Any man of your descendants throughout their generations that has a blemish shall not approach to offer the bread of his God” (Leviticus 21:17); from here Rabbi Elazar says: A minor priest is unfit for Temple service, even if he is unblemished, as he is not a man. From when is he fit for service? From the time he reaches puberty and grows two pubic hairs. But his brethren the priests do not allow him to perform the service until he is twenty years of age.

⁶¹⁸ There are those who say: This is the opinion of Rabbi Yehuda HaNasi, and he is of the opinion that there is no disqualification for one between puberty and twenty years of age even by rabbinic law. The other priests simply do not allow priests of that age to perform the Temple service *ab initio*. And there are those who say: Rabbi Yehuda HaNasi is of the opinion that there is disqualification by rabbinic law in that case, and this statement in the baraita is the opinion of the Rabbis, and they hold that it is *ab initio* that one may not perform the service, but after the fact, his service is valid.

⁶¹⁹ MISHNA: That which is ritually pure in an earthenware vessel is ritually impure in all the other types of vessels; that which is ritually pure in all the other types of vessels is ritually impure in an earthenware vessel.

⁶²⁰ GEMARA: The Sages taught in a baraita explaining the mishna: If a primary source of ritual impurity fell into the airspace of an earthenware vessel the vessel is ritually impure, and if it fell on its outer side, the vessel is ritually pure. If a primary source of ritual impurity fell into the airspace of all the other types of vessels, the vessels are ritually pure, and if it fell on their outer side, they are ritually impure. It is found that that which is ritually pure in an earthenware vessel is ritually impure in all the other vessels, and that which is ritually pure in all the other vessels is ritually impure in an earthenware vessel.

⁶²¹ The Gemara asks: From where are these matters derived? It is as the Sages taught in a baraita based on the verse: “And every earthenware vessel into which [tokho] any of them falls, whatever is in it [tokho] shall be impure, and if you shall break” (Leviticus 11:33); if an impure item fell “in it [tokho],” and even in a case where the impure item did not come into contact with the vessel, the vessel becomes impure.

⁶²² The baraita continues: Do you say that it is impure even if the impure item did not come into contact with the vessel, or perhaps it is impure only if it did come into contact with the vessel? Rabbi Yonatan ben Avtolemos says: Tokho is stated with regard to transmitting impurity to food in its

airspace, as it is stated: “Whatever is in it [tokho] shall be impure,” and tokho is stated with regard to becoming impure, as it is stated: “Into which [tokho] any of them falls”; just as in the case of tokho that is stated with regard to transmitting impurity to food in its airspace, the food is impure even if the impure item did not come into contact with the vessel, so too, in the case of tokho that is stated with regard to the vessel becoming impure, the vessel is impure even if the impure item did not come into contact with it.

⁶²³ The Gemara asks: And there, with regard to rendering food impure in its airspace, from where do we derive that the food becomes impure even if it did not come into contact with the impure vessel? Rabbi Yonatan said: The Torah testified about an earthenware vessel

⁶²⁴ that it renders impure everything within it, and this is the halakha even if it is full of mustard seeds, in which case most of the seeds do not come in contact with the sides of the vessel, and nevertheless all the mustard seeds become impure.

⁶²⁵ Rav Adda bar Ahava said to Rava: And let it be derived that an earthenware vessel becomes impure from contact of an impure item with its outer side by means of an a fortiori inference: If all the other types of vessels, which do not become impure from the presence of an impure item in their airspace, become impure from contact of an impure item with their outer side, then with regard to an earthenware vessel, which becomes impure from the presence of an impure item in its airspace, isn’t it logical that it will become ritually impure from contact of an impure item with its outer side?

⁶²⁶ The Gemara answers: Therefore, the verse states: “And every open vessel that has no sealed cover upon it is impure” (Numbers 19:15), indicating that its impurity is dependent upon the mouth of the vessel. Which is the vessel whose impurity hastily takes effect just after the impure item enters into its mouth? You must say that is an earthenware vessel. And it is when there is no sealed cover on it that the vessel becomes impure. But when there is a sealed cover on it, the vessel is pure, as the earthenware vessel does not become impure from contact of an impure item with its outer side.

⁶²⁷ The Gemara suggests: And let it be derived that all the other vessels become impure from the presence of an impure item in their airspace by means of an a fortiori inference: If an earthenware vessel, which does not become impure from contact of an impure item with its outer side, becomes impure from the presence of an impure item in its airspace, then with regard to all the other vessels, which become impure from contact of an impure item with their outer side, isn’t it logical that they will become ritually impure from the presence of an impure item in their airspace?

⁶²⁸ The Gemara answers: Therefore, the verse states with regard to the carcasses of creeping animals: “And every earthenware vessel into which [tokho] any of them falls” (Leviticus 11:33), from which it is inferred: Tokho, i.e., the airspace, of this earthenware vessel renders the vessel impure, and not tokho, the airspace, of any other kind of vessel.

⁶²⁹ The Gemara objects: How can the halakha be derived from the term tokho in that verse? But didn’t the Sages interpret these instances of tokho that appear in that verse and derive: Just as in the case of tokho that is stated with regard to transmitting impurity, the food is impure even though it did not come into contact with the vessel, so too, in the case of tokho that is stated with regard to the vessel becoming impure, the vessel is impure even though the impure item did not come into contact with it.

⁶³⁰ The Gemara explains: Four instances of the term tokho from which halakhot can be derived are written: “Tokho” is written, and tokh could have been written; those are two instances. Then, later in that verse, once again “tokho” is written, and tokh could have been written.

⁶³¹ One instance is to teach the halakha itself, that the vessel renders the food in its airspace ritually impure, and one instance is to teach the verbal analogy from which it is derived that the vessel becomes impure without contact with the impure item; and one source is to teach that tokho, the airspace, of this earthenware vessel renders the vessel impure, and not tokho of any other kind of vessel; and one source is to teach tokho, food in the airspace of an impure earthenware vessel becomes impure, but not tokh tokho, not food that is in the airspace of a vessel that is within an earthenware vessel, and even if that inner vessel is one of the other types of vessel purified through rinsing in the water of a ritual bath.

⁶³² The Gemara asks: And let it be derived that all the other vessels do not become impure from contact of an impure item with their outer sides, but rather from the presence of an impure item inside them and with contact with their inner sides by means of an a fortiori inference: If an earthenware vessel, which becomes impure from the presence of an impure item in its airspace, does not become impure from contact of an impure item with its outer side, then with regard to all the other vessels, which do not become impure from the presence of an impure item in their airspace, isn’t it logical that they do not become impure from contact of an impure item with their outer side?

⁶³³ The Gemara answers: Therefore, the verse states: “And every open vessel that has no sealed cover upon it is impure” (Numbers 19:15), from which it is derived: This earthenware vessel (see Leviticus 11:33) is the one that when there is not a sealed cover upon it, it is impure, but when there is a sealed cover upon it, it is pure. But with regard to all the other vessels, whether there is a sealed cover upon them or whether there is not a sealed cover upon them, they become impure.

⁶³⁴ MISHNA: That which is ritually pure in wooden vessels is ritually impure in metal vessels; that which is ritually pure in metal vessels is ritually impure in wooden vessels.

⁶³⁵ GEMARA: The Sages taught in explanation of the mishna: Unfinished [golmei] wooden vessels that are receptacles and are fit for use but work remains to complete their crafting are susceptible to becoming impure. Flat wooden utensils are not susceptible to impurity. Unfinished metal vessels are not susceptible to impurity. Flat metal utensils are susceptible to becoming impure. It is found that that which is ritually pure in wooden vessels is ritually impure in metal vessels; that which is ritually pure in metal vessels is ritually impure in wooden vessels.

⁶³⁶ And these are the unfinished wooden vessels: Any vessel that one plans in the future to smooth, to set gems or ornaments in it, to plane it, to adorn it with grooves and protuberances, to rub it and smooth it with the skin of a tuna [tunas], or if it is lacking a base or a rim or a handle, the vessel is susceptible to becoming impure. If the vessel is lacking the hollowing necessary to render it a receptacle, it is not susceptible to impurity.

⁶³⁷ The Gemara asks: Isn’t it obvious that if the vessel is lacking hollowing, it is not susceptible to becoming impure, as it is clearly not a vessel? The Gemara answers: No, it is necessary only in a case where one hollowed three log [kefiza] in a receptacle that he intends to hold one kav, which contains six log. Even though it is a receptacle, since the receptacle is incomplete it is not susceptible to impurity.

⁶³⁸ And these are the unfinished metal vessels: Any vessel that one plans in the future

⁶³⁹ to smooth, to set gems or ornaments in it, to plane it, to adorn it, to strike it with a hammer, or if it is lacking a base or a rim or a handle, the vessel is not susceptible to impurity. If the vessel was complete and was lacking a cover, the vessel is susceptible to becoming impure.

⁶⁴⁰ The Gemara asks: What is different about these unfinished wooden vessels, with regard to which the halakha is that provided they are fit for use they are susceptible to impurity, and what is different about those unfinished metal vessels, with regard to which the halakha is that even if they are fit for use they are not susceptible to impurity until their crafting is complete? Rabbi Yoḥanan said: The difference is that since metal vessels are crafted for uses of honor, they are not considered vessels until their completion. Rav Naḥman said: The difference is that since the worth of metal vessels is expensive, they cannot be sold at that price unless they are complete.

⁶⁴¹ The Gemara asks: What is the practical difference between their opinions? The Gemara answers: The difference between them is with regard to bone vessels crafted from horns, which are expensive but are not crafted for uses of honor. And Rav Naḥman follows his line of reasoning, as Rav Naḥman says: The halakhic status of bone vessels with regard to impurity is like that of metal vessels.

⁶⁴² The Gemara asks: Is that to say by inference that bone vessels are susceptible to ritual impurity? The Gemara answers: Yes, as it is taught in a baraita that Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, says: What is the meaning when the verse states: “And all work of goats...you shall purify” (Numbers 31:20)? It is to include vessels that come from the goats, from the horns and from the hooves, and indicate that they are susceptible to impurity. And from where is it derived that vessels that come from the horns and the hooves of other domesticated animals and undomesticated animals are susceptible to impurity? It is derived from the verse, as the verse states: “And all work,” where the term “all” is an amplification. If so, why must the verse state: “Goats?” It serves to exclude birds, as vessels crafted from the bones of birds are not susceptible to impurity.

⁶⁴³ MISHNA: With regard to the obligation of separating teruma and tithes, the stage of development that is obligated in bitter almonds is exempt in sweet almonds; and the stage in development that is obligated in sweet almonds is exempt in bitter almonds.

⁶⁴⁴ GEMARA: The Sages taught in explanation of the mishna: In the case of bitter almonds, when they are small one is obligated to separate teruma and tithes, as they are not yet bitter and are fit for consumption; when they are large one is exempt from separating teruma and tithes, because they are bitter and unfit for consumption. In the case of sweet almonds, when they are large one is obligated to separate teruma and tithes, because the almonds are ripe and fit for consumption; when they are small one is exempt from separating teruma and tithes, because they are not fit for consumption.

⁶⁴⁵ With regard to bitter almonds, Rabbi Yishmael, son of Rabbi Yosei, says in the name of his father to exempt both this small almond and that large almond. And some say to obligate both this small almond and that large almond. Rabbi Ela said: Rabbi Ḥanina issued a ruling in Tzipori in accordance with the statement of the one who says to exempt both this small almond and that large almond.

⁶⁴⁶ The Gemara asks: And according to the one who says to obligate both this small almond and that large almond, for what use are the large almonds fit? They are bitter and unfit for consumption.

Rabbi Yoḥanan said: Since one can sweeten them by means of roasting them on the fire, this renders them fit for consumption.

⁶⁴⁷ MISHNA: Temed, a beverage produced from grape residue soaked in water, until it fermented, may not be purchased with second-tithe money to be drunk in Jerusalem, because it is not wine. And if three log of it fall into a ritual bath, its halakhic status is that of drawn water and it invalidates the ritual bath. Once it fermented, it is wine, and therefore it may be purchased with second-tithe money and it does not invalidate the ritual bath.

⁶⁴⁸ With regard to brothers who are partners in the inheritance of their father, when they are obligated to add the premium [kalbon] to their annual half-shekel payment to the Temple, they are exempt from animal tithe; when they are obligated to separate animal tithe, they are exempt from adding the premium. Partners who pay the half-shekel are required to add the premium and are exempt from animal tithe. If they are not true partners, but their inheritance remains the property of the father, the sons are exempt from paying the premium, and they are obligated to separate animal tithe.

⁶⁴⁹ GEMARA: With regard to temed, the Gemara asks: Whose opinion is expressed in the mishna? Ostensibly, it is neither the opinion of Rabbi Yehuda nor the opinion of the Rabbis, as it is taught in a mishna (Ma'asrot 5:6): With regard to one who prepares temed by placing water over grape byproducts, and he placed a certain measure of water, and when measuring the finished product he found its measure equivalent to the measure of water that he placed, he is exempt from the obligation of tithing it, as although it tastes like wine, there is nothing in it but water. And Rabbi Yehuda obligates him to tithe it because the taste determines that it is wine.

⁶⁵⁰ Whose opinion is expressed in the mishna? If it is the opinion of the Rabbis, then if there is no more than the initial measure of water that he placed, he should be exempt even if it fermented. If it is the opinion of Rabbi Yehuda, he holds that one is obligated even if it did not ferment, as taste is his sole criterion. Rav Naḥman said that Rabba bar Avuh said:

⁶⁵¹ It is in a case where the temed fermented that there is a dispute between Rabbi Yehuda and the Rabbis. It is only then that Rabbi Yehuda deems him obligated to tithe the temed if it tastes like wine, and the mishna that treats fermented temed like wine is in accordance with the opinion of Rabbi Yehuda. And likewise, Rabbi Yosei, son of Rabbi Ḥanina, said: It is in a case where the temed fermented that there is a dispute.

⁶⁵² § And Rav Naḥman says that Rabba bar Avuh says: In a case of unfermented temed that one purchased with second-tithe money and that ultimately fermented, the temed he purchased assumes the sanctity of second-tithe produce, and the money is desacralized. What is the reason that the temed assumes the sanctity of second-tithe produce? The reason is that the matter was revealed retroactively, such that when the temed was purchased it was produce fit to be purchased with second-tithe money and was not merely water.

⁶⁵³ But in that case, the mishna that teaches that if the temed fermented, yes, one may purchase it with second-tithe money, but if it did not ferment, one may not, and the money remains sacred, why does the mishna state it unequivocally? Perhaps, if he would have left the temed long enough, it would have fermented. Rabba said in explanation: The mishna is referring to a case where one left some of the temed in a cup to monitor its status and it did not ferment. Therefore, one may be certain

that it was not produce when he purchased it with second-tithe money, and the money remains sacred.

⁶⁵⁴ Rava said: It is not necessary to understand the mishna specifically in that manner; rather, in accordance with whose opinion is this mishna? It is in accordance with the opinion of Rabbi Yoḥanan ben Nuri, as we learned in a mishna (Mikvaot 7:5): In a case where there are three log of drawn water less one sixty-fourth of a log [kortov], or any small measure of water, into which a kortov of wine fell, increasing the measure of liquid to a total of three log, and the appearance of those three log is like the appearance of wine, and then those three log fell into a ritual bath, completing its requisite forty se'a, it has not invalidated the ritual bath. The reason is that three log of drawn water invalidate the ritual bath, and less than that measure of water fell into the ritual bath.

⁶⁵⁵ Furthermore, in a case where there are three log of drawn water less one kortov, into which a kortov of milk fell, and the appearance of those three log is like the appearance of water, and those three log fell into a ritual bath, it has not invalidated the ritual bath, because in this case too, less than three log of drawn water fell into the ritual bath.

⁶⁵⁶ Rabbi Yoḥanan ben Nuri says: Everything follows the appearance of those three log. Therefore, in the case of a kortov of milk completing the three log, the ritual bath is invalidated because the mixture still has the appearance of water.

⁶⁵⁷ Rava reasoned: Doesn't Rabbi Yoḥanan ben Nuri say that we follow the appearance in determining the halakhic status of the liquid? Here too, in the mishna, follow the appearance in determining the halakhic status of the liquid, and in the case of the temed, as long as it has not yet fermented, the taste and the appearance of that liquid is that of water. By contrast, Rav Naḥman holds in accordance with the opinion of the first tanna in the mishna in tractate Mikvaot that the status of the liquid is not determined by its appearance. Rather, since it ultimately fermented, it became clear retroactively that when the temed was purchased it was produce fit to be purchased with second-tithe money, and was not merely water.

⁶⁵⁸ The Gemara resumes its discussion of the dispute between Rabbi Yehuda and the Rabbis with regard to which Rav Naḥman said: It is in a case where the temed fermented that there is a dispute between Rabbi Yehuda and the Rabbis, and it is only then that Rabbi Yehuda deems one obligated to tithe the temed if it tastes like wine. If it did not yet ferment, even Rabbi Yehuda concedes that one is not obligated to tithe it. The Gemara notes: And Rav Naḥman disagrees with the opinion of Rabbi Elazar, as Rabbi Elazar says: Everyone, even Rabbi Yehuda, agrees that one may not separate tithes for this temed from temed in another place, unless it fermented.

⁶⁵⁹ Apparently, Rabbi Elazar holds that it is in a case where the temed did not ferment that there is a dispute between Rabbi Yehuda and the Rabbis, and Rabbi Yehuda obligates one to tithe the temed that did not ferment only from that temed itself, because if it ferments it is tithe and if not, he has done nothing. But concerning temed that comes from elsewhere, one may not separate it for this temed, as perhaps he will come to separate tithe from the produce of obligation, i.e., fermented temed, for the produce of exemption, i.e., temed that will not ferment, and from the produce of exemption for the produce of obligation.

⁶⁶⁰ § The Sages taught: With regard to temed that became ritually impure, until it ferments,

⁶⁶¹ one brings the temed into contact with water of a ritual bath by immersing the vessel holding the temed in a ritual bath, thereby purifying the temed. Once it ferments, he does not bring it into contact with water, as that is effective only in purifying water and not in purifying other liquids. Rava said: The Sages taught this only with regard to a case where one prepared temed with ritually pure water and it later became impure, but if the water was impure from the outset, the contact with the ritual bath would not purify it.

⁶⁶² Rav Geviha from Bei Katil went and stated this halakha before Rav Ashi and asked: What is different in the case of water that is impure from the outset such that bringing the temed into contact with the ritual bath would not purify it, as we say: Since the water is heavy it settles at the bottom of the vessel, and the fruit, the grape residue, floats above, and therefore, contact with the water of the ritual bath would not be effective for the water of the temed? If so, the same would apply in the case of water that was ritually pure and ultimately became impure as temed also.

⁶⁶³ Rather, the reason contact is effective in the case of ritually pure water that later became impure as temed is that the water and the residue are intermingled. Here too, in the case of water that was impure from the outset, the water and the residue are intermingled, and contact with the water of a ritual bath would be effective.

⁶⁶⁴ MISHNA: Any situation where there is sale of one's daughter as a Hebrew maidservant, i.e., when she is a minor, there is no fine of fifty sela paid to her father if she is raped or seduced, as that fine is paid to her father only when she is a young woman. And any situation where there is a fine paid to the father there is no sale.

⁶⁶⁵ GEMARA: Rav Yehuda says that Rav says: This is the statement of Rabbi Meir, but the Rabbis said: There is the possibility of payment of a fine in a situation where there is sale, as it is taught in a baraita: A minor girl from the age of one day old until she reaches puberty and grows two pubic hairs is subject to sale, but is not entitled to receive payment of a fine. Once she reaches puberty and grows two pubic hairs, from that point until she matures into a grown woman she is entitled to receive payment of a fine, but is not subject to sale. This is the statement of Rabbi Meir, as Rabbi Meir would state a principle: Any situation where there is a sale, there is no fine; and any situation where there is a fine, there is no sale.

⁶⁶⁶ And the Rabbis say: A minor girl from the age of three years and one day until she matures into a grown woman is entitled to receive payment of a fine.

⁶⁶⁷ The Gemara asks: Is that to say that yes, she is entitled to payment of a fine, but she is not subject to sale? Isn't her father permitted to sell her during most of that period? The Gemara answers: Say that the Rabbis said: She is also entitled to receive payment of a fine during that period in a situation where she is subject to sale.

⁶⁶⁸ MISHNA: Any situation where there is the right of refusal for a minor girl married by her mother or brothers, enabling her to opt out of the marriage, there is no *ḥalitza*, as a minor girl whose husband died without children cannot perform *ḥalitza*. And any situation where there is *ḥalitza*, once she has reached majority, there is no right of refusal.

⁶⁶⁹ GEMARA: Rav Yehuda says that Rav says: This is the statement of Rabbi Meir, but the Rabbis say: There is the right of refusal in a situation where there is *ḥalitza*, as it is taught in a baraita: Until when may a girl refuse? She may do so as long as she is a minor, until she grows two pubic hairs,

which are signs of puberty rendering her a young woman; this is the statement of Rabbi Meir. Rabbi Yehuda says: She may refuse until the black hairs in the pubic area appear to cover an area greater than the white skin of the area uncovered by hair. At that stage, she is already eligible to perform the rite of ḥalitza. That is the opinion of the Rabbis.

⁶⁷⁰ MISHNA: Any situation where there is a shofar blast sounded on the eve of Shabbat or a Festival to stop the people from performing labor and to demarcate between the sacred and the profane, there is no havdala recited at the conclusion of the Shabbat or Festival in prayer and over a cup of wine. And any situation where there is havdala recited, there is no shofar blast sounded.

⁶⁷¹ How so? On a Festival that occurs on Shabbat eve, one sounds the shofar to stop the people from performing labor that is permitted on the Festival and prohibited on Shabbat and to demarcate between one sacred day and another; and one does not recite havdala, as that is recited only when the transition is from a sacred day to a profane day or from a day of greater sanctity to a day of lesser sanctity. The sanctity of Shabbat is greater than the sanctity of the Festival, and therefore havdala is not recited in this case. On a Festival that occurs at the conclusion of Shabbat, one recites havdala, but one does not sound the shofar.

⁶⁷² How does one recite havdala in that case; i.e., what is the formula of the blessing? It concludes: Who distinguishes between sacred and sacred, as opposed to the standard blessing at the conclusion of Shabbat: Who distinguishes between sacred and profane. Rabbi Dosa says that the formula is: Who distinguishes between greater sanctity and lesser sanctity.

⁶⁷³ GEMARA: The Gemara asks: How does one sound a tekia on a Festival that occurs on Shabbat eve, when the difference between the sanctity of the preceding day and the sanctity of the coming day is not as pronounced as it is on a standard Shabbat eve? Rav Yehuda said: One sounds a tekia, i.e., a long continuous shofar blast, and sounds a terua, i.e., a staccato series of shofar blasts, from the midst of the tekia. And Rav Asi said: One does not sound a continuous blast; rather, he sounds a tekia and then sounds a terua in one breath. Rav Asi instituted the practice in the city of Huzal in accordance with his halakha.

⁶⁷⁴ The Gemara raises an objection to the statements of Rav Yehuda and Rav Asi from a baraita: On a Festival that occurs on Shabbat eve, one sounds a tekia but does not sound a terua. What, is it not that one does not sound a terua at all? The Gemara answers: No, rather, Rav Yehuda explains the baraita according to his line of reasoning and Rav Asi explains the baraita according to his line of reasoning. Rav Yehuda explains the baraita according to his line of reasoning: One does not sound a distinct terua; rather, he sounds the terua that emerges from the midst of the tekia. And Rav Asi explains the baraita according to his line of reasoning: One does not sound the tekia and the terua in two breaths; rather, he sounds them in one breath.

⁶⁷⁵ § The mishna states that on a Festival that occurs at the conclusion of Shabbat one recites havdala, and that the Sages disagreed as to the formula of that blessing. The Gemara asks: Where does one recite the formula in question? Rav Yehuda said: He recites the formula at the conclusion of the blessing. But in the body of the blessing one recites the same formula as in every conclusion of Shabbat: Who distinguishes between sacred and profane, between light and darkness, etc. And likewise, Rav Naḥman said: He recites the formula at the conclusion of the blessing.

⁶⁷⁶ And Rav Sheshet, son of Rav Idi, said: One recites that formula even at the beginning, in the body of the blessing, instead of the formula: Who distinguishes between sacred and profane. The Gemara comments: And the halakha is not in accordance with his opinion.

⁶⁷⁷ The mishna teaches: Rabbi Dosa says that the formula is: Who distinguishes between greater sanctity and lesser sanctity. The Gemara comments: And the halakha is not in accordance with his opinion.

⁶⁷⁸ Rabbi Zeira said: At the conclusion of a Festival that occurs in the middle of the week, one recites: Who distinguishes between sacred and profane, and between light and darkness, and between Israel and the nations, and between the seventh day and the six days of labor, even though it is not Shabbat. What is the reason for that practice? He is enumerating the series of distinctions that the Sages instituted and not specifically the distinction unique to that particular day.

Chapter 2

¹ MISHNA: In the case of one who slaughters by cutting one siman, i.e., the windpipe or the gullet, in a bird, and two simanim in an animal, his slaughter is valid, and the halakhic status of the majority of one siman is like that of the entire siman. Rabbi Yehuda says: The slaughter is not valid until he cuts the veins [haveridin], i.e., the major blood vessels in the neck. If one cut half of one siman in a bird or one and a half simanim in an animal, his slaughter is not valid. If one cut the majority of one siman in a bird or the majority of two simanim in an animal, his slaughter is valid.

² GEMARA: The Gemara infers from the term: One who slaughters, that if one slaughtered, then after the fact, yes, the slaughter is valid; but ab initio, no, it is prohibited. The Gemara asks: Is the ruling with regard to the cutting of two simanim in an animal that ab initio, no, it is prohibited? If so, how much is one expected to continue and cut the simanim, ab initio? There are only two relevant simanim to be cut. The Gemara answers: If you wish, say that the reference is to the cutting of one siman in a bird, as one is required to cut both simanim in a bird ab initio. And if you wish, say instead that the reference is to the passage in the mishna that states that the halakhic status of the majority of one siman is like that of the entire siman, as one is required to cut the entire siman ab initio.

³ § Kaf, mem, shin is a mnemonic for the sources of the statements cited in the discussion that follows: Rav Kahana, Rav Yeimar, and the school of Rabbi Yishmael.

⁴ Rav Kahana says: From where is it derived with regard to slaughter that it is performed from the neck? It is derived from a verse, as it is stated: “And he shall slaughter [veshaḥat] the young bull before the Lord” (Leviticus 1:5), which is interpreted homiletically: From the place where the animal bends [shah], purify it [ḥattehu] through slaughter. The Gemara asks: From where does one ascertain that this term, ḥattehu, is an expression of purification? The Gemara answers: It is ascertained from a verse, as it is written: “And he shall purify [vehitte] the house” (Leviticus 14:52). And if you wish, say instead that it is ascertained from here: “Purge me [teḥatte’eni] with hyssop and I will be pure” (Psalms 51:9).

⁵ The Gemara challenges: And say that slaughter is from its tail, which is also a place in the animal’s body that is bent. The Gemara responds: From the term: Bends [shah], one can conclude by inference

that we require a part of the animal's body that can stand erect and that bends; and this, the tail, is bent perpetually and is never erect. The Gemara challenges: And say that slaughter is from its ear, which is erect and bends. The Gemara explains: We require that slaughter be performed on a part of the animal's body from which blood of the soul is spilled, and when one cuts the ear there is no blood of the soul spilled.

⁶ The Gemara asks: And say that one rends the animal starting from the ear and continues until the blood of the soul is spilled. And furthermore, with regard to those actions that invalidate slaughter, i.e., interrupting the slaughter, pressing the knife, concealing the knife in the course of an inverted slaughter, diverting the knife from the place of slaughter, and ripping the simanim from their place before cutting them, from where do we derive them? Rather, these disqualifications are learned through tradition, i.e., a halakha transmitted to Moses from Sinai. The requirement of slaughter from the neck is also learned through tradition, and has no biblical source.

⁷ The Gemara asks: And if the halakha is derived through tradition, what halakha does the verse: "And you shall slaughter," come to teach? The Gemara answers: The verse serves to teach that one should not sever the head completely from the animal's body and render it a broken animal. He cuts only the windpipe and the gullet, which are adjacent to the major blood vessels.

⁸ Rav Yeimar says: From where is it derived that slaughter is performed from the neck? It is derived from a verse, as the verse states: "And you shall slaughter [vezavahta] of your herd and of your flock" (Deuteronomy 12:21), which is interpreted homiletically: From the place where the blood flows [shezav], break it [hattehu], i.e., cut it. The Gemara asks: From where may it be inferred that this term, hattehu, is an expression of breaking? The Gemara answers: It is inferred from a verse, as it is written: "Neither fear nor be dismayed [tehat]" (Deuteronomy 1:21); ensure that your spirit will not be broken.

⁹ The Gemara challenges: And say that an animal is slaughtered from its nose, from which mucus flows, as the verse did not mention blood. The Gemara responds: We require a fluid that flows by means of breaking, and this mucus flows on its own. The Gemara challenges: And say that an animal is slaughtered from its heart by means of stabbing. And furthermore, with regard to those actions that invalidate slaughter, i.e., interrupting, pressing the knife during slaughter, concealing the knife in the course of an inverted slaughter, diverting the knife from the place of slaughter, and ripping, from where do we derive them? Rather, these disqualifications are learned through tradition. The requirement of slaughter from the neck is also learned through tradition.

¹⁰ The Gemara asks: And if the halakha is derived through tradition, what halakha does the phrase in the verse: "And you shall slaughter" come to teach? The Gemara answers: The phrase serves to teach that one should not sever the head completely from the animal's body and render it a broken animal. He cuts only the windpipe and the gullet.

¹¹ The school of Rabbi Yishmael taught: From where is it derived that slaughter is performed from the neck? It is derived from a verse, as it is stated: "And he shall slaughter [veshaht]" (Leviticus 1:5). Do not read it as: Veshahat; rather, read it as: Veshahat, which literally means: And he shall squeeze, which is interpreted homiletically: From the place where the animal speaks [sah], purify it [hattehu]. The animal's voice emanates from its throat; therefore, it is slaughtered from the neck.

¹² The Gemara objects: And say that slaughter is from its tongue. The Gemara explains: We require that slaughter be performed on a part of the animal's body from which blood of the soul is spilled,

and when one cuts the tongue there is no blood of the soul spilled. The Gemara objects: And say that one rends the animal starting from the tongue and continues until the blood of the soul is spilled. And furthermore, with regard to those actions that invalidate slaughter, i.e., interrupting, pressing the knife, concealing the knife, diverting the knife, and ripping, from where do we derive them? Rather, these disqualifications are learned through tradition. The requirement of slaughter from the neck is also learned through tradition.

¹³ The Gemara asks: And if the halakha is derived through tradition, what halakha does the phrase in the verse: “And you shall slaughter,” come to teach? The Gemara answers: The phrase serves to teach that one should not sever the head completely from the animal’s body and render it a broken animal. He cuts only the windpipe and the gullet.

¹⁴ And a tanna who recited mishnayot and baraitot in the study hall cites the source for the halakha that slaughter is performed from the neck from here: As it is taught in a baraita that Rabbi Ḥiyya says: From where is it derived with regard to slaughter that it is performed from the neck? It is derived from a verse, as it is stated: “And Aaron’s sons, the priests, shall arrange the pieces, the head, and the fat...upon the altar” (Leviticus 1:8).

¹⁵ Rabbi Ḥiyya explains: As there is no need for the verse to state: “The head, and the fat.” What is the meaning when the verse states: “The head, and the fat”? Weren’t the head and the fat included in the category of all the pieces, mentioned earlier in the verse? For what purpose did they emerge from the category and warrant individual mention? This is due to the fact that it is stated: “And he shall flay the burnt offering, and cut it into its pieces” (Leviticus 1:6). One might have thought that I have derived that only the pieces that are included in the category of flaying must be arranged on the altar. From where is it derived to include the head, which was already partially severed when the animal was slaughtered, and is not flayed? It is derived from a verse, as the verse states: “With its head and its fat, and the priest shall arrange them” (Leviticus 1:12).

¹⁶ The tanna concludes: From the fact that Rabbi Ḥiyya says: The head, which was already partially severed, one learns by inference that slaughter is from the neck, as the neck connects the head to the body.

¹⁷ The Gemara questions the formulation of the baraita. And the tanna of the baraita opened with a question about the extraneous phrase written with regard to a bull burnt offering: “The head, and the fat” (Leviticus 1:8), and concludes with an explanation of the phrase written with regard to a sheep burnt offering: “Its head and its fat” (Leviticus 1:12). The Gemara answers that this is what the tanna is saying: From where is it derived to include the head, which was already partially severed? It is derived from a verse, as the verse states: “The head, and the fat” (Leviticus 1:8).

¹⁸ The Gemara asks: And if so, why do I need the verse cited at the end of the baraita: “Its head and its fat”? The Gemara answers: The verse is necessary for that which is taught in a baraita: From where is it derived that the head and the fat precede all the other pieces when the sacrificial portions are sacrificed on the altar? The verse states: “With its head and its fat, and the priest shall arrange them” (Leviticus 1:12).

¹⁹ The Gemara asks: And why do I need the first mention of fat that the Merciful One writes: “The pieces, the head, and the fat” (Leviticus 1:8)? Wasn’t the derivation from that verse restricted to the head? The Gemara answers that it is necessary for that which is taught in a baraita: How does the priest who elevates the sacrificial portions of the animal to the altar perform that task? He uses the fat

to cover the place of slaughter, i.e., to conceal the bloody neck, and elevates the head to the top of the altar, and that is a deferential manner toward the Most High.

²⁰ And this tanna cites proof that slaughter is from the neck from here: As it is taught in a baraita that the Torah writes with regard to the impurity of carcasses: “This is the law of the animal, and of the bird” (Leviticus 11:46), indicating that the two are somehow equated. But with regard to what law is an animal equal to a bird and a bird to an animal? The halakhot of ritual impurity governing animals and birds are not comparable; an animal imparts impurity by contact and by carrying, whereas a bird does not impart impurity by contact or by carrying. Furthermore, a bird renders the garments of one who swallows it ritually impure when it is in the throat; an animal does not render one’s garments impure when it is in the throat.

²¹ The baraita continues: With regard to what law is an animal equal to a bird and a bird to an animal? The verse comes to say to you: Just as an animal avoids the impurity of being an unslaughtered carcass through slaughter, so too, a bird avoids the impurity of being an unslaughtered carcass through slaughter. The Gemara objects: If so, say, based on the same juxtaposition: Just as there, in the case of an animal, it avoids the impurity through the cutting of the majority of two simanim, i.e., the windpipe and the gullet, so too here, in the case of a bird, it avoids the impurity through the cutting of the majority of two simanim. The Gemara explains that the verse states: “This is the law,” to restrict the scope of the juxtaposition in the sense that not all of the halakhot of birds and animals are equal.

²² The baraita continues. Rabbi Eliezer says: With regard to what law is an animal equal to a bird and a bird to an animal? The verse comes to say to you: Just as in the case of a bird, its fitness for sacrifice and for consumption is accomplished through pinching and slaughter from the neck, as the Torah states with regard to bird offerings that one pinches off its head from the neck, so too, in the case of an animal, its fitness for sacrifice and for consumption is accomplished through slaughter from the neck.

²³ The Gemara objects: If so, say, based on the same juxtaposition: Just as there, in the case of a bird, the pinching is performed adjacent to the nape of the neck, so too here, with regard to an animal, the slaughter is performed adjacent to the nape of the neck and not from the throat. The Gemara explains that therefore, the verse states with regard to a bird: “And pinch off its head adjacent to its nape, but shall not divide it asunder” (Leviticus 5:8), from which it is derived: Its head, i.e., the bird’s head, is pinched adjacent to the nape, but the head of another, the animal, is not cut adjacent to the nape.

²⁴ The Gemara asks: And according to Rabbi Eliezer, what does he do with this term: “This is the law,” from which the first tanna restricted the scope of the juxtaposition between animals and birds? The Gemara answers: If not for the derivation from the term “This is the law,” I would say: Just as the fitness of a bird is accomplished by cutting one of the simanim that must be severed in ritual slaughter, i.e., either the windpipe or the gullet, so too, the fitness of an animal is accomplished by cutting one siman. Therefore, the Merciful One writes: “This is the law,” to restrict the juxtaposition.

²⁵ § The Gemara proceeds to discuss the source for the slaughter of non-sacred birds. Bar Kappara teaches that the verse states: “This is the law of the animal, and of the bird, and of every living creature that moves in the waters, and of every creature that swarms upon the earth” (Leviticus 11:46). The verse situated the bird between the animal and the fish. To require the cutting of the two simanim that must be severed in ritual slaughter, i.e., the windpipe and the gullet, for the slaughter of

a bird, is impossible, as it was already juxtaposed to fish, which do not require slaughter at all. To exempt it with nothing, i.e., to exempt the bird from slaughter altogether, is impossible, as it was already juxtaposed to the animal. How, then, is fitness of a bird for consumption accomplished? It is rendered fit with the cutting of one siman.

²⁶ The Gemara asks: From where do we derive that fish are not subject to slaughter? If we say that it is because it is written: “If flocks and herds be slaughtered for them...or if all the fish of the sea be gathered together for them, will they suffice them” (Numbers 11:22), which indicates that mere gathering suffices for them, that is not a proof.

²⁷ The Gemara clarifies: But if that is so, with regard to quail as well, concerning which it is written: “And the people rose up...and gathered the quail” (Numbers 11:32), so too, would one say with regard to birds that, like fish, their fitness is not accomplished with slaughter? The Gemara responds with a question. But didn’t you say: To exempt birds from slaughter altogether with nothing is impossible, as it was already juxtaposed to the animal? The Gemara answers: There, gathering of quail is not written in the context of the slaughter of others; therefore, gathering is not to be understood as an alternative to slaughtering the birds. Here, gathering of fish is written in the context of the slaughter of others, i.e., the flocks and herds, which indicates that gathering is an alternative to slaughter.

²⁸ The Gemara relates that a passerby from the Galilee taught: Fitness for consumption of animals, which were created from the dry land, is accomplished through cutting two simanim, the gullet and the windpipe. Fitness for consumption of fish, which were created from the water, is accomplished with nothing, as no slaughter is required. Fitness for consumption of birds, which were created from mud [harekak], a combination of dry land and water, is accomplished through cutting one siman. Rav Shmuel of Cappadocia says: Know that birds were created from a combination of dry land and water, as they have scales on their feet like fish.

²⁹ The Gemara relates an excerpt of an exchange between a Roman government official and Rabban Yoḥanan ben Zakkai. And furthermore, the official asked Rabban Yoḥanan ben Zakkai: One verse states: “And God said: Let the waters swarm with swarms of living creeping animals, and birds will fly” (Genesis 1:20); apparently birds were created from the water. And it is written: “And from the ground the Lord God formed every beast of the field, and every bird of the air and brought them unto the man to see what he would call them” (Genesis 2:19); apparently birds were created from the land.

³⁰ Rabban Yoḥanan ben Zakkai said to him: They were created from the mud. He saw his students looking at each other, wondering. He said to them: Does it trouble you that I dismissed my enemy with a flimsy pretext? Actually, it is from water that birds were created. And why does the verse state that they were formed from the ground and that God brought them to Adam? In other words, why are they mentioned in the second verse? It is not because they were actually formed from the ground, but only because they were brought to Adam so that he would call them names.

³¹ And some say that Rabban Yoḥanan ben Zakkai spoke to that officer with a different formulation, i.e., he said to him that the birds were created from the water. And he stated the first formulation, that the birds were created from the mud, to his students, because it is written: “And from the ground the Lord God formed every beast of the field, and every bird of the air” (Genesis 2:19). According to this explanation, the birds are mentioned there not only because Adam called them names, but also because they too were created from the ground.

³² On the matter of slaughtering birds, Rav Yehuda says in the name of Rabbi Yitzhak ben Pinehas: Slaughter of a bird is not obligatory by Torah law, as it is stated: “And whatever man there be of the children of Israel...who traps any undomesticated animal or bird that may be eaten, he shall spill its blood, and cover it in earth” (Leviticus 17:13). This indicates that mere spilling of its blood is sufficient.

³³ The Gemara objects: If so, with regard to an undomesticated animal, which is mentioned in the same verse, spilling should be sufficient also. The Gemara explains: An undomesticated animal is juxtaposed to disqualified consecrated animals, for which slaughter is required, as explained later in the Gemara (28a). The Gemara asks: Birds too are juxtaposed to animals, and therefore slaughter should be required, as it is written: “This is the law of the animal, and of the bird” (Leviticus 11:46). The Gemara answers: But isn’t it written: “He shall spill its blood,” indicating that slaughter is not required?

³⁴ The Gemara asks: And concerning the derivation that slaughter is not required, based on the phrase in the verse “He shall spill,” what did you see that led you to cast it upon, i.e., apply it to, the case of a bird? Why not cast it upon the case of an undomesticated animal? The Gemara answers: It stands to reason to cast the derivation upon the case of a bird due to the fact that the verse concluded with the bird, i.e., the bird is mentioned just prior to the directive to spill and cover the blood, as it is written: “Who traps any undomesticated animal or bird that may be eaten, he shall spill its blood.”

³⁵ The Gemara provides a mnemonic for the proofs cited in the Gemara with regard to the slaughter of birds: Became a carcass, blood, through pinching.

³⁶ The Gemara raises an objection to the statement of Rabbi Yitzhak ben Pinehas from a mishna (85a): One who slaughters an undomesticated animal and it became an unslaughtered carcass by his hand because the slaughter was not valid, or one who stabbed the animal by slicing the length of the simanim, or one who ripped the gullet or windpipe of the animal, rendering the slaughter not valid, is exempt from covering the blood because his slaughter was ineffective in permitting consumption of the animal, and it is written that the requirement of covering the blood applies only to “any undomesticated animal or bird that may be eaten.” And if you say that slaughter of a bird is not obligatory by Torah law, the halakhic status of its stabbing is like that of its slaughter; let its blood require covering. The Gemara answers: Do you maintain that this mishna is referring to a bird? No, it is referring exclusively to an undomesticated animal.

³⁷ The Gemara cites another challenge: Come and hear that which is taught in a baraita: One who slaughters an undomesticated animal or a bird and requires the blood and not the animal is obligated to cover the blood. Rather, how does he act if he seeks to make use of the blood rather than cover it? He either stabs the animal or rips the simanim, and then he is exempt from covering the blood.

³⁸ What, is it not referring to a bird, as he requires its blood to remove a moth from his garments? If so, apparently birds require slaughter by Torah law, as, if that were not the case, then even if a bird were stabbed, covering of the blood would be required. The Gemara rejects that proof: No, the baraita is referring to an undomesticated animal, as he requires its blood to use as a red dye [lelakka]. Therefore, no proof may be cited from this baraita that birds require slaughter by Torah law.

³⁹ The Gemara cites proof from a mishna (Zevachim 68a): Come and hear: If one cut the nape of the neck of a sacrificial bird with a knife instead of pinching it with his fingernail, this bird carcass renders the garments of one who eats the bird ritually impure when the meat is in his throat. The

Gemara explains the proof: And if you say that slaughter of a bird is not obligatory by Torah law, then although when cutting the bird from the nape, he breaks the spine and the neck bone with the knife before severing the gullet and windpipe, and it indeed becomes a tereifa and may not be eaten, cutting the simanim with the knife should be effective to purify it, i.e., to prevent it from assuming the status of an unslaughtered carcass. The fact that the garments of one who swallows the meat of the bird become ritually impure indicates that slaughter is the only method effective in permitting the consumption of a bird and for preventing it from assuming the status of an unslaughtered carcass.

⁴⁰ The Gemara rejects that proof: Although it is clear from that mishna that slaughter of birds is obligatory by Torah law, Rabbi Yitzḥak ben Pineḥas states his opinion in accordance with the opinion of that tanna who holds that it is not obligatory by Torah law, as it is taught in a baraita that Rabbi Elazar HaKappar, the distinguished Sage, says: What is the meaning when the verse states: “However, as the gazelle and as the deer is eaten, so shall you eat of it” (Deuteronomy 12:22)? And what now have we derived from the gazelle and the deer with regard to disqualified consecrated animals?

⁴¹ These two undomesticated animals come in the verse to teach a halakha with regard to disqualified consecrated animals, and it is found that a halakha is derived from the case of disqualified consecrated animals in their regard. The Torah juxtaposes a gazelle and a deer to disqualified consecrated animals to teach: Just as disqualified consecrated animals are rendered fit for consumption through slaughter, so too, a gazelle and a deer are rendered fit for consumption only through slaughter. But for a bird, slaughter is not obligatory by Torah law; rather, the obligation is by rabbinic law.

⁴² The Gemara asks: Who is the tanna who disagrees with Rabbi Elazar HaKappar and holds that the slaughter of a bird is obligatory by Torah law? It is Rabbi Yehuda HaNasi, as it is taught in a baraita: Rabbi Yehuda HaNasi says: The Torah states: “And you shall slaughter of your herd and of your flock, which the Lord has given you, as I have commanded you” (Deuteronomy 12:21). This verse teaches that Moses was previously commanded about the halakhot of slaughter, even though they are not written explicitly in the Torah. He was commanded about cutting the gullet and about cutting the windpipe, and about the requirement to cut the majority of one siman for a bird, and the majority of two simanim for an animal.

⁴³ § The mishna teaches that in the case of one who cuts one siman in a bird, his slaughter is valid. It was stated that there is an amoraic dispute with regard to this matter. Rav Naḥman said: One may cut either the gullet or the windpipe. Rav Adda bar Ahava said: One must cut the gullet for the slaughter to be valid, but cutting the windpipe is not sufficient. The Gemara explains the formulation of the mishna according to the opinion of each amora. Rav Naḥman said: One may cut either the gullet or the windpipe. One siman is taught in the mishna, meaning that the slaughter is valid if he severs one, indicating that either siman is valid. Rav Adda bar Ahava said: One must cut the gullet for the slaughter to be valid, but cutting the windpipe is not sufficient. What is the meaning of: One, in the mishna? It means the special one, the gullet.

⁴⁴ The Gemara provides a mnemonic for the proofs to be cited by the Gemara: Slaughter, halves, windpipe, deficiency, of a bird sin offering.

⁴⁵ The Gemara raises an objection to the opinion of Rav Naḥman from a baraita: If one cut the bird’s gullet and thereafter the windpipe was displaced, the slaughter is valid. If the windpipe was displaced

and thereafter he cut the gullet, the slaughter is not valid. With regard to a case where one cut the gullet and the windpipe was found displaced and he does not know if it was displaced prior to the slaughter or if it was displaced after the slaughter, that was an incident that transpired, and the Sages said: In any case of uncertainty with regard to slaughter, the slaughter is not valid. The baraita mentions only the case of cutting the gullet, while cutting the windpipe is not taught. The baraita supports the opinion of Rav Adda bar Ahava and is contrary to the opinion of Rav Nahman.

⁴⁶ The Gemara rejects that proof: The baraita mentions only the cutting of the gullet and displacement of the windpipe not because slaughter may be performed only by cutting the gullet. Rather, those scenarios were mentioned because the windpipe, unlike the gullet, is likely to be displaced.

⁴⁷ The Gemara suggests: Come and hear a proof contrary to the opinion of Rav Nahman from a baraita. If one cut two halves, one half of each of the simanim, in a bird, the slaughter is not valid, as the requirement is that a majority of one siman is cut; and needless to say the slaughter performed in that manner is not valid in the case of an animal, where the requirement is that a majority of both simanim are cut. Rabbi Yehuda says: In a bird the slaughter is not valid until he cuts the gullet and the veins; the veins must be cut so that the blood will drain from the body. The fact that Rabbi Yehuda mentions cutting only the gullet and not the windpipe indicates that slaughter is valid only when the gullet is cut. The Gemara rejects that proof: Rabbi Yehuda mentions only the gullet because the gullet is adjacent to the veins.

⁴⁸ The Gemara suggests: Come and hear proof in support of the opinion of Rav Nahman from a baraita. If one cut half the windpipe and interrupted the slaughter for an interval equivalent to the duration of the slaughter of another animal, and then completed his slaughter, the slaughter is valid and it is not invalidated due to an interrupted slaughter. What, is the baraita not referring to the slaughter of a bird? And what does the term: Completed it, mean in the baraita? Doesn't it mean that he completed cutting the windpipe, which he had started cutting, indicating that with the cutting of the windpipe the slaughter is valid, in accordance with the opinion of Rav Nahman as opposed to the opinion of Rav Adda bar Ahava? The Gemara rejects that proof: No, the baraita is referring to slaughter of an animal, for which both simanim must be cut. And what does the term: Completed it, mean in the baraita? It means that he completed the entire slaughter.

⁴⁹ The Gemara suggests: Come and hear proof in support of the opinion of Rav Nahman from a baraita: In a case where half of the windpipe was deficient, i.e., somewhat cut, prior to the slaughter and the slaughterer added to that deficiency an incision of any size, and completed it, his slaughter is valid. What, is it not referring to the slaughter of a bird? And what does the term: Completed it, mean in the baraita? Doesn't it mean that he completed cutting the majority of the windpipe, indicating that cutting the windpipe renders the bird fit for consumption? The Gemara rejects that proof: No, the baraita is referring to slaughter of an animal, for which both simanim must be cut. And what does the term: Completed it, mean in the baraita? It means that he completed the entire slaughter by cutting the gullet.

⁵⁰ The Gemara suggests: Come and hear proof in support of the opinion of Rav Nahman from a baraita: How does one pinch the nape of the neck of a bird sin offering? Using his thumbnail, the priest cuts the spine and the neck bone, without cutting through the majority of the surrounding flesh until he reaches either the gullet or the windpipe. Once he reaches the gullet or the windpipe, he cuts

one siman with his nail and a majority of the surrounding flesh with it. And in the case of a bird burnt offering, he cuts the two simanim or the majority of the two simanim. The Gemara concludes: The refutation of the opinion of Rav Adda bar Ahava from this baraita is indeed a conclusive refutation.

⁵¹ The Gemara asks in response: What halakhic conclusion was reached about the matter? It is as you said, that the opinion of Rav Adda bar Ahava was conclusively refuted. The Gemara says that there is not absolute proof from the baraita, as perhaps it is different there with regard to pinching, as in that case there is the spine and the neck bone that are cut initially, and therefore cutting the windpipe is sufficient. But in the case of slaughter of a non-sacred bird, perhaps only if one cuts the gullet the slaughter is valid.

⁵² The Gemara asks: What then is the halakha in the case of slaughter? The Gemara answers: Come and hear proof from the following incident, that there was a certain duck that was in the house of Rava, which came for slaughter with its neck filthy with blood and they did not know whether the blood was the result of its windpipe having been severed or its gullet having been perforated, in which cases the duck is a tereifa. Rava said: What should we do with regard to this duck?

⁵³ If one suggests: Let us slaughter it and then we will examine it to determine whether its windpipe was severed or its gullet was perforated, that is difficult, because perhaps the slaughterer will slaughter the duck precisely in the place of the perforation and it will be impossible to determine whether the gullet was perforated before the slaughter. If one suggests: Let us slice open the hide and examine the simanim and then we will slaughter it, that is difficult, because didn't Rabba say: The gullet has no possible examination from without, as its outer side is red, and a small perforation would be indiscernible, but only from within, as its inner side is white, and blood at the site of the perforation would be discerned?

⁵⁴ Rav Yosef, son of Rava, said to him: Let us examine the windpipe, as it is possible to discern from without whether the majority of the windpipe was severed, and then cut the duck's windpipe and thereby render it permitted, as cutting either of the two simanim suffices in a bird. And then let us turn the gullet inside out and examine its inner side to determine whether it was perforated and the duck is a tereifa. Rava said: My son Yosef is as wise in the halakhot of tereifot as Rabbi Yoḥanan. Apparently, one siman, which is taught in the mishna as being sufficient in the slaughter of a bird, means either this siman, the gullet, or that siman, the windpipe.

⁵⁵ § The mishna states: Rabbi Yehuda says: The slaughter is not valid until he cuts the veins in the neck. Rav Ḥisda said: Rav Yehuda said that one must cut the veins only in the slaughter of a bird, as one typically roasts it in its entirety as one whole entity; therefore, one must cut the veins to ensure that the blood drains. But with regard to the slaughter of an animal, since it is typically quartered into limbs, resulting in the blood draining more readily, one need not cut the veins.

⁵⁶ The Gemara asks: Is that to say that the reason that Rabbi Yehuda requires cutting of the veins is due to the need to drain the blood? But didn't we learn in the mishna: Rabbi Yehuda says: The slaughter is not valid until he cuts [sheyishḥot] the veins, indicating that the cutting of the veins is a component of the slaughter [sheḥita]?

⁵⁷ The Gemara answers: Say that Rabbi Yehuda's statement is until he punctures the veins. And what is the meaning of: Until he cuts? Until he punctures the veins at the moment of slaughter, when the blood flows.

⁵⁸ The Gemara suggests: Come and hear proof rejecting this interpretation of Rabbi Yehuda's statement from a baraita: The veins through slaughter, this is the statement of Rabbi Yehuda, which indicates that the cutting of the veins is a component of slaughter. The Gemara rejects that proof: Say that the correct reading of the baraita is: He must puncture the veins at the moment of slaughter; this is the statement of Rabbi Yehuda.

⁵⁹ The Gemara suggests: Come and hear another proof from a baraita: The Rabbis said to Rabbi Yehuda: Since veins were mentioned only to drain blood from them, what difference is there to me whether one cuts them as a component of slaughter, and what difference is there to me whether one cuts them not as a component of slaughter? One can learn by inference from this baraita that Rabbi Yehuda holds that one cuts the veins as a component of slaughter.

⁶⁰ The Gemara rejects this proof. This is what the Rabbis are saying to Rabbi Yehuda: What difference is there to me whether one punctures them at the moment of slaughter, and what difference is there to me whether one punctures them not at the moment of slaughter? One can puncture the veins after the slaughter. And Rabbi Yehuda holds that at the time of slaughter the blood emerges from the body quickly because the blood is warm; when it is not at the time of slaughter, the blood does not emerge from the body quickly because it is cool.

⁶¹ Rabbi Yirmeya raises a dilemma: In cutting the veins according to Rabbi Yehuda, if one interrupted the act in the midst of cutting them, or if he pressed the knife and cut them instead of drawing the knife back and forth, what is the halakha? Do these actions, which invalidate slaughter when cutting the simanim, also invalidate slaughter when performed in the cutting of the veins?

⁶² A certain elder said to him: This is what Rabbi Elazar said; and some say that a certain elder said to Rabbi Elazar that this is what Rabbi Yoḥanan said: He punctures the veins with a thorn and their cutting is valid. Cutting the veins is not a component of the slaughter.

⁶³ The Gemara notes that it is taught in a baraita in accordance with the opinion of Rav Ḥisda that Rabbi Yehuda requires cutting of the veins only in the slaughter of birds, and not in the slaughter of animals. If one cut two halves, one half of each of the simanim, in a bird, the slaughter is not valid, and needless to say the slaughter performed in that manner is not valid in the case of an animal. Rabbi Yehuda says: In a bird the slaughter is not valid until he cuts the gullet and the veins.

⁶⁴ § The mishna teaches: If one cut half of one siman in a bird or one and a half simanim in an animal, his slaughter is not valid. It was stated that there is an amoraic dispute. Rav said: The halakhic status of a siman of which precisely half was cut and half remained uncut is like that of a siman of which the majority was cut. Rav Kahana said: The halakhic status of a siman of which precisely half was cut and half remained uncut is not like that of a siman of which the majority was cut.

⁶⁵ The Gemara elaborates. Rav said: The halakhic status of a siman of which precisely half was cut and half remained uncut is like that of a siman of which the majority was cut, and this is what the Merciful One said to Moses: Do not leave the majority uncut. When cutting precisely half, the majority does not remain uncut. Rav Kahana said: The halakhic status of a siman of which precisely half was cut and half remained uncut is not like that of a siman of which the majority was cut, and this is what the Merciful One said to Moses: Cut the majority of the siman. Therefore, cutting precisely half is insufficient.

⁶⁶ The Gemara provides a mnemonic for the proofs that it cites with regard to this dispute: Half, Ketina, windpipe, deficiency.

⁶⁷ We learned in the mishna: If one cut half of one siman in a bird or one and a half simanim in an animal, his slaughter is not valid. The Gemara questions the opinion of Rav: If you say that the halakhic status of a siman of which precisely half was cut and half remained uncut is like that of a siman of which the majority was cut, why is his slaughter not valid? By cutting half, didn't he perform the cutting of a majority of the siman? The Gemara rejects that proof: By rabbinic law, the slaughter is not valid, due to the concern that perhaps he will not come to perform cutting on even half of the siman.

⁶⁸ Rav Ketina said: Come and hear proof contrary to Rav's opinion from a baraita with regard to an impure earthenware vessel that is purified through being broken. If it is broken in two, the larger portion remains impure and the smaller portion is purified. If he divided it into two and they are seemingly equal halves, both are impure, because it is impossible to measure precisely in breaking an earthenware vessel and render both halves equal. Since it is impossible to determine which half is larger, both remain impure due to uncertainty.

⁶⁹ The Gemara infers: But were it possible to measure precisely and divide it into equal halves, both would be pure. If, as Rav states, the halakhic status of half is like that of a majority, why are they pure? Go here, to one half of the vessel, and you will see that there is a majority and it should remain impure, and go there, to the other half, and you will see that there is a majority and it should remain impure.

⁷⁰ Rav Pappa said in rejecting that proof: There are not two majorities in one vessel. Therefore, one cannot consider the halakhic status of half like that of a majority. By contrast, with regard to cutting the windpipe or gullet, the halakhic status of precisely half can be like that of a majority, as there is no other majority contradicting that status.

⁷¹ The Gemara suggests: Come and hear another proof contrary to Rav's opinion from a baraita: If one cut half the windpipe and interrupted the slaughter

⁷² for an interval equivalent to the duration of the slaughter of another animal, and then completed his slaughter, his slaughter is valid. But if you say the halakhic status of a siman of which precisely half was cut and half remained uncut is like that of the majority, then by cutting half the windpipe he rendered it a tereifa because it is as though the majority of the windpipe is severed.

⁷³ The Gemara answers: Do you hold that this baraita is referring to the slaughter of an animal? No, it is referring to the slaughter of a bird, which requires the cutting of only one siman. Whichever way you look at it, the slaughter should be valid. If the halakhic status of a siman of which precisely half was cut and half remained uncut is like that of the majority, he has performed the cutting of the majority and the slaughter is valid. And if the halakhic status of a siman of which precisely half was cut and half remained uncut is not like that of the majority, then in cutting half the siman he did not perform any action that would render the animal a tereifa.

⁷⁴ The Gemara suggests: Come and hear another proof contrary to Rav's opinion from a baraita: In a case where half of the windpipe was deficient prior to the slaughter and the slaughterer added to that deficiency an incision of any size, and completed it, his slaughter is valid. And if you say that the

halakhic status of a siman of which precisely half was cut and half remained uncut is like that of the majority, the animal is a tereifa, as half its windpipe was deficient before the slaughter.

⁷⁵ Rava said: The matter of tereifa is different, as we require a majority that is clearly visible. If precisely half the windpipe is deficient it does not appear to be a majority. By contrast, with regard to slaughter, the status of half is like that of the majority.

⁷⁶ Abaye said to Rava: And is it not derived through an a fortiori inference that all the more so, a conspicuous majority is required for slaughter? And just as with regard to tereifa, where the animal is rendered a tereifa by a deficiency of any size, e.g., by a minuscule perforation of the gullet, in cases where we require a majority, we require a majority that is clearly visible, with regard to slaughter, where until there is a majority of the simanim cut, the slaughter is not valid, all the more so is it not clear that we require a majority that is clearly visible?

⁷⁷ Rather, the Gemara revises its understanding of the dispute between Rav and Rav Kahana. Everyone agrees that the halakhic status of a siman of which precisely half was cut and half remained uncut is not like that of a siman of which the majority was cut. And when the dispute of Rav and Rav Kahana was stated, it was stated with regard to the matter of the Paschal offering. If a majority of the Jewish people were ritually impure on the fourteenth of Nisan, the Paschal offering is sacrificed that day and eaten in a state of impurity. If only a minority of the Jewish people were impure, the ritually pure majority brings the Paschal offering on the fourteenth of Nisan, and the impure minority brings the Paschal offering on the second Pesah one month later.

⁷⁸ In a case where the Jewish people were equally divided on the fourteenth of Nisan, with half of them pure and half of them impure, Rav said: The halakha in the case where half the people were impure and half were pure is like that of a case where the majority was impure, and the entire people brings the Paschal offering in Nisan. And Rav Kahana said: The halakha in the case where half the people were impure and half were pure is not like that of a case where the majority was impure. Therefore, those who are pure bring the Paschal offering on the fourteenth of Nisan, and those who are impure bring the Paschal offering on the second Pesah.

⁷⁹ The Gemara asks: And there, with regard to the Paschal offering, what is the reason that Rav accords half the people the status of a majority? It is as it is written: “Any man who shall be impure by reason of a corpse...shall observe the Passover to the Lord. On the fourteenth day of the second month at evening they shall observe it” (Numbers 9:10–11), from which it is derived: A ritually impure person is deferred to observe the second Pesah, but a ritually impure congregation is not deferred to observe the second Pesah. The status of half the people is that of a congregation, not that of a collection of individuals.

⁸⁰ § The mishna teaches: If one cut the majority of one siman in a bird or the majority of two simanim in an animal, his slaughter is valid. The Gemara asks: We already learn this on another occasion, in the first clause of the mishna: The halakhic status of the majority of one siman is like that of the entire siman. Why is the redundancy necessary?

⁸¹ The Gemara provides a mnemonic for the names of the amora'im who participate in the discussion that ensues: Heh, Rav Hoshaya; kaf, Rabbi Kahana; shin, Rabbi Shimi; peh, Rav Pappa; shin, Rav Ashi; het.

⁸² Rav Hoshaya said: One mention of the equivalence between majority and whole is referring to slaughter of non-sacred birds and animals and one is referring to slaughter of sacrificial birds and animals. And it is necessary for the tanna to teach both cases, as, if the tanna taught us only the case of slaughter of non-sacred birds and animals, one might think that it is there that one suffices with the majority of the siman, because he does not require the blood; he seeks merely to slaughter the animal. But in the case of sacrificial birds and animals, where he requires the blood for sprinkling on the altar, say that it will not suffice for him to cut the majority, and the slaughter is not valid until there is a cutting of the entire windpipe or gullet.

⁸³ And if the tanna taught us only the case of slaughter of sacrificial birds and animals, one might think that one must cut a majority of the siman because he requires the blood for sprinkling on the altar; but with regard to the slaughter of non-sacred birds and animals, where he does not require the blood, say that cutting half the siman is sufficient, and there is no need to cut a majority. Therefore, the tanna teaches us the principle twice, once to teach that a majority suffices in the case of sacrificial animals, and once to teach that a majority is required in the case of non-sacred animals.

⁸⁴ The Gemara asks which clause of the mishna is referring to cutting a majority of the simanim in non-sacred birds and animals, and which is referring to cutting a majority of the simanim in sacrificial birds and animals?

⁸⁵ Rav Kahana said: It stands to reason that the first clause of the mishna is referring to the slaughter of non-sacred birds and animals and the latter clause is referring to the slaughter of sacrificial birds and animals. The Gemara asks: From where does Rav Kahana arrive at that conclusion? The Gemara answers: It is from the fact that the first clause of the mishna teaches: One who slaughters by cutting one siman in a bird and two simanim in an animal. And if it enters your mind that the first clause is referring to the case of sacrificial birds and animals, the tanna should have formulated it as: One who pinches the nape of the neck of a bird, as sacrificial birds are not slaughtered with a knife, but pinched with a fingernail.

⁸⁶ The Gemara asks: Rather, what do you say? That the latter clause is referring to slaughter of sacrificial birds and animals? But the tanna teaches in the latter clause: If one cut the majority of one siman in a bird or the majority of two simanim in an animal, his slaughter is valid. If the reference is to sacrificial birds and animals, the tanna should have formulated it: His pinching is valid. The Gemara answers: That is not difficult; since the tanna concluded with mention of the slaughter of an animal, he also taught: His slaughter is valid, which is referring to the sacrificial animal. But in the first clause, since the tanna stands to begin with the case of a bird, if it enters your mind that the reference is to sacrificial birds, the tanna should have formulated it: One who pinches the nape of the neck of the bird.

⁸⁷ Rav Shimi bar Ashi said that one arrives at the conclusion that the first clause is referring to slaughter of non-sacred birds and animals from here: As the tanna teaches: One who slaughters by cutting one siman in a bird. And if it enters your mind that the reference is to the slaughter of sacrificial birds, isn't there the bird burnt offering, which requires that two simanim be cut?

⁸⁸ The Gemara asks: Rather, what do you say? That the latter clause is referring to slaughter of sacrificial birds and animals? But the tanna teaches in the latter clause: If one cut the majority of one siman in a bird or the majority of two simanim in an animal, his slaughter is valid. If the reference is to sacrificial birds, isn't there the bird burnt offering, which requires the pinching of two simanim?

The Gemara answers: What is the meaning of: The majority of one siman? It means the majority of each and every one of the two. And by right the tanna should have taught: The majority of two. But since there is the bird sin offering, which suffices with the cutting of one siman, due to that reason the matter is not clear-cut for him. Therefore, the tanna formulated the halakha in a manner that could apply to one siman, i.e., in the case of a sin offering, and to two simanim, i.e., in the case of a burnt offering and of animal offerings.

⁸⁹ Rav Pappa said that one arrives at the conclusion that the first clause is referring to slaughter of non-sacred birds and animals from here: As the tanna teaches that Rabbi Yehuda says: The slaughter is not valid until he cuts the veins in the neck. And the Rabbis disagree with him, and do not require that one cut the veins in the neck. Granted, if you say that the reference is to the slaughter of non-sacred birds, it works out well. But if you say that the reference is to the slaughter of sacrificial birds, why do the Rabbis disagree with him? He himself, i.e., the one slaughtering, requires the blood in order to sprinkle it on the altar, which would warrant cutting the veins.

⁹⁰ Rav Ashi said that one arrives at the conclusion that the latter clause is referring to slaughter of sacrificial birds and animals from here: As the tanna teaches in the mishna (30b): One who slaughters by cutting two animals' heads simultaneously, his slaughter is valid. The Gemara infers from the precise language of the mishna: One who slaughters, indicating that after the fact, yes, his slaughter is valid; but one may not slaughter two animals simultaneously ab initio.

⁹¹ Granted, if you say that the reference is to sacrificial birds or animals, this is the reason that one may not slaughter two animals simultaneously ab initio: It is due to that which Rav Yosef teaches in a baraita: "And when you sacrifice a peace offering to the Lord, you shall sacrifice it [tizbaḥuhu] that you may be accepted" (Leviticus 19:5). The term "tizbaḥuhu" can be divided into two terms: You shall sacrifice [tizbaḥ] and it [hu]. From the term "You shall sacrifice [tizbaḥ]," it is derived that there will not be two people slaughtering one offering. From the full term "You shall sacrifice it [tizbaḥuhu]" it is derived that one person may not slaughter two offerings simultaneously.

⁹² And Rav Kahana said, to explain the derivation of the first halakha in the baraita: Although the term "tizbaḥuhu" is vocalized in the plural, leading to the conclusion that two people may slaughter an animal together, nevertheless, because the word is written without a vav, the term tizbaḥehu is written, in the singular, indicating that two individuals may not slaughter the offering. But if you say that the reference is to the slaughter of non-sacred birds, it should be permitted even ab initio.

⁹³ And Rabbi Shimon ben Lakish, too, holds that the first clause of the mishna is referring to the slaughter of non-sacred birds and animals and the latter clause is referring to the slaughter of sacrificial birds and animals, as Rabbi Shimon ben Lakish says: Since we learned in the mishna that the halakhic status of the majority of one siman is like that of the entire siman, why did we also need to learn later in the mishna: The majority of one siman in a bird or the majority of two simanim in an animal? The latter clause is obvious based on the principle articulated in the first clause.

⁹⁴ Rabbi Shimon ben Lakish explains: Since we learned in a mishna (Yoma 31b): They brought him the sheep for the daily morning offering, and he slaughtered it [keratzo] by cutting most of the way through the gullet and the windpipe, and a different priest completed the slaughter on his behalf so that the High Priest could receive the blood in a vessel and proceed with the order of the Yom Kippur service, one might have thought that if the other priest did not complete the cutting of the two

simanim, the slaughter would not be valid. Therefore, we learned in the mishna: If one cut the majority of one siman in a bird or the majority of two simanim in an animal, his slaughter is valid.

⁹⁵ The Gemara analyzes the statement of Rabbi Shimon ben Lakish. The Master said: One might have thought that if the other priest did not complete the cutting of the two simanim, the slaughter would not be valid.

⁹⁶ How could that possibility enter one's mind? If that is so, the completion of that slaughter is a Temple service performed by another on Yom Kippur. And it is taught in a baraita: The entire Yom Kippur Temple service is valid only if performed by the High Priest.

⁹⁷ The Gemara answers that this is what Rabbi Shimon ben Lakish is saying: One might have thought that if the slaughter was not completed by the other priest it would be not valid by rabbinic law, as it might enter your mind to say that there is an invalidation by rabbinic law. Therefore, we learned in the mishna: The majority of one siman in a bird or the majority of two simanim in an animal. The Gemara asks: And since there is not even an invalidation by rabbinic law, why do I need the other priest to complete the cutting of the simanim? The Gemara answers: There is a mitzva to complete the slaughter ab initio to facilitate the free flow of the blood.

⁹⁸ § Rabbi Shimon ben Lakish says in the name of Levi the Elder: Halakhic slaughter is accomplished only at its conclusion. And Rabbi Yoḥanan says: Halakhic slaughter is accomplished from the beginning to the end of the act.

⁹⁹ Rava said in establishing the parameters of the dispute between Rabbi Shimon ben Lakish and Rabbi Yoḥanan: Everyone concedes in a case where a gentile slaughtered, i.e., cut, one siman and a Jew slaughtered one siman, that the slaughter is not valid even if slaughter is accomplished only at its conclusion, as an action rendering the animal a tereifa was performed at the hand of a gentile. Since slaughter by a gentile is not valid, the gentile renders the animal a tereifa.

¹⁰⁰ In the case of a bird burnt offering as well, where one siman was pinched by a priest below the red line marking half the height of the altar, in accordance with the procedure of the sin offering, and one siman was pinched above the red line, in accordance with the procedure of the burnt offering, the pinching is not valid, as the priest performed an action appropriate for a bird sin offering below the red line, disqualifying it from being sacrificed as a burnt offering.

¹⁰¹ Rabbi Shimon ben Lakish and Rabbi Yoḥanan disagree only in a case where an individual cut one siman outside the Temple courtyard and one siman inside the Temple courtyard. According to the one who says: Halakhic slaughter is accomplished from the beginning to the end of the act, i.e., Rabbi Yoḥanan, one who begins the slaughter outside the Temple courtyard is liable for slaughter of a sacrificial animal outside the courtyard. According to the one who says: Halakhic slaughter is accomplished only at its conclusion, i.e., Rabbi Shimon ben Lakish, one who does so is not liable, as the conclusion of the slaughter, which is the determining factor, is performed inside the Temple courtyard.

¹⁰² Rabba bar Shimi said to Rava: The Master did not say that this was the crux of the dispute between Rabbi Yoḥanan and Rabbi Shimon ben Lakish. And who is the Master? It is Rav Yosef, who says that in a case where one cut one siman outside the Temple courtyard and one siman inside the Temple courtyard, all agree that the slaughter is not valid and the priest is liable to receive

punishment, because he performed an action appropriate for a bird sin offering outside the Temple courtyard.

¹⁰³ They disagree only in a case where one slaughtered the minority of each of the simanim outside the Temple courtyard and completed the slaughter inside the Temple courtyard. According to the one who says: Halakhic slaughter is accomplished from the beginning to the end of the act, i.e., Rabbi Yoḥanan, one who begins the slaughter outside the Temple courtyard is liable for slaughter of a sacrificial animal outside the courtyard. According to the one who says: Halakhic slaughter is accomplished only at its conclusion, i.e., Rabbi Shimon ben Lakish, one who does so is not liable, as he concludes the slaughter in an appropriate place.

¹⁰⁴ Rabbi Zeira raises an objection from a mishna (Para 4:4): Anyone who is engaged in any part of the rite of the red heifer continuously from beginning to end transmits ritual impurity to the garments that he is wearing. And they disqualify the red heifer for use in the rite if they perform any other labor while engaged in any part of the rite of the red heifer.

¹⁰⁵ If a disqualification befell the heifer during its slaughter, with regard to all those engaged in the rite of the red heifer, whether they engaged in the rite before the heifer was disqualified or after the heifer was disqualified, the heifer does not render garments that they are wearing impure. Since its slaughter was not valid it is disqualified from being used as a red heifer and therefore does not impart impurity. If it became disqualified at the time of sprinkling the blood of the heifer toward the opening of the Temple, with regard to those who engaged in the rite of the red heifer before it was disqualified, the heifer renders the garments that they are wearing impure. By contrast, with regard to those who handled the animal after it was disqualified, the heifer does not render the garments that they are wearing impure.

¹⁰⁶ Rabbi Zeira elaborates: And if you say that halakhic slaughter is accomplished from the beginning to the end of the act, let the mishna also distinguish between disqualification at the beginning and at the end of the slaughter: If it became disqualified during slaughter, with regard to one who engaged in any part of the rite before it became disqualified, the heifer renders garments that he is wearing impure, and with regard to one who engaged in any part of the rite after it became disqualified, the heifer does not render the garments that he is wearing impure.

¹⁰⁷ Rava said: Are you saying that the discussion concerns a case where the slaughter was invalidated? There it is different, because the matter was revealed retroactively, i.e., it was revealed that it was not a valid slaughter at all. Since at no stage of the slaughter was it valid, the heifer does not render the garments impure at all.

¹⁰⁸ Rava said: If any aspect of that mishna is difficult for me it is this that is difficult for me: According to the one who says: Halakhic slaughter is accomplished only at its conclusion, let the mishna distinguish between two individuals in the preparation of a fit red heifer, even when the heifer was not disqualified. Let the mishna teach a case where they slaughtered it with two men, as the heifer does not render the first man who slaughters impure, as the slaughter did not yet begin, and the heifer renders the latter man impure.

¹⁰⁹ Rav Yosef said: Are you saying that the discussion concerns a case of two men slaughtering one offering? Raise difficulties except for that, as we learn in a baraita with regard to the verse: “And when you sacrifice a peace offering to the Lord, you shall sacrifice it [tizbaḥuhu] that you may be accepted” (Leviticus 19:5), that the term “tizbaḥuhu” can be divided into two terms: You shall

sacrifice [tizbaḥ] and it [hu]. From the term “You shall sacrifice [tizbaḥ],” it is derived that there will not be two people slaughtering one offering. From the full term “You shall offer it [tizbaḥuhu],” it is derived that one person may not slaughter two offerings simultaneously.

¹¹⁰ And Rav Kahana said, to explain the derivation of the first halakha in the baraita: Although the term “tizbaḥuhu” is vocalized in the plural, leading to the conclusion that two people may slaughter an animal together, nevertheless, because the word is written without a vav, it emerges that the phrase “You shall sacrifice it [tizbaḥehu],” in the singular, is written, indicating that two individuals may not slaughter the offering.

¹¹¹ Abaye said to Rav Yosef: Wasn’t it stated with regard to this halakha that Rabba bar bar Ḥana says that Rabbi Yoḥanan says: This is the statement of Rabbi Elazar, son of Rabbi Shimon,

¹¹² which is cited unattributed, i.e., it is one of his many opinions that are cited in the Mishna and baraitot without attribution. But the Rabbis say: Two people may slaughter one offering. According to the Rabbis, Rava’s difficulty remains: Let the mishna teach a case where they slaughtered it with two men, as the heifer does not render the first man who slaughters impure, as the slaughter did not yet begin, and the heifer renders the latter man impure.

¹¹³ And according to the opinion of Rabbi Elazar, son of Rabbi Shimon, who holds that two people may not slaughter one offering, let the tanna of the mishna also distinguish and teach a case where one man slaughtered with two cloths on his head, starting the slaughter with one and replacing it with the other midway through the slaughter, as in that case, since halakhic slaughter is accomplished only at its conclusion, the first cloth is not rendered impure but the latter cloth is rendered impure. Rather, one must say that the tanna is speaking only in reference to cases involving the disqualification of the red heifer itself, but he is not speaking in reference to cases involving a fit red heifer, and no proof may be cited from here.

¹¹⁴ Rav Idi bar Avin raises an objection from a mishna (Pesahim 63a) to the opinion that halakhic slaughter is accomplished only at its conclusion. If one slaughters an animal for the sake of the Paschal offering on the fourteenth of Nisan after noon while he has leaven in his possession, he is flogged for violating the prohibition: “You shall not slaughter the blood of My sacrifice with leavened bread” (Exodus 23:18). If he slaughtered the animal not for the sake of the Paschal offering, he is exempt from receiving lashes. And if he slaughtered the animal during the festival of Passover for the sake of the Paschal offering with leaven in his possession, he is exempt, because it is a disqualified Paschal offering, as it was slaughtered beyond its appointed time. But if he slaughtered the animal during the Festival not for the sake of the Paschal offering, but rather as a peace offering, he is liable for slaughtering the animal with leaven in his possession.

¹¹⁵ And we discussed this matter: The reason he is liable is due to the fact that his intent was to slaughter it not for the sake of the Paschal offering, but had he slaughtered it with unspecified intent he would be exempt, because the offering would be disqualified. Unless he specifically intends otherwise, the animal retains its status as a Paschal offering and is disqualified when sacrificed beyond its appointed time.

¹¹⁶ The Gemara asks: And why is he exempt? Doesn’t a Paschal offering sacrificed during the rest of the days of the year assume the status of a peace offering, and doesn’t one who slaughters a peace offering during the time when it is prohibited to possess leaven with leaven in his possession also violate the prohibition? Conclude from it that a Paschal offering sacrificed during the rest of the days

of the year requires explicit revocation of its status; otherwise, it does not assume the status of a peace offering and it remains a disqualified Paschal offering.

¹¹⁷ And Rabbi Ḥiyya bar Gamda said: A response emerged from the group of scholars that discussed this matter, and they said: What are we dealing with here? It is with a case where the owners of the Paschal offering were ritually impure on the fourteenth of Nisan with impurity imparted by a corpse. In that case, the Torah commands (Numbers 9:10–11) that since they were unable to sacrifice the Paschal offering at the appointed time, the fourteenth of Nisan, they were deferred to the second Pesah, the fourteenth of Iyyar. Since presumably the owner plans to use his Paschal offering on the second Pesah, its unspecified slaughter in the interim stands to be offered for the sake of the Paschal offering, and it is that Paschal offering that requires revocation of its status. But other situations of a Paschal offering that is slaughtered beyond its designated time do not require revocation of the animal's status, and it assumes the status of a peace offering.

¹¹⁸ Returning to the matter at hand, if a Paschal offering that is designated for use on the second Pesah is slaughtered on Passover while one has leaven in his possession, he is exempt from receiving lashes because it is a disqualified Paschal offering. Granted, if you say that halakhic slaughter is accomplished from the beginning to the end of the act, the offering is disqualified from the beginning of the slaughter as a Paschal offering slaughtered beyond its appointed time. Therefore, one is exempt from receiving lashes. But if you say that halakhic slaughter is accomplished only at its conclusion, why is one exempt if he slaughtered the animal with leaven in his possession? Once he began and cut a bit of the siman, it is rejected from its status as a Paschal offering and can no longer be offered on the second Pesah. Therefore, when he slaughters the other, remaining, portion of the simanim without specification, it is a peace offering that he is slaughtering.

¹¹⁹ Abaye said to Rav Idi bar Avin: Even if you say that halakhic slaughter is accomplished only at its conclusion, although it was rejected from the possibility of being sacrificed on the second Pesah, was it rejected from the possibility of being redeemed and from the possibility of the monetary value of a Paschal offering being used to purchase an animal to be sacrificed on the second Pesah? As long as the slaughter is not yet complete, redemption of the animal remains possible. Therefore, unspecified slaughter at that time is for the sake of a Paschal offering and one should be exempt from receiving lashes.

¹²⁰ And if you would say that in order to redeem a consecrated item one requires that the animal be placed standing before the priest and it requires valuation (see Leviticus 27:11–12), and once it is slaughtered it is unable to stand, but didn't we learn in a baraita: If one slaughtered, i.e., cut, two simanim in the animal or a majority of two simanim, and the animal is still convulsing, its halakhic status is like a living animal in every respect, and it may be redeemed until the convulsing ceases?

¹²¹ § Rav Yehuda said that Rav said: One who cuts a siman in two or three places on the neck, and together the cuts constitute the requisite measure of slaughter, his slaughter is valid. Rav Yehuda adds: When I stated this halakha before Shmuel he said to me: We require a clear and obvious slaughter and in the case of cuts in two or three places there is no obvious slaughter.

¹²² And Rabbi Shimon ben Lakish also holds that we require a clear and obvious slaughter, as Rabbi Shimon ben Lakish says: From where is it derived that slaughter must be clear and obvious? As it is stated: "Their tongue is a sharpened [shaḥut] arrow, it speaks deceit; one speaks peaceably to his

neighbor with his mouth, but in his heart he lays wait for him” (Jeremiah 9:7). Just as an arrow clearly enters one part of the body, so too, the slaughter [sheḥita] must be clear and obvious.

¹²³ Rabbi Elazar raises an objection from a mishna (30b): If two people are grasping a knife and slaughtering one animal, even if each is holding a knife and slaughtering one above and one below, with each one slaughtering at a different point in the neck, their slaughter is valid. But why is the slaughter valid according to the opinions of Shmuel and Rabbi Shimon ben Lakish? There is no clear and obvious slaughter, as each is cutting a different part of the neck.

¹²⁴ Rabbi Yirmeya said to Rabbi Elazar: The mishna is referring to a case with one knife and two people, each holding one end of the knife, resulting in a single diagonal incision from above to below.

¹²⁵ Rabbi Abba said to Rabbi Yirmeya: If so, is this what is taught in that regard in a baraita commenting on that mishna: One need not be concerned that perhaps each will render the animal a tereifa due to the other? Granted, if you say that the mishna is referring to a case of two knives and two people it works out well, lest you say: Let us be concerned that perhaps each will rely on the other that he will perform the slaughter properly, and neither will this one come to execute the cut on the majority of the simanim, nor will that one come to execute the cut on the majority of the simanim. Therefore, the tanna teaches us that one need not be concerned.

¹²⁶ But if you say that the mishna is referring to a case of one knife and two people, that statement in the baraita should not have said: One need not be concerned that perhaps each will render the animal a tereifa due to the other; it should have said: One need not be concerned that because one is pulling in one direction and one is pulling in the other, perhaps each will cause the other to press the knife and thereby invalidate the slaughter.

¹²⁷ Rabbi Avin said to him: Teach: One need not be concerned

¹²⁸ that perhaps each will cause the other to press the knife.

¹²⁹ Rabbi Avin raises an objection from a baraita: If one slaughtered, i.e., cut, the gullet below on the neck and the windpipe above on the neck, or cut the gullet above on the neck and the windpipe below on the neck, his slaughter is valid. Based on this, Rabbi Avin asks: Why is the slaughter valid? But in that case there is no clear and obvious slaughter.

¹³⁰ He raises the objection and he resolves it. This baraita is not referring to cuts on two places on the neck; rather, it is referring to slaughter performed on a diagonal, like the point of a reed [kekulmos] fashioned into a writing utensil. The slaughterer begins cutting from the top of one siman and cuts diagonally downward so that when he reaches the second siman, the knife is lower down.

¹³¹ The Gemara relates: There was a certain bull that was slaughtered with cuts in two or three places in the simanim on its neck. Rav Yitzḥak bar Shmuel bar Marta entered the store and took a cut of meat from the highest quality parts of the animal, thereby demonstrating that the slaughter was valid. Rabbi Zeira said to him: Our rabbi, you have taught us through your actions that the mishna: If two people are grasping a knife and slaughtering one animal, even one above and one below, is referring even to a case of two knives and two people who are each cutting the simanim at a different part of the neck with their knives.

¹³² § Rav Yehuda says that Rav says: If one concealed the knife in the neck between one siman and the other siman, i.e., he inserted the knife between the windpipe and the gullet, and he severed the

gullet first and then removed the knife and cut the windpipe, the slaughter is not valid. If one concealed the knife beneath the hide of the neck and then he cut both simanim, the slaughter is valid.

¹³³ The Gemara asks: What is Rav teaching us? We already learn this halakha explicitly in a mishna (32a): Or if one cut one siman and concealed the knife beneath the second siman and severed it, Rabbi Yeshevav says: The animal is an unslaughtered carcass and imparts ritual impurity through contact with it and carrying it. Rabbi Akiva says: The animal is a tereifa, and although eating it is prohibited, it does not transmit ritual impurity. Both agree that the slaughter is not valid in the sense that it does not permit the consumption of the meat of the animal.

¹³⁴ The Gemara answers: If this halakha is learned from the mishna alone, I would say that this statement applies only in a case where one conceals the knife beneath the gullet and cuts it from below to above, i.e., from the nape to the front of the neck, because he did not perform the slaughter in the standard manner of slaughter. But if he cut the gullet from above to below, i.e., from the front of the neck to the nape, since he performed the slaughter in the standard manner of slaughter, say that the slaughter is valid. Therefore, Rav teaches us that with regard to any case where one conceals the knife during slaughter, his slaughter is not valid.

¹³⁵ The Gemara proceeds to analyze the second part of that which Rav Yehuda says that Rav says: If one concealed the knife beneath the hide of the neck and then he cut both simanim in the standard manner the slaughter is valid. The school of Rav say that Rav says that in a case where one conceals the knife beneath the hide and cuts the simanim of the animal, I do not know whether the slaughter is valid, or whether it is not valid because he concealed the knife during the slaughter.

¹³⁶ A dilemma was raised before the Sages: According to the opinion of the school of Rav, who say: Beneath the hide, I do not know, if one concealed the knife beneath a cloth that is around the animal's neck, what is the halakha? If one concealed the knife beneath tangled wool on the neck of a sheep, what is the halakha? The Gemara concludes: These dilemmas shall stand unresolved.

¹³⁷ Rav Pappa raises a dilemma: If one concealed the knife in cutting the minority of the simanim and cut the majority of the simanim in the standard manner, what is the halakha? The Gemara concludes: The dilemma shall stand unresolved.

¹³⁸ MISHNA: With regard to one who slaughters by cutting two animals' heads simultaneously, his slaughter is valid. If two people are grasping a knife and slaughtering one animal, even if each is holding a knife and slaughtering one above and one below, with each one slaughtering at a different point in the neck, their slaughter is valid. If one decapitated the animal in one motion and did not slaughter the animal in the standard manner of drawing the knife back and forth, the slaughter is not valid. In a case where one was in the process of slaughtering the animal in the standard manner and he decapitated the animal in one motion, if the length of the knife is equivalent to the breadth of the animal's entire neck, the slaughter is valid.

¹³⁹ If one was in the process of slaughtering two animals simultaneously, and he decapitated two heads in one motion, if the length of the knife is equivalent to the breadth of an entire neck of one of the animals, the slaughter is valid. In what case is this statement, that one must be concerned about the length of the knife, said? It is when one drew the knife back and did not draw it forth, or drew it forth and did not draw it back; but if he drew it back and forth, even if the knife was of any length, even if he slaughtered with a scalpel [be'izemel], the slaughter is valid.

¹⁴⁰ GEMARA: The mishna stated: If one decapitated the animal in one motion, the slaughter is not valid. The Gemara asks: From where is this matter derived? Shmuel said: It is derived from a verse, as the verse states: “Their tongue is a sharpened [shaḥut] arrow, it speaks deceit” (Jeremiah 9:7). Just as an arrow is propelled by drawing back the bowstring, so too, slaughter [sheḥita] must be performed by drawing the knife across the animal’s neck and not by pressing the knife or striking the neck with the knife.

¹⁴¹ Likewise, the school of Rabbi Yishmael taught: The verse states: “And he shall slaughter [veshaḥat] the young bull before the Lord” (Leviticus 1:5). The term “veshaḥat” means nothing other than: And he shall draw the knife across the neck of the animal. And similarly, the verse states: “And King Solomon made two hundred targets of drawn [shaḥut] gold” (I Kings 10:16), meaning gold that is smoothed in the manner of goldsmiths. And the verse states: “Their tongue is a sharpened arrow, it speaks deceit” (Jeremiah 9:7).

¹⁴² The Gemara asks: What is the purpose of citing the additional verse introduced with the term: And the verse states? The Gemara answers: And if you would say that the term “drawn [shaḥut] gold” means that the gold was spun like soft thread [keḥut], come and hear: “Their tongue is a sharpened [shaḥut] arrow.” In this verse, shaḥut means drawn like the bowstring that propels an arrow, and is not a reference to thread.

¹⁴³ The Gemara relates: Rava would examine the arrow for Rabbi Yona bar Taḥlisa to ensure that there were no notches in it. And Rava shot the arrow and slaughtered a bird with it as it was flying. The Gemara challenges: And perhaps when the arrow cut the bird’s neck it performed an inverted slaughter, with the arrow concealed in the neck, and cut the simanim from back to front. The Gemara responds: We see

¹⁴⁴ that the feathers at the front of the neck were unraveled by the arrow, a clear indication that slaughter was performed from the front of the neck.

¹⁴⁵ The Gemara notes another difficulty encountered in the slaughter of a flying bird with an arrow. But doesn’t the bird’s blood require covering with earth? And if you would say that Rabbi Yona bar Taḥlisa covers the blood, but doesn’t Rabbi Zeira say that Rav says: In fulfilling the mitzva of covering the blood, one who slaughters an undomesticated animal or bird must place earth beneath the blood and earth above it, as it is stated: “He shall spill its blood, and cover it in earth” (Leviticus 17:13). It is not stated: Cover it with earth, but rather “in earth.” This teaches that one who slaughters must place earth beneath the blood and earth above the blood, so that the blood will be within the earth.

¹⁴⁶ The Gemara answers that Rabbi Yona bar Taḥlisa would designate for himself the earth of the entire valley [patka] before shooting the arrow. That earth would serve as the layer of earth beneath the blood and he would proceed to cover the blood with another layer of earth.

¹⁴⁷ § The mishna teaches: In a case where one was in the process of slaughtering the animal in the standard manner and he decapitated the animal in one motion, if the length of the knife is equivalent to the breadth of the animal’s entire neck, the slaughter is valid. Rabbi Zeira says: The knife must be equivalent to the breadth of the animal’s entire neck and extend beyond the neck.

¹⁴⁸ A dilemma was raised before the Sages: Did Rabbi Zeira mean: Equivalent to the breadth of the animal’s entire neck and extend beyond the neck by an amount equivalent to the breadth of the entire

neck, in which case the length of the knife would equal the breadth of two necks? Or perhaps he meant: Equivalent to the breadth of the entire neck and beyond the neck by any amount?

¹⁴⁹ The Gemara suggests: Come and hear proof to resolve the dilemma from the continuation of the mishna: If one was in the process of slaughtering two animals simultaneously, and he decapitated two heads in one motion, if the length of the knife is equivalent to the breadth of an entire neck of one of the animals the slaughter is valid. The Gemara asks: What is the meaning of the phrase: The breadth of an entire neck of one of the animals? If we say that it means the breadth of one entire neck and nothing more, that is difficult. Now, for the slaughter of one animal, we require that the knife be equivalent to the breadth of the animal's entire neck and extend beyond the neck; for the slaughter of two animals, is it possible that a knife whose length is equivalent to the breadth of one animal's entire neck would be sufficient? Rather, it is obvious that it means that the length of the knife must be equivalent to the breadth of one entire neck beyond the breadth of two necks.

¹⁵⁰ The Gemara suggests: Learn from the mishna that Rabbi Zeira means that the length of the knife must be equivalent to the breadth of the animal's entire neck and extend beyond the neck by the breadth of the entire neck. The Gemara concludes: Indeed, learn from it that this was Rabbi Zeira's intent.

¹⁵¹ § The mishna continues: In what case is this statement said? It is when one drew the knife back and did not draw it forth, or drew it forth and did not draw it back. But if he drew it back and forth, even if the knife was of any length, even if he slaughtered with a scalpel, the slaughter is valid. Rav Menashe said: This is the halakha in the case of a scalpel that does not have protrusions from the sides. If there are protrusions, since the scalpel is short, there is concern that the corners may perforate the simanim or enter between the simanim and invalidate the slaughter.

¹⁵² Rav Aḥa, son of Rav Avya, said to Rav Menashe: What is the halakha with regard to slaughter with a needle? Rav Menashe said to him: A needle pierces the simanim, as it perforates the neck instead of cutting it.

¹⁵³ Rav Aḥa then asked Rav Menashe: What is the halakha with regard to slaughtering with a cobbler's needle, which is flat and has sharp sides? Rav Menashe said to him: We already learn in the mishna: Even if the knife was of any length, the slaughter is valid. What, is it not referring to slaughter with a cobbler's needle? The Gemara responds: No. The reference is to slaughtering with a scalpel, which is larger than a cobbler's needle. The Gemara objects: The tanna teaches the case of a scalpel explicitly in the mishna. Therefore, the phrase in the mishna: A knife of any length, must be referring to an item smaller than a scalpel. The Gemara explains: The subsequent mention of the scalpel is explaining the phrase: Even if the knife was of any length. What is the knife of any length with which slaughter is valid? It is a scalpel.

¹⁵⁴ This too stands to reason, as, if it enters your mind that the phrase: A knife of any length, is referring to a cobbler's needle, now that it is permitted to slaughter with a cobbler's needle, is it necessary for the tanna to teach that it is permitted to slaughter with a scalpel, which is larger than a cobbler's needle? The Gemara rejects that reasoning: It is necessary for the mishna to teach both the case of a cobbler's needle and the case of a scalpel, as it could enter your mind to say that it is prohibited to slaughter with a scalpel even though it is permitted to slaughter with a cobbler's needle. The reasoning for this distinction would be: Let the Sages issue a decree prohibiting the use of a scalpel with no protrusions due to the prohibition against using a scalpel with protrusions. Therefore,

the tanna teaches us that there is no decree and it is permitted to slaughter with a scalpel that has no protrusions.

¹⁵⁵ MISHNA: If a knife fell and slaughtered an animal, although the knife slaughtered the animal in the standard manner, the slaughter is not valid, as it is stated: “And you shall slaughter...and you shall eat” (Deuteronomy 27:7), from which it is derived: That which you slaughter you may eat, and that which was slaughtered on its own, you may not eat.

¹⁵⁶ GEMARA: The mishna teaches that if a knife fell and slaughtered an animal the slaughter is not valid. The Gemara notes: The reason the slaughter is not valid is that the knife fell. But by inference, if one dropped the knife the slaughter is valid, and that is the halakha even though when dropping the knife he did not intend to slaughter the animal.

¹⁵⁷ The Gemara asks: Who is the tanna who holds that we do not require intent for slaughter? Rava said: It is Rabbi Natan, as Oshaya, the youngest of the company of Sages, taught a baraita: If one threw a knife to embed it in the wall and in the course of its flight the knife went and slaughtered an animal in its proper manner, Rabbi Natan deems the slaughter valid and the Rabbis deem the slaughter not valid. Oshaya teaches the baraita and he says about it: The halakha is in accordance with the opinion of Rabbi Natan that there is no need for intent to perform a valid act of slaughter.

¹⁵⁸ The Gemara asks: But didn’t Rava already say it one time that the mishna is in accordance with the opinion of Rabbi Natan? As we learned in a mishna (2a): And with regard to any of them, a deaf-mute, an imbecile, or a minor, who slaughtered an animal and others see and supervise them, their slaughter is valid even though they are incapable of intent. And we said: Who is the tanna who holds that we do not require intent for slaughter? And Rava said: It is Rabbi Natan.

¹⁵⁹ The Gemara answers: Both statements are necessary. As had Rava taught us his statement there with regard to a deaf-mute, an imbecile, and a minor, one would have thought that the slaughter is valid due to the fact that although the individual lacks intent to slaughter the animal, he intends his action for the sake of cutting in general. But here, with regard to throwing a knife at the wall, where he does not intend to cut at all, say no, the slaughter is not valid.

¹⁶⁰ And had Rava taught us his statement here with regard to throwing the knife, one would have thought that the slaughter is valid is due to the fact that it comes due to the action of a mentally competent person. But there, with regard to slaughter by a deaf-mute, an imbecile, or a minor, where the slaughter does not come due to the action of a mentally competent person, say that the slaughter is not valid. Therefore, it is necessary for Rava to teach both cases.

¹⁶¹ § The mishna is now cited as proof in an amoraic dispute. It was stated: With regard to a menstruating woman who, after the menstrual flow ended, was compelled against her will and immersed in a ritual bath, Rav Yehuda says that Rav says: She is ritually pure vis-à-vis her house, i.e., it is permitted for her to engage in intercourse with her husband, but it is prohibited for her to partake of teruma because the immersion is not considered valid for that purpose. And Rabbi Yoḥanan says: She was not purified even vis-à-vis her house.

¹⁶² Rava said to Rav Naḥman: According to the opinion of Rav, who says that she is ritually pure vis-à-vis her house but it is prohibited for her to partake of teruma, it is difficult. With regard to a transgression punishable by karet, i.e., intercourse with a menstruating woman, she was rendered permitted by immersion against her will; with regard to partaking of teruma, a prohibition punishable

by death at the hand of Heaven, which is a lesser punishment, is it necessary to say that it is permitted for her through immersion against her will? Why then does Rav deem it prohibited for her to partake of teruma?

¹⁶³ Rav Nahman said to him: The halakhic status of her husband is non-sacred, and non-sacred items do not require intent for purification. And from where do you say so? It is as we learned in a mishna (Mikvaot 5:6): In the case of a wave that was detached from the sea, and in it were forty se'a of water, and that wave fell on an impure person or on impure vessels, they are ritually pure. What, is it not that a person is similar to vessels? Just as vessels do not intend to be purified and they are purified by the wave, so too, a person does not require intent in order to be purified.

¹⁶⁴ The Gemara rejects that proof: From where is there proof that this is the meaning of the mishna? Perhaps we are dealing with the case of one who sits near the water and waits to determine when the wave will be detached, which is tantamount to having intent to immerse,

¹⁶⁵ and vessels are similar to a person: Just as for a person, we require his intent for purification, so too for vessels, they are purified only in a case where a person intends for them to be purified.

¹⁶⁶ And if you would say: If the mishna is referring to the case of one who sits and waits to determine when the wave will be detached, what is the purpose of stating this halakha? It is obvious and introduces no novel element.

¹⁶⁷ The Gemara responds that there is a novel element in this halakha. Lest you say: Let us issue a decree that a detached wave does not effect purification due to the concern that otherwise, one would receive the mistaken impression that one is purified in a cascade [ḥardalit] of rainwater containing forty se'a. The halakha is that rainwater purifies only when pooled in one place. Alternatively, let us issue a decree that the edges of the waves, which are in contact with the ground, are ineffective in purifying people and vessels standing on the ground due to the concern that otherwise one would receive the mistaken impression that vessels are purified even if one pushes them upward into the arc of the waves while the water remains airborne. Therefore, the tanna teaches us that we do not issue either of those decrees.

¹⁶⁸ And from where do you say that we do not immerse in the arcs of waves? As we learned in a baraita: One may immerse in the edges of waves, but one may not immerse in their arcs, as one may not immerse in air. Immersion may be performed only on the ground.

¹⁶⁹ The Gemara again asks: But in any event, from where do we derive that non-sacred items do not require intent? The Gemara answers: It is as we learned in a mishna (Makhshirin 4:7): Produce becomes susceptible to ritual impurity only if it is dampened by one of seven liquids and its owner was amenable to its dampening. This is derived from the verse: "But when water is placed on the seed, and some of their carcass shall fall on it, it is impure to you" (Leviticus 11:38). If produce fell into a stream, and one whose hands were ritually impure extended his hands and took the produce from the water channel, his hands are ritually pure through immersion in the stream, and this produce is not in the category of: "But when water is placed." The produce is not susceptible to ritual impurity because the owner did not intend that his hands become wet.

¹⁷⁰ But if he placed his hands into the stream so that his hands would be rinsed and purified, his hands are ritually pure, and the produce is in the category of: "But when water is placed." Since he was amenable to the dampening of his hands, the water on his hands renders the produce susceptible

to ritual impurity. From the first case in the mishna it is clear that his hands are purified even though his intent was not to immerse them in the water.

¹⁷¹ Rava raised an objection to Rav Naḥman from a mishna (Ḥagiga 18b): If one immersed for the purpose of eating non-sacred food and assumed the presumptive status of ritual purity for non-sacred food, it is prohibited for him to partake of second-tithe produce. The Gemara infers: If one assumed the presumptive status of ritual purity with regard to non-sacred food, yes, it is permitted for him to eat non-sacred food; if he did not assume the presumptive status, he may not eat non-sacred food. This indicates that even when immersing in order to partake of non-sacred food, one must intend to assume the presumptive status of ritual purity.

¹⁷² Rav Naḥman rejects the proof from the mishna and says that no intent is required to assume the presumptive status of ritual purity in order to eat non-sacred food. Rather, this is what the mishna is saying: Although he assumes the presumptive status of ritual purity for non-sacred food, it is prohibited for him to partake of second-tithe produce.

¹⁷³ Rava raised an objection to Rav Naḥman from that same mishna: If one immersed without intent to assume the presumptive status of ritual purity, it is as though he did not immerse. What, is the meaning of the mishna not that it is as though he did not immerse at all?

¹⁷⁴ Rav Naḥman rejects that proof as well. No, it means that if he immersed without intent it is as though he did not immerse to partake of second-tithe produce, but in that case, he immersed for non-sacred food, for which no intent is necessary. The Gemara comments: Rava believed that Rav Naḥman was merely putting him off with his claim that the formulation of the mishna does not conclusively support his objection; he believed that Rav Naḥman was not stating the real meaning of the mishna. Rava then went out, examined the sources, and discovered that it is taught in a baraita explicitly in accordance with the opinion of Rav Naḥman: If one immersed and had no intent to assume the presumptive status of ritual purity, it is permitted for him to eat non-sacred food, but it is prohibited for him to partake of second-tithe produce.

¹⁷⁵ Abaye said to Rav Yosef: Let us say that there will be a conclusive refutation of the opinion of Rabbi Yoḥanan from this baraita. This baraita states that immersion without intent is effective for non-sacred items, while Rabbi Yoḥanan said (31a) that if a woman who is impure due to menstruation immerses without intent she is forbidden to her husband, who is non-sacred.

¹⁷⁶ Rav Yosef said to him: Indeed, the baraita is contrary to his opinion, but Rabbi Yoḥanan is saying his opinion in accordance with the opinion of Rabbi Yonatan ben Yosef.

¹⁷⁷ As it is taught in a baraita with regard to the verse dealing with the purification of a leprous garment, which must be laundered, quarantined for a week, and then immersed in a ritual bath: “And the garment...that you shall wash and the leprosy departed from them, and it shall be washed a second time and shall be pure” (Leviticus 13:58). Rabbi Yonatan ben Yosef says: It would have been sufficient for the verse to simply state: And it shall be washed and shall be pure. For what purpose does the verse state: “A second time”? The Torah juxtaposes the second washing, the immersion, with the first washing, the laundering. Just as the first washing is performed with intent, as it is written: “And the priest shall command that they wash the garment that has the leprous mark, and he shall quarantine it seven days more” (Leviticus 13:54), so too, the second washing, the immersion in a ritual bath, must be performed with intent.

¹⁷⁸ If so, based on the same juxtaposition, perhaps derive: Just as there, with regard to the first washing, we require the intent of a priest, who commands to wash the garment, so too here, with regard to the second washing, we require the intent of a priest. Therefore, the verse states: “And shall be pure” (Leviticus 13:58), indicating that there is purity in any case where there is intent, even without a command from a priest. In the opinion of Rabbi Yonatan ben Yosef, even the immersion of the non-sacred garment must be performed with intent. Rav Yosef states that Rabbi Yoḥanan bases his statement on Rabbi Yonatan ben Yosef’s opinion.

¹⁷⁹ Rav Shimi bar Ashi objects to the association of the statement of Rabbi Yoḥanan with the opinion of Rabbi Yonatan ben Yosef: Did Rabbi Yoḥanan say that immersion of a non-sacred garment requires intent? But doesn’t Rabbi Yoḥanan say that the halakha is in accordance with an unattributed mishna?

¹⁸⁰ And we learned in the mishna: If a knife fell and slaughtered an animal, although the knife slaughtered the animal in the standard manner, the slaughter is not valid. And we discussed it: The reason the slaughter is not valid is that the knife fell. But by inference, if one dropped the knife the slaughter is valid, and that is the ruling even though when dropping the knife he did not intend to slaughter the animal. And we say: Who is the tanna who holds that we do not require intent for slaughter? Rava said: It is Rabbi Natan. Based on his principle that the halakha is in accordance with an unattributed mishna, Rabbi Yoḥanan should rule in accordance with the opinion of Rabbi Natan cited in the unattributed mishna, and not in accordance with the opinion of Rabbi Yonatan ben Yosef.

¹⁸¹ The Gemara answers: With regard to slaughter, even Rabbi Yonatan ben Yosef concedes that intent is not necessary. He learns this from the fact that the Merciful One revealed that if one acts unawares in performing the slaughter of sacrificial animals, with no intent to slaughter, the offering is disqualified. This is derived (13a) from the verse: “You shall slaughter it to your will” (Leviticus 19:5). By inference, conclude that with regard to the slaughter of non-sacred animals we do not require intent.

¹⁸² While on this subject the Gemara clarifies: And the Rabbis who disagree with Rabbi Natan and hold that slaughter of non-sacred animals requires intent would say: Although we do not require intent to slaughter non-sacred animals, we require intent to cut the neck of the animal. Throwing the knife down is not sufficient.

¹⁸³ Rava said that it was with this contention that Rabbi Natan overcame the Rabbis: He said: Is it written with regard to the slaughter of non-sacred animals: And you shall cut? It is written: “And you shall slaughter” (Deuteronomy 12:21). The Torah does not distinguish between cutting and slaughtering; if we require intent for cutting, we should require intent even for slaughtering. Conversely, if we do not require intent for slaughtering, we should also not require intent for cutting.

¹⁸⁴ The Gemara revisits the matter of immersion without intent. What are the circumstances of a menstruating woman who, after the menstrual flow ended, was compelled against her will and immersed in a ritual bath? If we say that another woman compelled her and immersed her in a ritual bath, the immersion should be valid even according to the opinion of Rabbi Yoḥanan, as the intent of another woman is full-fledged intent.

¹⁸⁵ And furthermore, in that case the immersion enables her to partake of teruma as well, as we learned in a mishna (Nidda 13b): In the case of a woman who is a deaf-mute, or an imbecile, or blind, or who went insane, and is therefore unable to examine herself reliably, if one of these women

has a competent friend, that friend prepares her by examining her and immersing them in a ritual bath. And on that basis the incompetent woman may partake of teruma.

¹⁸⁶ Rav Pappa said: According to Rabbi Natan, who does not require intent for the slaughter of non-sacred animals, immersion against her will that renders it permitted for a woman to engage in intercourse with her husband is in a case where she fell from a bridge into a river, with no intent at all. According to the Rabbis, who require intent to cut for slaughter to be valid and intent to enter the water for immersion to be valid, it is referring to a case where she descended into the water to cool herself, with no thought of purification.

¹⁸⁷ The Gemara continues its discussion of the dispute between Rabbi Natan and the Rabbis. Rava said: If one slaughtered a red heifer and in the same action slaughtered another animal together with it, everyone agrees that the red heifer is disqualified.

¹⁸⁸ But if another animal was inadvertently slaughtered together with the red heifer in the same action, according to Rabbi Natan, who holds that the slaughter of non-sacred animals without intent is valid, the red heifer is disqualified, because an additional labor was performed with its slaughter, and the other animal is fit for consumption, as its slaughter was valid. According to the Rabbis, who hold that slaughter of non-sacred animals without intent is not considered slaughter, the red heifer is fit for use in the purification rite because no other labor was performed with its slaughter, and the other animal is unfit for consumption.

¹⁸⁹ The Gemara asks: That is obvious; why did Rava have to teach that? The Gemara answers: It was necessary for Rava to teach the halakha according to the opinion of Rabbi Natan in the case where another animal was inadvertently slaughtered in the same action with the red heifer. It may enter your mind to say: The Merciful One states with regard to the slaughter of the red heifer: “And you shall give it to Elazar the priest...and he shall slaughter it before him” (Numbers 19:3), from which it is inferred: One may slaughter it, but not it and another animal simultaneously. And what are the circumstances of that prohibition? It is a case where one slaughtered two red heifers at the same time. But in a case where one slaughtered a red heifer together with a non-sacred animal, say no, that it does not disqualify the red heifer. Therefore, Rava teaches us that even slaughter with a non-sacred animal disqualifies the red heifer.

¹⁹⁰ Rava adds: If one slaughtered a red heifer and in the same action cut a gourd together with it, everyone agrees that the red heifer is disqualified. If one slaughtered a red heifer and a gourd was inadvertently cut together with it in the same action, everyone agrees that the red heifer is fit for use in the purification rite, as that is not labor that disqualifies a red heifer and it is also not excluded by the derivation from the verse “And he shall slaughter it.”

¹⁹¹ MISHNA: If, when one was in the middle of slaughtering an animal, the knife fell and he lifted it and then completed the slaughter, or if his garments fell and he lifted them and then completed the slaughter, or if he had honed the knife and grew weary before completing the slaughter and another came and slaughtered the animal, if he interrupted the slaughter in one of these ways or in a different way for an interval equivalent to the duration of an act of slaughter, the slaughter is not valid. Rabbi Shimon says: The slaughter is not valid if he interrupted the slaughter for an interval equivalent to the duration of an examination.

¹⁹² GEMARA: The Gemara asks: What is the meaning of an interval equivalent to the duration of an act of slaughter? Rav said: It means an interval equivalent to the duration of an act of slaughter of another animal, not the duration required to complete the act of slaughter that was interrupted.

¹⁹³ Rav Kahana and Rav Asi said to Rav: Is the interruption that invalidates the slaughter an interval equivalent to the duration of an act of slaughter of another animal for an animal, i.e., in a case where an animal was being slaughtered, and an interval equivalent to the duration of an act of slaughter of another bird for a bird? Or perhaps it is an interval equivalent to the duration of an act of slaughter of an animal even for a bird, and if the interruption is any shorter it does not invalidate the slaughter?

¹⁹⁴ Rav said to them: When we studied this topic I did not feel sufficiently intimate with my beloved uncle, Rabbi Ḥiyya, such that I could ask him that question. Rav was able only to transmit that which he heard from Rabbi Ḥiyya, but was unable to resolve their dilemma.

¹⁹⁵ It was stated that there is an amoraic dispute with regard to this matter. Rav said: An interval equivalent to the duration of an act of slaughter of another animal for an animal, and an interval equivalent to the duration of an act of slaughter of another bird for a bird. And Shmuel said: An interval equivalent to the duration of an act of slaughter of an animal even for a bird. And likewise, when Ravin came from Eretz Yisrael to Babylonia he said that Rabbi Yoḥanan said: An interval equivalent to the duration of an act of slaughter of an animal even for a bird.

¹⁹⁶ Rabbi Ḥananya said: An interval equivalent to the period in which one can bring another animal and slaughter it. The Gemara asks: Does that mean the time in which one can bring an animal even from anywhere else, regardless of the distance? Occasionally, there is no animal available in close proximity. If so, you have rendered your statement subject to circumstances; it does not apply uniformly to all cases.

¹⁹⁷ Rav Pappa said: The practical difference between the opinion of Rabbi Ḥananya and that of the other Sages is in a case where there is an animal standing before the slaughterer and it is necessary to cast it to the ground in order to slaughter it. Even Rabbi Ḥananya disregards the time required to bring the animal from elsewhere. But Rabbi Ḥananya holds that the slaughter is invalidated only if the interruption lasts an interval equivalent to the duration of the act of casting the animal to the ground and slaughtering it. The Rabbis invalidate the slaughter even if an interval has elapsed that is equivalent to the duration of the act of slaughtering the animal, without casting it to the ground.

¹⁹⁸ The Gemara cites an additional opinion with regard to the duration of the interruption that invalidates slaughter. They said in the West, Eretz Yisrael, in the name of Rabbi Yosei, son of Rabbi Ḥanina: The duration of the interruption that invalidates slaughter is equivalent to the period in which he can lift the animal from the ground and then lay it back on the ground and slaughter it. The interval is calculated based on the size of the animal in question. The duration of the interruption that invalidates slaughter of a small animal is equivalent to the period necessary to lift, lay down, and slaughter a small animal. And the duration of the interruption that invalidates slaughter of a large animal is equivalent to the period necessary to lift, lay down, and slaughter a large animal.

¹⁹⁹ § Rava said: In the case of one who slaughters with a blunt knife, even if the completion of the slaughter lasts the entire day, the slaughter is valid provided there is no interruption in the midst of the slaughter.

²⁰⁰ Rava raises a dilemma: If there were several short interruptions during a single act of slaughter, what is the halakha in terms of whether they join together to invalidate the slaughter if the sum of the durations of all the interruptions is greater than the maximum permitted interruption?

²⁰¹ The Gemara challenges: And let Rava resolve the dilemma from his own statement, as he permitted an act of slaughter that lasts the entire day, during which there were presumably brief interruptions throughout. Apparently, the interruptions do not join together. The Gemara responds: There, Rava was referring to a case where there was no interruption, as the slaughterer drew the knife back and forth throughout.

²⁰² Rav Huna, son of Rav Natan, raises a dilemma: If one cut the majority of the simanim and then interrupted the slaughter before proceeding to cut the minority of the simanim, what is the halakha? The Gemara answers: The dilemma shall stand unresolved.

²⁰³ § The mishna teaches that Rabbi Shimon says: The slaughter is not valid if he interrupted the slaughter for an interval equivalent to the duration of an examination. The Gemara asks: What is an interval equivalent to the duration of an examination? Rabbi Yoḥanan said: It is an interval equivalent to the duration of an examination of the knife by a Sage prior to the slaughter of the animal. The Gemara objects: If so, you have rendered your statement subject to circumstances, as sometimes the Sage is near and sometimes the Sage is far, and the time required for examination varies accordingly. The Gemara responds: Rather, the reference is to an interval equivalent to the duration of an examination performed by a slaughterer who is a Sage. In that case, travel time is not factored in; only the time of the examination itself is considered, and this does not vary.

²⁰⁴ MISHNA: If one cut the gullet in the standard manner of slaughter with a back-and-forth movement, and he severed the windpipe not in the standard manner, or if one severed the windpipe and thereafter cut the gullet, or if one cut one of the simanim and waited until the animal died, or if one cut one siman and concealed the knife beneath the second siman and severed it from below, Rabbi Yeshevav says: The animal is an unslaughtered carcass and imparts ritual impurity through contact with it and carrying it. Rabbi Akiva says: The animal is a tereifa, and although eating it is prohibited, it does not transmit ritual impurity.

²⁰⁵ Rabbi Yeshevav stated a principle in the name of Rabbi Yehoshua: Any animal that was rendered unfit during its slaughter because the slaughter was not performed properly is an unslaughtered carcass; any animal whose slaughter was performed properly and another matter caused it to become unfit is a tereifa. And Rabbi Akiva conceded to his opinion.

²⁰⁶ GEMARA: The mishna teaches: If one cut the gullet...and Rabbi Akiva conceded to his opinion. And the Gemara raises a contradiction from a mishna at the beginning of the next chapter (42a): These wounds constitute tereifot in an animal:

²⁰⁷ An animal that has a perforated gullet, where the perforation goes through the wall of the gullet, or one with a severed windpipe. According to this mishna, the severed windpipe renders the animal a tereifa and not an unslaughtered carcass. If Rabbi Akiva reconsidered his opinion and conceded to Rabbi Yeshevav, in accordance with the opinion of which tanna is that mishna?

²⁰⁸ Rava said: This is not difficult. Here, the mishna is referring to a case where one cut the gullet and ultimately severed the windpipe not in the standard manner. There, the mishna in the next chapter is referring to a case where he severed the windpipe not in the standard manner, and

ultimately cut the gullet. If he cut the gullet and ultimately severed the windpipe, the animal was rendered unfit during its slaughter; therefore, it assumes the status of an unslaughtered carcass, according to the principle of Rabbi Yeshevav. But if he severed the windpipe and ultimately cut the gullet, it is as though another matter caused the animal to become unfit; therefore, it assumes the status of a tereifa.

²⁰⁹ Rav Aḥa bar Huna raised an objection to Rava from a baraita: If one cut the gullet and then severed the windpipe, or if one severed the windpipe and cut the gullet thereafter, the animal is an unslaughtered carcass. Apparently, contrary to Rava's statement, the order is irrelevant, and even if the windpipe is severed first, the animal assumes the status of an unslaughtered carcass.

²¹⁰ Rava said: Say that the latter case in the baraita means not that he cut the gullet thereafter; rather, it is a case where one severed the windpipe and had already cut the gullet at the outset.

²¹¹ Rav Aḥa bar Huna said to him: There are two refutations of the statement, i.e., of your attempt to answer the difficulty from the baraita: One is that if the second case in the baraita is one where he initially cut the gullet, then that is identical to the first case in the baraita. And furthermore, didn't we learn explicitly in the baraita: Or if one severed the windpipe and cut the gullet thereafter, the animal is an unslaughtered carcass?

²¹² Rather, Rava said: The use of the term: Tereifot, in the mishna in the next chapter is not to the exclusion of unslaughtered carcasses; rather, the tanna teaches that term in a general sense, meaning: These wounds serve to render an animal forbidden; and there are some of them that are unslaughtered carcasses, e.g., an animal with a severed windpipe, and there are some of them that are tereifot.

²¹³ The Gemara objects to that interpretation: If the mishna is listing those circumstances that render the animal an unslaughtered carcass, let the tanna consider the circumstance of Ḥizkiyya as well, as Ḥizkiyya says: If one rendered the animal like a shard by cutting it into two widthwise, its halakhic status is that of an unslaughtered carcass even while it is convulsing before its death. And let the tanna consider the circumstance of Rabbi Elazar as well, as Rabbi Elazar said: If the thigh, the hind leg of the animal, was removed and its recess is obvious (see 21a), it is an unslaughtered carcass.

²¹⁴ The Gemara explains: When the mishna teaches the case of an unslaughtered carcass, it is a case where the animal does not assume that status and imparts impurity while alive. But the tanna does not teach the case of an unslaughtered carcass where the animal assumes that status and imparts impurity while alive, e.g., the cases of Ḥizkiyya and Rabbi Elazar.

²¹⁵ Rabbi Shimon ben Lakish resolved the apparent contradiction between the mishna here and the mishna on 42a, and said: Here, the tanna is referring to a case where one cut the gullet in the same place as the initial cut in the windpipe. There, on 42a, the tanna is referring to a case where he cut the gullet not in the same place as the initial cut in the windpipe. The reason for the distinction is that if one cut the gullet in the same place as the initial cut in the windpipe, it is an animal that was rendered unfit during its slaughter and it assumes the status of an unslaughtered carcass. By contrast, if he cut the gullet not in the same place as the initial cut in the windpipe it is like a case where another matter caused the animal to become unfit. Therefore, cutting the gullet renders it a tereifa and prevents it from imparting ritual impurity.

²¹⁶ The Gemara asks: And did Rabbi Shimon ben Lakish say this, that slaughter can be effective to prevent impurity after the windpipe was severed? But doesn't Rabbi Shimon ben Lakish say: If one cut the windpipe and the lung was perforated thereafter before he cut the gullet, the animal is fit for consumption? Apparently, after cutting the windpipe, the status of the lungs, whose existence is dependent upon the windpipe, is like that of an item that is placed in a basket; they are irrelevant to the determination of the animal's status. Here too, when the windpipe is severed at the beginning of the slaughter the windpipe should be considered like an item that is placed in a basket in the sense that the animal is considered to have only one siman, the gullet, and cutting of one siman does not affect the animal's status.

²¹⁷ Rather, Rabbi Ḥiyya bar Abba said that Rabbi Yohanan said: The apparent contradiction is not difficult. There (42a), where it is stated that an animal with a severed windpipe is a tereifa, the mishna presents the opinion of Rabbi Akiva before retraction of his opinion. Here, the mishna presents the opinion of Rabbi Akiva after retraction of his opinion. And even though Rabbi Akiva retracted his opinion, a mishna does not move from its place. Once this version of the mishna was learned in the study hall, it remained valuable, even though it is no longer current.

²¹⁸ § The Gemara discusses the matter itself that was cited previously. Rabbi Shimon ben Lakish says: If one cut the windpipe and the lung was perforated thereafter before he cut the gullet, the animal is fit for consumption. Rava said: Rabbi Shimon ben Lakish states this principle only with regard to a lung, since the function of the lung is dependent upon the windpipe. Once the windpipe is severed it is as though the lungs were removed from the animal. But with regard to innards that were perforated after the windpipe was cut but before the slaughter was completed, no, the animal becomes a tereifa, because the function of the innards is not dependent on the windpipe.

²¹⁹ Rabbi Zeira objects to Rava's distinction. Since when signs of being a tereifa developed in the animal after the slaughter began, you permitted the animal and deemed the slaughter valid, what difference is there to me if the perforation was in the lung, and what difference is there to me if the perforation was in the innards? In either case, the animal should not be deemed a tereifa if the signs developed once the slaughter began.

²²⁰ But Rabbi Zeira retracted his objection, as Rabbi Zeira raises a dilemma: If the innards were perforated between the cutting of the first siman and the second siman what is the halakha? Does the first siman join together with the second siman to purify the animal from the impurity of an unslaughtered carcass or not?

²²¹ And we say: Isn't this the dilemma that Ilfa raises: If a fetus extended its foreleg outside the womb while the mother was being slaughtered, between the cutting of the first siman, the windpipe, and the second siman, the gullet, thereby causing the foreleg to have the status of a tereifa, what is the halakha?

²²² The Gemara clarifies this dilemma: Does the first siman join together with the second siman to purify the animal from the impurity of an unslaughtered carcass or not? In both cases the dilemma is: Does the cutting of the first siman, which serves the dual purpose of being a component of permitting consumption and preventing impurity of the animal, join together with the cutting of the second siman, which serves only the purpose of preventing impurity, in order to constitute a single act of slaughter and thereby prevent the animal from assuming the impurity of an unslaughtered carcass?

Or perhaps because the cutting of each siman is performed for a different purpose they do not join together?

²²³ In any event, we raise the dilemma only in order to purify the foreleg from the impurity of an unslaughtered carcass. But with regard to eating the slaughtered animal, all agree that it is forbidden, as even Rabbi Zeira concedes that the animal is a tereifa and retracts his objection to the distinction that Rava proposed between the lungs and the innards.

²²⁴ Rav Aḥa bar Rav said to Ravina: Perhaps Rabbi Zeira actually did not retract his opinion, as even initially he held that there is no distinction between lungs and innards. If either is perforated after one siman was cut, the animal is a tereifa. And Rabbi Zeira stated his objection to the distinction of Rava in accordance with the statement of Rava, but he himself does not hold accordingly.

²²⁵ The Gemara continues its analysis of the statement of Reish Lakish, who said that after the windpipe is cut, the lung is considered as though it was placed in a basket, and if it is perforated before the slaughter is completed, the animal does not become a tereifa. Rav Aḥa bar Yaakov said: Learn from the statement of Rabbi Shimon ben Lakish that one may invite Jews to eat the innards of an animal that was slaughtered, but one may not invite gentiles to eat the innards of an animal that was slaughtered, because they are forbidden to gentiles.

²²⁶ What is the reason? For Jews the matter of rendering the meat of the animal fit for consumption is dependent upon the performance of a valid act of slaughter. Once there is full-fledged slaughter and both simanim are cut, the innards are permitted to them even if the animal is convulsing. But with regard to gentiles, for whom stabbing is sufficient and slaughter is not required, the innards are permitted only after the animal is completely dead, since the matter of rendering the meat of the animal fit for consumption is dependent upon its death. Therefore, if the animal is still convulsing, these innards, which are considered to be outside the body after the cutting of the two simanim, are considered like a limb from a living animal and it is forbidden for gentiles to eat them.

²²⁷ Rav Pappa said: I was sitting before Rav Aḥa bar Yaakov and I sought to say to him that his statement is difficult: Is there anything that is permitted for a Jew but prohibited for a gentile? But I did not say that to him, as I said to myself: Didn't he say a reason for his ruling? Therefore, there is no reason to ask the question.

²²⁸ The Gemara notes: It is taught in a baraita not in accordance with the opinion of Rav Aḥa bar Yaakov: One who seeks to eat from the meat of an animal before its soul departs may cut an olive-bulk of meat from the area of the slaughter, the neck, and salt it very well, i.e., more than is normally required, and rinse it very well in water to remove the salt and the blood, and wait until the animal's soul departs, and eat it. It is permitted for both a gentile and a Jew to eat it. Contrary to the statement of Rav Aḥa bar Yaakov, there is no distinction between Jew and gentile.

²²⁹ This baraita supports the statement of Rav Idi bar Avin, as Rav Idi bar Avin says that Rav Yitzḥak bar Ashyan says: One who seeks to recuperate from an illness should cut an olive-bulk of meat from the area of slaughter, i.e., the neck, of an animal, and salt it very well, and rinse it very well, and wait until the animal's soul departs, and eat it. It is permitted for both a gentile and a Jew to eat it.

²³⁰ MISHNA: In the case of one who slaughters a domesticated animal, an undomesticated animal, or a bird, and blood did not emerge from them during the slaughter, all of these are permitted for consumption and do not require the ritual washing of the hands as they may be eaten with ritually

impure [mesoavot] hands, because they were not rendered susceptible to ritual impurity through contact with blood, which is one of the seven liquids that render food susceptible to impurity. Rabbi Shimon says: They were rendered susceptible to ritual impurity by means of the slaughter itself.

²³¹ GEMARA: The reason that they may be eaten with ritually impure hands is that blood did not emerge from the animals or birds during the slaughter; but if blood emerged from them during slaughter, they may not be eaten with ritually impure hands. The Gemara asks: Why not? Ordinary hands are impure with second-degree ritual impurity and an item of second-degree impurity cannot impart third-degree impurity to non-sacred items with which it comes into contact.

²³² The Gemara clarifies: From where is it ascertained that we are dealing in the mishna with non-sacred food, and not with the slaughter of an offering? That is clear, as the tanna teaches in the list of those slaughtered: An undomesticated animal. As, if the tanna is referring to the slaughter of sacrificial animals and birds, is there any undomesticated animal included in the framework of sacrificial animals? And furthermore, if the tanna is referring to sacrificial animals, when no blood emerges from them are the offerings valid? The offering itself requires blood, as it is only through the presenting of the blood upon the altar that the offering is accepted.

²³³ And furthermore, if the tanna is referring to sacrificial animals, when blood emerges from them, does it render them susceptible to ritual impurity? But doesn't Rabbi Ḥiyya bar Abba say that Rabbi Yoḥanan says: From where is it derived that the blood of sacrificial animals does not render food susceptible to ritual impurity? It is derived from a verse, as it is stated: "You shall not eat it; you shall pour it upon the earth like water" (Deuteronomy 12:24). Blood of a non-sacred animal, which is poured like water when it is slaughtered, renders food susceptible to ritual impurity. By contrast, blood of a sacrificial animal, which is not poured like water but is presented on the altar, does not render food susceptible to ritual impurity.

²³⁴ And furthermore, if the tanna is referring to sacrificial animals, when blood does not emerge from them are they not nevertheless rendered susceptible to ritual impurity? Let them be rendered susceptible to ritual impurity by means of regard for sanctity, as we maintain that regard for sanctity renders food susceptible to ritual impurity even in the absence of contact with any of the seven liquids.

²³⁵ Rav Naḥman said that Rabba bar Avuh said: Here we are dealing with non-sacred food that one purchased in Jerusalem with second-tithe money, which assumes the status of the second-tithe produce. This produce, in turn, assumes third-degree impurity through contact with hands that have second-degree impurity. And this mishna is not in accordance with the opinion of Rabbi Meir, as we learned in a mishna (Para 11:5):

²³⁶ With regard to anything that by rabbinic law requires entry into water, i.e., either immersion or ritual washing of the hands, although it is pure by Torah law, it is accorded second-degree impurity. Therefore, such an item renders sacrificial food impure, meaning that the sacrificial food becomes impure and transmits impurity to other sacrificial food, and disqualifies teruma, meaning that it renders the teruma itself impure, but not to the extent that the teruma can render other teruma impure. And it is permitted for non-sacred food and for second-tithe produce to come in contact with such an item, and no impurity is thereby transmitted. This is the statement of Rabbi Meir.

²³⁷ And the Rabbis prohibit items that require entry into water from coming in contact with second-tithe produce, as they hold that the produce is thereby rendered impure. According to the Rabbis, the

status of second-tithe produce is more stringent than that of non-sacred food, and second-tithe produce assumes third-degree impurity upon contact with an item of second-degree impurity, which is in accordance with the opinion of the mishna.

²³⁸ Rav Shimi bar Ashi objects to this interpretation of that mishna. From where is it clear that it is contact that the Rabbis prohibit? Perhaps the Rabbis disagree with Rabbi Meir only with regard to a person with second-degree impurity partaking of second-tithe produce. But with regard to contact of an individual with second-degree impurity with second-tithe produce or his eating non-sacred food, they do not disagree.

²³⁹ And this case in the mishna is a case involving contact with the flesh of the slaughtered animal, from the fact that it teaches: They may be eaten with ritually impure hands, in the passive form, and not: One may eat them with impure hands. Are we not dealing with a case where another with impure hands fed him, but the one eating it was ritually pure and did not touch it? Therefore, the case in the mishna here, which indicates that it is forbidden for one with impure hands to touch the flesh if it has come in contact with the blood, cannot be referring to an animal purchased in Jerusalem with second-tithe money. The reason is that in that case, the Rabbis concede that contact with second-tithe produce, even produce rendered susceptible to ritual impurity by the blood, is permitted for one whose hands are impure with second-degree ritual impurity.

²⁴⁰ Rather Rav Pappa said: Here, in the mishna, we are dealing with hands that are impure with first-degree ritual impurity, which render even non-sacred food impure. And the mishna is in accordance with the opinion of Rabbi Shimon ben Elazar, as it is taught in a baraita: In those cases where hands have first-degree impurity, it is not that they render non-sacred food impure; rather, it means that they impart to teruma and sacrificial food second-degree impurity rather than third-degree impurity. Rabbi Shimon ben Elazar says in the name of Rabbi Meir: In those cases where hands have first-degree impurity, it means that they render non-sacred food impure. And in those cases where hands have second-degree impurity it means that they invalidate teruma and impart to it third-degree impurity.

²⁴¹ The Gemara asks: Did Rabbi Shimon ben Elazar say that in those cases where hands have first-degree impurity, with regard to non-sacred food, yes, they render it impure, but with regard to teruma, hands do not render it impure? The Gemara answers: This is what Rabbi Shimon ben Elazar is saying: In those cases where hands have first-degree impurity, it means that they render even non-sacred food impure, and all the more so they render teruma impure. But in those cases where hands have second-degree impurity, it means that with regard to teruma, yes, the hands invalidate teruma and impart third-degree impurity, but with regard to non-sacred food, hands do not render it impure.

²⁴² The Gemara asks: And are there cases where hands assume first-degree impurity? The Gemara answers: Yes, as it is taught in a mishna (Yadayim 3:1): If one inserts his hands into a leprous house (see Leviticus 14:33–53) his hands assume first-degree impurity as though his entire body entered the house; this is the statement of Rabbi Akiva. And the Rabbis say: His hands assume second-degree impurity.

²⁴³ The Gemara elaborates: Everyone agrees that in principle, partial entry into a leprous house is not characterized as entry in terms of rendering one who enters impure. Therefore, one who inserted his hands into the house is not impure by Torah law. And here, it is with regard to a rabbinic decree that renders his hands impure that they disagree: The Sages issued a decree that if one inserted his hands into a leprous house, his hands are impure due to the impurity by Torah law that one assumes when

he enters the house with his entire body. The objective of the decree is to prevent him from entering the leprous house.

²⁴⁴ One Sage, Rabbi Akiva, holds that when the Sages issued the decree they determined that the status of his hands inserted into the house is like the status of his body that enters the house, first-degree impurity. And one Sage, the Rabbis, holds that the Sages rendered the status of hands inserted into the house like the status of hands in general, with regard to which they issued a decree of second-degree impurity, even if they had been washed.

²⁴⁵ The Gemara asks: And why did Rav Pappa interpret the mishna in accordance with the opinion of Rabbi Shimon ben Elazar? Let Rav Pappa interpret the mishna in accordance with the opinion of Rabbi Akiva, who says: If one inserts his hands into a leprous house, his hands assume first-degree impurity. The Gemara answers: Perhaps when Rabbi Akiva says that one's hands assume first-degree impurity, that statement applies only in cases of teruma and sacrificial food, which are stringent. But with regard to non-sacred food, perhaps hands are impure only with second-degree impurity.

²⁴⁶ The Gemara objects: And let hands also be impure only with second-degree impurity and the mishna could still be in accordance with the opinion of Rabbi Akiva. As we heard that Rabbi Akiva says: An item of second-degree impurity imparts third-degree impurity to non-sacred items.

²⁴⁷ As we learned in a mishna (Sota 27b): On that day, when Rabbi Elazar ben Azarya was appointed Nasi in Yavne, Rabbi Akiva taught: "And every earthenware vessel into which any of them falls, whatever is in it shall be impure, and you shall break it" (Leviticus 11:33). With regard to the item rendered impure in the vessel, it is not stated: It is impure [tameh]; rather, the term "it shall be impure [yitma]" is stated, indicating that the item has the capacity to transmit impurity to other items. This verse teaches about a loaf with second-degree impurity that had been rendered impure in the airspace of an earthenware vessel in which there was a creeping animal, that through contact it renders non-sacred food impure with third-degree ritual impurity.

²⁴⁸ The Gemara explains: Perhaps this statement, that non-sacred food becomes impure with third-degree ritual impurity, applies only with regard to impurity by Torah law, e.g., a creeping animal; but with regard to impurity by rabbinic law, e.g., impurity of hands, that is not the halakha.

²⁴⁹ Rabbi Elazar said that Rabbi Hoshaya said a third explanation of the mishna: Here we are dealing with a case of non-sacred food items that were prepared on the level of purity of sacrificial food. And the mishna is not in accordance with the opinion of Rabbi Yehoshua, as it is taught in a mishna (Teharot 2:2): Rabbi Eliezer says: One who eats food with first-degree ritual impurity assumes first-degree impurity. One who eats food with second-degree ritual impurity assumes second-degree impurity. One who eats food with third-degree impurity assumes third-degree impurity.

²⁵⁰ The mishna continues: Rabbi Yehoshua says: One who eats food with first-degree or second-degree impurity assumes second-degree impurity. One with second-degree impurity who comes into contact with teruma disqualifies it, but does not render it impure. One who eats food with third-degree impurity assumes second-degree impurity vis-à-vis sacrificial food, i.e., his contact with sacrificial food renders it impure with the capacity to transmit impurity to other sacrificial food, but does not assume second-degree impurity vis-à-vis teruma, and his contact with teruma does not disqualify it.

²⁵¹ Eating an item that has third-degree impurity is feasible only in the case of non-sacred food, as partaking of impure teruma or sacrificial food is prohibited. Generic non-sacred food cannot contract third-degree impurity at all. Therefore, the case of one who eats food that has third-degree impurity is referring specifically to non-sacred food items that were prepared on the level of purity of teruma.

²⁵² The Gemara infers from Rabbi Yehoshua's statement that if one prepares items as if their level of purity were on the level of purity of teruma, then yes, they have the status like teruma, but if one prepares items as if their level of purity were on the level of purity of sacrificial food, they do not have the status like sacrificial food, and such items would not contract third-degree impurity. This indicates that Rabbi Yehoshua holds that non-sacred food items that were prepared on the level of purity of sacrificial food do not assume third-degree impurity.

²⁵³ The Gemara objects: Let us interpret the mishna

²⁵⁴ with regard to the case of non-sacred food items that were prepared on the level of purity of teruma and in accordance with the opinion of Rabbi Yehoshua. The Gemara responds: It should not enter your mind that the mishna is referring to a case of the level of purity of teruma, as the mishna teaches a case of the slaughter of animals and birds and consumption of their meat. And if the mishna is taught with regard to non-sacred food items that were prepared on the level of purity of teruma, is there meat eaten with the level of purity of teruma? The practice of preparing non-sacred food items on the level of purity of teruma is done only so that one will treat actual teruma in the correct manner, and teruma is separated only from produce that grows in the ground.

²⁵⁵ The Gemara asks: Rather, what is the case in the mishna? Is it a case of non-sacred food items that were prepared on the level of purity of sacrificial food? Is there an undomesticated animal that can be sacrificed as an offering and its meat is sacrificial food? The Gemara answers: Although undomesticated animals cannot be sacrificed as an offering, there are those who would undertake to eat their meat only when prepared on the level of purity of sacrificial food because meat of an undomesticated animal is sometimes interchanged with meat of a domesticated animal. No one would undertake to eat meat only when prepared on the level of purity of teruma, because meat would not be interchanged with produce.

²⁵⁶ Ulla said: My colleagues say that the mishna is referring to the case of non-sacred food items that were prepared on the level of purity of sacrificial food, and the mishna is not in accordance with the opinion of Rabbi Yehoshua, who says: Non-sacred food items that were prepared on the level of purity of teruma assume third-degree impurity, but non-sacred food items that were prepared on the level of purity of sacrificial food do not assume third-degree impurity.

²⁵⁷ Ulla continues: And I say that the mishna is in accordance with the opinion of Rabbi Yehoshua, and when he said that non-sacred food items that were prepared on the level of purity of teruma assume third-degree impurity, he is speaking utilizing the style of: It is not necessary. It is not necessary to say that in the case of non-sacred food items that were prepared on the level of purity of sacrificial food, which is stringent, that they have the capacity of assuming third-degree impurity. Rather, even non-sacred food items that were prepared on the level of purity of teruma also have the capacity of assuming third-degree impurity.

²⁵⁸ The Gemara asks: Who are the colleagues to whom Ulla referred? It is Rabba bar bar Ḥana, as Rabba bar bar Ḥana says that Rabbi Yoḥanan says: What did Rabbi Eliezer and Rabbi Yehoshua reply to each other? The differences between their opinions are twofold. First, Rabbi Eliezer holds

that one who eats food with first-degree impurity assumes first-degree impurity, while according to Rabbi Yehoshua he assumes second-degree impurity. Second, Rabbi Eliezer holds that one who eats food with third-degree impurity assumes third-degree impurity, while according to Rabbi Yehoshua he assumes second-degree impurity vis-à-vis sacrificial food but not vis-à-vis teruma.

²⁵⁹ Rabbi Eliezer said to Rabbi Yehoshua: The basis for my opinion that one assumes the level of impurity of that which he ate is that we found a case where the halakha of the one who eats a food item is more stringent than the halakha of the food itself. As, the carcass of a kosher bird on the outside, i.e., when one comes into contact with it, does not impart ritual impurity, while one who eats the carcass of the kosher bird renders his garments impure when the food is in his throat. And we, in light of that, how will we not deem one who eats the impure item to be on a level of impurity at least like that of the food that he ate?

²⁶⁰ And Rabbi Yehoshua responded that we do not derive other cases from the case of the carcass of a kosher bird, because it is a novel ruling that cannot serve as a paradigm. Rather, we found that the halakha of food is more stringent than the halakha of the one who eats it, as food becomes impure if its measure is that of an egg-bulk, and one who eats impure food does not become impure until he eats half of a half-loaf. And we, in light of that, how will we deem one who eats the impure item to be on a level of impurity like that of the food that he ate?

²⁶¹ And Rabbi Eliezer responded: We do not derive the relative stringency of ritual impurity from the relative size of halakhic measures, as measures are not indicative of stringency or leniency. And furthermore, according to your statement, that which you say with regard to one who eats food with first-degree ritual impurity, that he assumes second-degree impurity, what you say is well. But that which you say with regard to one who eats food with second-degree impurity, that he assumes second-degree impurity, why is that the case? It contradicts your reasoning.

²⁶² Rabbi Yehoshua said to Rabbi Eliezer: We found that food with second-degree impurity renders other food impure with second-degree impurity by means of liquids. Liquids that come into contact with food with second-degree impurity render other food with which they come into contact impure with second-degree impurity.

²⁶³ Rabbi Eliezer said to him: But aren't those liquids also impure with first-degree ritual impurity through contact with an item impure with second-degree impurity? As we learned in a mishna (Para 8:7): Any item with second-degree ritual impurity that disqualifies teruma renders liquids impure with first-degree ritual impurity. These liquids assume a degree of impurity greater than that of the item that rendered them impure. This rabbinic decree applies to all people and items with second-degree impurity except for one who was ritually impure who immersed that day and is waiting for nightfall for the purification process to be completed. Liquids with which he comes into contact follow the standard course of transmitted impurity and assume third-degree impurity, one level below his own impurity.

²⁶⁴ Rabbi Eliezer questioned the next segment in the ruling of Rabbi Yehoshua: And furthermore, that which you say with regard to one who eats food with third-degree impurity, that he assumes second-degree impurity vis-à-vis sacrificial food, why is that the halakha? It contradicts your reasoning.

²⁶⁵ Rabbi Yehoshua said to Rabbi Eliezer: I too stated that one who eats food with third-degree impurity assumes second-degree impurity vis-à-vis sacrificial food only with regard to one who eats non-sacred food items that were prepared on the level of purity of teruma, as its state of purity

²⁶⁶ is impurity vis-à-vis sacrificial food. The Sages issued a decree that even one who is vigilant to partake of his teruma in a state of ritual purity is considered impure vis-à-vis one partaking of sacrificial food. Therefore, one who ate a food item that was prepared on the level of purity of teruma that had become impure with third-degree impurity assumes second-degree impurity, and he renders sacrificial food impure.

²⁶⁷ Rabbi Zeira says that Rabbi Asi says that Rabbi Yoḥanan says that Rabbi Yannai says: With regard to one who eats non-sacred food items that were prepared on the level of purity of sacrificial food, and these items had become impure with third-degree impurity, his body becomes impure with second-degree impurity vis-à-vis sacrificial food. He renders sacrificial food with which he comes into contact impure with third-degree impurity, and that food in turn disqualifies sacrificial food with which it comes into contact.

²⁶⁸ Rabbi Zeira raised an objection to the statement of Rabbi Asi from the statement of Rabbi Yehoshua: One who eats food with third-degree impurity assumes second-degree impurity vis-à-vis sacrificial food but does not assume second-degree impurity vis-à-vis teruma. This is stated in the case of non-sacred food items that were prepared on the level of purity of teruma. The Gemara infers: Yes, one is able to prepare items on the level of purity of teruma, but one is not able to prepare items on the level of purity of sacrificial food, as in the latter case the non-sacred food does not become impure at all.

²⁶⁹ Rabbi Asi said to Rabbi Zeira: That inference is incorrect, as Rabbi Yehoshua is speaking utilizing the style of: It is not necessary. It is not necessary to say that in the case of non-sacred food items that were prepared on the level of purity of sacrificial food, which is stringent, they have the capacity of assuming third-degree impurity. Rabbi Yehoshua teaches that non-sacred food items that were prepared on the level of purity of teruma also have the capacity of assuming third-degree impurity.

²⁷⁰ The Gemara objects: But didn't Rabbi Yehoshua say to Rabbi Eliezer according to the explanation that Rabba bar bar Ḥana said that Rabbi Yoḥanan said: I too stated this only with regard to non-sacred food items that were prepared on the level of purity of teruma, indicating that he was not referring to non-sacred food items that were prepared on the level of purity of sacrificial food. The Gemara explains: Rabba bar bar Ḥana and Rabbi Asi are amora'im, and disagree with regard to the opinion of Rabbi Yoḥanan, and they disagree about whether the statement of Rabbi Yehoshua was stated specifically with regard to non-sacred food items that were prepared on the level of purity of teruma, or whether it includes even those prepared on the level of purity of sacrificial food.

²⁷¹ § Ulla says: One who eats non-sacred food items that were prepared on the level of purity of teruma and that are impure with third-degree impurity, his body is disqualified from the right to partake of teruma.

²⁷² The Gemara asks: What is Ulla teaching us? We already learn in the mishna cited earlier (33b) from tractate Teharot: One who eats food with third-degree impurity assumes second-degree impurity vis-à-vis sacrificial food, but does not assume second-degree impurity vis-à-vis teruma. This is stated in the case of non-sacred food items that were prepared on the level of purity of teruma. The Gemara

infers: It is second-degree impurity that he does not assume, but third-degree impurity he assumes, and he is therefore disqualified from partaking of teruma.

²⁷³ The Gemara answers: It was necessary for Ulla to teach this halakha, as if it was learned from that mishna, I would say that vis-à-vis teruma he assumes neither second-degree nor third-degree impurity, as there is no reason to deem the status of one who eats like that of the food that he ate. And perhaps it was only since Rabbi Yehoshua said that he assumes second-degree impurity vis-à-vis sacrificial food that he also said that he does not assume second-degree impurity vis-à-vis teruma. Therefore, Ulla teaches us that he assumes third-degree impurity and is disqualified from partaking of teruma.

²⁷⁴ Rav Hamnuna raised an objection to the statement of Ulla from a mishna (Teharot 2:3): Non-sacred food that is impure with first-degree impurity is impure and renders teruma impure in the sense that this teruma disqualifies other teruma with which it comes into contact. Non-sacred food that is impure with second-degree impurity disqualifies teruma, but it does not render teruma impure, meaning that it renders the teruma itself impure, but not to the extent that the teruma can render other teruma impure. And food that is impure with third-degree impurity may be eaten by a priest in a stew that is a mixture containing spices of teruma.

²⁷⁵ And if you say that by partaking of food that is impure with third-degree impurity his body is disqualified from the right to partake of teruma, do we feed him a matter that invalidates his body from the right to partake of teruma? According to this, when eating the stew that contains food that is impure with third-degree impurity, he is disqualified from partaking of the spices of teruma that the mishna permits him to add to the stew. Ulla said to him: Leave the matter of stew that is a mixture containing spices of teruma,

²⁷⁶ as there is not an olive-bulk of teruma in the amount of stew that he eats in the time it takes to eat a half-loaf of bread. Therefore, one need not treat the mixture with the level of purity required of teruma.

²⁷⁷ Rabbi Yonatan says that Rabbi Yehuda HaNasi says: For one who partakes of actual teruma that is impure with third-degree impurity, it is prohibited to partake of other teruma, but it is permitted to come into contact with teruma.

²⁷⁸ The Gemara notes that the statement of Ulla was necessary and the statement of Rabbi Yonatan was necessary. As, if the halakha were learned exclusively from the statement of Ulla, I would say: This statement applies with regard to non-sacred food items that were prepared on the level of purity of teruma, but with regard to teruma itself perhaps contact is also prohibited. Therefore, the statement of Rabbi Yonatan was necessary. And if the halakha were learned exclusively from the statement of Rabbi Yonatan, I would say: This statement applies with regard to teruma, but with regard to non-sacred food that was prepared with purity of teruma, perhaps eating it is also permitted. Therefore, both statements are necessary.

²⁷⁹ § Rav Yitzhak bar Shmuel bar Marta was sitting before Rav Nahman, and he was sitting and saying: With regard to one who eats non-sacred food items that were prepared on the level of purity of sacrificial food, and these items had become impure with third-degree impurity, he is ritually pure in terms of the right to partake of sacrificial food, as you have nothing that confers fourth-degree impurity in sacrificial food other than consecrated sacrificial food alone, but non-sacred food prepared with the purity of sacrificial food does not.

²⁸⁰ Rami bar Hama raises an objection from the mishna cited earlier (33b): One who eats food with third-degree impurity assumes second-degree impurity vis-à-vis sacrificial food, and he does not assume second-degree impurity vis-à-vis teruma. Eating an item with third-degree impurity is feasible only in the case of non-sacred items, as partaking of impure teruma is prohibited. It is only possible in the case of non-sacred food items that were prepared as if their level of purity were on the level of the purity of teruma. According to the statement of Rav Yitzhak bar Shmuel bar Marta, why does this food assume second-degree impurity? It is not sacrificial food, which is sanctified.

²⁸¹ Rav Yitzhak bar Shmuel bar Marta said to him: Leave teruma alone; its state of purity is impurity vis-à-vis sacrificial food. Therefore, non-sacred food that was prepared with the purity of teruma renders sacrificial food impure.

²⁸² The Gemara asks: And from where do you say that the purity of teruma is impurity vis-à-vis sacrificial food? It is from a mishna (Ḥagiga 18b), as we learned: The halakhic status of the garments of an am ha'aretz, who does not scrupulously observe the halakhot of ritual purity, is like that of items rendered impure by treading, e.g., items designated for sitting or lying upon which a zav or a menstruating woman sits or lies, which are rendered a primary source of ritual impurity for individuals who scrupulously observe the halakhot of ritual purity [perushin] and eat their non-sacred food in a state of purity. In other words, it is considered a primary level of impurity for them. The halakhic status of the garments of perushin is like that of items rendered impure by treading for priests who partake of teruma. In addition, the halakhic status of the garments of priests who partake of teruma is like that of items rendered impure by treading for those who eat sacrificial food.

²⁸³ Rava said: Are you saying that one can cite proof from the halakha of items rendered impure by treading that the state of purity of teruma is impurity vis-à-vis sacrificial food? No proof may be cited from there, as the decree that the halakhic status of the garments of priests who partake of teruma is like that of items rendered impure by treading for those who eat sacrificial food is different,

²⁸⁴ as with regard to garments there is concern lest his wife sit upon them when she is impure with the impurity of a menstruating woman. But with regard to produce, we do not say that if it was prepared with the purity of teruma it renders sacrificial food impure, and Rabbi Yitzhak states his halakha with regard to produce as well.

²⁸⁵ Rabbi Yirmeya of Difti raises an objection to the opinion of Rabbi Yitzhak: And do we say with regard to produce that if it was prepared with the purity of teruma it renders sacrificial food impure? But didn't we learn in a mishna (Ḥagiga 24b): It is not permitted for a priest to accept teruma wine from an am ha'aretz, but if an am ha'aretz says to the priest: I separated and placed into this barrel of teruma wine a quarter-log of sacrificial wine, he is deemed credible? And this indicates that teruma does not render the sacrificial food impure. And if you say with regard to teruma that its state of purity is impurity vis-à-vis sacrificial food, let the teruma render the sacrificial food impure.

²⁸⁶ Rabbi Yitzhak said to Rabbi Yirmeya of Difti: Are you saying that there is an objection to my opinion based on the case of impurity in a case of food items, the teruma wine and the sacrificial wine, that are attached in one barrel? Impurity in a case of food items that are attached is different, as, since the am ha'aretz is deemed credible with regard to the sacrificial food, he is deemed credible with regard to the teruma as well.

²⁸⁷ Rav Huna bar Natan raises an objection from a baraita to the opinion of Rabbi Yitzhak with regard to rendering sacrificial food impure with fourth-degree ritual impurity: Non-sacred food that

is impure with second-degree impurity renders impure through contact a non-sacred liquid, which assumes first-degree impurity, and disqualifies teruma foods, in the sense that those foods are impure but do not transmit impurity to other food. And non-sacred food that is impure with third-degree impurity renders impure through contact a sacrificial liquid and disqualifies sacrificial foods, in the case of non-sacred food items that were prepared on the level of purity of sacrificial food. This contradicts the opinion of Rabbi Yitzḥak, who said that there is nothing that confers fourth-degree impurity in sacrificial food other than consecrated sacrificial food alone, but not non-sacred food prepared with the purity of sacrificial food.

²⁸⁸ The Gemara answers that this matter is a dispute between tanna'im, as it is taught in a baraita: The halakhic status of non-sacred food items that were prepared on the level of purity of sacrificial food is like that of non-sacred foods, and they are incapable of assuming third-degree impurity.

²⁸⁹ Rabbi Elazar, son of Rabbi Tzadok, says: The halakhic status of non-sacred food items that were prepared on the level of purity of sacrificial food is like that of teruma. Accordingly, a primary source of ritual impurity is able to render two items impure: The food item with which it comes into contact assumes first-degree impurity, and the food item with which that came into contact assumes second-degree impurity. And that item is able to disqualify one further item, which assumes third-degree impurity but will not render sacrificial food impure with fourth-degree impurity. According to both opinions in this baraita, non-sacred food prepared with the purity of sacrificial food does not disqualify sacrificial food. According to the mishna in Teharot, it does disqualify sacrificial food.

²⁹⁰ § The mishna states (33a): In the case of one who slaughters a domesticated animal, an undomesticated animal, or a bird, and blood did not emerge from them, Rabbi Shimon says: They were rendered susceptible to ritual impurity by means of the slaughter itself. Rav Asi said that Rabbi Shimon would say: It is its slaughter that renders it susceptible to ritual impurity, and not the blood that emerges during the slaughter.

²⁹¹ The Gemara suggests: Let us say that the mishna supports the opinion of Rav Asi. Rabbi Shimon says: They were rendered susceptible to ritual impurity by means of the slaughter itself. The Gemara asks: What, is it not that Rabbi Shimon is saying: By means of the slaughter and not by means of the blood from the slaughter? The Gemara answers: No, perhaps Rabbi Shimon is saying: The animal can be rendered susceptible to ritual impurity by means of blood and also by means of slaughter.

²⁹² The Gemara suggests: Come and hear a baraita in support of Rav Asi's statement. Rabbi Shimon said to the Rabbis: Is it blood that renders the animal susceptible to ritual impurity? But isn't it slaughter that renders it susceptible? This indicates that Rabbi Shimon holds that it is specifically the slaughter and not the blood that renders the flesh susceptible to impurity. The Gemara rejects this proof. This is what Rabbi Shimon is saying to the Rabbis: Is it blood alone that renders the animal susceptible to ritual impurity? Slaughter too renders it susceptible.

²⁹³ The Gemara suggests: Come and hear a baraita contrary to Rav Asi's statement. Rabbi Shimon says: Blood of the animal that is dead of natural causes does not render food items susceptible to ritual impurity. What, is it not that one may infer that blood of slaughter renders food items susceptible to ritual impurity? The Gemara rejects this proof. No, infer that blood of animals that are killed renders food items susceptible to ritual impurity. The Gemara asks: But with regard to blood of slaughter, what then is the halakha; that it does not render food items susceptible to ritual impurity?

²⁹⁴ If so, let Rabbi Shimon teach us that blood of slaughter does not render the animal susceptible to ritual impurity, and we will conclude that all the more so that is the halakha with regard to blood of the animal that is dead as a result of natural causes. The Gemara answers: It was necessary for Rabbi Shimon to teach the halakha of blood of the animal that is dead as a result of natural causes, as it could enter your mind to say: What difference is there to me if one killed the animal himself, and what difference is there to me if the animal was killed by the angel of death? In both cases the blood should render the animal susceptible to ritual impurity. Therefore, Rabbi Shimon teaches us that unlike blood of an animal that was killed, blood of an animal that is dead as a result of natural causes does not render food items susceptible to ritual impurity, and no inference may be drawn with regard to blood of slaughter.

²⁹⁵ The Gemara suggests: Come and hear another baraita contrary to Rav Asi's statement. Rabbi Shimon says: Blood of the wound of an animal does not render other items susceptible to ritual impurity. What, is it not that one may infer that blood of slaughter renders food items susceptible to ritual impurity? The Gemara rejects this proof. No, infer that blood of animals that are killed renders food items susceptible to ritual impurity. The Gemara asks: But with regard to blood of slaughter, what is the halakha; that it does not render food items susceptible to ritual impurity?

²⁹⁶ If so, let Rabbi Shimon teach us that blood of slaughter does not render the animal susceptible to ritual impurity, and we will conclude that all the more so that is the halakha with regard to blood of its wound. The Gemara answers: It was necessary for Rabbi Shimon to teach blood of its wound, as it could enter your mind to say: What difference is there to me if one killed the entire animal, and what difference is there to me if one killed half of the animal, i.e., wounded it? In both cases the blood should render the animal susceptible to ritual impurity. Therefore, Rabbi Shimon teaches that unlike the blood of an animal that was killed, the blood from an animal's wound does not render food items susceptible to ritual impurity, and no inference may be drawn with regard to blood of slaughter.

²⁹⁷ The Gemara asks: What is different with regard to blood of animals that are killed that they render food items susceptible to ritual impurity? It is due to the fact that it is written: "Behold, they are a people that rises up as a lioness, and as a lion he lifts himself up; he shall not lie down until he eats of the prey and drinks blood of carcasses" (Numbers 23:24). The fact that the blood of a carcass, which in the context of the verse is referring to an animal that was killed, is mentioned in the context of drinking, indicates that it is a liquid that renders food items susceptible to ritual impurity.

²⁹⁸ With regard to blood of slaughter it is also written: "Only, you shall not eat the blood; you shall pour it upon the earth as water" (Deuteronomy 12:16). The parallel to water ostensibly indicates that the blood of slaughter should also render food items susceptible to ritual impurity. The Gemara answers: That verse is not written with regard to susceptibility to impurity. The purpose for which it comes is to permit benefit from the blood of disqualified consecrated animals.

²⁹⁹ It could enter your mind to say: Since benefit from disqualified consecrated animals is forbidden with regard to their fleece and labor, perhaps benefit from their blood is also forbidden, and let it require burial. Therefore, the verse teaches us that benefit from their blood is permitted.

³⁰⁰ The school of Rabbi Yishmael taught that the verse: "And drinks the blood of carcasses," from which it is derived that the blood of an animal that was killed renders food items susceptible to ritual impurity, serves to exclude blood that emerges in a surge due to arterial pressure at the moment of slaughter while the animal is still alive that does not render seeds susceptible to ritual impurity.

³⁰¹ § The Sages taught in a baraita: With regard to one who slaughters an animal and splashed blood of the slaughter on a gourd of teruma, Rabbi Yehuda HaNasi says: The gourd is rendered susceptible to ritual impurity. Rabbi Ḥiyya says: If the gourd came into contact with a source of impurity, one places the matter in abeyance, as there is uncertainty whether the blood rendered it susceptible to impurity.

³⁰² Rabbi Oshaya said: Since Rabbi Yehuda HaNasi says that the gourd is rendered susceptible to ritual impurity and Rabbi Ḥiyya says that one places the matter in abeyance, on whom shall we rely? Come and let us rely on the statement of Rabbi Shimon, as Rabbi Shimon would say: It is slaughter that renders the animal susceptible, and not blood.

³⁰³ Rav Pappa said in explanation: Everyone, Rabbi Yehuda HaNasi and Rabbi Ḥiyya, agrees that where there is blood on the gourd throughout the slaughter continuously from beginning to end, everyone, both Rabbi Shimon ben Lakish, who says: Slaughter is defined only as the conclusion of its performance, and Rabbi Yoḥanan, who says: Slaughter is defined from the beginning to the end of its performance, agrees that the blood renders the gourd susceptible to impurity, in accordance with the opinion of the Rabbis, who disagree with Rabbi Shimon. When they disagree is in a case where the blood is wiped off the gourd between the cutting of one siman and the other siman. Rabbi Yehuda HaNasi holds that slaughter is defined from the beginning to the end of its performance, and this blood that splashed on the gourd is blood of slaughter.

³⁰⁴ Rabbi Ḥiyya holds that slaughter is defined only as the conclusion of its performance, and this is blood of a wound, which does not render food items susceptible to ritual impurity. And what is the meaning of the ruling of Rabbi Ḥiyya that one places the matter in abeyance? It means that one places the matter in abeyance until the conclusion of the slaughter. If there is blood remaining on the gourd at the conclusion of the slaughter the blood renders the gourd susceptible to ritual impurity, and if not, the blood does not render the gourd susceptible to ritual impurity.

³⁰⁵ The Gemara asks: And what is the meaning of the statement of Rabbi Oshaya: Come and let us rely on the statement of Rabbi Shimon? According to Rabbi Shimon the blood of slaughter does not render food items susceptible to ritual impurity, while according to Rabbi Ḥiyya the blood of slaughter renders the gourd susceptible to ritual impurity.

³⁰⁶ The Gemara answers that in a case where the blood is wiped off the gourd prior to the conclusion of slaughter, in any event, the opinions of Rabbi Shimon and Rabbi Ḥiyya correspond to each other: One Sage holds that the blood of slaughter does not render the gourd susceptible to ritual impurity and the other Sage holds that the blood of slaughter does not render the gourd susceptible to ritual impurity. The result is that Rabbi Yehuda HaNasi, who holds that the blood of slaughter renders the gourd susceptible to ritual impurity, is one Sage stating an individual opinion, and the statement of one Sage has no standing in a place where it is disputed by two Sages.

³⁰⁷ Rav Ashi said that the term: One places the matter in abeyance, indicates that it remains in abeyance forever. It is a fundamental halakhic uncertainty for which there is no resolution. And in the case where the blood is wiped off the gourd prior to the conclusion of the slaughter, the halakha is unclear. This is because Rabbi Ḥiyya is uncertain whether slaughter is defined from the beginning to the end of its performance or whether slaughter is defined only as the conclusion of its performance. And what is the meaning of his ruling that one places the matter in abeyance? It means that if a

source of impurity comes into contact with the gourd after the blood was wiped off the gourd, one may neither eat the gourd, as perhaps it is impure teruma, nor may one burn it, as perhaps it is pure.

³⁰⁸ The Gemara asks: And according to this explanation, what is the meaning of the statement of Rabbi Oshaya: Come and let us rely on the statement of Rabbi Shimon? According to Rabbi Shimon the blood of slaughter does not render food items susceptible to ritual impurity, while according to Rabbi Ḥiyya, there is uncertainty with regard to the status of the gourd. The Gemara answers that with regard to the matter of burning, in any event, the opinions of Rabbi Shimon and Rabbi Ḥiyya correspond to each other: One Sage, Rabbi Shimon, does not burn the gourd, because it was not rendered susceptible to impurity, and the other Sage, Rabbi Ḥiyya, does not burn the gourd, due to the uncertainty.

³⁰⁹ The result is that Rabbi Yehuda HaNasi, who holds that one burns the gourd since the blood of slaughter renders the gourd susceptible to ritual impurity and contact with a source of impurity renders it impure, is one Sage stating an individual opinion, and the statement of one Sage has no standing in a place where it is disputed by two Sages. And this is what Rabbi Ḥiyya is saying: In a case such as this, one places the matter in abeyance; one may neither eat the gourd nor burn it.

³¹⁰ Rabbi Shimon ben Lakish raises a dilemma: With regard to a dry portion of consecrated flour that was not mixed with the oil of meal offerings, does one count the descending levels of impurity characteristic of other foods that come into contact with a primary source of impurity, i.e., that food assumes first-degree impurity, and food that comes into contact with that food assumes second-degree impurity; or does one not count the descending levels of first-degree impurity and second-degree impurity? The Gemara elaborates: When regard for sanctity is effective in rendering an item susceptible to impurity, is it effective only to disqualify that item itself, but to count the descending levels of first-degree and second-degree impurity it is not effective? Or perhaps once it is rendered susceptible to impurity there is no difference whether it is rendered susceptible by means of regard for sanctity or by means of contact with liquids.

³¹¹ Rabbi Elazar said: Come and hear proof from a baraita. It is written: “Of all food that may be eaten, on which water comes, it shall be impure; and all drink that may be drunk it shall be impure” (Leviticus 11:34). From that verse it is derived: Food that comes into contact with water is rendered susceptible to ritual impurity and to count the descending levels of impurity, but food that does not come into contact with water is not rendered susceptible to ritual impurity. Apparently, for the dry portion of flour that did not come into contact with a liquid but was rendered susceptible by regard for sanctity, one does not count the descending levels of impurity.

³¹² The Gemara asks: Is that to say that Rabbi Shimon ben Lakish does not have knowledge of the halakha that only food that comes into contact with water is susceptible to ritual impurity? The Gemara answers: This is the dilemma that Rabbi Shimon ben Lakish is raising: Is the halakhic status of consecrated food that is subject to regard for sanctity like that of food that comes into contact with water, and one does not count the descending levels of impurity for items that come into contact with it, or no, its halakhic status is unique?

³¹³ The Gemara explains that Rabbi Elazar, who cited the verse to resolve the dilemma of Rabbi Shimon ben Lakish, is not merely citing a verse that Rabbi Shimon ben Lakish knows. Rather, he too is stating his proof from the extraneous formulation of the verses. Since it is written: “But when water is placed upon the seed, and any of their carcass falls upon it, it is impure for you” (Leviticus

11:38), why do I need the verse: “Of all food which may be eaten, on which water comes, shall be impure” (Leviticus 11:34)?

³¹⁴ Is it not to exclude items rendered susceptible to impurity due to regard for sanctity? The Gemara rejects that proof: No, both verses teach that food becomes impure only after it is rendered susceptible to impurity by one of the seven liquids. One verse is referring to impurity imparted by a corpse, and one verse is referring to impurity imparted by the carcass of a creeping animal.

³¹⁵ And both verses are necessary, as had the Torah taught us the requirement of being rendered susceptible to impurity only with regard to impurity imparted by a corpse, one would have concluded that it is there that food requires being rendered susceptible to impurity by one of the seven liquids in order to become impure, due to the fact that the impurity imparted by a corpse is less stringent, as a portion of a corpse the size of a lentil-bulk does not render people or vessels impure. But in the case of impurity imparted by the carcass of a creeping animal, which is more stringent, as the creeping animal renders people or vessels impure with a portion of it the size of a lentil-bulk, say that food does not require to be rendered susceptible by one of the seven liquids in order to become impure.

³¹⁶ And had the Torah taught us the requirement of being rendered susceptible to impurity only with regard to impurity imparted by the carcass of a creeping animal, one would have concluded that it is there that food must be rendered susceptible to impurity, due to the fact that the impurity imparted by a creeping animal is less stringent, as a creeping animal does not render people or vessels impure with impurity that lasts seven days. But with regard to a corpse, which renders people or vessels impure with impurity that lasts seven days, say that food does not require to be rendered susceptible by one of the seven liquids in order to become impure from it. Therefore, it is necessary for the Torah to teach both verses.

³¹⁷ Rav Yosef raises an objection from the mishna (33a) to Rabbi Elazar’s opinion that only with regard to food rendered susceptible by one of the seven liquids does one count the descending levels of impurity, i.e., first-degree impurity and second-degree impurity: Rabbi Shimon says: They were rendered susceptible to ritual impurity by means of the slaughter itself. Rabbi Shimon is saying they were rendered susceptible in every sense, and even to count the descending levels of impurity, first-degree impurity and second-degree impurity.

³¹⁸ Why is the animal rendered susceptible to impurity in every sense; but the slaughtered animal is not food that comes into contact with water? Apparently, even items that did not come into contact with water are susceptible to impurity in every sense. Abaye said to Rav Yosef: Rabbi Shimon holds that it is not susceptible by Torah law. Rather, the Sages accorded susceptibility via slaughter of the animal a status like that of susceptibility rendered by means of water, by rabbinic law.

³¹⁹ Rabbi Zeira said: Come and hear an objection to Rabbi Elazar’s opinion from a baraita: In the case of one who harvests grapes in order to take them to the winepress, Shammai says: The grapes are rendered susceptible to ritual impurity by the liquid that seeps from them, and Hillel says: They are not rendered susceptible to ritual impurity; and ultimately, Hillel was silent and did not respond to Shammai, accepting his opinion. Why does that liquid render the grapes susceptible to impurity; but the grapes are not food that comes into contact with water? Contact with liquid renders food susceptible to impurity only if the contact was with the intent of the owner, and here, the liquid did not seep out of the grapes of one’s own volition. Abaye said to Rabbi Zeira: Hillel does not hold that the grapes are susceptible by Torah law; rather, the Sages accorded susceptibility via the liquid a

status like that of susceptibility rendered by means of water, by rabbinic law, to count the descending levels of impurity, i.e., first-degree impurity, second-degree impurity.

³²⁰ Rav Yosef said to Abaye: I said to you an objection from the statement of Rabbi Shimon: They were rendered susceptible to ritual impurity by means of the slaughter itself, and you said to me: It was the Sages who accorded susceptibility via slaughter of the animal a status like that of susceptibility rendered by means of water. And Rabbi Zeira said to you an objection from the case of one who harvests grapes, and you said to him: It is the Sages who accorded susceptibility via the liquid from the grapes a status like that of susceptibility rendered by means of water. If so, will you also say in response to the dilemma of Rabbi Shimon ben Lakish with regard to a dry portion of consecrated flour that was not mixed with the oil of meal offerings that it is the Sages who accorded susceptibility via the regard for sanctity of the flour a status like that of susceptibility rendered by means of water, by rabbinic law, to count the descending levels of impurity, i.e., first-degree impurity, second-degree impurity?

³²¹ Abaye said to Rav Yosef: Is that to say that Rabbi Shimon ben Lakish was raising a dilemma with regard to placing the matter in abeyance, and one may neither eat the consecrated flour nor may one burn it, which would be the case for impurity by rabbinic law? When Rabbi Shimon ben Lakish raises the dilemma it is with regard to whether to burn the gourd, which is the case when the impurity is by Torah law.

³²² The Gemara notes that it may be learned by inference that Rabbi Shimon ben Lakish holds that regard for sanctity renders sacred items subject to ritual impurity by Torah law, as his dilemma was limited to whether one counts the descending levels of impurity from those susceptible items, i.e., first-degree impurity, second-degree impurity, not the impurity of the sacred item itself. From where do we derive this halakha? If we say that it is derived from that which is written: “And the flesh that touches any impure item shall not be eaten; it shall be burned with fire” (Leviticus 7:19), then it must be ascertained: This flesh that was rendered susceptible to ritual impurity, by what means was it rendered susceptible?

³²³ If we say that it was rendered susceptible to impurity by means of the blood of the animal, this is difficult. But doesn't Rabbi Ḥiyya bar Abba say that Rabbi Yoḥanan says: From where is it derived with regard to blood of sacrificial animals that it does not render food susceptible to impurity? It is derived from a verse, as it is stated: “You shall not eat it; you shall pour it upon the earth like water” (Deuteronomy 12:24). Blood of a non-sacred animal, which is poured like water when it is slaughtered, renders food susceptible to ritual impurity. By contrast, blood of a sacrificial animal, which is not poured like water but is presented on the altar, does not render food susceptible to impurity.

³²⁴ Rather, perhaps say that the flesh was rendered susceptible to ritual impurity by means of the liquids of the Temple abattoir. But didn't Rabbi Yosei, son of Rabbi Ḥanina, say: With regard to the liquids of the Temple abattoir, not only are they ritually pure, but they do not even render food susceptible to impurity. And if you would say that one should explain the statement of Rabbi Yosei, son of Rabbi Ḥanina, as referring exclusively to blood, and the other liquids render food susceptible, but doesn't he say: Liquids, in the plural? Rather, is it not that the flesh was rendered susceptible to ritual impurity via regard for sanctity?

³²⁵ The Gemara responds: And perhaps the verse can be explained in accordance with the statement that Rav Yehuda says that Shmuel says, as Rav Yehuda says that Shmuel says: The verse is referring to a case where one had a cow that was to be sacrificed as a peace offering, and since the owner is entitled to the meat and the hide of the animal, in order to improve their quality he conveyed it through the river and slaughtered the animal while the liquid was still upon it and the animal was damp. That liquid rendered the meat susceptible to impurity.

³²⁶ Rather the proof is from the latter portion of that verse: “And the flesh that touches any impure item shall not be eaten; it shall be burned with fire. And the flesh, every pure person may eat flesh” (Leviticus 7:19). The Gemara explains: The second mention of the term “and the flesh” in the verse is superfluous and serves to include the halakha that with regard to sacred wood and frankincense, impurity disqualifies them from being burned on the altar. Are wood and frankincense edible and therefore included in the verse: “Of all food that may be eaten, on which water comes, shall be impure” (Leviticus 11:34)? Rather, Rabbi Shimon ben Lakish derived from this that regard for sanctity renders them susceptible to ritual impurity and renders their status like that of food. Here too, in the case of a dry portion of flour that was not mixed with the oil of meal offerings, regard for sanctity renders it susceptible to ritual impurity.

³²⁷ The Gemara asks: What is the resolution of the dilemma raised by Rabbi Shimon ben Lakish: When regard for sanctity is effective in rendering an item susceptible to impurity, is it only to disqualify that item itself, but to count the descending levels of first-degree impurity and second-degree impurity, it is not effective; or perhaps once it is rendered susceptible to impurity there is no difference whether it is rendered susceptible by means of regard for sanctity or by means of contact with liquids? The Gemara answers: The dilemma shall stand unresolved.

³²⁸ MISHNA: In the case of one who slaughters an animal that is in danger of imminent death, Rabban Shimon ben Gamliel says: The slaughter is valid only in a case where after the slaughter it convulses with its foreleg and with its hind leg. Rabbi Eliezer says: It is sufficient if blood spurted from the neck. Rabbi Shimon says: In the case of one who slaughters at night and the next day he awoke and found walls full of blood, the slaughter is valid, as it is clear that the blood spurted, and this is in accordance with the rule of Rabbi Eliezer. And the Rabbis say: It is valid only in a case where it convulses with its foreleg or with its hind leg, or in a case where it wags its tail.

³²⁹ This is the halakha with regard to both a small animal, e.g., a sheep, and a large animal, e.g., a cow, that is in danger of imminent death. The slaughter of a small animal that when being slaughtered extended its foreleg that was bent and did not restore it to the bent position is not valid, as extending the foreleg is only part of the natural course of removal of the animal’s soul from its body and not a convulsion indicating life. In what case is this statement said? It is in a case where the presumptive status of the animal was that it was in danger of imminent death. But if its presumptive status was that it was healthy, then even if there were none of these indicators, the slaughter is valid.

³³⁰ GEMARA: The Gemara asks: From where is it known that the flesh of an animal in danger of imminent death is permitted by means of slaughter? The Gemara responds with a question: And from where would it enter your mind that it is prohibited? The Gemara explains that one may have thought it is prohibited, as it is written: “These are the living beings [haḥayya] that you may eat among all the animals that are on the earth” (Leviticus 11:2). One might have thought that the verse is saying: Eat

an animal that is fit to live [ḥayya], but do not eat an animal that is not fit to live. And this animal in danger of imminent death is not fit to live.

³³¹ The fact that its meat is permitted is derived from the fact that the Merciful One states that you shall not eat an unslaughtered animal carcass, as it is written: “You shall not eat any unslaughtered carcass” (Deuteronomy 14:21); one learns by inference that eating the meat of an animal in danger of imminent death is permitted. As, if it enters your mind that eating the meat of an animal in danger of imminent death is prohibited, now if an animal is prohibited while alive, is it necessary to state that it is prohibited after death?

³³² The Gemara rejects that proof. And that is not a legitimate inference, as perhaps the halakhic status of an unslaughtered carcass is the same as that of an animal in danger of imminent death, and the prohibition: “You shall not eat any unslaughtered carcass,” includes both. The Gemara answers: It would not enter your mind to say so, as it is written: “And if any animal of which you may eat dies, one who touches its carcass shall be impure until the evening” (Leviticus 11:39). This indicates that it is after death that the Merciful One calls the animal a carcass; while alive, the animal is not called a carcass.

³³³ The Gemara questions that understanding. And perhaps, actually I will say to you: The halakhic status of an unslaughtered carcass is the same as that of an animal in danger of imminent death, but if one slaughters the animal in danger of imminent death while alive, he would be in violation of a positive mitzva: “These are the living beings that you may eat” (Leviticus 11:2), whereas after its death, he would be in violation of a prohibition: “You shall not eat any unslaughtered carcass” (Deuteronomy 14:21).

³³⁴ Rather, the fact that its meat is permitted is derived from the fact that the Merciful One states you shall not eat an animal with a wound that will cause it to die within twelve months [tereifa], as it is written: “And you shall not eat any animal that was mauled in the field [tereifa]” (Exodus 22:30). From here, one learns by inference that eating the meat of an animal in danger of imminent death is permitted. As, if it enters your mind that eating the meat of an animal in danger of imminent death is prohibited, now that an animal in danger of imminent death that is not lacking any limb is prohibited, is it necessary to state that a tereifa, an animal that was mauled and lacking body parts, is prohibited?

³³⁵ The Gemara rejects that proof. And that is not a legitimate inference, as perhaps the halakhic status of a tereifa that is lacking body parts is the same as that of an animal in danger of imminent death that is not lacking body parts, and both are included in the category of tereifa. This would render one who slaughters either to be in violation of both a positive mitzva: “These are the living beings that you may eat,” and a prohibition: “And you shall not eat any animal that was mauled in the field [tereifa].” The Gemara questions that understanding: If so, why do I need the prohibition that the Merciful One writes with regard to an unslaughtered carcass? If while an animal is alive one stands in violation of a prohibition and a positive mitzva, is it necessary to state that it is prohibited after death?

³³⁶ The Gemara objects: And that is not a legitimate question, as perhaps the halakhic status of an unslaughtered carcass is the same as a tereifa that is lacking body parts, and is the same as that of an animal in danger of imminent death that is not lacking body parts. Therefore, when the Torah writes the word “carcass,” it is the same as though it had written tereifa and the same as though it had

written an animal in danger of imminent death. The Torah prohibits each, and the result will be that he will violate two prohibitions and a positive mitzva.

³³⁷ Rather, the fact that the meat of an animal in danger of imminent death is permitted is derived from here: “And the fat of a carcass and the fat of a tereifa may be used for any purpose; but you shall not eat it” (Leviticus 7:24). And the Master says: In order to derive what halakha is this verse written? Would one imagine that because it is an unslaughtered carcass or a tereifa its fat would be permitted for consumption? The Torah states: Let the prohibition against eating an unslaughtered carcass come and take effect upon the prohibition against eating forbidden fat, which already exists. One who eats the forbidden fat of an unslaughtered carcass is liable for violation of both prohibitions. Likewise, the word “tereifa” in the verse teaches: Let the prohibition against eating a tereifa come and take effect upon the prohibition against eating forbidden fat, which already exists, so that one who eats the forbidden fat of a tereifa is liable for transgressing both prohibitions.

³³⁸ And if it enters your mind to say that the halakhic status of a tereifa lacking body parts is the same as that of an animal in danger of imminent death, let the Merciful One write: And the fat of a carcass may be used for any purpose, and the fat of a tereifa you shall not eat. The prohibition against eating the forbidden fat should have been written exclusively with regard to a tereifa, and I would say: If while an animal is alive and in danger of imminent death the prohibition against eating a tereifa takes effect upon the prohibition against eating forbidden fat, is it necessary to state that after its death the prohibition against eating an unslaughtered carcass takes effect upon the prohibition against eating forbidden fat?

³³⁹ The Gemara concludes: Rather, from the fact that the Merciful One writes that the prohibition against eating an unslaughtered carcass takes effect upon the prohibition against eating forbidden fat, one learns by inference that the tereifa in the verse is not the same as an animal in danger of imminent death. Rather, the tereifa in the verse is an animal that was mauled and is lacking body parts, and it is only that animal that is prohibited after slaughter. Eating an animal in danger of imminent death after slaughter is permitted.

³⁴⁰ Mar bar Rav Ashi objects to this: And perhaps, actually I will say to you that the halakhic status of a tereifa is the same as that of an animal in danger of imminent death, and with regard to that which you said: Why do I need the prohibition with regard to an unslaughtered carcass that the Merciful One writes, one can explain that it is necessary for that unslaughtered carcass that does not come as a result of danger of imminent death. And what are the circumstances of that unslaughtered carcass? It is in a case where one rendered the animal like a shard, by cutting it into two widthwise. The Gemara rejects that distinction: There too, in the case where one rendered the animal like a shard, it is impossible that the animal was not at least somewhat in danger of imminent death before he cut the majority of the animal.

³⁴¹ And if you wish, say instead that there is a different source for the fact that the meat of an animal in danger of imminent death is permitted. If it is so that an animal in danger of imminent death is included in the category of tereifa, let the verse say: The fat of an unslaughtered carcass and a tereifa. Why do I need it to be written: “Fat of a carcass and the fat of a tereifa”? The term “fat” is repeated to teach that it is this case where the status of its fat is not distinct from the status of its meat, and both are prohibited; but you have another case where the status of its fat, which is forbidden, is

distinct from the status of its meat, which is permitted. And which case is that? That is the case of an animal in danger of imminent death.

³⁴² And if you wish, say instead that it is derived from here: “Then I said: Ah, Lord God, my soul has not become impure; and from my youth until now I have not eaten an unslaughtered carcass or a tereifa, and no piggul flesh came into my mouth” (Ezekiel 4:14).

³⁴³ The Gemara explains: “My soul has not become impure” means that I did not consider any sinful thoughts during the day that would cause me to come to impurity due to a seminal emission at night. “And from my youth until now I have not eaten an unslaughtered carcass or a tereifa” means that I never ate the flesh of an animal that was in danger of imminent death, leading one to say: Slaughter it, slaughter it quickly, before it dies. “And no piggul flesh came into my mouth” means that I never ate from an animal with regard to which there was uncertainty whether it is forbidden and a Sage issued a ruling to permit it. They said in the name of Rabbi Natan that the last portion of the verse means: That I never ate from an animal whose gifts to which members of the priesthood are entitled, i.e., the foreleg, the jaw, and the maw, were not already separated.

³⁴⁴ The proof is: Granted, if you say that it is permitted to slaughter and eat an animal in imminent danger of death, then that is the greatness of Ezekiel, as, although eating it is permitted, he refrained from doing so. But if you say that it is forbidden to slaughter and eat that animal, what in that action attests to the greatness of Ezekiel? Apparently, it is permitted to slaughter and eat an animal in danger of imminent death.

³⁴⁵ § The Gemara asks: What are the circumstances of an animal in danger of imminent death? Rav Yehuda said that Rav said: It is any animal with regard to which one stands it on its feet but it does not stand unaided. Rav Ḥanina bar Shelamya in the name of Rav said: That indicator is so clear that even if that animal maintains sufficient strength in its jaw and eats pieces of wood, if it is unable to stand, its status is that of an animal in danger of imminent death. Rami bar Yeḥezkel said: That is the case even if that animal eats beams.

³⁴⁶ In Sura, they would teach the exchange in that manner. In Pumbedita, they would teach the exchange in this manner: What are the circumstances of an animal in danger of imminent death? Rav Yehuda said that Rav said: It is any animal with regard to which one stands it on its feet but it does not stand unaided, even if that animal maintains sufficient strength in its jaw and eats pieces of wood. Rami bar Yeḥezkel said: That indicator is so clear that even if that animal maintains sufficient strength in its jaw and eats beams, if it is unable to stand its status is that of an animal in danger of imminent death.

³⁴⁷ Shmuel found students of Rav after Rav’s death. He said to them: What did Rav say with regard to an animal in danger of imminent death? They said to him: This is what Rav said:

³⁴⁸ If the animal lows, or excreted excrement, or wiggled its ear during the slaughter, that is a convulsion, and the slaughter renders eating the flesh of the animal permitted. Shmuel said to them: Is it necessary according to Abba, i.e., Rav, for the animal to move its ears during the slaughter, which requires a considerable life force? As I say: Any movements of the animal that are not matters that the death of the animal engenders are convulsions sufficient to render the slaughter valid.

³⁴⁹ The Gemara asks: What are matters that the death of the animal engenders? Rav Anan said: This was explained to me from Master Shmuel himself: If the animal’s foreleg was bent, and the animal

straightened it, that is a matter that the death of the animal engenders. But if its foreleg was straight and the animal bent it, that is among the matters that the death of the animal does not engender and is a convulsion sufficient to render the slaughter valid.

³⁵⁰ The Gemara asks: What is Shmuel teaching us with that statement? We already learn in the mishna: The slaughter of a small animal that during its slaughter extended its foreleg that was bent and did not restore it to the bent position is not valid, as extending the foreleg is nothing other than part of the natural course of removal of the animal's soul from its body and not a convulsion indicating life. But one may infer that if the animal does restore its foreleg to the bent position, that indicates life and the slaughter is valid.

³⁵¹ The Gemara answers: If the halakha is learned from the mishna alone, I would say that it is specifically in a case where the animal's foreleg had been bent, and the animal now straightens it and then bends it, that the slaughter is valid. But if the foreleg had been straight and the animal bent it, the slaughter is not valid. Therefore, Shmuel teaches us that if its foreleg was straight and the animal bent it; that is a convulsion sufficient to render the slaughter valid.

³⁵² The Gemara raises an objection from a baraita to Rav's statement cited earlier. Rabbi Yosei says that Rabbi Meir would say: If an animal lows during its slaughter, that is not a convulsion sufficient to render the slaughter valid. Rabbi Elazar, son of Rabbi Yosei, says in the name of Rabbi Yosei: Even if the animal excreted excrement or wagged its tail, that is not a convulsion sufficient to render the slaughter valid. The Gemara now clarifies: Rabbi Yosei's statement in the baraita that if an animal lows it is not a convulsion sufficient to render the slaughter valid is difficult, as it contradicts the statement of Rav that if an animal lows it is a convulsion. And Rabbi Elazar's statement in the baraita that if an animal excreted excrement it is not a convulsion sufficient to render the slaughter valid is difficult, as it contradicts the statement of Rav that if an animal excreted excrement it is a convulsion.

³⁵³ The Gemara answers: The apparent contradiction between the opinion that when an animal lows it is a convulsion and the opinion that when an animal lows it is not a convulsion is not difficult. This opinion, that it is a convulsion, is referring to a case where the animal's voice is rich and powerful, a clear indication of life; that opinion, that it is not a convulsion, is referring to a case where the animal's voice is muted, which is not an indication of life. The apparent contradiction between the opinion that when an animal excreted excrement it is a convulsion and the opinion that when an animal excreted excrement it is not a convulsion is also not difficult. Here, the opinion that it is not a convulsion is referring to a case where the animal expels the excrement in a trickle. That is not an indication of life. There, the opinion that it is a convulsion is referring to a case where the animal expels the excrement with force. That is an indication of life.

³⁵⁴ § The Gemara continues its definition of convulsion that indicates life. Rav Ḥisda said: I was taught that the convulsion that the Sages said is an indication of life is a convulsion at the conclusion of the act of slaughter. Rav Ḥisda elaborates: What is the meaning of: At the conclusion of the act of slaughter? It means even in the midst of the slaughter. The Sages said that it must be at the conclusion of the slaughter only to exclude convulsions at the beginning of the act of slaughter, which are not an indication of life.

³⁵⁵ Rav Ḥisda said: From where do I say that a convulsion in the midst of the act of slaughter is an indication of life? It is from the mishna, as we learned: The slaughter of a small animal that when being slaughtered extended its foreleg that was bent and did not restore it to the bent position is not

valid, as extending the foreleg is only part of the natural course of removal of the animal's soul from its body and not a convulsion indicating life. Rav Ḥisda elaborates: When did the animal extend its foreleg but not restore it? If we say that it occurred at the conclusion of the slaughter, must the animal continue living for so extended a period that it restores its leg to its bent position after the slaughter is complete? Is the slaughter truly not valid otherwise? Rather, is it not that the mishna is referring to a case where the animal extends its foreleg in the middle of the slaughter? If so, then when it restores its leg as well, it is considered a convulsion that indicates life.

³⁵⁶ Rava said to Rav Ḥisda: That is no proof. Actually, one could explain that the mishna is referring to a case where the animal extends its foreleg but did not restore it to the bent position at the conclusion of the slaughter, as I say with regard to any animal that does not do so at the conclusion of the slaughter, it is known that its soul was taken from it before that moment, and it was not alive.

³⁵⁷ Rav Naḥman bar Yitzḥak said: The convulsion that the Sages said is an indication of life is a convulsion even at the beginning of the act of slaughter.

³⁵⁸ Rav Naḥman bar Yitzḥak explained further and said: From where do I say that this is so? It is from the mishna, as we learned that Rabbi Shimon says: In the case of one who slaughters at night and the next day he awoke and found walls full of blood, the slaughter is valid, as it is clear that the blood spurted, and this is in accordance with the ruling of Rabbi Eliezer. And Shmuel said with regard to the walls mentioned in the statement of Rabbi Shimon: It is the walls of the place of the slaughter, i.e., the walls of the neck, not the walls of the house, that we learned. Granted, if you say that a convulsion even at the beginning of the act of slaughter is an indication of life, this works out well. But if you say that a convulsion is an indication of life only at the conclusion of the act of slaughter, let us be concerned that perhaps the blood spurted onto the walls of the neck at the beginning of the act of slaughter, and there was no indication of life.

³⁵⁹ The Gemara rejects that proof. But perhaps spurting is different, as it is superior as an indication of life to extending or bending a foreleg, and therefore, although extending or bending a foreleg is a sufficient indicator of life only at the conclusion of the act of slaughter, spurting is a sufficient indicator even at the beginning of the act of slaughter.

³⁶⁰ The Gemara asks: And is spurting superior? But didn't we learn in the mishna: Rabbi Eliezer says it is sufficient if blood spurted from the neck, indicating that spurting of blood is a less substantive indication of life than those indications mentioned in the statement of Rabban Gamliel, who requires that the animal convulse with its foreleg and with its hind leg? The Gemara answers: Rabbi Eliezer's requirement of spurting is less substantive than the requirements of Rabban Gamliel as an indication of life, but superior to the requirement of the Rabbis as an indication of life, where the Rabbis require that the animal convulse either with its foreleg or with its hind leg.

³⁶¹ Ravina said: Samma bar Ḥilkai said to me that the father of bar Abuveram, and some say that it was the brother of bar Abuveram, raises a difficulty: And is blood spurting superior to the requirement of the Rabbis as an indication of life? But didn't we learn in the mishna: And the Rabbis say: It is permitted only in a case where it convulses with its foreleg or with its hind leg, or in a case where it wags its tail?

³⁶² Ravina elaborates: To which statement of the tanna'im in the mishna do the Rabbis stand and respond? If we say that they are responding to the statement of Rabban Gamliel, who requires that the animal convulse with its foreleg and with its hind leg, the Rabbis should have said: Once the

animal convulsed with its foreleg or with its hind leg or it wagged its tail, indicating that this is sufficient.

³⁶³ Rather, it is obvious that the Rabbis are responding to the statement of Rabbi Eliezer. And if Rabbi Eliezer's opinion is superior to that of the Rabbis as an indication of life, what is the meaning of: It is permitted only in a case where it convulses with its foreleg or with its hind leg or it wags its tail? In that case too, the Rabbis should have said: Once the animal convulses with its foreleg or with its hind leg or it wags its tail. Apparently, blood spurting is a less substantive indication of life, and the proof of Rav Naḥman bar Yitzḥak remains valid: If spurting at the beginning of the act of slaughter is a sufficient indication of life to render the slaughter valid, then all the more so, extending and bending a limb are also sufficient indications of life.

³⁶⁴ Rava said: The convulsion that the Rabbis said is an indication of life is a convulsion at the conclusion of the act of slaughter. Rava said: From where do I say that this is the case? It is as it is taught in a baraita with regard to the verse: "When a bull or a sheep or a goat is born, it shall be seven days under its mother; and from the eighth day and onward it may be accepted for an offering to the Lord" (Leviticus 22:27). The phrase "a bull

³⁶⁵ or a sheep" is to the exclusion of an animal born to parents of diverse kinds, which may not be brought as an offering. The phrase "or a goat" is to the exclusion of an animal that resembles another species of animal. "When it is born"; this is to the exclusion of an animal born by caesarean section. "It shall be seven days"; this is to the exclusion of an animal whose time has not yet arrived. "Under its mother"; this is to the exclusion of an animal that is an orphan.

³⁶⁶ Rava elaborates: What are the circumstances of this orphan? If we say that its mother gave birth to it and then died, this is unreasonable. Will the mother continue living forever? Rather, perhaps the reference is to a case where the mother died and then gave birth to it. The Gemara rejects that possibility, as the fact that this animal is disqualified from sacrifice is derived from the phrase: "When it is born," since after the mother's death the newborn animal can emerge from the womb only by means of caesarean section.

³⁶⁷ Rather, it is obvious that the reference is to a case where the mother died at the conclusion of the birth, at which point this mother withdrew for death and that newborn withdrew for life. Granted, if you say that we require life at the conclusion of the birth, that is why a verse was necessary to exclude the orphan. But if you say that we do not require life at the conclusion of the birth, and the verse is excluding only an animal that was born after its mother's death, why is this verse necessary to exclude it? It can be derived from the phrase: "When it is born." It may be derived from here that in any situation where the animal must be alive, it must remain alive until the end of the process. That is the case with regard to the slaughter of an animal in danger of imminent death as well. The slaughter is valid only if there is an indication of life at the end of the act of slaughter.

³⁶⁸ § The mishna teaches: The slaughter of a small animal in danger of imminent death that during the slaughter extended its foreleg that was bent and did not restore it to the bent position is not valid, as extending the foreleg is only part of the natural course of removal of the animal's soul from its body and not a convulsion indicating life. Rava says that the halakha is in accordance with the opinion expressed in this baraita: The slaughter of a small animal that extended its foreleg that was bent and did not restore it to the bent position is not valid.

³⁶⁹ The baraita continues: In what case is this statement said? It is with regard to the foreleg. But with regard to the hind leg, whether the animal extended it and did not restore it to the bent position or the animal bent it but did not extend it, the slaughter is valid. In what case is this statement, about extending the foreleg, said? It is with regard to a small animal. But with regard to a large animal, whether the convulsion involves its foreleg or its hind leg, and whether the animal extended it and did not restore it to the bent position or the animal bent it but did not extend it, the slaughter is valid. And with regard to a bird, even if it fluttered [rifref] only its wing or wagged only its tail, that is a convulsion and an indication of life.

³⁷⁰ The Gemara asks: What is Rava teaching us in ruling in accordance with the baraita? He is teaching us all of those halakhot we learned in the mishna: The slaughter of a small animal that when being slaughtered extended its foreleg that was bent and did not restore it to the bent position is not valid, as extending the foreleg is only part of the natural course of removal of the animal's soul from its body and not a convulsion indicating life. It may be inferred from the mishna that with regard to movement of a foreleg alone, yes, it is not an indication of life, but movement of a hind leg, no, it is an indication of life. With regard to a small animal, yes, this is the halakha; with regard to a large animal, no, this is not the halakha, and extending a hind leg does indicate life. The Gemara answers: It was necessary for Rava to teach the halakha in the baraita with regard to a bird, as we did not learn it in the mishna.

³⁷¹ MISHNA: In the case of a Jew who slaughters the animal of a gentile for a gentile, his slaughter is valid, and Rabbi Eliezer deems it not valid. Rabbi Eliezer says: Even if the Jew slaughtered the animal with the intent to feed the gentile from its diaphragm [meḥatzar kaved], its slaughter is not valid, as the unspecified intent of a gentile is to slaughter the animal for idol worship, and it is prohibited to derive benefit from it.

³⁷² Rabbi Yosei says: The matter of the intent of the gentile is irrelevant in this case, as can be derived by means of an a fortiori inference. If in a place where intent while slaughtering the animal invalidates the slaughter, i.e., in sacrificial animals, such as when slaughtering an offering with the intent to sacrifice it beyond its designated time, everything follows only the intent of the priest performing the service and not the intent of the owner, then in a place where intent does not invalidate the slaughter, i.e., in non-sacred animals, is it not right that everything should follow only the intent of the one who slaughters the animal?

³⁷³ GEMARA: In explanation of the dispute between the first tanna and Rabbi Eliezer, the Gemara explains: These tanna'im hold in accordance with the opinion of Rabbi Eliezer, son of Rabbi Yosei, as it is taught in a baraita that Rabbi Eliezer, son of Rabbi Yosei, says: I heard that the owners, and not only the priest, render an offering piggul by means of improper intent. The same is true with regard to non-sacred slaughter, where the owners' intent for idol worship invalidates the slaughter, even if the slaughterer has no intent for idol worship.

³⁷⁴ But the first tanna holds that if we heard the gentile say that he intends the animal for idol worship, yes, his intent invalidates the slaughter, and if the gentile did not voice his intent before us, his intent does not invalidate the slaughter, as we do not say that the unspecified intent of a gentile is for idol worship. Rabbi Eliezer holds: Although we did not hear the gentile say that he intends the animal for idol worship, the slaughter is not valid, as we say the unspecified intent of a gentile is for idol worship. And Rabbi Yosei comes to say that even though we heard the gentile say that he intends

the animal for idol worship, in a case where this owner has intent for idol worship and that other person is performing the slaughter, we do not say that the intent of the owner invalidates the slaughter.

³⁷⁵ There are those who say an alternative explanation of the mishna. It is with regard to a case where we heard the gentile say that he intends the animal for idol worship that the tanna'im disagree. The first tanna holds that when we say in a case where this owner has improper intent and that other person is performing the slaughter that the intent of the owner invalidates the slaughter, this statement applies only inside the Temple, in the slaughter of offerings. But with regard to non-sacred slaughter outside the Temple, the intent of the owner does not invalidate the slaughter, as with regard to deriving the halakhot of non-sacred slaughter outside the Temple from the halakhot of slaughter of sacrificial animals inside the Temple,

³⁷⁶ we do not derive in this manner. And Rabbi Eliezer comes to say that we derive the halakhot of non-sacred slaughter outside the Temple from the halakhot of slaughter of sacrificial animals inside the Temple, and therefore the intent of the gentile invalidates non-sacred slaughter. And Rabbi Yosei comes to say that even inside the Temple, in a case where this owner has improper intent and that other person is performing the slaughter, we do not say that the intent of the owner invalidates the slaughter.

³⁷⁷ § It was stated that there is an amoraic dispute with regard to one who slaughtered an animal in order to sprinkle its blood for idol worship, or to burn its fat for idol worship. Rabbi Yoḥanan says: The slaughter is not valid, and benefit from the animal is forbidden. Rabbi Shimon ben Lakish says: The slaughter is valid and deriving benefit from the animal is permitted.

³⁷⁸ The Gemara elaborates. Rabbi Yoḥanan says: The slaughter is not valid and benefit from the animal is forbidden. He holds that one transfers intent from one sacrificial rite to another sacrificial rite. If, while slaughtering a sacrificial animal, one intends to perform one of the other sacrificial rites in an improper manner the offering is invalidated. And Rabbi Yoḥanan holds that we derive the halakhot of non-sacred slaughter outside the Temple from the halakhot of slaughter of sacrificial animals inside the Temple. Since that intent invalidates the slaughter of sacrificial animals inside the Temple, it invalidates the slaughter of non-sacred animals outside the Temple as well.

³⁷⁹ Reish Lakish says: The slaughter is valid, and deriving benefit from the animal is permitted. He holds that one does not transfer intent from one sacrificial rite to another sacrificial rite. Therefore, while slaughtering the animal, only intent to perform the slaughter improperly invalidates the offering, but intent to perform another sacrificial rite improperly does not invalidate the offering. And Reish Lakish holds that we do not derive the halakhot of non-sacred slaughter outside the Temple from the halakhot of slaughter of sacrificial animals inside the Temple.

³⁸⁰ And Rabbi Yoḥanan and Reish Lakish follow their standard line of reasoning, as it was stated: If one slaughtered a sin offering for its own sake, but with intent to sprinkle its blood not for its own sake but for the sake of another type of offering, Rabbi Yoḥanan says that the offering is unfit, and Rabbi Shimon ben Lakish says that the offering is fit.

³⁸¹ The Gemara elaborates: Rabbi Yoḥanan says that the offering is unfit. He holds that one transfers intent from one sacrificial rite to another sacrificial rite, and the reason is that we derive the halakha of slaughter of a sin offering not for its sake from the halakha of intent for piggul, i.e., performance of one of the sacrificial rites with the intent to sprinkle the blood of the offering beyond its appointed

time. And Rabbi Shimon ben Lakish says that the offering is fit because he holds that one does not transfer intent from one sacrificial rite to another sacrificial rite, and the reason is that we do not derive the halakha of any other improper intent from the halakha of intent for piggul.

³⁸² The Gemara notes: And it is necessary to state the dispute between Rabbi Yoḥanan and Reish Lakish in both cases. As, if it were stated only with regard to that case of one who slaughters an animal in order to sprinkle its blood for idol worship, perhaps one would conclude that it is specifically in that case that Rabbi Shimon ben Lakish states his opinion that the slaughter is valid, due to the fact that we do not derive the halakhot of non-sacred slaughter outside the Temple from the halakhot of slaughter of sacrificial animals inside the Temple. But in the case of one who slaughters an offering for the sake of another offering, where we would be deriving the halakhot of slaughter of sacrificial animals inside the Temple from the halakhot of another case of slaughter of sacrificial animals inside the Temple, say that Reish Lakish concedes to Rabbi Yoḥanan that the offering is unfit.

³⁸³ And if their dispute was stated with regard to this case of one who slaughters an offering for the sake of another offering, perhaps one would conclude that it is specifically in this case that Rabbi Yoḥanan said that the offering is unfit, because he holds that one derives the halakhot of slaughter of sacrificial animals inside the Temple from the halakhot of another case of slaughter of sacrificial animals inside the Temple. But in that case of one who slaughters an animal in order to sprinkle its blood for idol worship, say that Rabbi Yoḥanan concedes to Rabbi Shimon ben Lakish that the offering is fit due to the fact that the halakhot of non-sacred slaughter outside the Temple are not derived from the halakhot of slaughter of sacrificial animals inside the Temple. Therefore, it is necessary to state the dispute between Rabbi Yoḥanan and Reish Lakish in both cases.

³⁸⁴ Rav Sheshet raises an objection to both Rabbi Yoḥanan and Reish Lakish from the statement in the mishna with regard to one who slaughters for a gentile when the intent of the gentile is for idol worship. Rabbi Yosei says: The matter of the intent of the gentile is irrelevant in this case as can be derived by means of an a fortiori inference. If in a place where intent while slaughtering the animal invalidates the slaughter, i.e., in sacrificial animals, such as when slaughtering an offering with the intent to sacrifice it beyond its designated time, everything follows only the intent of the priest performing the service and not the intent of the owner, then in a place where intent does not invalidate the slaughter, i.e., in non-sacred animals, is it not right that everything should follow only the intent of the one who slaughters the animal?

³⁸⁵ Rav Sheshet elaborates: What is the meaning of: Intent does not invalidate the slaughter in non-sacred animals? If we say that it means that intent does not invalidate the slaughter of non-sacred animals at all, but then how can you find a case of slaughter with intent for idol worship where the animal is forbidden?

³⁸⁶ Rather, it is obvious that the meaning of that phrase in the statement of Rabbi Yosei is that one does not transfer intent from one sacrificial rite to another sacrificial rite, and this is what Rabbi Yosei is saying: If in a place where intent invalidates, i.e., in sacrificial animals, from one sacrificial rite to another sacrificial rite, everything follows only the intent of the one performing the slaughter, and the intent of the owners is irrelevant, in a place where intent does not invalidate, i.e., in non-sacred animals, from one rite to another rite but it does so only within the same rite, is it not right that everything should follow only the intent of the one who slaughters the animal?

³⁸⁷ According to this understanding of the contention of Rabbi Yosei in the mishna, the case of the slaughter of a sacrificial animal inside the Temple is difficult for Rabbi Shimon ben Lakish, as contrary to his opinion, Rabbi Yosei says that in that case one transfers intent from one sacrificial rite to another sacrificial rite. The case of slaughter of a non-sacred animal outside the Temple is difficult for Rabbi Yoḥanan, as contrary to his opinion, Rabbi Yosei says that in that case one does not transfer intent from one rite to another rite.

³⁸⁸ Rav Sheshet continues: Granted, the case of inside the Temple is not difficult for Rabbi Shimon ben Lakish, because one can explain that he stated this statement that one does not transfer intent from one sacrificial rite to another sacrificial rite before he heard the mishna from Rabbi Yoḥanan, his teacher, and he stated that one transfers intent from one sacrificial rite to another sacrificial rite after he heard the mishna from Rabbi Yoḥanan. His dispute with Rabbi Yoḥanan is limited to transfer of intent for idol worship from rite to rite. But the case of slaughter of a non-sacred animal outside the Temple is difficult for Rabbi Yoḥanan.

³⁸⁹ Rav Sheshet raises the objection, and he resolves it. That which Rabbi Yosei said, that intent inside the Temple disqualifies the slaughter of a sacrificial animal but intent outside the Temple does not disqualify the slaughter of a non-sacred animal, is unrelated to transfer of intent from one rite to another. Rather, Rabbi Yosei is referring to a case where one performed any of the four sacrificial rites with improper intent, e.g., to eat the offering beyond its appointed time. And this is what Rabbi Yosei is saying: If in a place where intent while slaughtering the animal invalidates the slaughter in sacrificial animals, if that intent was during performance of any of the four sacrificial rites, i.e., slaughter, receiving the blood, conveying the blood to the altar, and sprinkling the blood on the altar, everything follows only the intent of the priest performing the service and not the intent of the owner,

³⁹⁰ then in a place where intent invalidates the slaughter in non-sacred animals slaughtered with intent for idol worship during performance of only two sacrificial rites, slaughter and sprinkling the blood, is it not right that everything should follow only the intent of the one who slaughters the animal?

³⁹¹ It is taught in a baraita in accordance with the opinion of Rabbi Yoḥanan: With regard to one who slaughters an animal in order to sprinkle its blood for idol worship or to burn its fat for idol worship, the status of these animals is that of offerings to the dead, i.e., to idols, and the slaughter is not valid. If one slaughtered the animal and thereafter intended in its regard to sprinkle its blood or burn its fats for idol worship, that was the incident in Caesarea, and the Sages did not say anything with regard to the animal, neither prohibition nor permission.

³⁹² Rav Ḥisda says in explanation of the conduct of the Sages that they did not say prohibition, due to the honor of the Rabbis in the mishna, who hold that the unspecified intent of a gentile, and presumably likewise of a Jew who worships idols, is not presumed to be directed to idol worship, and therefore his slaughter is valid. Nor did the Sages say permission, due to the honor of Rabbi Eliezer, who holds that the unspecified intent of a gentile, and presumably likewise of a Jew who worships idols, is presumed to be directed to idol worship.

³⁹³ The Gemara asks: From where is that conclusion drawn? Perhaps the Rabbis say that the slaughter is permitted only there in the mishna, because we did not hear explicitly that the gentile intends the slaughter for idol worship. But here in the case in the baraita, where we hear thereafter

that he intends to sprinkle the blood or burn the fats for idol worship, perhaps his ultimate statement proves the nature of his original intent while performing the slaughter.

³⁹⁴ Alternatively, perhaps when Rabbi Eliezer states there in the mishna that slaughter performed on behalf of a gentile is not valid, this applies only with regard to an animal that is owned by a gentile, as the unspecified intent of a gentile is directed to idol worship. But in the case in the baraita where the animal belongs to a Jew, we do not say that his ultimate statement proves the nature of his original intent.

³⁹⁵ Rather, Rav Sheizevi said that the Sages did not state permission with regard to the animal in the baraita due to the honor of Rabban Shimon ben Gamliel, who holds that one's ultimate actions prove the nature of his original intent. The Gemara asks: Which statement of Rabban Shimon ben Gamliel indicates that this is his opinion?

³⁹⁶ If we say that the reference is to the statement of Rabban Shimon ben Gamliel with regard to bills of divorce, this is difficult. As we learned in a mishna (Gittin 66a) that if a dying man said to the people present: Write a bill of divorce for my wife, those people should write and deliver the bill of divorce to his wife. Although the delivery was not included in his command, that is clearly his intent. But a healthy man who says: Write a bill of divorce for my wife, but did not say: Deliver it to her, presumably sought to mock her and not to designate his listeners as agents of delivery.

³⁹⁷ The mishna continues: And there was an incident involving a healthy man who said: Write a bill of divorce for my wife, and then ascended to the roof and fell, and died. Rabban Shimon ben Gamliel says: If he fell at his own initiative, taking his own life, it is a valid bill of divorce, as it is clear that he anticipated his death, thereby rendering his halakhic status like that of a dying man. But if the wind forced him to fall and he died, it is not a valid bill of divorce, as there was no clear intent to give her the bill of divorce.

³⁹⁸ And we discussed the mishna: Did the tanna cite an incident to contradict that which was stated previously in the mishna? The tanna states unequivocally that when a healthy man says: Write a bill of divorce for my wife, the bill of divorce is not valid. The tanna then cites an incident indicating that under certain circumstances, when a healthy man says: Write a bill of divorce for my wife, the bill of divorce is valid.

³⁹⁹ The Gemara answers: The mishna is incomplete and this is what it is teaching: The healthy man who says: Write a bill of divorce for my wife, but did not say: Deliver it to her, presumably sought to mock her. But if his ultimate actions prove the nature of his initial intent, that he seeks to give the bill of divorce because he is about to die, it is a valid bill of divorce. And there was an incident involving a healthy man who said: Write a bill of divorce for my wife, and then ascended to the roof and fell, and died. Rabban Shimon ben Gamliel said: If he fell at his own initiative, it is a valid bill of divorce, but if the wind forced him to fall, it is not a valid bill of divorce.

⁴⁰⁰ The Gemara explains why this is not a proof: But perhaps the case cited there is different, as the husband initially says: Write a bill of divorce for my wife, indicating that he originally intended to fall from the roof. By contrast, in the case of slaughter, there is no indication of his original intent.

⁴⁰¹ Rather, Ravina said that the Sages did not state permission in the incident in Caesarea with regard to the animal due to the honor of Rabban Shimon ben Gamliel, to avoid contradicting the opinion that is cited here, as it is taught in a baraita: In a case of a person on his deathbed who wrote a

document transferring his property to others, and there were slaves among his property, and that intended recipient says: I do not want to assume ownership of the slaves, if their second master, the intended recipient, was a priest, these slaves may partake of teruma, and his protest is ignored. Rabban Shimon ben Gamliel says: Once that intended recipient says: I do not want to assume ownership of the slaves, heirs of the original owner already acquired them.

⁴⁰² And we discussed the baraita: And according to the first tanna, does the intended recipient acquire the slaves even if he stands and shouts in protest that he does not want to assume ownership of the slaves? That is not reasonable.

⁴⁰³ Rabba said, and some say it was Rabbi Yoḥanan who said: In a case where he shouts in protest at the outset, while the owner is giving him the gift, everyone agrees that he did not acquire the slaves. In a case where he was silent at that moment and ultimately shouted his protest at a later opportunity, everyone agrees that he acquired the slaves.

⁴⁰⁴ When they disagree it is in a case where the owner transferred ownership of the slaves to him through another person, and at that point the recipient was silent, and ultimately, when he actually received the slaves, he shouted in protest. The first tanna holds: Since he was initially silent, he acquired the slaves, and the fact that he is ultimately shouting indicates that he is retracting his initial acceptance of the gift. That retraction is ineffective, as acquisitions cannot be nullified in that manner.

⁴⁰⁵ And Rabban Shimon ben Gamliel holds: His ultimate actions prove the nature of his original intent. He never wanted the slaves and always intended to avoid assuming ownership of them. And the fact that he did not shout initially is because he thought: As the situation is that they did not yet enter my possession, why would I shout?

⁴⁰⁶ § The Gemara resumes discussion of the dispute in the mishna where Rabbi Yosei says that when a Jew slaughters an animal on behalf of a gentile, even if it is known that the intent of the gentile is for idol worship, the slaughter is valid, as it is only the intent of the slaughterer that is relevant. Rav Yehuda says that Shmuel says: The halakha is in accordance with the opinion of Rabbi Yosei.

⁴⁰⁷ The Gemara relates: There were these Arabs who came to Tzikuneya, and they gave rams to Jewish slaughterers. The Arabs said to them: The blood and the fat are for us, for use in our idol worship, and the hide and the flesh are for you. Rav Tuvi bar Rav Mattana sent a question to be asked before Rav Yosef: In a case like this, what is the halakha? Rav Yosef sent to him: This is what Rav Yehuda said that Shmuel said: The halakha is in accordance with the opinion of Rabbi Yosei, and it is the intent of the slaughterer and not the intent of the owner that determines the validity of the slaughter.

⁴⁰⁸ Rav Aḥa, son of Rav Avya, said to Rav Ashi: According to the opinion of Rabbi Eliezer in the mishna, that if a Jew slaughters an animal on behalf of a gentile the slaughter is not valid, if the gentile gave a dinar to a Jewish slaughterer in order to purchase a small amount of the meat, what is the halakha? Does that small amount invalidate the entire slaughter? Rav Ashi said to him: We examine the situation. If this gentile is a violent man, and the Jew is unable to repudiate his offer and tell him to take his money, the entire animal is forbidden, because the slaughter was partially on behalf of the gentile. And if the gentile is not violent, the Jew can say to him: Go and arrange a collision between your head and a mountain, as I will not slaughter an animal on your behalf.

⁴⁰⁹ MISHNA: In the case of one who slaughters an animal for the sake of, i.e., to worship, mountains, for the sake of hills, for the sake of seas, for the sake of rivers, or for the sake of wildernesses, his slaughter is not valid.

⁴¹⁰ If there were two people grasping a knife together and slaughtering an animal, one slaughtering for the sake of one of all those enumerated in the first clause of the mishna and one slaughtering for the sake of a legitimate matter, their slaughter is not valid.

⁴¹¹ GEMARA: The mishna states that if one slaughters for the sake of mountains or other natural entities the slaughter is unfit. The Gemara infers: It is unfit, yes; with regard to offerings to the dead, i.e., to idols, it is not in that category. Apparently, the status of the animal is that of an unslaughtered carcass, from which benefit is permitted, and not that of an idolatrous offering, from which benefit is forbidden. And the Gemara raises a contradiction from a baraita: With regard to one who slaughters for the sake of mountains, for the sake of hills, for the sake of rivers, for the sake of wildernesses, for the sake of the sun and moon, for the sake of stars and constellations, for the sake of Michael the great ministering angel, or even for the sake of a small worm, these are offerings to the dead, from which benefit is forbidden.

⁴¹² Abaye said: The apparent contradiction between the mishna and the baraita is not difficult. This mishna that teaches that the slaughter is not valid but benefit is permitted is referring to a case where one says that he is slaughtering the animal for the sake of the mountain itself, which is not an idol. That baraita that teaches that the animal is an offering to the dead and benefit is forbidden is referring to a case where one says that he is slaughtering the animal for the sake of the angel of the mountain. The language of the baraita is also precise, as the mountain and the other natural entities are taught together with and therefore similar to Michael, the great ministering angel. Conclude from it that the tanna is referring to slaughter for the sake of a spiritual entity, not the mountain itself.

⁴¹³ Rav Huna says: If the animal of another was prone before an idol, once one cut one siman, the windpipe or the gullet, he rendered the animal forbidden. He holds in accordance with that which Ulla says that Rabbi Yoḥanan says: Although the Sages said that one who bows to the animal of another does not render it forbidden, if he performed a sacrificial rite upon it he renders it forbidden. The case cited by Rav Huna involves an action of that kind, cutting one siman; therefore, the animal is forbidden.

⁴¹⁴ Rav Naḥman raised an objection to the opinion of Rav Huna from a baraita: One who unwittingly slaughters an animal that was designated as a sin offering on Shabbat outside the Temple, for idol worship, is liable to bring three sin offerings: One for performing the prohibited labor of slaughtering on Shabbat, one for slaughtering a sacrificial animal outside the Temple, and one for slaughtering an animal for idol worship. And if you say that once he cuts one siman he renders the animal forbidden as an idolatrous offering, then let him not be liable to bring a sin offering for slaughter of a sacrificial animal outside the Temple courtyard,

⁴¹⁵ as it is as though he is merely chopping in dirt, since one is not liable for slaughtering outside the Temple courtyard a sacrificial animal unfit for sacrifice. Rav Pappa said: Here we are dealing with a bird sin offering, for which the requirement is to cut only one siman, and when cutting that siman, all of the three prohibitions come to be violated simultaneously.

⁴¹⁶ The Gemara asks: Now in accordance with whose opinion did Rav Huna state his halakha? It is in accordance with the opinion of Ulla, who says: If he performed a sacrificial rite upon the animal,

he renders it forbidden. And Ulla says that a minimal action renders the animal forbidden, as his ruling applies even to cutting one siman. According to Ulla's opinion, the moment that he begins the incision, the animal is forbidden and unfit to be sacrificed. Consequently, when he completes the slaughter outside the Temple, it is as though he is chopping dirt. Why then is he liable to bring a sin offering for slaughter of a sacrificial animal outside the Temple courtyard?

⁴¹⁷ The Gemara answers: Rather, the baraita is referring to a case where one says prior to the slaughter that he is worshipping the idol only at the conclusion of the slaughter; therefore, only then is the animal rendered forbidden, and one is liable for all three sin offerings simultaneously.

⁴¹⁸ The Gemara asks: If so, why does the tanna teach the halakha specifically with regard to a sin offering? Let him teach us the halakha with regard to any type of offering. According to Rav Pappa, by contrast, it is clear why the tanna taught the halakha with regard to a sin offering.

⁴¹⁹ The Gemara returns to Rav Pappa's interpretation of the baraita as referring to the case of a bird sin offering. The previous difficulty then resurfaces, that the bird was rendered forbidden before the slaughter was completed, as according to Rav Huna and Ulla any minimal action renders the bird forbidden. Rather, Mar Zutra said in the name of Rav Pappa: What are we dealing with here in the baraita? It is a case where half of the windpipe was deficient before the slaughter, and the slaughterer added to that deficiency an incision of any size, and completed it. The minority of the windpipe had been cut before the slaughterer cut it further, completing the act of slaughter. As in that case all of the three prohibitions come to be violated simultaneously.

⁴²⁰ Rav Pappa said: If not for the fact that Rav Huna said that it is sufficient to cut one siman on the animal for idol worship to render it forbidden, the fact that the baraita mentions a sin offering specifically would not raise a difficulty for his opinion. In that case, one could explain: What is the action that renders the animal forbidden according to Ulla? It is a significant action, i.e., completion of the slaughter for idol worship, that renders the animal forbidden.

⁴²¹ And Rav Pappa said: If not for the fact that Rav Huna stated his halakha specifically with regard to the animal of another, the fact that the baraita mentions specifically a sin offering would not raise a difficulty for his opinion. One could then explain: What is the reason that the animal designated as a sin offering is not rendered forbidden at the beginning of the slaughter? It is due to the fact that one is able to render his animal forbidden, but one is not able to render the animal of another forbidden. It is the priests who are entitled to derive benefit from the flesh of a sin offering.

⁴²² The Gemara objects: That is obvious. The Gemara explains: Rav Pappa needs to state this, lest you say that since one who brings a sin offering acquires the animal for his atonement, its status is like that of an animal that is his. Therefore, Rav Pappa teaches us that this does not suffice that the animal be considered his.

⁴²³ The Gemara provides a mnemonic for the names of the amora'im who participate in the discussion that ensues: Nun, Rav Naḥman; ayin, Rav Amram; tzadi, Rav Yitzḥak. Rav Naḥman, and Rav Amram, and Rav Yitzḥak all say: A person does not render forbidden an item that is not his.

⁴²⁴ The Gemara raises an objection from a baraita: One who unwittingly slaughters an animal that was designated as a sin offering on Shabbat outside the Temple for idol worship is liable to bring three sin offerings. And we interpreted the baraita as being in the case of a bird sin offering, and in a

case where half of the windpipe was deficient. The reason for the triple liability is that it is a bird sin offering, as then, all of the three prohibitions come to be violated simultaneously.

⁴²⁵ But in the case of an animal offering there is no way in which one can violate all three prohibitions simultaneously. But if a person does not render forbidden an item that is not his, why must the tanna teach the halakha specifically with regard to a bird sin offering? The same halakha would apply even in the case of an animal sin offering. This is because cutting one siman for idolatry does not render the animal forbidden, as the priest has the exclusive right to derive benefit from it, so it does not belong to the owner anymore. Therefore, one would violate the three prohibitions simultaneously. The Gemara answers: Since one who brings a sin offering acquires the animal for his atonement, its status is like that of an animal that is his, and he renders it forbidden with the first cut at the beginning of the slaughter.

⁴²⁶ The Gemara suggests: Come and hear another objection from the mishna: If there were two people grasping a knife together and slaughtering an animal, one slaughtering for the sake of one of all those enumerated in the first clause of the mishna and one slaughtering for the sake of a legitimate matter, their slaughter is not valid. Based on the formulation of the mishna, the one slaughtering with improper intent is not necessarily the owner of the animal. How, then, can he render the animal forbidden? Apparently, one can render forbidden an item that is not his. The Gemara answers: What are we dealing with here? We are dealing with a case where the one with improper intent has a partnership share in the animal, so he is rendering his own animal forbidden.

⁴²⁷ The Gemara suggests: Come and hear another objection from a mishna (Gittin 52b): With regard to one who renders another's food impure, and one who mixes teruma with another's non-sacred produce, and one who pours another's wine as a libation before an idol, if he did so unwittingly, he is exempt from payment of damages, even though he caused the other monetary loss. If he did so intentionally, he is liable to pay damages. Apparently, one can render forbidden an item that is not his. The Gemara answers: Here too it is a case where the one who caused the damage has a partnership share in the produce.

⁴²⁸ The Gemara notes that the dispute whether one who slaughters another's animal for idol worship renders the animal forbidden, in accordance with Rav Huna, or does not render it forbidden, in accordance with Rav Nahman, Rav Amram, and Rav Yitzhak, is parallel to a dispute between tanna'im in a baraita: In the case of a gentile who poured a Jew's wine as an idolatrous libation, but not in the presence of an object of idol worship, he has rendered the wine forbidden. Rabbi Yehuda ben Beteira and Rabbi Yehuda ben Bava permit drinking the wine due to two factors: One is that the presumption is that idol worshippers pour wine as an idolatrous libation only in the presence of an object of idol worship. And the other one is that even if the gentile poured the wine as an idolatrous libation, the Jew can say to the gentile: It is not within your power to render my wine forbidden against my will.

⁴²⁹ And Rav Nahman, and Rav Amram, and Rav Yitzhak say: Although Rav Huna's opinion is compatible only with the opinion of the first tanna in the baraita and not with the opinion of Rabbi Yehuda ben Beteira and Rabbi Yehuda ben Bava, we can state our opinion even according to the one who says that a person renders forbidden an item that is not his, e.g., by pouring his wine as a libation or slaughtering his animal for idol worship. This statement applies only in a case where a gentile pours the libation or slaughters the animal. But if a Jew pours the wine or slaughters the

animal, presumably he intends to torment that other person, and not to engage in idol worship. Therefore, a Jew does not render the animal forbidden.

⁴³⁰ The Gemara suggests: Come and hear a contradiction to that distinction from the mishna: If there were two people grasping a knife together and slaughtering an animal, one slaughtering for the sake of one of all those enumerated in the first clause of the mishna and one slaughtering for the sake of a legitimate matter, their slaughter is not valid. As the mishna is discussing a case involving Jews, this indicates that even a Jew who slaughters an animal for idol worship renders it forbidden. The Gemara answers: What are we dealing with here? We are dealing with the case of a Jewish transgressor whose intent when declaring that his slaughter is for the sake of mountains, hills, or other natural entities is for idol worship.

⁴³¹ The Gemara suggests: Come and hear a contradiction to the distinction between a Jew and gentile from a mishna (Gittin 52b): With regard to one who renders another's food impure, and one who mixes teruma with another's non-sacred produce, and one who pours another's wine as a libation before an idol, if he did so unwittingly, he is exempt from payment of damages, even though he caused the other monetary loss. If he did so intentionally, he is liable to pay damages. Apparently, a Jew who pours wine as a libation for idolatry renders wine that is not his forbidden. The Gemara answers: Here too the reference is to an apostate Jew whose intent is for idol worship.

⁴³² Rav Aḥa, son of Rava, said to Rav Ashi: With regard to a Jew who is not a transgressor but declared that he is slaughtering another's animal for idolatry, if those who heard his declaration forewarned him that doing so is prohibited by Torah law and is punishable by death, and he acknowledged the forewarning and said: It is in full knowledge of the prohibition and the punishment that I do so, what is the halakha? Does he render the animal forbidden in that case? Rav Ashi said to him: Are you saying a case where he subjected himself to death by acknowledging the forewarning? You have no transgressor greater than that, and he certainly renders the animal forbidden.

⁴³³ MISHNA: One may not slaughter an animal and have its blood flow, neither into seas, nor into rivers, nor into vessels, as in all those cases it appears that he is slaughtering the animal in the manner of idolaters. But one may slaughter an animal and have its blood flow into a round excavation containing water. And on a ship, one may slaughter an animal onto vessels as it is clear that his objective is to avoid sully the ship. One may not slaughter an animal and have its blood flow into a small hole in the ground at all, but one may fashion a small hole inside his house so that the blood will enter into it. And in the marketplace one may not do so, so that he will not

⁴³⁴ appear to emulate [yeḥakkeh] the heretics.

⁴³⁵ GEMARA: The mishna teaches: One may not slaughter an animal and have its blood flow, neither into seas, nor into rivers, nor into vessels, but one may slaughter an animal and have its blood flow into a round excavation containing water. The Gemara asks: What is different about slaughter into seas? Is it that one may not perform it, as onlookers will say: He is slaughtering to the angel of the sea? If so, slaughter into a round excavation containing water should also be prohibited, as onlookers will say: He is slaughtering to his reflection [bavua], which is also similar to idolatry. Rava said: The tanna'im taught that halakha in the case of murky water, in which no reflection can be seen.

⁴³⁶ § The mishna states: One may not slaughter an animal and have its blood flow into a small hole in the ground at all, but one may fashion a small hole inside his house so that the blood will enter into it. The Gemara asks: How is it permitted to slaughter and have the blood flow into a hole inside

his house? But didn't you initially say that one may not slaughter an animal and have its blood flow into a small hole in the ground at all? Abaye said: The first clause of the mishna, where there is a blanket prohibition against having the blood flow into a small hole, is referring to a small hole that is in the marketplace.

⁴³⁷ Rava said to him: But isn't it so that from the fact that the latter clause teaches: And in the marketplace one may not do so, it may be inferred that in the first clause we are not dealing with the marketplace?

⁴³⁸ Rather, Rava said that this is what the mishna is saying: One may not slaughter an animal and have its blood flow into a small hole in the ground at all. And one who wishes to clean his courtyard and ensure that it will not be sullied in blood, how does he do so? He fashions a place with an incline or a furrow outside the small hole, and slaughters the animal there, and the blood flows and descends into the hole. And in the marketplace one may not do so, so that he will not appear to emulate the heretics.

⁴³⁹ It is taught in a baraita in accordance with the opinion of Rava: If one was traveling on a ship and he has no place on the ship to slaughter an animal, he extends his hand with a knife, holds the head of the animal outside the walls of the ship, and slaughters the animal there; and the blood flows and descends down the sides of the ship. He may not slaughter an animal and have its blood flow directly into the sea. And one may not slaughter an animal and have its blood flow into a small hole in the ground at all.

⁴⁴⁰ And one who wishes to clean his courtyard and ensure that it will not be sullied with blood, how does he do so? He fashions a place with an incline or a furrow outside the small hole, and slaughters the animal there, and the blood flows and descends into the hole. And in the marketplace, one may not do so, as it is stated: "Neither shall you follow their statutes" (Leviticus 18:3). And if he did so, he requires examination after his actions to ascertain whether he is a heretic.

⁴⁴¹ MISHNA: In the case of one who slaughters an animal and asserts that he is slaughtering it for the sake of a burnt offering, for the sake of a peace offering, for the sake of a provisional guilt offering, for the sake of a Paschal offering, or for the sake of a thanks offering, his slaughter is not valid, as it appears that he is consecrating animals and slaughtering sacrificial animals outside the Temple. And Rabbi Shimon deems his slaughter valid.

⁴⁴² If there were two people grasping a knife together and slaughtering an animal, one slaughtering for the sake of one of all those enumerated in the first clause of the mishna and one slaughtering for the sake of a legitimate matter, their slaughter is not valid. With regard to one who slaughters an animal for the sake of a sin offering, for the sake of a guilt offering for a definite transgression, for the sake of the offering of a firstborn, for the sake of the offering of animal tithe, or for the sake of a substitute for a sacrificial animal, his slaughter is valid. All of these offerings may be brought only as obligations and not as gifts. Therefore, there is no concern that he consecrated the animals.

⁴⁴³ This is the principle: For any item, i.e., offering, which is consecrated as a voluntary vow or gift, in the case of one who slaughters for its sake the animal is forbidden. And for any offering that is not consecrated as a voluntary vow or gift but is an obligation that is incumbent upon him, in the case of one who slaughters for its sake the animal is permitted.

⁴⁴⁴ GEMARA: The mishna teaches: In the case of one who slaughters an animal and asserts that he is slaughtering it for the sake of a burnt offering, for the sake of a peace offering, for the sake of a provisional guilt offering, for the sake of a Paschal offering, or for the sake of a thanks offering, the slaughter is not valid. This is because one who slaughters for the sake of any type of offering that is consecrated as a vow or as a gift renders the animal forbidden. The Gemara asks: Is a provisional guilt offering fit to be consecrated as a vow or as a gift? A provisional guilt offering is brought only when one is obligated to do so due to uncertainty whether or not he is liable to bring a sin offering. Rabbi Yoḥanan said: In accordance with whose opinion is this halakha in the mishna? It is in accordance with the opinion of Rabbi Elazar, who says in a mishna (Karetot 25a): A person donates a provisional guilt offering every day if he chooses, due to concern that perhaps he violated a prohibition.

⁴⁴⁵ The Gemara asks: Is a Paschal offering fit to be consecrated as a vow or as a gift? The time is fixed for its offering on Passover eve, when bringing it is an obligation, and it may not be brought on any other day. Rabbi Oshaya said: The Paschal offering is different, since although the date for bringing and slaughtering it is the fourteenth of Nisan, its designation can be performed throughout the entire year.

⁴⁴⁶ Rabbi Yannai says: The Sages taught that slaughter of an animal for the sake of an offering is not valid only if the animals were unblemished. But with regard to animals with blemishes, the slaughterer knows that they are blemished and disqualified from sacrifice. Therefore, despite his declaration, there is no concern that his actual intent was to slaughter the animal for that purpose. And Rabbi Yoḥanan says: Slaughter of an animal for the sake of an offering is not valid even if the animals were blemished as well, as there are times that an item is cast over the blemish and covers it, and he does not know that the animal is blemished.

⁴⁴⁷ The mishna teaches: With regard to one who slaughters an animal for the sake of a sin offering, his slaughter is valid, as, since one cannot voluntarily contribute a sin offering, there is no concern that the onlookers will draw the wrong conclusion. Rabbi Yoḥanan says: The Sages taught that slaughter of an animal for the sake of a sin offering is valid only with regard to a slaughterer who is not liable to bring a sin offering. But a slaughterer who knows that he is liable to bring a sin offering, his slaughter is not valid. Say that he is performing consecration and slaughter for the sake of his sin offering. The Gemara asks: But didn't he say before the slaughter: For the sake of a sin offering, and he did not say: For the sake of my sin offering? Why, then, is that a concern? Rabbi Abbahu said: Indeed, the reference is to a case where he says: I am slaughtering this animal for the sake of my sin offering.

⁴⁴⁸ The mishna teaches: With regard to one who slaughters for the sake of a substitute for a sacrificial animal, his slaughter is valid. Rabbi Elazar says: The Sages taught that the slaughter is valid only in a case where he does not have an animal consecrated as an offering inside his house for which it can be the substitute, but if he has an animal consecrated as an offering in his house, say that he is substituting this animal for it, and the slaughter is not valid. The Gemara asks: But didn't he say before the slaughter: For the sake of a substitute for a sacrificial animal, and he did not say: For the sake of a substitute for my animal consecrated as an offering? Why, then, is that a concern? Rabbi Abbahu said: Indeed, the reference is to a case where he says: I am slaughtering this animal for the sake of a substitute for my animal consecrated as an offering.

⁴⁴⁹ The mishna states that this is the principle: For any offering that is consecrated as a voluntary vow or gift, in the case of one who slaughters for its sake, the animal is forbidden. The Gemara asks: What case does this clause add? The list in the mishna appears to be comprehensive. The Gemara answers: The clause serves to add the burnt offering of a nazirite. As, lest you say there is no concern in that case, as that person did not vow to become a nazirite and could not possibly be obligated to bring that offering, therefore, the tanna teaches that there is a concern if he said he was slaughtering for the sake of the burnt offering of a nazirite. Say that perhaps he vowed to become a nazirite in private, and no one else was aware of it.

⁴⁵⁰ The Gemara asks: What is added by the second half of the principle: And for any offering that is not consecrated as a voluntary vow or as a gift, in the case of one who slaughters for its sake the animal is permitted? The Gemara answers: It serves to add the burnt offering of a woman after childbirth. If one slaughters an animal for the sake of a burnt offering of a woman after childbirth, the slaughter is valid, as it is an obligation.

⁴⁵¹ Rabbi Elazar says: The Sages taught that the slaughter is valid only in a case where he does not have a wife. But if he has a wife, say that he performs consecration and slaughter of the animal for her sake and therefore the slaughter is not valid. The Gemara asks: But didn't he say before the slaughter: For the sake of the burnt offering of a woman after childbirth, and he did not say: For the sake of the burnt offering of my wife after childbirth? Why, then, is that a concern? Rabbi Abbahu said: Indeed, the reference is to a case where he says: I am slaughtering this animal for the sake of the burnt offering of my wife after childbirth.

⁴⁵² The Gemara objects: This is obvious. Clearly, if he explicitly declared that the slaughter is for the sake of the burnt offering of his wife after childbirth the slaughter is not valid.

⁴⁵³ The Gemara answers: Lest you say: If it is so that his wife gave birth, it would have generated publicity and been common knowledge; therefore, one might conclude that the slaughter is valid even if he declared that the slaughter is for the sake of the burnt offering of his wife after childbirth, as in fact she did not give birth. To counter this, Rabbi Elazar teaches us that the slaughter is not valid. Say that his wife miscarried and is liable to bring an offering, but it is not common knowledge, because the baby was not born alive.

Chapter 3

¹ MISHNA: These wounds constitute tereifot in an animal, rendering them prohibited for consumption: A perforated gullet, where the perforation goes through the wall of the gullet, or a cut windpipe. If the membrane of the brain was perforated, or if the heart was perforated to its chamber; if the spinal column was broken and its cord was cut; if the liver was removed and nothing remained of it, any of these render the animal a tereifa.

² Additionally, a lung that was perforated or that was missing a piece renders the animal a tereifa. Rabbi Shimon says: It is not a tereifa unless it is perforated through to the bronchi. If the abomasum was perforated, or the gallbladder was perforated, or the small intestines were perforated, it is a tereifa. It is also a tereifa in a case where the internal rumen was perforated or where the majority of the external rumen was torn. Rabbi Yehuda says: For a large animal, a tear of one handbreadth

renders it a tereifa, while for a small animal, it is a tereifa only if the majority of it was torn. And it is a tereifa where the omasum [hemsas] or the reticulum was perforated to the outside, i.e., to the abdominal cavity, but not if the perforation was between the two.

³ Likewise, if an animal fell from the roof, or if the majority of its ribs were fractured, or if it was clawed by a wolf, it is a tereifa. Rabbi Yehuda says: If it was clawed by a wolf in the case of a small animal, i.e., a sheep or goat; or clawed by a lion in the case of a large animal, i.e., cattle; or if it was clawed by a hawk in the case of a small bird; or if it was clawed by a large bird of prey in the case of a large bird, then it is a tereifa. This is the principle: Any animal that was injured such that an animal in a similar condition could not live for an extended period is a tereifa, the consumption of which is forbidden by Torah law.

⁴ GEMARA: Rabbi Shimon ben Lakish says: Where is there an allusion in the Torah to the prohibition of a tereifa? The Gemara interjects: Where is there an allusion? Doesn't the Torah state explicitly: "You shall not eat any flesh that is torn of animals [tereifa] in the field" (Exodus 22:30)? Rather, the question is: Where is there an allusion in the Torah to the principle that a tereifa cannot live? As the mishna teaches in the last clause: This is the principle: Any animal that was injured such that an animal in a similar condition could not live for an extended period is a tereifa; one learns by inference that a tereifa cannot live. If so, from where do we derive this?

⁵ It is derived from a verse, as it is written: "These are the living things which you may eat among all the animals that are on the earth" (Leviticus 11:2). The verse indicates that you may eat a living animal, i.e., one that can survive, but you may not eat an animal that is not living, i.e., one that cannot survive. One learns by inference that a tereifa cannot live.

⁶ The Gemara asks: And according to the one who says that a tereifa can live, from where does he derive this? The Gemara responds: He derives it from the same verse: "These are the living things which you may eat among all the animals." "These" indicates that you may eat only these living things, but you may not eat other living things, i.e., tereifot. One learns by inference that a tereifa can live.

⁷ The Gemara asks: And according to the other opinion, that a tereifa cannot live, what does he do with this word "these"? The Gemara responds: He requires it for that which the school of Rabbi Yishmael taught. As the school of Rabbi Yishmael taught that the verse: "These are the living things which you may eat," teaches that the Holy One, Blessed be He, seized one of each and every species of animal and showed it to Moses, and said to him: These you may eat, and these you may not eat.

⁸ The Gemara objects: But the other opinion also requires the word "these" for that which the school of Rabbi Yishmael taught. The Gemara replies: Yes, it is indeed so. Rather, from where does he derive the principle that a tereifa can live? He derives it from the other baraita that the school of Rabbi Yishmael taught. As the school of Rabbi Yishmael taught: The verse states: "To make a difference...between the living thing that may be eaten and the living thing that may not be eaten" (Leviticus 11:47). These living things that may not be eaten are the eighteen tereifot that were stated to Moses at Sinai and enumerated in the mishna. The verse, then, makes reference to a tereifa as a living thing.

⁹ The Gemara questions the baraita: And are there no more cases of tereifot? But aren't there more cases cited in the Mishna and other baraitot, for which a mnemonic is given: Beit, samekh, gimmel, reish; and aren't there seven additional halakhot, i.e., cases of tereifot, taught by amora'im?

¹⁰ Granted, with regard to the tanna of our mishna, one can say that the cases of tereifot that he taught explicitly in the mishna, he taught, and that any case that he omitted comes under the general statement beginning: This is the principle. But with regard to the tanna of the school of Rabbi Yishmael, who said: Eighteen tereifot, one must ask: And are there no more cases of tereifot? But aren't there the four cases represented by the mnemonic beit, samekh, gimmel, reish, the first of which is taught in a mishna (76a): An animal whose hind legs were severed from the leg joint and above is a tereifa? The Gemara responds: The tanna of the school of Rabbi Yishmael holds in accordance with the opinion of Rabbi Shimon ben Elazar, who says: The severed leg can be cauterized and the animal will live. Therefore, such a wound does not render the animal a tereifa.

¹¹ The Gemara objects: But even if one holds that the severed leg can be cauterized and the animal will live, this does not mean that the animal is not a tereifa. According to whom is the question: But aren't there the cases of beit, samekh, gimmel, reish, stated? It is stated according to the tanna of the school of Rabbi Yishmael, who holds that there are only eighteen tereifot. But the tanna of the school of Rabbi Yishmael maintains that a tereifa can live. If so, the fact that the animal can live if the stump of its severed limb is cauterized is immaterial to whether it is a tereifa. Rather, say that the tanna holds in accordance with the opinion of Rabbi Shimon ben Elazar insofar as he says that an animal with a severed leg is kosher. Yet, he disagrees with the claim that the reason is because the animal can survive.

¹² The Gemara objects: But isn't there the case of a deficiency in the spine? As we learned in a mishna (Oholot 2:3): How much is considered a deficiency in the spine of a corpse so that it will not be considered a full corpse to impart impurity in a tent? Beit Shammai say: Two missing vertebrae, and Beit Hillel say: One vertebra. And Rav Yehuda says that Shmuel says: Just as Beit Shammai and Beit Hillel disagree with regard to ritual impurity, so too they disagree with regard to a tereifa, i.e., according to Beit Hillel an animal missing only one vertebra is a tereifa. This is not included in the count of Rabbi Yishmael.

¹³ The Gemara responds: The omasum or the reticulum that were perforated on their outer walls, which you count as two separate cases, should be counted as one case. Accordingly, one case has been removed from the count of eighteen tereifot and one case has been inserted, i.e., the case of a deficiency in the spine, and there are still only eighteen cases.

¹⁴ The Gemara asks: But isn't there the case of the tereifa mentioned in the mishna on 54a of an animal whose hide was removed? The Gemara responds: The tanna of the school of Rabbi Yishmael holds in accordance with the opinion of Rabbi Meir, who deems such an animal kosher.

¹⁵ The Gemara asks: But isn't there also the case of an animal that is a tereifa because of a shriveled lung? The Gemara responds: The mishna states that a perforated gallbladder renders the animal a tereifa; but who teaches this? Rabbi Yosei, son of Rabbi Yehuda, teaches this. Therefore, the tanna removed the gallbladder from the list, since it is only the opinion of an individual, and inserted a shriveled lung.

¹⁶ The Gemara asks: But aren't there the seven additional halakhot, i.e., cases of tereifot, taught by amora'im? The Gemara enumerates the seven halakhot: As Rav Mattana says: This head of the femur that was completely dislocated renders the animal a tereifa. And Rakhish bar Pappa says in the name of Rav: If the animal was diseased even in one kidney, it is a tereifa. And we learned in a mishna (54a) that if the spleen was removed the animal is kosher, and with regard to this mishna, Rav Avira

says in the name of Rava: They taught this only when the spleen was removed; but if it was perforated, the animal is a tereifa.

¹⁷ The Gemara continues: And Rabba bar bar Ḥana says that Shmuel says: If the two organs that must be severed in ritual slaughter [simanim], i.e., the windpipe and the gullet, were mostly detached, the animal is a tereifa. And Rabba bar Rav Sheila says that Rav Mattana says that Shmuel says: If a rib was torn out from its root, along with half of the attached vertebra, the animal is a tereifa; and a skull that was mostly crushed, even if the membranes are intact, renders the animal a tereifa; and if a majority of the flesh that envelops the majority of the rumen was torn, the animal is a tereifa.

¹⁸ The Gemara responds: There are eight cases of perforated organs mentioned in the mishna that render an animal a tereifa. The tanna of the school of Rabbi Yishmael counts them all as one case. Accordingly, he removed seven cases from the count of eighteen and inserted these seven halakhot.

¹⁹ The Gemara challenges: If so, since there are also two cases of cut organs in the mishna, the spinal cord and the windpipe, let the tanna count them as one. The count of tereifot then falls one short of eighteen. And furthermore, if all the cases of perforated organs are counted as one, then one cannot insert the case taught by Rav Avira in the name of Rava, i.e., that of a perforated spleen, since it is also a case of a perforated organ. If so, the count falls two short of eighteen.

²⁰ The Gemara responds: Rather, if one counts this way, one must say that these two cases that you removed, i.e., an animal whose hind legs were severed and one whose hide was removed, do not remove. The count will then remain eighteen.

²¹ § Ulla says: Eight types of tereifot were stated to Moses at Sinai, and all the cases mentioned in the Mishna and elsewhere fall into these categories: An animal whose organ was perforated or severed, removed or missing a piece, one that was torn or clawed by wild animals, or that fell or was broken. The Gemara notes: This list is compiled to the exclusion of a diseased organ, which Rakhish bar Pappa mentioned with regard to a kidney. Ulla does not deem this a tereifa.

²² Ḥiyya bar Rava says: There are eight tereifot in the category of a perforated organ: A perforated gullet, brain membrane, heart, lung, abomasum, intestine, inner rumen, and reticulum or omasum that was perforated to the outside. If you say that there are nine, because a perforated gallbladder is also mentioned in the mishna, one can say that with regard to the gallbladder, only Rabbi Yosei, son of Rabbi Yehuda, teaches it, and it is the opinion of an individual. As it is taught in a baraita: If the abomasum was perforated, or the intestines were perforated, it is a tereifa. Rabbi Yosei, son of Rabbi Yehuda, says: Even if the gallbladder was perforated it is a tereifa.

²³ § The Gemara provides a mnemonic for the following statements of Rabbi Yitzḥak, son of Rabbi Yosef: Halakhot, friend, olive-bulk, gallbladder, and gizzard.

²⁴ Rabbi Yitzḥak, son of Rabbi Yosef, says that Rabbi Yoḥanan disagrees with the statement of Ḥiyya bar Rava and says: The halakha is in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda, that a perforated gallbladder renders the animal a tereifa.

²⁵ And Rabbi Yitzḥak, son of Rabbi Yosef, says that Rabbi Yoḥanan says: What did the friends of Rabbi Yosei, son of Rabbi Yehuda, respond to him? They responded that Job said: “He pours out my gall upon the ground” (Job 16:13), and yet Job was still alive. Evidently, one with a perforated gallbladder can live. Rabbi Yosei said to them: Job was kept alive by a miracle, and one does not

mention miraculous acts as proof for a general ruling. As, if you do not say so, then the other phrase in the verse: “He cleaves my kidneys asunder, and does not spare,” is problematic. Does one with cleaved kidneys live? Rather, a miracle is different, as it is written that God said to Satan with regard to Job: “Only spare his life” (Job 2:6). Under natural circumstances, Job should have died from his injuries, but in this case he was kept alive by a miracle. Here too, with regard to the gallbladder, one must say that a miracle is different, and one cannot bring proof from it.

²⁶ And Rabbi Yitzḥak, son of Rabbi Yosef, says that Rabbi Yoḥanan says: The halakha is in accordance with the statement of the one who says that if the liver of an animal was removed but one olive-bulk of it remains, it is kosher.

²⁷ The Gemara asks: And does Rabbi Yoḥanan really say this? But doesn’t Rabba bar bar Ḥana say that Rabbi Yoḥanan says: The halakha is always in accordance with an unattributed mishna; and we learned in the mishna: If the liver was removed and nothing remained of it, the animal is a tereifa? One can infer that if any of it remained, the animal is kosher even if what remains does not constitute an olive-bulk. The Gemara responds: They are amora’im, and they disagree with regard to the opinion of Rabbi Yoḥanan as to whether he holds that the halakha is always in accordance with an unattributed mishna.

²⁸ The Gemara brings another statement that Rabbi Yitzḥak, son of Rabbi Yosef, says that Rabbi Yoḥanan says: If the gallbladder was perforated in a place where it was adjacent to the liver, and the liver seals the hole, the animal is kosher, even though a perforated gallbladder normally renders the animal a tereifa according to Rabbi Yoḥanan.

²⁹ And Rabbi Yitzḥak, son of Rabbi Yosef, says that Rabbi Yoḥanan says: Even though the mishna on 56a teaches that if a bird’s gizzard was perforated it is a tereifa, if the gizzard was perforated but its inner lining is intact, the bird is kosher.

³⁰ A dilemma was raised before the Sages: If the inner lining of the gizzard was perforated, but the flesh of the gizzard is intact, what is the halakha? The Gemara suggests: Come and hear a proof from that which Rav Naḥman said with regard to a perforated gullet: If both its outer and inner lining were perforated, the animal is a tereifa, but if this lining was perforated without that lining being perforated, it is kosher. Similarly, Rava says: The gullet has two linings, the outer red, and the inner white. If this lining was perforated without that lining being perforated, the animal is kosher. The Gemara asks: Why do I need for Rava to state that the outer one is red and the inner one is white? Isn’t this self-evident? The Gemara responds: This teaches that if the two were switched, i.e., the outer lining turned white and the inner red, the animal is a tereifa.

³¹ A dilemma was raised before the Sages: If both linings were perforated, but not adjacent to one another, what is the halakha? Mar Zutra says in the name of Rav Pappa: If this occurred in the gullet, the animal is kosher; but if it occurred in the gizzard, it is unfit for consumption. Rav Ashi objects to this: On the contrary, the gullet, with which the animal eats and calls, is spacious and flexible, and the animal constricts it and stretches it. Since the two linings are not connected to each other, there are times in the course of their movement that the two holes align [demihandezin] with one another, creating a fully aligned perforation. But the gizzard, which is always at rest in place, stands as it always stands. Accordingly, two such perforations will never align. Rav Aḥa, son of Rav Yosef, said to Rav Ashi: So we say in the name of Mar Zutra, that he in fact said in the name of Rav Pappa in accordance with your objection.

³² § And Rabba says: A membrane that appeared due to a wound in the gullet, i.e., a scab that covered a perforation, is not considered a membrane that prevents the animal from being rendered a tereifa. And Rabba says: The gullet cannot be inspected from outside to determine whether the animal is a tereifa, since the outer lining itself is red, and therefore reddening due to injury cannot be discerned in it. Rather, it must be inspected from inside, where the lining is white. The Gemara asks: What difference is there as a result of this statement, i.e., in what case must the gullet be checked from the inside?

³³ The Gemara responds: The halakha is necessary for a case in which it was uncertain whether an animal was clawed by a predator. If the animal was in fact clawed, the gullet would have become red. Since the outer lining is always red, the gullet must be checked on the inside to ascertain whether it is still white.

³⁴ The Gemara recounts the case of a certain animal concerning which it was uncertain whether it was clawed by a predator, which came before Rabba. Rabba was checking its gullet from the outside. Abaye said to him: But isn't it you, Master, who says: The gullet may be inspected only from the inside? Rabba turned over the gullet and checked it from the inside, and found on it two drops of blood, and deemed it a tereifa due to clawing. The Gemara notes: And Rabba as well desired only to sharpen Abaye by inducing him to ask. He did not forget his own statement.

³⁵ Ulla says: If a thorn sat in the animal's gullet but did not perforate the outer lining, one need not be concerned that perhaps it perforated the outer lining beforehand and the perforation healed and a scab formed over it, in which case the animal would be a tereifa, as stated above. Rather, one assumes that the thorn never perforated the outer lining and the animal is kosher.

³⁶ The Gemara provides a mnemonic for the following questions with regard to Ulla's statement: Clawed, pieces, with a knife, ritually impure.

³⁷ The Gemara asks: But according to Ulla, given that this is a case of uncertainty, in what way is it different from a case of uncertainty as to whether an animal was clawed, where the animal must be checked and cannot be presumed kosher? The Gemara responds: Ulla holds that one need not be concerned with regard to an uncertainty as to whether the animal was clawed.

³⁸ The Gemara asks: And in what way is this case different from a case where there were two pieces of fat before a person, one of forbidden fat and one of permitted fat, and the person ate one piece but does not know which one, where the halakha is that one must bring a provisional guilt offering due to the possibility that he consumed forbidden fat? Evidently, one may not presume that an item is permitted in a case of uncertainty. The Gemara responds: There, one finds a presumption of prohibition, since one of the pieces is certainly prohibited. Here, with regard to the thorn, there is no presumption of prohibition.

³⁹ The Gemara asks: And in what way is the case of the thorn different from the case of one who slaughters with a knife that was previously checked for flaws but was then found to be notched after the slaughter? In that case, it is uncertain whether the notch existed at the time of slaughter, yet the animal is prohibited. The Gemara responds: There, a deficiency was born in the knife. Accordingly, one must be concerned that it was notched beforehand as well. By contrast, the wall of the gullet is currently intact, and one may therefore presume that it was intact beforehand as well.

⁴⁰ The Gemara asks: And in what way is this case different from an uncertainty with regard to ritual impurity in a private domain, whose uncertainty is presumed impure? The Gemara responds: But according to your reasoning, let us compare it instead to uncertainty with regard to impurity in a public domain, whose uncertainty is presumed pure. Rather, there, with regard to the presumption of impurity in a private domain and purity in a public domain, the Sages learned this halakha through tradition from the halakha of a woman suspected by her husband of having been unfaithful [sota]. Therefore, one cannot extend it to other cases.

⁴¹ The Gemara relates that one of the Sages was sitting before Rav Kahana, and he was sitting and saying: It was stated that one need not be concerned that the thorn perforated the linings of the gullet only if it was found loose inside the gullet. But if it sat embedded in the gullet wall, we must be concerned that the outer lining was perforated and later healed, rendering the animal a tereifa. Rav Kahana said to the other Sages: Do not listen to him. Rather, it was stated that one need not be concerned about a possible perforation if the thorn sat embedded in the gullet wall. But in a case where it was simply found there loose, it was not necessary for Ulla to say that the animal is kosher, since all animals that live outside eat thorns, and it is reasonable to expect to find them in the gullet without presuming injury.

⁴² § The mishna teaches that if the gullet was perforated, the animal is a tereifa. It was stated: In a case where the entrance [turbatz] of the gullet from the pharynx was perforated, Rav says: The animal is a tereifa if any part of the gullet was perforated. And Shmuel says: It is a tereifa only if its majority was perforated. Rav says: If any part was perforated, because he holds that the entrance of the gullet is a location fit for slaughter and is therefore considered part of the gullet. And Shmuel says: If its majority was perforated, because he holds that it is not a location fit for slaughter and is not considered part of the gullet.

⁴³ The Gemara clarifies: Which area is the entrance of the gullet? Mari bar Mar Ukva said that Shmuel said: All of the area that widens outward when cut along its width, this is the entrance of the gullet; all the area that remains in place when cut, this is the gullet itself. Rav Pappi said to them: Master did not say so. And who is that Master? It is Rav Beivai bar Abaye. Rather, he said that all of the area that remains in place when cut, this is the entrance of the gullet. But which area, then, is the gullet itself? It is all of the area that constricts when cut and closes inward. The Sage Yona says in the name of Rabbi Zeira: The entrance of the gullet is only the area of the throat immediately bordering the gullet. And how much of the throat qualifies as the entrance of the gullet? Rav Avya said: Less than the length of a barley kernel and more than the length of a wheat kernel.

⁴⁴ The Gemara relates an incident involving a certain bull that belonged to the sons of Rav Ukva, where its slaughter began with a small incision in the entrance of the gullet and concluded in its majority in the gullet. Rava said: I impose upon it the stringencies of Rav and the stringencies of Shmuel, and deem it a tereifa.

⁴⁵ I impose the stringencies of Rav, as Rav said: The animal is a tereifa if any part of the entrance of the gullet was perforated before slaughter. Such is the case here, since the incision began in the entrance of the gullet. Perhaps one will ask: But doesn't Rav say that the entrance of the gullet is a location fit for slaughter, in which case the initial incision should be considered the beginning of the act of slaughter? To this I will respond: I hold in accordance with the opinion of Shmuel, who says that it is not a location fit for slaughter. If one asks: If I hold in accordance with the opinion of

Shmuel, doesn't he say: It is a tereifa only if it was perforated in its majority? To this I will respond: I hold in accordance with the opinion of Rav, who says: If any part was perforated. Consequently, I deem the animal a tereifa.

⁴⁶ The Gemara relates that the matter circulated, and it came before Rabbi Abba, who said to his students: This bull is permitted for consumption, both according to Rav, who holds that the entrance of the gullet is a location fit for slaughter, and according to Shmuel, who holds that it is not a tereifa unless it is perforated in its majority. Therefore, go tell the son of Rav Yosef bar Ḥama, i.e., Rava, that he is to pay the value of the bull to its owner, since he improperly deemed it a tereifa.

⁴⁷ Mar, son of Ravina, said: I offer a conclusive refutation to the enemies of Rava, a euphemism for Rava himself, from a baraita: The halakha is always in accordance with the statement of Beit Hillel, but one who wishes to act in accordance with the statement of Beit Shammai may do so, and one who wishes to act in accordance with the statement of Beit Hillel may do so. But if one wishes to adopt both the leniencies of Beit Shammai and also the leniencies of Beit Hillel, he is a wicked person.

⁴⁸ And one who wishes to adopt both the stringencies of Beit Shammai and the stringencies of Beit Hillel, with regard to him the verse states: "The fool walks in darkness" (Ecclesiastes 2:14). Rather, one should act either in accordance with Beit Shammai, following both their leniencies and their stringencies, or in accordance with Beit Hillel, following both their leniencies and their stringencies.

⁴⁹ The Gemara objects to the wording of the baraita: This baraita itself is difficult. First you say that the halakha is always in accordance with the statement of Beit Hillel, and then you teach that one who wishes to act in accordance with the statement of Beit Shammai may do so.

⁵⁰ The Gemara responds: This is not difficult. Here, the statement that a person may act as he wishes was made before the Divine Voice emerged and announced that the halakha is always in accordance with Beit Hillel. There, the statement that the halakha is always in accordance with Beit Hillel was made after the Divine Voice issued this ruling.

⁵¹ And if you wish, say instead that even the statement that a person may act as he wishes was made after the Divine Voice announced that the halakha is in accordance with Beit Hillel, and this statement is in accordance with the opinion of Rabbi Yehoshua, who says: One disregards a Divine Voice that attempts to intervene in matters of halakha. According to him, the dispute between Beit Shammai and Beit Hillel has not yet been decided.

⁵² The Gemara notes: In any case, Rava's ruling is difficult. How could he rule in accordance with two contradictory stringencies in order to deem the animal a tereifa?

⁵³ Rav Tavut said: Rava acted entirely in accordance with the opinion of Rav. As when Rami bar Yeḥezkel came, he said: Do not listen to those principles that Rav Yehuda, my brother, formulated in the name of Rav. Although Rav holds that a perforation of any part of the entrance of the gullet renders an animal a tereifa, this is not because it is a location fit for slaughter. Rather, this is what Rav said: The Sages gave a measure defining the portion of the gullet that is valid for slaughter. By inference, one learns that the entrance of the gullet is not a location fit for slaughter. And nevertheless, he says that a perforation in any amount renders the animal a tereifa.

⁵⁴ Since it was mentioned that the Sages gave a measure defining the portion of the gullet that is valid for slaughter, the Gemara asks: How far up the gullet is the upper boundary for valid slaughter?

Rav Naḥman said: It is until the point that there remains only sufficient space for a hand to grip the gullet. The Gemara asks: How far down is the lower boundary? Rav Naḥman said that Rabba bar Avuh said: Until the gullet becomes hairy, i.e., until the opening of the rumen, whose lining is hairy.

⁵⁵ The Gemara asks: Is that so? But doesn't Ravina say that Geneiva says in the name of Rav: The lowermost handbreadth in the gullet, adjacent to the rumen, this is the inner rumen? If so, why does Rav Naḥman permit slaughter until the opening of the rumen? When one slaughters within the bottom handbreadth, he is slaughtering in the rumen, and his slaughter should be invalid.

⁵⁶ Rather, say that Rav's statement should be amended, as follows: The uppermost handbreadth in the rumen, adjacent to the gullet, this is the inner rumen, which is not a valid location for slaughter. By contrast, the lowermost handbreadth of the gullet is a valid location for slaughter. And if you wish, say instead that when Rav says that the lowermost handbreadth of the gullet is considered the rumen, he is referring specifically to a bull, which is especially hairy, and hairs appear even within the lowermost handbreadth of the gullet itself. By contrast, in other animals, the entire lower gullet is a valid location for slaughter.

⁵⁷ § Rav Naḥman says that Shmuel says: If the entrance of the gullet was completely detached from the jaw, the animal is kosher. And the tanna of the mishna also taught this later (54a): If the lower jaw was detached entirely, it is kosher.

⁵⁸ Rav Pappa objects to this: How can Shmuel say that if the entrance of the gullet is detached the animal is kosher? But isn't there ripping of the simanim, the gullet and the windpipe, from their place? This should render the animal a tereifa.

⁵⁹ The Gemara interjects: But according to Rav Pappa, the mishna is difficult as well, since it states: If the lower jaw was detached, it is kosher. If the lower jaw is detached, the windpipe and gullet will necessarily be detached as well, since they are attached to it.

⁶⁰ The Gemara responds: Granted, the mishna is not difficult for Rav Pappa. This halakha, that the ripping of the simanim renders the animal a tereifa, applies only when the simanim are completely ripped from the jaw. That statement of the mishna, that an animal whose jaw is detached is kosher, is referring to a case where the lower jaw is severed above its connection to the simanim, which themselves remain connected to the remaining flesh of the jaw. But the halakha that the ripping of the simanim renders the animal a tereifa is difficult for Shmuel. How can an animal remain kosher when the entrance of its gullet is removed, if this entails the ripping of the simanim?

⁶¹ The Gemara responds: Do not say that Shmuel deems the animal kosher if the entrance of the gullet was completely detached. Rather, say that he deems it kosher only if it was mostly detached.

⁶² The Gemara asks: But doesn't Rabba bar bar Ḥana say that Shmuel says: Simanim that were detached in their majority render the animal a tereifa? Rav Sheisha, son of Rav Idi, said: This statement of Shmuel, that the animal is kosher even if the simanim are mostly detached, applies only to a case in which the entrance of the gullet was peeled off from the flesh of the jaw, such that the connected tissue is concentrated in one area. In such a case, the animal might recover. There, where Shmuel deems the animal a tereifa, he is referring to a case in which the simanim were forcibly separated [de'ipruk iprukei] from the jaw and are connected only by a few discontinuous pieces of flesh. In such a case the animal cannot recover.

⁶³ § The mishna states: Or an animal with a cut windpipe, cut across its width, is a tereifa. With regard to this the Sages taught: How much must the windpipe be cut to render the animal a tereifa? In its majority. And how much is its majority? Rav says:

⁶⁴ The majority of its width, counting the width of the wall of the windpipe itself, the thickness of which is uneven. And some say that Rav says: The majority of its space, the inner area of the cross section of the windpipe, not counting the width of the windpipe wall.

⁶⁵ The Gemara recounts: There was a certain animal with a cut windpipe that came before Rav, i.e., it was brought for inspection to decide whether it was kosher. Rav was sitting and checking it to see if the windpipe had been cut in the majority of its width. Rav Kahana and Rav Asi said to Rav: Didn't you teach us, our teacher, that a cut windpipe is measured by the majority of its space? Rav sent the animal before Rabba bar bar Ḥana, who checked it in the majority of its space and deemed it kosher, and purchased meat from it at the price of thirteen plain istera coins.

⁶⁶ The Gemara asks: And how could Rabba bar bar Ḥana do this, i.e., deem permitted an animal that Rav was going to deem prohibited? But isn't it taught in a baraita: If a halakhic authority deemed an item impure, another halakhic authority is not allowed to deem it pure; likewise, if he prohibited it, another authority is not allowed to permit it? The Gemara responds: It is different here, since Rav did not actually prohibit the animal. He merely considered doing so, but he sent it to Rabba bar bar Ḥana before issuing a formal ruling.

⁶⁷ The Gemara asks: And once a halakhic authority has ruled with regard to the animal, even to permit it, how could Rabba bar bar Ḥana eat from it? But isn't it written: "Then I said: Alas, Lord God, my soul has not become impure; and from my youth until now I have not eaten an unslaughtered carcass, or a tereifa; and no piggul flesh came into my mouth" (Ezekiel 4:14).

⁶⁸ The Sages interpreted the verse as follows: "My soul has not become impure" means that I did not think of sexual thoughts during the day so as to come to the impurity of a seminal emission at night. "I have not eaten an unslaughtered carcass, or a tereifa" means that I never ate the flesh of an animal that was in danger of imminent death, leading one to say: Slaughter it, slaughter it quickly, before it dies. "And no piggul flesh came into my mouth," means that I never ate from an animal with regard to which there was uncertainty whether it is prohibited and a Sage issued a ruling to permit it. The Sages said in the name of Rabbi Natan: The phrase means that I never ate from an animal from which the gifts of the priesthood, the foreleg, jaw, and abomasum, were not separated. The above acts are technically permitted but unseemly. How, then, could Rabba bar bar Ḥana consume the meat of this animal?

⁶⁹ The Gemara responds: This statement, that it is unseemly for a halakhic authority to rely on his own ruling to permit the meat, applies only to a matter that depends on reasoning. Rabba bar bar Ḥana relied on his learning, i.e., a received tradition. There is nothing unseemly about relying upon a received tradition.

⁷⁰ The Gemara objects: But let one derive that Rabba bar bar Ḥana should not have purchased the meat due to suspicion, as it is taught in a baraita: If one issued a judgment, acquitted or convicted, deemed impure or pure, prohibited or permitted; or if witnesses testified with regard to a case, in all of these instances the judges or witnesses are allowed to purchase the item that they deemed permitted. But the Sages said: Distance yourself from unseemliness and from things similar to it. If so, Rabba bar bar Ḥana should not have purchased the meat that he himself permitted.

⁷¹ The Gemara responds: This statement applies only to an item that is sold based on an appraisal of its value and not by standard measure. In such cases onlookers might suspect that the judge is receiving a favorable price in return for his judgment. But here, the weight of the meat proves that the judge is not receiving a discount, but is paying the standard price. This is like that incident where Rabba permitted a possible tereifa for consumption and bought meat from it. His wife, the daughter of Rav Ḥisda, said to him: Father permitted a firstborn animal, declaring that it possessed a blemish that renders it permitted for consumption, but did not buy meat from it. Why are you acting differently?

⁷² Rabba said to her: That matter applies to a firstborn, which is sold based on appraisal of its value. Here, the weight of the meat proves that I am paying the standard price and not unfairly deriving benefit from my judgment. What suspicion is there in this case? Will people suspect me because I received a superior piece of meat? Every day they sell me a superior piece of meat.

⁷³ The Gemara cites an aphorism: Rav Ḥisda says: Who is a Torah scholar? This is one who sees his own tereifa. In other words, when the status of his own animal is uncertain, he deems it prohibited without concern for his own monetary loss. And Rav Ḥisda says: Who is referred to by the verse: “He that hates gifts shall live” (Proverbs 15:27)? This is one who sees his own tereifa. He is careful to avoid deriving benefit from that which is not his own, and even from items that are his concerning which it is questionable whether or not they are permitted.

⁷⁴ Mar Zutra taught in the name of Rav Ḥisda: Anyone who reads the Torah and studies the Mishna, and sees his own tereifa, and has served Torah scholars to learn the ways of halakhic judgment, about him the verse states: “When you eat the labor of your hands, happy shall you be, and it shall be well with you” (Psalms 128:2). Rav Zevid says: Such a person merits inheriting two worlds, this world and the World-to-Come. When the verse states: “Happy shall you be,” it means in this world, and when it states: “And it shall be well with you,” it is referring to the World-to-Come.

⁷⁵ With regard to the verse: “He that hates gifts shall live,” the Gemara relates that when they would send Rabbi Elazar some gift from the house of the Nasi, he would not take it. And when they would invite him, he would not go there. When declining these offers, he said to them: Does Master not desire that I live? As it is written: “He that hates gifts shall live.” By contrast, when they would send a gift to Rabbi Zeira, he would not take it, but when they would invite him he would go. He said in explanation:

⁷⁶ It is an honor for them to honor me. My attendance is not for my benefit but for theirs.

⁷⁷ § With regard to the halakha that a cut windpipe renders the animal a tereifa, Rav Yehuda says that Rav says: If the windpipe was perforated with a series of small holes around its circumference like a sieve, the small holes join together to constitute a majority of the circumference. Therefore, if their collective size is a majority of the circumference, the windpipe is considered cut.

⁷⁸ Rav Yirmeya raises an objection: The mishna teaches (Oholot 2:3) that if a skull of a corpse has a round hole at least the size of a drill bit used for surgery, then the skull does not impart ritual impurity in a tent. With regard to this, a baraita states: And in a skull that contains one long hole, or even if it has many small holes, the areas of the holes join together to constitute the size of a drill hole. Evidently, since the requisite measure is the size of a drill hole, the small holes join together to constitute the size of a drill hole, and not another measure. If so, here, too, in the case of the windpipe, since the requisite measure of a hole to render the animal a tereifa is the size of an issar

(see 54a), the small holes should join together to constitute the size of an issar. Why must they constitute the majority of the circumference?

⁷⁹ The Gemara notes: It escaped him, i.e., Rav Yirmeya, that which Rabbi Ḥelbo says that Rav Ḥama bar Gurya says that Rav says: Perforations that are a deficiency, i.e., holes of significant area, join together to constitute the size of an issar, and perforations that are not a deficiency, but are as small as the holes of a sieve, must join together to constitute a majority of the circumference, which is the measure of a cut windpipe. Since the holes are not substantial in area, the windpipe cannot be said to be missing a piece, but it may be considered cut.

⁸⁰ Rabba bar bar Ḥana says that Rabbi Yehoshua ben Levi says: If a strip of the windpipe was removed from it, its area joins to constitute the size of an issar, even if the strip itself is narrower than an issar. Rabbi Yitzḥak bar Naḥmani asked Rabbi Yehoshua ben Levi: If the windpipe was perforated like a sieve, what is the halakha? Rabbi Yehoshua ben Levi said to him: The Sages said with regard to this case: Perforations that are a deficiency join together to constitute the size of an issar, and perforations that are not a deficiency join together to constitute a majority of the circumference.

⁸¹ The Gemara raises a question: The measure of an issar for missing flesh in the windpipe applies only to animals. In birds, this cannot be the measure, as the entire width of the windpipe is less than the diameter of an issar. What, then, is the measure with regard to a bird?

⁸² Rabbi Yitzḥak bar Naḥmani said: It was explained to me personally by Rabbi Elazar: One severs the perforated tissue, folds and lays it over the opening of the windpipe. If it covers the majority of the windpipe, the animal is a tereifa; and if not, the animal is kosher. Rav Pappa said: And your mnemonic for this halakha should be a sieve. If the tissue is perforated like a sieve, one must place it over the opening of the windpipe as if it were a sieve.

⁸³ The Gemara continues: If the windpipe was missing a piece so that its appearance was like a door, where the missing flesh was partially attached as though on a hinge, Rav Naḥman said: If the missing piece is so large that an issar can enter the hole widthwise, i.e., it is wider and taller than an issar, the animal is a tereifa. If the windpipe was cracked along its length, Rav said: Even if only one undamaged segment remains in the windpipe above the crack and one segment below it, the animal is kosher.

⁸⁴ The Sages said this statement before Rabbi Yoḥanan, who said: What is this segment and what is that segment that Rav says? Segments are immaterial to the matter. Rather, say: Even if any amount remained intact in the windpipe above the crack, and any amount below, the animal is kosher.

⁸⁵ The Sages said this statement in Eretz Yisrael before Rabbi Yoḥanan in the name of Rabbi Yonatan the Babylonian, i.e., that any amount of undamaged tissue above and below the crack renders the animal kosher. Rabbi Yoḥanan said to them, excitedly: Do our Babylonian friends know how to interpret in accordance with this explanation? He was happy that Rabbi Yonatan interpreted it the same way he did.

⁸⁶ § Rabbi Ḥiyya bar Yosef taught before Rabbi Yoḥanan: The entire neck is fit for slaughter, from the large uppermost ring of the windpipe downward until the lower edges of the lung. Rava says that the phrase: Lower edges of the lung, is referring to an animal hung by the feet; that is, it actually denotes the upper edges nearest the head. As I say that the area fit for slaughter is all the length of the

neck that an animal extends in order to graze, provided that it is not forced to extend its neck further than it wishes. Consequently, the very bottom of the neck is not a location fit for slaughter.

⁸⁷ Rav Ḥanina, and some say Rav Ḥananya, raises a dilemma: If the animal forced itself and extended its neck, what is the halakha with regard to the additional area? The Gemara responds: The question shall stand unresolved. The Gemara relates that Rabbi Yoḥanan and Rabbi Shimon ben Lakish sat together, and a matter emerged from between them: If the slaughterer forced the animal to extend the simanim by stretching the neck and slaughtered the animal at the lower end of the neck, the slaughter is not valid. And if the windpipe was perforated below the breast, it is considered to be like a perforated lung, which renders the animal a tereifa no matter the size of the perforation. A perforation in the upper windpipe must be the size of an issar to render the animal a tereifa (see 54a).

⁸⁸ The Gemara elaborates: The Sages taught in a baraita: Which is the breast that must be given to the priests as a gift from every peace offering (see Leviticus 7:31)? This is the section that faces the ground, not the ribbed area on the sides. And lengthwise it extends below, when the animal is hung from the legs, until the neck, and above until the rumen. One cuts the two ribs nearest the head from the two sides of the animal from both directions, and this is the breast that is given to the priests.

⁸⁹ § The mishna states: If the membrane of the brain was perforated, the animal is a tereifa. The Gemara cites Rav and Shmuel, who both say: The brain is covered by two membranes, a thick outer membrane adjacent to the skull and a thin inner membrane adjacent to the brain. The animal is a tereifa if the outer membrane was perforated, even if the inner membrane was not perforated. And some say that the animal is not a tereifa unless the inner membrane was perforated as well. Rabbi Shmuel bar Naḥmani says: And this is your mnemonic to remember the halakha: The bag in which the brain rests, i.e., the inner membrane.

⁹⁰ Rabba bar bar Ḥana says that Rabbi Yehoshua ben Levi says: Even though the inner membrane of the brain is very thin and not easily visible, its equivalent in the testicles, which are also enclosed in a thin membrane, is conspicuous, as it has an appearance different from the testicles themselves. Rabbi Shimon ben Pazi says that Rabbi Yehoshua ben Levi says in the name of bar Kappara: With regard to the brain, everything inside the skull is considered part of the brain. From the point where it begins to extend like a cord out of the base of the skull, it is considered the spinal cord. And from where does it begin to be extended? Rabbi Yitzḥak bar Naḥmani said: It was explained to me personally by Rabbi Yehoshua ben Levi himself: Protrusions similar to two

⁹¹ beans lie at the opening of the skull, where the spinal cord exits. From the beans inward, the nerve tissue is considered like the inside, i.e., the brain. Therefore, if its membrane is perforated, even minimally, the animal is a tereifa. From the beans outward, the nerve tissue is considered like the outside, i.e., the spinal cord. A perforation of the membrane in this area renders the animal a tereifa only if the spinal cord is mostly cut. And with regard to the area of the beans themselves, I do not know what the halakha is; but it stands to reason that it is considered like the inside.

⁹² The Gemara relates that Rabbi Yirmeya inspected a bird and found protrusions similar to two beans lying on the opening of the skull.

⁹³ § The mishna states: If the heart was perforated to its chamber, the animal is a tereifa. Rabbi Zeira raises a dilemma: Is the mishna referring to the small chamber within the heart or to the large chamber? Abaye said to him: What is your dilemma? Didn't we learn in the mishna with regard to the lung? Rabbi Shimon says: It is not a tereifa unless it is perforated through to the bronchi? And

Rabba bar Taḥlisa says that Rabbi Yirmeya bar Abba says that Rav says: Rabbi Shimon means that it is not a tereifa unless it is perforated through to the large bronchus. If so, it may be presumed that the mishna is referring to the large chamber of the heart as well.

⁹⁴ The Gemara responds: How can these cases be compared? There, the mishna teaches: To the bronchi [simponot], in the plural form, i.e., the one bronchus into which all the bronchi [simponot] empty out. But here, with regard to the heart, it teaches: To the chamber. What is it to me if this is a large chamber and what is it to me if it is a small chamber? The language does not indicate one or the other.

⁹⁵ § With regard to the aorta, the chief artery exiting the heart, Rav says: Like the heart itself, if it is perforated in any amount the animal is a tereifa. And Shmuel says: The animal is a tereifa only if the aorta is perforated in its majority.

⁹⁶ The Gemara asks: Which blood vessel is the aorta? Rabba bar Yitzḥak says that Rav says: This is the artery found in the fat on the sides. The Gemara asks: Can it enter your mind to say that this is referring to the sides of the animal, i.e., the ribs, which are not adjacent to the heart? Rather, this is referring to the artery covered in fat that exits the heart and passes on the sides of the lung.

⁹⁷ Ameimar says in the name of Rav Naḥman: There are three ducts adjacent to one another in an animal's chest. One separates to the heart, and one separates to the lung, and one separates to the liver. The duct of the lung is treated like the lung, and renders the animal a tereifa if perforated in any amount. The duct of the liver is treated like the liver, and only if it is completely missing does it render the animal a tereifa, in accordance with the mishna. As for the duct of the heart, the aorta, Rav and Shmuel disagree as to the measure of its perforation, as mentioned above.

⁹⁸ Mar bar Ḥiyya teaches the opposite: The duct of the lung is treated like the liver and renders the animal a tereifa only if it is completely missing. The duct of the liver is treated like the lung, and a perforation of any amount renders the animal a tereifa. And with regard to the duct of the heart, Rav and Shmuel disagree.

⁹⁹ The Gemara relates that Rabbi Ḥiyya bar Yosef went and stated the halakha of Rav, that an aorta perforated in any amount renders an animal a tereifa, before Shmuel. Shmuel said to him: If Abba, i.e., Rav, actually said so, he knows nothing at all about tereifot.

¹⁰⁰ § The mishna states: If the spinal column was broken and its cord was cut, the animal is a tereifa. With regard to this the Sages taught: If the spinal cord was cut in its majority, the animal is a tereifa. This is the statement of Rabbi Yehuda HaNasi. Rabbi Ya'akov says: It is a tereifa even if the spinal cord was only perforated.

¹⁰¹ The Gemara notes: Rabbi Yehuda HaNasi ruled in accordance with the opinion of Rabbi Ya'akov that even a small perforation of the spinal cord renders the animal a tereifa. Rav Huna says: The halakha is not in accordance with the opinion of Rabbi Ya'akov.

¹⁰² The Gemara asks: And how much is considered a majority of the spinal cord to render the animal a tereifa? Rav says: A majority of the circumference of its surrounding membranes, the meninges. And some say a majority of the nerve tissue of the spinal cord itself. In other words, even if the meninges are intact, the animal is a tereifa if a majority of the nerve tissue is cut.

¹⁰³ The Gemara notes: According to the one who says that the animal is a tereifa if a majority of the nerve tissue is severed, all the more so if a majority of the meninges is cut, since if the meninges, the

protective membranes, are damaged, the nerve tissue itself will certainly be damaged soon thereafter. But according to the one who says that a tear in a majority of the meninges renders it a tereifa, what is the halakha in a case where only a majority of the nerve tissue was cut? Perhaps the intact membranes will keep the damage from spreading.

¹⁰⁴ The Gemara suggests: Come and hear a proof: As Nayyoli says that Rav Huna says: The majority of the spinal cord, which they said renders the animal a tereifa if cut, is the majority of the meninges. But this nerve tissue makes no difference.

¹⁰⁵ The Gemara relates that Rav Natan bar Avin was sitting before Rav. Rav Natan first checked the spinal cord to make sure that a majority of the meninges was intact, and then was checking to see that a majority of its nerve tissue was intact. Rav said to him: If a majority of the meninges is intact, this nerve tissue makes no difference.

¹⁰⁶ § Rabba bar bar Ḥana says that Rabbi Yehoshua ben Levi says: If the spinal cord was liquefied [nitmareikh], the animal is unfit for consumption. Even if it softened [nitmasmeis], the animal is unfit, i.e., a tereifa. What is liquefaction, and what is softening? Liquefaction is any case in which the nerve tissue becomes liquid, and if the membrane is punctured it can be poured out like water from a jug. Softening is any case in which the nerve tissue cannot stand upright on its own and sags when it is not being supported.

¹⁰⁷ Rabbi Yirmeya raises a dilemma: In a case where the spinal cord became unusually heavy such that it cannot stand upright due to its weight, but not due to softening or melting, what is the halakha? The Gemara responds: The question shall stand unresolved. In the study hall they say: If the spinal cord softened due to disease, the animal is unfit for consumption. But if some of its tissue softened and was emptied from the spinal cord, the animal remains kosher. The Gemara raises an objection based on a baraita: Rabbi Shimon ben Elazar says: An animal whose nerve tissue was emptied [nitmazmez] from the spinal cord is a tereifa. The Gemara responds: That version of the baraita is incorrect. In fact, the word softened [nitmasmes] was stated, not the word emptied.

¹⁰⁸ The Gemara asks: Is that so, that an animal whose nerve tissue has dissolved is kosher? But didn't it happen that Levi was sitting in the bathhouse, where he saw a certain man who banged his head severely, whereupon he said: This man's nerve tissue has softened and been emptied? Is it not that Levi meant that the man cannot live? If so, the softening and emptying of the nerve tissue should render an animal a tereifa. Abaye said: No, he intended to say that the man cannot reproduce, since head trauma might lead to infertility.

¹⁰⁹ § The Gemara asks: Until where does the spinal cord extend downward, such that if it is cut above that point the animal is a tereifa? Rav Yehuda says that Shmuel says: Until the point between the branches of the spinal cord that split off behind the thighs.

¹¹⁰ The Gemara recounts: Rav Dimi bar Yitzḥak wanted to go to Bei Ḥozai. He came before Rabbi Yehuda and said to him: Master, show me, where is the area between the branches to which Shmuel referred? Rabbi Yehuda said to him: Go bring me a kid and I will show you. Rav Dimi bar Yitzḥak brought him a choice kid with much fat. Rabbi Yehuda said to him: The location is buried very deep in the fat and is not recognizable. He brought Rabbi Yehuda a lean kid. Rabbi Yehuda said to him: The bones jut out very far, and the location is not recognizable.

¹¹¹ Rabbi Yehuda said to him: Come, I will teach you a tradition without showing you: This is what Shmuel said: There are three successive points around the same bone behind the pelvis at which branches diverge from the spinal cord. If the spinal cord is cut anywhere until the first gap between these branches, the animal is a tereifa. If it is severed anywhere after the third gap, i.e., after the third branch, the animal is kosher. If it was severed within the second gap, i.e., between these areas, I do not know the halakha.

¹¹² Rav Huna, son of Rav Yehoshua, raises a dilemma:

¹¹³ When Shmuel says that the animal is certainly a tereifa if the spinal cord is cut anywhere until the first gap, does he mean until and including the first gap, in which case if it is cut within the first gap the animal is a tereifa? Or perhaps he means until and not including the length of the gap itself?

¹¹⁴ Rav Pappa raises a dilemma: If you say that Shmuel means until and not including the length of the first gap, and if the spinal cord is cut in the first gap the halakha is unknown, then if the spinal cord was cut in the mouth of the first branch, exactly where it branches off, what is the halakha? Is it considered to be within the first gap, in which case the halakha is unknown? Or is it considered before the gap, in which case a tear in the mouth renders the animal a tereifa?

¹¹⁵ Rabbi Yirmeya raises a dilemma: If you say that Shmuel means until and including the measure of the first gap, and if the spinal cord is cut in the first gap the animal is a tereifa, then if the first branch itself, i.e., the first pair of branching nerves, was cut from the spinal cord, what is the halakha?

¹¹⁶ The Gemara suggests: Come and hear a proof from a baraita: The branch of the spine that was cut shall be considered as normal flesh, not as the spine. Therefore, it does not render the animal a tereifa, unlike the spinal cord itself. What, is it not referring even to the first or second branch? The Gemara responds: No, the baraita is referring only to the third branch. But if either of the first two pairs of nerves that branch off from the spinal cord are cut, the animal is a tereifa.

¹¹⁷ With regard to a bird, the Sages disagreed as to the lower boundary of the spinal cord, above which if it is cut, the bird will be rendered a tereifa. Rabbi Yannai says: The spinal cord extends until below the level of the wings. And Reish Lakish says: Until the point between the wings, not below them.

¹¹⁸ Ulla says: I was standing before Rabbi Shimon ben Pazi, and they brought before him a bird whose spine had been injured, and he checked until the point between the wings. And at that point a messenger of the house of the Nasi sent for him, and he got up and went, and I do not know if he left because one does not need to check beyond that point, or if due to the honor of the Nasi he left without completing the inspection.

¹¹⁹ § The mishna states: If the liver was removed and nothing remained of it, the animal is a tereifa. The Gemara asks: It follows, therefore, that if anything remained of it, the animal is kosher, even if the remaining piece does not constitute an olive-bulk. But didn't we learn in a mishna on 54a: If the liver was removed and an olive-bulk of it remained, it is kosher? One can infer that if less remained, it is a tereifa.

¹²⁰ Rav Yosef said: This is not difficult. This mishna is in accordance with the opinion of Rabbi Hiyya, while that mishna later in the chapter is in accordance with the opinion of Rabbi Shimon, son of Rabbi Yehuda HaNasi. This is like that incident in which an amount smaller than an olive-bulk

remained of the liver, and Rabbi Ḥiyya discarded it, as he holds that the animal is a tereifa, but Rabbi Shimon, son of Rabbi Yehuda HaNasi, dipped it in a seasoning and ate it. And your mnemonic to remember which Sage maintained which opinion is: The rich are stingy. Rabbi Shimon, son of Rabbi Yehuda HaNasi, was wealthy, but he nevertheless did not allow the meat to go to waste.

¹²¹ The Gemara relates that a certain royal army came to Pumbedita, and Rabba and Rav Yosef fled the city, whereupon Rabbi Zeira met them. Rabbi Zeira said to them: Refugees, hear this halakha: The olive-bulk that the Sages said must remain of the liver so the animal will remain kosher must be in the place where the liver connects to the gallbladder. Rav Adda bar Ahava says: The olive-bulk must be in the place that the liver lives, i.e., is connected to the other organs, under the right kidney. Rav Pappa said: Therefore, in order to satisfy both opinions, we require an olive-bulk in the place of the gallbladder, and we also require an olive-bulk in the place that it lives. Otherwise, the animal is a tereifa.

¹²² Rabbi Yirmeya raises a dilemma: If the olive-bulk that remained was not all in one piece, but rather small pieces that could be gathered together to form the requisite measure, what is the halakha? Alternatively, if it was long and thin like a strip, what is the halakha? Rav Ashi raises a dilemma: If the olive-bulk was flat, broad but thinner than an olive, what is the halakha? To all these questions the Gemara responds: The dilemma shall stand unresolved.

¹²³ Rabbi Zerika asked Rabbi Ami: If the liver was detached from the other organs in numerous places and was attached only to its membranes [betarpasheha], but the liver itself remained intact, what is the halakha? Rabbi Ami said to him: With regard to the halakha, I do not know what the significance is of this detachment that you mentioned. If you rule according to the one who says that an olive-bulk must remain in the place of the gallbladder, that is the case here. And if you rule according to the one who says that it must be in the place that it lives, that is the case here as well. Consequently, there is no doubt that the animal is kosher.

¹²⁴ § The mishna states: The lung that was perforated renders the animal a tereifa. The Gemara quotes Rav and Shmuel and Rav Asi, who all say: The mishna is referring specifically to the outer membrane. And some say that they said that the mishna is referring specifically to the inner membrane. Rav Yosef bar Minyumi said that Rav Nahman said: And your mnemonic should be: The red robe in which the lung rests. The inner membrane is red, while the outer membrane is white, and according to Rav Nahman, the mishna is referring to the inner membrane.

¹²⁵ The Gemara comments: It is obvious that if the outer membrane is perforated but the inner membrane is not perforated, the inner membrane protects the lung, and the animal is kosher. This is in accordance with the statement of Rabba, as Rabba says: This animal with a lung whose outer membrane was removed,

¹²⁶ so that it looks like a red date, is kosher; all the more so is that the case if it was only perforated. But if the inner membrane was perforated but the outer membrane was not perforated, does the outer membrane protect the lung? Or does it not protect it, in which case the animal is a tereifa?

¹²⁷ Rav Aḥa and Ravina disagree with regard to this question. One says: It does not protect the lung; and one says: It protects the lung. And the halakha is that it protects the lung, in accordance with the statement of Rav Yosef. As Rav Yosef says: With regard to this lung that emits a sound when inflated, if we know from where it emits a sound, we set a feather, or saliva, or straw on that point. If the saliva bubbles when the lung is inflated, the animal is a tereifa, since this proves that the lung is

perforated through both membranes. And if not, the animal is kosher. And if we do not know from where it emits a sound, we bring a basin of tepid water and set the lung inside it.

¹²⁸ One cannot place it in hot water, as it causes the lung to contract, closing the perforation. And one cannot place it in cold water, as it hardens the lung and may cause it to crack. Rather, we set it in tepid water and inflate it. If the water bubbles, the animal is a tereifa. And if not, the animal is kosher, since it is apparent that only the inner membrane is perforated and the outer membrane is not perforated, and the fact that it emits a sound is due to the air moving in the space between the two membranes. Evidently, Rav Yosef holds that if only the inner membrane is perforated, the animal is kosher.

¹²⁹ § The Gemara provides a mnemonic to remember the following statements of Rava with regard to the lung: Dates, red, that dried, scabbed.

¹³⁰ The Gemara turns to the matter itself mentioned above: Rava says: This animal with a lung whose outer membrane was removed so that it looks like a red date is kosher. And Rava says: With regard to a lung whose outer membrane reddened due to bleeding of the lung, if only part of it turned red, then the animal is kosher, but if all of it turned red, the animal is a tereifa.

¹³¹ Ravina said to Rava: What is the reason that the animal is kosher if only part of the outer membrane reddened? Presumably, it is because the animal eventually recovers from the wound. But even if all of it turned red as well, the animal recovers. Isn't it taught in a baraita: If one injures one of the eight impure creeping creatures mentioned in the Torah, one is liable for desecrating Shabbat; but if one injures other repugnant creatures and creeping animals, one is not liable until blood leaves their body as a result of the injury, even if their skin reddens as a result of internal bleeding?

¹³² And if you would say: We compare the lung to one of the eight creeping creatures, as it is taught in a baraita: If the blood collected under the skin of one of the eight creeping creatures, even if it did not leave the body, one is liable for desecrating Shabbat, because the blood will not be reabsorbed into the body and the wound is permanent; that is difficult: If so, then there is still no reason to distinguish between part of the lung and all of it, and even if only part of the lung turned red, the animal should be rendered a tereifa as well, because the blood will not be reabsorbed into the body. Rather, there is no difference between the reddening of part or all of the lung.

¹³³ And Rava says: If part of the lung was dried, the animal is a tereifa. And how much must the lung be dried so as to render the animal a tereifa? Rav Pappi says in the name of Rava: It must be so dry that it can be crumbled with a fingernail.

¹³⁴ The Gemara asks: In accordance with whose opinion is this statement? Is it in accordance with the opinion of Rabbi Yosei ben HaMeshullam? As it is taught in a mishna (Bekhorot 37a): If a kosher firstborn animal has a blemish, such as a dried ear, it may be slaughtered outside the Temple. What is a dried ear? It is any ear that if perforated does not bleed a drop. Rabbi Yosei ben HaMeshullam says: It must be so dry that it can be crumbled with a fingernail.

¹³⁵ The Gemara responds: You may even say that the statement is in accordance with the opinion of the Rabbis. With regard to the ear of a firstborn, which is exposed to the wind, the Rabbis hold that the animal would not recover if it is so dry that it does not bleed. But with regard to the lung, which is not exposed to the wind, the animal would recover unless it is so dry that it can be crumbled with a

finger nail. And Rava says: This lung that stands before us covered in scabs, or covered in black marks, or covered in sores with different appearances, is nevertheless kosher.

¹³⁶ § Ameimar says in the name of Rava: One may not compare cysts of the lungs. If one finds a perforated cyst on the lung, but does not know whether it was perforated before or after slaughter, he may not perform a test by perforating another cyst in order to compare their appearances.

¹³⁷ And Rava says: These two lobes of the lung that adhere to one another by thin strands have no need for inspection, since it is certain that these adhesions arose due to a perforation of the lung, rendering the animal a tereifa. The Gemara adds: And we said this halakha only with regard to adhesions that are out of order, where a lobe adhered to a non-adjacent lobe. But with regard to adhesions that are in order, that is their normal manner of growth, and the animal is kosher.

¹³⁸ And Rava says: These two cysts that are adjacent to one another on the lung have no need for inspection. The animal is definitely a tereifa, since it is presumed that the cysts formed around a perforation in the lung. But if there is only one cyst that looks like two, due to a depression in the middle, we bring a thorn and pierce it to remove the fluid inside. If the fluids from either side empty into one another, this indicates that it is one cyst, and the animal is kosher. And if not, they are two separate cysts, and the animal is a tereifa.

¹³⁹ § And Rava says: The lung has five lobes [unnei]. When the animal hangs by its legs with its face toward the person checking it, he sees three lobes on his right and two on his left. If the animal is missing a lobe or has an extra lobe, or if the lobes were switched, with two on the right and three on the left, the animal is a tereifa.

¹⁴⁰ The Gemara relates that a certain lung that had an extra lobe was brought before Mareimar. Rav Aḥa was sitting at the door of Mareimar's house. When the animal's owner was leaving, Rav Aḥa said to him: What did Mareimar say to you? The man said to him: Mareimar deemed it kosher. Rav Aḥa was surprised by this, because it contradicts Rava's statement, so he said to him: Turn around and bring the animal before him. The owner did so. Mareimar realized why he was being asked twice, and said to him: Go tell whomever is sitting at the door: The halakha is not in accordance with the opinion of Rava in the case of an animal that has an extra lobe.

¹⁴¹ The Gemara adds: And this statement applies only when the extra lobe stands in line with the other lobes, on the left or right. But if it is in between the two sides, the animal is a tereifa.

¹⁴² The Gemara relates that a certain animal with an extra lobe in between the two sides was brought before Rav Ashi. Rav Ashi thought to deem it a tereifa. Rav Huna Mar bar Avya said to him: All those animals that graze outside in the fields have extra lobes like this, and butchers call it the little rose lobe. The Gemara adds: And this statement applies only when the extra lobe is on the inside face of the lung, facing the heart.

¹⁴³ But if it is on the back of the lung, even if it is as small as a myrtle leaf, the animal is a tereifa.

¹⁴⁴ § Rafram says: This lung that is similar to a chip of wood renders the animal a tereifa. There are those who say that the similarity lies in its appearance, i.e., if it is pale like wood. And there are those who say that it lies in its feeling, i.e., if it is hard like wood. There are those who say that it is swollen. And there are those who say that it is light. And there are those who say that it is completely smooth, that it has no sectioning of lobes.

¹⁴⁵ § Rava says: If the lung assumed a dark color like eye shadow, the animal is kosher. If its color is black like ink, the animal is a tereifa. As Rabbi Ḥanina says: Menstrual blood that appears black is actually red, except that it decayed. Black color is therefore a sign of decay, and the lung is assumed to be defective.

¹⁴⁶ The Gemara continues: If the lung was green, the animal is kosher, as can be derived from the episode of Rabbi Natan. And if it was red, it is kosher, as can be derived from the episode of Rabbi Natan. As it is taught in a baraita: Rabbi Natan says: Once I went to the cities overseas, where one woman came before me who circumcised her first son and he died, and she circumcised her second son and he died, and out of concern that circumcising her third son might cause him to die as well, she brought him before me. I saw that he was red, so I said to her: My daughter, wait for him until his blood is absorbed into him. She waited for him until his blood was absorbed into him and then circumcised him, and he survived. And they would call him Natan the Babylonian after my name. This incident indicates that a red lung can heal.

¹⁴⁷ Rabbi Natan further related: And on another occasion I went to the state of Cappadocia, and a woman came before me who circumcised her first son and he died, and she circumcised her second son and he died. Out of concern that circumcising her third son might cause him to die as well, she brought him before me. I saw that he was green, i.e., pale. I looked at him and saw that he did not have the blood of circumcision in him, i.e., he had a deficiency of blood such that no blood would emerge from the circumcision. I said to her: My daughter, wait until his blood enters him. She waited for his blood to increase and then circumcised him, and he survived. And they would call his name Natan the Babylonian after my name. This incident indicates that a green lung can heal as well.

¹⁴⁸ Rav Kahana says: If the lung has an appearance like the liver, the animal is kosher. If it has an appearance like flesh, the animal is a tereifa. And your mnemonic to remember that the latter is a tereifa is the verse: “You shall not eat any flesh that is torn of animals [tereifa] in the field” (Exodus 22:30).

¹⁴⁹ Rav Sama, son of Rava, says: This lung whose appearance resembles dodder, or saffron, or has a yellow color such as that of an egg yolk, renders the animal a tereifa. Since all of these appearances are various shades of green, the Gemara asks: But the green lung that is kosher, what is it like? The Gemara responds: It is like a leek.

¹⁵⁰ § Ravina says: If there was a sealed area in the lung that does not inflate, we bring a knife and tear it open. If there is pus in the sealed area, then it was definitely sealed due to the pus, and the animal is kosher. But if we do not find pus there, we lay a feather or saliva on the opening and inflate the lung. If the saliva bubbles or the feather moves, the animal is kosher, since some air does reach the area, and if not, there is some defect in the lung, and the animal is a tereifa.

¹⁵¹ Rav Yosef says: A membrane that appeared due to a wound in the lung, i.e., a scab that covered a perforation through the lung, is not considered a true membrane, since it does not last. And Rav Yosef says: With regard to this lung that emits a sound when inflated, if we know from where it emits a sound, we set a feather, or straw, or saliva on that point. If the saliva bubbles when the lung is inflated, the animal is a tereifa, since this proves that the lung is perforated through both membranes. And if not, the animal is kosher. And if we do not know from where it emits a sound, we bring a basin of tepid water and set the lung inside it.

¹⁵² One cannot place it in hot water, as it causes the lung to contract, closing the perforation. And one cannot place it in cold water, as it hardens the lung and may cause it to crack. Rather, we check it in tepid water. If the water bubbles, the animal is a tereifa. And if not, the animal is kosher, since it is apparent that only the inner membrane is perforated and the outer membrane is not perforated, and the fact that it emits a sound is due to the air moving in the space between the two membranes.

¹⁵³ § Ulla says that Rabbi Yoḥanan says: An animal with a lung that liquefied and can be poured out like water from a jug is kosher. The Gemara notes: Evidently, Rabbi Yoḥanan holds that a deficiency on the inside of an organ is not considered a deficiency. Only a deficiency in the wall or membrane of an organ renders an animal a tereifa.

¹⁵⁴ Rabbi Abba raised an objection to Ulla from the mishna, which states: The lung that was perforated or that was missing a piece renders the animal a tereifa. What is the case of a lung that was missing a piece? If we say that it was missing a piece on the outside, this is the same as if it was perforated, since any missing piece of the lung wall would constitute a perforation. Rather, is it not referring to a missing piece on the inside? If so, learn from the mishna that a deficiency on the inside of an organ is considered a deficiency to render the animal a tereifa.

¹⁵⁵ The Gemara responds: No, the mishna actually is referring to a missing piece on the outside. And with regard to that which you said: This is the same as if it was perforated, one may respond that no, it is necessary to mention both cases to account for the opinion of Rabbi Shimon in the mishna, who says: It is not a tereifa until the lung is perforated through to the bronchi. By mentioning both cases, the mishna teaches that this statement of Rabbi Shimon applies only to a small perforation that does not constitute a deficiency. But in the case of a perforation so large that it constitutes a deficiency, even Rabbi Shimon concedes that it renders the animal a tereifa even if the perforation does not reach the bronchi.

¹⁵⁶ The Gemara relates that Rabbi Ḥananya became sick. Rabbi Natan and all the eminent scholars of the generation entered before him to visit. They brought before him a lung that could be poured out like water from a jug, and he deemed the animal kosher.

¹⁵⁷ Rava said: This is the halakha only if the bronchi still exist and only the flesh of the lung has liquefied. Rav Aḥa, son of Rava, said to Rav Ashi: From where do we know whether the bronchi still exist? Rav Ashi said to him: We bring a glazed earthenware vessel with no cracks, so the contents can be observed, and we pour the lung into it. If there are white streaks in it, the animal is a tereifa, as the white streaks are remains of the liquefied bronchi. And if not, the animal is kosher.

¹⁵⁸ Rav Naḥman says: If the lung was partially atrophied and only part of the flesh remains, but its membrane still exists, the animal is kosher. The Gemara notes: This is also taught in a baraita: If the lung was atrophied, but its membrane still exists, even if the space vacated by the atrophied lung can hold a quarter-log of fluid, the animal is kosher.

¹⁵⁹ If its womb was removed, the animal is kosher. If its liver became infested by worms, with regard to this there was an incident, and the residents of Asia Minor went up on three occasions to the great Sanhedrin in Yavne to inquire with regard to the halakha. On the first two occasions they did not receive an answer; on the third occasion, after the Sanhedrin had deliberated, they permitted the animal to them.

¹⁶⁰ § Rav Yosef bar Minyumi says that Rav Naḥman says: With regard to a lung that is adjacent, i.e., attached, to the ribs in the chest wall, one need not be concerned about the possibility that it became attached as a result of a perforation in the lung as opposed to some injury to the chest wall. But if cysts full of pus sprouted on the lung itself in the area of its attachment to the chest wall, one must be concerned about the possibility that it was perforated, and that this gave rise to the cysts. Mar Yehuda says in the name of Avimi: In both this case and that case, whether or not there are cysts on the lung, one must be concerned about the possibility that the lung was perforated.

¹⁶¹ The Gemara asks: How do we perform an examination to determine whether the injury is in the chest wall or the lung? Rava said: Ravin bar Sheva explained the procedure to me: We bring a knife whose edge is sharp and thin, and we separate the lung from the chest wall. If there is a defect, a wound or disease, in the chest wall, we attribute the attachment to the defect in the chest wall. And if not, we presume that the attachment is due to a defect in the lung, and the animal is a tereifa. And this is the halakha even though the lung does not expel air when inflated, since it is assumed that a scab covered the perforation, and a scab does not prevent the animal from being rendered a tereifa.

¹⁶² The Gemara relates that Rav Neḥemya, son of Rav Yosef, examined such a lung by inflating it in tepid water to see if bubbles would appear. Mar Zutra, son of Rav Huna, son of Rav Pappi, said to Ravina: Concerning this episode of Rav Neḥemya, son of Rav Yosef, you teach it as being about this case of a lung attached to the chest wall. But we teach it as being about the case of Rava, as Rava says: These two lobes of the lung that adhere to one another have no means of inspection to deem them kosher. Still, Rav Neḥemya, son of Rav Yosef, examined such a lung by inflating it in tepid water. If no bubbles appeared he would deem the lung kosher.

¹⁶³ Rav Ashi objects to this: What is this? How can an animal with a lung whose lobes adhered to one another be permitted by means of such an inspection? Granted, here, in the case of a lung attached to the chest wall, we attribute the attachment to an injury in the chest wall rather than the lung, and the animal is kosher. But there, in the case of an adhesion between two lobes, what can be said? If this lobe was perforated the animal is a tereifa, and if that lobe was perforated the animal is a tereifa. Even if a scab covers the perforation and prevents bubbles from appearing, the animal is still a tereifa.

¹⁶⁴ Rav Naḥman stated that if there are cysts on the lung in the area of its attachment to the chest wall, one must be concerned about the possibility that the lung was perforated. Evidently, if the lung was perforated, the animal is a tereifa. The Gemara asks: And did Rav Naḥman really say this? But doesn't Rav Yosef bar Minyumi say that Rav Naḥman says: If the lung was perforated but the chest wall seals the perforation, the animal is kosher? The Gemara responds: This is not difficult. There, Rav Naḥman is referring to a lung attached to the chest wall in the place that it grows [revita] naturally. In that case, if the chest wall seals the perforation it will remain sealed, and the animal can live. But here, Rav Naḥman is referring to a lung attached to the chest wall not in the place that it grows.

¹⁶⁵ The Gemara clarifies: And where is the place that it grows? It is the area of the sectioning of the lobes, i.e., the front of the lung where the lobes are adjacent to the chest wall on all sides.

¹⁶⁶ § Since the Gemara cited the statement of Rav Naḥman, the Gemara turns to the matter itself: Rav Yosef bar Minyumi says that Rav Naḥman says: If the lung was perforated but the chest wall sealed the perforation, the animal is kosher. With regard to this statement, Ravina said: And this is the

halakha only when the lung is tangled in the flesh of the chest wall, between the ribs. Rav Yosef said to Ravina: And if it is not tangled, what is the halakha? The animal is a tereifa. Evidently, we say that the lung is perforated. But if so, when it is tangled as well, it should be deemed a tereifa.

¹⁶⁷ As isn't it taught in a baraita: If a man's penis was perforated, he is unfit to marry a Jewish woman of fit lineage, because his semen is discharged gently and he cannot procreate, in accordance with the verse: "He that is crushed or maimed in his private parts shall not enter into the assembly of the Lord" (Deuteronomy 23:2). But if the perforation was later sealed with flesh, he is fit, because now he can procreate. And this is an instance of someone who is unfit who returns to his previous state of fitness. Rav Yosef continues: When the baraita states: And this is, what does it serve to exclude? Does it not serve to exclude a case like this, where the lung was perforated and then sealed by the chest wall, in which case the animal would not become kosher again?

¹⁶⁸ The Gemara responds: No, the phrase serves to exclude a membrane that appeared due to a wound in the lung, which is not considered a membrane that can seal a perforation, because it is temporary. By contrast, the flesh of the chest wall is considered a permanent seal on the lungs and renders the animal kosher.

¹⁶⁹ Rav Ukva bar Ḥama objects to the ruling of Rav Naḥman that if a lung was perforated but the chest wall sealed the perforation, the animal is kosher: If flesh in the chest wall was perforated against the perforation in the lung, what would the halakha be? The animal would be a tereifa, since air can now escape from the lung. Evidently, the question of whether the animal is permitted is dependent on the state of the chest wall. If so, let the mishna teach, in addition to the given list of tereifot: An animal whose chest wall was perforated.

¹⁷⁰ The Gemara responds: And according to your reasoning, one can also ask: The mishna states that if the gallbladder was perforated, the animal is a tereifa. That which Rav Yitzḥak bar Yosef says that Rabbi Yoḥanan says with regard to this, that if the gallbladder was perforated but the liver sealed the perforation the animal is kosher, is difficult. If the liver were perforated against the perforation in the gallbladder, what would the halakha be? The animal would be a tereifa. If so, let the mishna also teach: An animal whose liver was perforated.

¹⁷¹ Rather, one must say that the mishna does not teach cases where the perforated organ is not the one by which the animal is rendered a tereifa. Here, too, in the case of a lung sealed by the chest wall, since the perforated organ, i.e., the chest wall, is not the one by which the animal is rendered a tereifa, the mishna does not teach it.

¹⁷² § Rabba bar bar Ḥana asked Shmuel: If the lung grew cysts full of pus, what is the halakha? Shmuel said to him: The animal is kosher. Rabba bar bar Ḥana said to him in reply: I also say so, that the animal is kosher, except that the students doubt the matter, as Rav Mattana says: If the cyst was full of pus, the animal is a tereifa; if it was full of clear fluid, it is kosher. Shmuel said to him: That halakha of Rav Mattana was stated with regard to a cyst on the kidney, not on the lung.

¹⁷³ The Gemara relates that Rabbi Yitzḥak bar Yosef was walking after Rabbi Yirmeya in the butchers' market. He saw these lungs that were full of cysts, and he wished to determine the halakha with regard to them. He said to Rabbi Yirmeya: Doesn't the Master desire a piece of meat? If so, meat from those animals is for sale. Rabbi Yirmeya, not wanting to issue a ruling with regard to the meat, said to him: I have no money. Rabbi Yitzḥak bar Yosef said to him: I will buy them for you on credit. Rabbi Yirmeya realized that he could not avoid issuing a ruling, so he said to him: What can I

do for you? As when people came before Rabbi Yoḥanan with such lungs, he would send them before Rabbi Yehuda, son of Rabbi Shimon, who would instruct them in such cases in the name of Rabbi Elazar, son of Rabbi Shimon, to permit the meat for consumption. But Rabbi Yoḥanan himself does not hold accordingly, and does not permit the meat. I practice stringency in accordance with his opinion.

¹⁷⁴ Rava said: When we would walk after Rav Naḥman in the market

¹⁷⁵ of the skinners, and some say in the market of the Sages, he would see these lungs that were full of jugs, i.e., they were covered in large cysts full of liquid, and he would not say anything to the butchers. Evidently, he held that the animals were kosher.

¹⁷⁶ The Gemara relates that Rabbi Ami and Rabbi Asi were passing through the market of Tiberias. They saw these lungs that were full of rocks, i.e., large, hard growths, and they did not say anything to the butchers. Evidently, they held that the animals were kosher.

¹⁷⁷ § It was stated that the amora'im disagree with regard to a needle that was found in the lung of a slaughtered animal: Rabbi Yoḥanan and Rabbi Elazar and Rabbi Ḥanina deem the animal kosher, while Rabbi Shimon ben Lakish and Rabbi Mani bar Pattish and Rabbi Shimon ben Elyakim deem it a tereifa.

¹⁷⁸ The Gemara suggests: Let us say that they disagree about this: That one Sage, i.e., those who deem it a tereifa, holds that a deficiency on the inside of the lung, created by the needle, is considered a deficiency, rendering the animal a tereifa; and one Sage, i.e., those who deem it kosher, holds that it is not considered a deficiency. The Gemara responds: No, everyone holds that a deficiency on the inside is not considered a deficiency. And here, in the case of a needle, the Sages disagree with regard to this: One Sage, i.e., those who deem it kosher, holds that the needle took the respiratory route and came into the lung without perforating the membrane; and one Sage, i.e., those who deem it a tereifa, holds that it perforated its way out of the digestive system and came through to the lung by perforating its membrane.

¹⁷⁹ The Gemara relates that a certain needle was found in a piece of lung after it had been cut into pieces. People there brought it before Rabbi Ami, and he thought to deem it kosher. Rabbi Yirmeya, and some say Rabbi Zerika, raised an objection to this possible ruling from the mishna: The lung that was perforated or that was missing a piece renders the animal a tereifa. Now, what is the case of a lung that was missing a piece? If we say that it was missing a piece on the outside, this is the same as if it was perforated, since any missing piece of the lung wall constitutes a perforation. Rather, is it not referring to a missing piece on the inside? If so, learn from the mishna that a deficiency on the inside of an organ is considered a deficiency, and the needle certainly caused a deficiency inside the lung.

¹⁸⁰ Rabbi Ami did not decide the matter, so they then sent the lung before Rabbi Yitzḥak Nappaḥa. He, too, thought to deem it kosher. Rabbi Yirmeya, and some say Rabbi Zerika, raised an objection to this from the mishna: The lung that was perforated or that was missing a piece renders the animal a tereifa. Now, what is the case of a lung that was missing a piece? If we say that it was missing a piece on the outside, this is the same as if it was perforated. Rather, is it not referring to a missing piece on the inside? If so, learn from the mishna that a deficiency on the inside of an organ is considered a deficiency.

¹⁸¹ They then sent the lung back before Rabbi Ami, and he deemed the animal a tereifa. They said to him: But don't the Rabbis, i.e., Rabbi Yoḥanan, Rabbi Elazar, and Rabbi Ḥanina, deem it kosher? Rabbi Ami said to them: They deemed it kosher since they knew for which reason they deemed it kosher. They were confronted with a whole lung and could see that it had no perforation. But we, for which reason shall we deem it kosher? We see only part of the lung. Perhaps if the whole lung was before us we would see that its membrane was perforated.

¹⁸² The Gemara asks: One can infer that the reason he deemed it a tereifa is that the entire lung was not before him, but if it had been before him and the membrane had not been perforated, then he would have deemed the animal kosher. But doesn't Rav Naḥman say: This bronchus of the lung that was perforated renders the animal a tereifa? Accordingly, even if the needle entered the lung through a bronchus the animal ought to be a tereifa. The Gemara responds: That statement of Rav Naḥman was stated in reference to a case where a needle pierced from one bronchus into another. Since the bronchi are hard, one bronchus cannot seal a perforation in another. By contrast, when a needle perforates the bronchi and continues into the flesh of the lung, soft tissue left behind can seal the perforation.

¹⁸³ The Gemara asks: But doesn't Rav Naḥman say: If this spiral colon was perforated against another coil of the intestine, the other coil protects it by sealing the perforation? If so, why does a bronchus not seal a perforation in another bronchus? Rav Ashi said: Are you comparing tereifot to one another? One cannot say with regard to tereifot: This is similar to that, as one cuts an animal from here, in one place, and it dies, while one cuts it from there, in another place, and it lives.

¹⁸⁴ The Gemara recounts the case of a certain needle that was found in the large, i.e., main, bronchus of the lung. They brought it before the Rabbis who deem an animal tereifa if a needle is found in the lungs, i.e., Rabbi Shimon ben Lakish, Rabbi Mani bar Pattish, and Rabbi Shimon ben Elyakim. They did not say that it was prohibited, nor that it was permitted. They did not say it was permitted, in accordance with their ruling, but they also did not say it was prohibited since the needle was found in the large bronchus, and one can therefore say that it likely took the respiratory route and came into the lung rather than perforating through from the digestive system.

¹⁸⁵ § The Gemara relates that there was a certain needle that was found in a piece of liver. Mar, son of Rav Yosef, thought to deem the animal a tereifa. Rav Ashi said to him: If a needle had been found in the flesh, like this case where it was found in the liver, would the Master have deemed it a tereifa? A perforated liver, like perforated flesh, does not in itself render the animal a tereifa, as is evident from the mishna (42a). Rather, Rav Ashi said that we see: If the eye of the needle faces outward, toward the stomach cavity, one must presume that it perforated its way out of the gullet, rendering the animal a tereifa, and thereby came to the liver. If the eye of the needle faces inward, buried in the liver, and the sharp end of the needle is facing outward, one may presume that it took hold of a blood vessel and came to the liver through it, rather than through the gullet, and the animal is kosher.

¹⁸⁶ The Gemara adds: And this statement applies only to a thick needle, the eye of which is not sharp enough to cause a perforation by itself. But if the needle is thin, it is no different if the eye faces inward and it is no different if the eye faces outward, and one must presume that it perforated its way out of the gullet and thereby came to the liver.

¹⁸⁷ The Gemara asks: And in what way is this case different from that of a needle that is found

¹⁸⁸ embedded in the thickness of the wall of the reticulum, where the halakha is as follows: If the needle protrudes from one side, i.e., the inner side of the stomach wall, the animal is kosher, but if it protrudes from both sides, it is a tereifa; and if it protrudes only on the inside we do not say: See if the eye of the needle is facing outward or if the eye of the needle is facing inward? Rather, the animal is deemed kosher even if the eye is facing outward, and that is not considered evidence that the needle perforated through the gullet into the chest cavity and then perforated the thickness of the reticulum.

¹⁸⁹ The Sages say in response: There, in the case of the reticulum, since there are food and liquid present, one may say that the food and liquid pushed the eye of the needle through the stomach wall. Therefore, even if the eye points outward, one may still presume that the needle came from the inside, and the animal is kosher.

¹⁹⁰ The Gemara relates that there was a certain needle that was found in the large duct of a liver. Huna Mar, son of Rav Idi, deemed the animal a tereifa, while Rav Adda bar Minyumi deemed it kosher. They came and asked Ravina about the issue, and he said to them: Take the robe of those who deemed it a tereifa. They must pay restitution to the owner of the animal, who was wrongfully forced to discard his kosher meat.

¹⁹¹ The Gemara relates that there was a certain date pit that was found in a gallbladder. Rav Ashi said: When we were in the house of Rav Kahana as students, he would say with regard to such a case: This date pit certainly took the route of the duct connecting the liver and gallbladder and came through it to the gallbladder, as it is not sharp enough to have perforated the gallbladder from without. Even though it is large enough that it does not exit the gallbladder if one tries to squeeze it into the duct, one may still assume that the movements of the animal's body gradually cause it to slip through the duct. The Gemara adds: And this statement applies only to the pit of a palm, i.e., of a date, but the pit of an olive is pointed. Therefore, one must be concerned that it has pierced the wall of the gallbladder, rendering the animal a tereifa.

¹⁹² § The Gemara returns to its discussion of the lung: Rabbi Yoḥanan says: Why is the lung called rei'a in Hebrew? Because it lights up [me'ira] the eyes of one who eats it. A dilemma was raised before the Sages: Is Rabbi Yoḥanan referring to a lung eaten as is, or is he referring to a lung eaten only through its treatment with certain substances?

¹⁹³ The Gemara suggests: Come and hear a resolution from that which Rav Huna bar Yehuda says: A goose may be purchased for a dinar, but its lung may be purchased for four dinars. And if it should enter your mind that Rabbi Yoḥanan is referring to eating the lung without treating it, one has no incentive to buy a lung separately for more money. Let him buy the whole goose for a dinar and eat the lung that comes included. Rather, it must be that the lung gains special properties only through treatment with certain substances, and this treatment is the reason for the higher price.

¹⁹⁴ § The Gemara asks: If the lung is perforated where the hand of the butcher handles it after slaughter, do we attribute the perforation to the butcher's handling, or do we not attribute the perforation to the handling, in which case the animal is a tereifa? Rav Adda bar Natan says: We attribute it to the butcher's handling, while Mar Zutra, son of Rav Mari, says: We do not attribute it to the handling. And the halakha is that we attribute it to the handling.

¹⁹⁵ Rav Shmuel, son of Rabbi Abbahu, said: My father was one of the heads of the kalla lectures of Rafram, and he said: We attribute it to the handling. They said this halakha of Mar Zutra, son of Rav Mari, who held the opposite, before Rav Shmuel, and he did not accept it.

¹⁹⁶ Rav Mesharshiyya said: It stands to reason that the halakha is in accordance with the opinion of Grandfather, i.e., Rav Adda bar Natan, as we attribute perforations to a wolf. If slaughtered meat is recovered from a wolf and found to have a perforation that would have rendered the animal a tereifa, one may attribute the perforation to the wolf and presume that it did not exist beforehand.

¹⁹⁷ Furthermore, if a perforation was caused by a worm [murana], Rav Yosef bar Dosai and the Rabbis disagree. One says that the worm emerged from the lung and perforated it before the slaughter, and the animal is a tereifa, and one says that it emerged after the slaughter, and the animal is kosher. And the halakha is that one presumes that it emerged after the slaughter.

¹⁹⁸ § The mishna states: Rabbi Shimon says: An animal with a perforated lung is not a tereifa until it is perforated through to the bronchi. With regard to this, Rabba bar Tah̄lisa says that Rav Yirmeya bar Abba says: Rabbi Shimon meant specifically that it is not a tereifa unless it is perforated through to the large bronchus, from which the smaller bronchi branch out.

¹⁹⁹ The Gemara relates that Rav Aḥa bar Abba sat before Rav Huna, and he was sitting and saying: Rabbi Malokh says that Rabbi Yehoshua ben Levi says: The halakha is in accordance with the opinion of Rabbi Shimon. Rav Huna said to him: Are you saying this in the name of Malokh the Arab? He says that the halakha is not in accordance with Rabbi Shimon.

²⁰⁰ The Gemara continues: When Rabbi Zeira went up to Eretz Yisrael, he found Rav Beivai, who was sitting and saying: Rabbi Malokh says that Rabbi Yehoshua ben Levi says: The halakha is in accordance with the opinion of Rabbi Shimon. Rabbi Zeira said to him: On the Master's life, I and Rabbi Ḥiyya bar Abba and Rav Asi visited the place of residence of Rabbi Malokh, and we said to him: Did the Master say that the halakha is in accordance with the opinion of Rabbi Shimon? And he said to us: I said that the halakha is not in accordance with the opinion of Rabbi Shimon. Rav Beivai asked Rabbi Zeira: And you, what more do you have in your possession on this matter? Rabbi Zeira said to him: This is what Rabbi Yitzḥak bar Ami says that Rabbi Yehoshua ben Levi says: The halakha is in accordance with the opinion of Rabbi Shimon.

²⁰¹ The Gemara rules: And the halakha is not in accordance with the opinion of Rabbi Shimon. Any perforation of the membranes of the lung renders the animal a tereifa.

²⁰² § The mishna states: If the abomasum was perforated, the animal is a tereifa. Concerning this, Rabbi Yitzḥak bar Naḥmani says that Rabbi Oshaya says: With regard to fat that is on the abomasum, the priests accustomed themselves to consider it permitted, and they would eat it along with the rest of the abomasum, which was given to them from non-sacred animals as one of the gifts of the priesthood. This is in accordance with the opinion of Rabbi Yishmael that he says in the name of his forefathers. And since there is a disagreement between the Sages with regard to this issue, your mnemonic to remember the lenient opinion is the idiom: Yishmael the priest generally helps the priests.

²⁰³ The Gemara clarifies: What is this, i.e., where does Rabbi Yishmael help the priests? As it is taught in a baraita: The verse states with regard to the priestly benediction: "So you shall bless the children of Israel" (Numbers 6:23). Rabbi Yishmael says: We learn from this verse about a blessing

for Israel from the mouth of the priests, but we have not learned about a blessing for the priests themselves. When it says afterward with regard to the priests: “And they shall put My name upon the children of Israel, and I will bless them” (Numbers 6:27), you must say: The priests bless Israel, and the Holy One, Blessed be He, blesses the priests.

²⁰⁴ Rabbi Akiva says a different interpretation: We learned from the verse about a blessing for Israel from the mouth of the priests, but we have not learned about a blessing for Israel from the mouth of the Almighty. When it says afterward: “And they shall put My name upon the children of Israel, and I will bless them,” you must say: The priests bless Israel, and the Holy One, Blessed be He, affirms their blessing. The word “them” is referring to Israel.

²⁰⁵ The Gemara asks: But then from where does Rabbi Akiva learn about a blessing for the priests? Rav Nahman bar Yitzhak said: He learns it from God’s promise to Abraham: “And I will bless them that bless you” (Genesis 12:3). All who bless the Jewish people are blessed themselves.

²⁰⁶ The Gemara asks: And in what sense does only Rabbi Yishmael help the priests, given that Rabbi Akiva concedes that the priests are also blessed? The Gemara responds: He helps the priests in the sense that he establishes the blessing for the priests in the same place, the same verse, that one finds the blessing of Israel, indicating that they receive the same blessing.

²⁰⁷ It was stated that the priests accustomed themselves to permit the fat on the abomasum, in accordance with the statement of Rabbi Yishmael that he says in the name of his forefathers. The Gemara clarifies: What is this statement? As it is taught in a baraita that when the verse states with regard to forbidden fats mentioned in the Torah: “All the fat that is upon the innards” (Leviticus 3:3),

²⁰⁸ the word “all” serves to include the fat that is on the small intestines; this is the statement of Rabbi Yishmael. Rabbi Akiva says: The word “all” serves to include the fat that is on the abomasum. According to Rabbi Yishmael, the fat of the abomasum is permitted.

²⁰⁹ And the Gemara raises a contradiction from another baraita: The verse states: “The fat that covers the innards, and all the fat that is upon the innards” (Leviticus 3:3). Rabbi Shimon, i.e., Rabbi Yishmael, says: Just as the fat that covers the innards possesses a membrane, and that membrane is easily peeled off, so too, all fat possessing a membrane and whose membrane is easily peeled is forbidden, including the fat on the abomasum. Rabbi Akiva says: Just as the fat that covers the innards is spread out loosely over them, and it possesses a membrane, and the membrane is easily peeled off, so too, all fat that is spread out loosely, and possesses a membrane, and whose membrane is easily peeled, e.g., the fat on the intestines, is forbidden. The fat on the abomasum is fixed tightly and is therefore permitted. It would seem from this baraita that Rabbi Akiva and Rabbi Yishmael contradict themselves.

²¹⁰ Ravin sent an answer in the name of Rabbi Yoḥanan: Such is the proper layout of the mishna, i.e., the baraita. The latter attribution of the opinions is correct, and one must reverse the attribution of opinions in the first baraita. Accordingly, Rabbi Akiva deems the fat on the intestines prohibited, while Rabbi Yishmael deems the fat on the abomasum prohibited as well.

²¹¹ The Gemara asks: What did you see that led you to reverse the first baraita? Why not reverse the second baraita instead? The Gemara responds: The second baraita here is different, since it teaches using the formula: Just as. Because it takes care to specifically provide the textual justifications for the opinions, it is presumably accurate about the attributions as well.

²¹² The Gemara asks: If so, how can Rabbi Oshaya claim above that the priests acted in accordance with the opinion of Rabbi Yishmael? It was actually in accordance with the opinion of Rabbi Akiva. Rav Nahman bar Yitzhak said: Rabbi Oshaya meant only that Rabbi Yishmael says the lenient opinion in the name of his forefathers, but Rabbi Yishmael himself does not hold accordingly, and he considers the fat of the abomasum forbidden.

²¹³ § The Gemara discusses a connection between the issue of fats and that of tereifot: Rav says: Kosher fat effectively seals a perforation that it covers, and the animal is not rendered a tereifa. Non-kosher fat does not effectively seal a perforation, and the animal is a tereifa. And Rav Sheshet says: Both this and that fat effectively seal a perforation.

²¹⁴ Rabbi Zeira raises a dilemma: With regard to the fat of an undomesticated animal, all of which is permitted for consumption, what is the halakha? Shall one say that Rav specifically said that kosher fat seals a perforation, and since this too, i.e., all the fat of an undomesticated animal, is kosher, it is all considered an effective seal? Or perhaps Rav specified that permitted fat of a domesticated animal seals a perforation only because it is firmly attached. But this, the fat on the innards of an undomesticated animal, is not firmly attached, and it is not an effective seal, even though it is permitted for consumption.

²¹⁵ Abaye said: Why does Rabbi Zeira raise this dilemma? Granted that the fat of the innards is permitted for consumption, but still, it is not firmly attached and clearly does not form an effective seal.

²¹⁶ The Gemara relates: There was a certain perforation that was sealed by non-kosher fat that came before Rava. Rava said: With regard to what need we be concerned? First, doesn't Rav Sheshet say: Non-kosher fat also effectively seals a perforation? And furthermore, in general, the Torah spares the money of the Jewish people, and it is appropriate to rule leniently in this regard. Rav Pappa said to Rava: But there is also the opinion of Rav that non-kosher fat does not seal a perforation, and this dispute concerns a prohibition by Torah law, and yet you say that the Torah spares the money of the Jewish people? One cannot rely on this principle to rule in accordance with the lenient opinion with regard to such matters.

²¹⁷ The Gemara relates a similar episode: Manyumin the jug maker had a jug [bisteka] full of honey that was left uncovered, and he was concerned it might have been contaminated by snake venom. He came before Rava to inquire as to the halakha. Rava said: With regard to what need we be concerned? First, as we learned in a mishna (Terumot 8:4): Three liquids are prohibited due to exposure: Wine, water, and milk; and all other liquids are permitted. Honey, therefore, is permitted. And furthermore, the Torah spares the money of the Jewish people. Rav Nahman bar Yitzhak said to Rava: But there is also the opinion of Rabbi Shimon that exposed honey is prohibited, and this dispute concerns a matter of mortal danger, and yet you say that the Torah spares the money of the Jewish people?

²¹⁸ The Gemara clarifies: What is this opinion of Rabbi Shimon? As it is taught in a baraita: Five liquids are not subject to the prohibition of exposure, since snakes do not drink from them: Fish brine, vinegar, oil, honey, and fish gravy [morayes] made from fish brine mixed with oil and salt. Rabbi Shimon says: Even they are subject to prohibition due to exposure. And Rabbi Shimon said: I once saw a snake that drank fish brine in Tzaidan. The Rabbis said to him: That snake was strange, i.e., it behaved differently than other snakes, and one does not bring a proof from strange creatures.

²¹⁹ Rava said to Rav Naḥman bar Yitzḥak: Concede to me, at least, with regard to fish brine that it is not prohibited by exposure, as when Rav Pappa and Rav Huna, son of Rabbi Yehoshua, and the Sages would have a case of exposure of some liquid, they would cast it into fish brine. The sharpness of the brine neutralizes the snake venom. Accordingly, just as the halakha is not in accordance with the opinion of Rabbi Shimon with regard to fish brine, so too it is not in accordance with his opinion with regard to honey. Rav Naḥman bar Yitzḥak said to him: Concede to me, at least, with regard to honey that it is prohibited by exposure, as Rabbi Shimon ben Elazar held in accordance with the opinion of Rabbi Shimon. As it is taught in a baraita: And likewise, Rabbi Shimon ben Elazar would deem exposed honey prohibited.

²²⁰ The Gemara returns to the initial discussion with regard to fats and perforations: Rav Naḥman says: Permitted fat that is made like a hat does not effectively seal a perforation, even though it is permitted for consumption. The Gemara clarifies: Where is this fat? Some say it is the grains of fat found on the rectum, which, if perforated, renders the animal a tereifa. And some say that it is the membrane surrounding the heart, which, if perforated to the chambers, renders the animal a tereifa.

²²¹ § Rava said: I heard from Rav Naḥman about two fats found on the abomasum, in different places. One is called the ḥimtza and one the bar ḥimtza, meaning: Son of ḥimtza. One effectively seals a perforation of the abomasum, and one does not effectively seal a perforation of the abomasum. But I do not know which of them is which. Rav Huna bar Ḥinnana and Rav Huna, son of Rav Naḥman, said: The bar ḥimtza seals; the ḥimtza does not seal. Rav Tavot said: And your mnemonic is: The power of the son is greater than the power of the father.

²²² The Gemara asks: Which is the ḥimtza and which is the bar ḥimtza? The Gemara suggests: Come and hear proof from that which Rav Naḥman says with regard to one of the fats on the abomasum. Can it be that they, the residents of Eretz Yisrael, eat it, considering it permitted for consumption,

²²³ and to us, the residents of Babylonia, not only is it forbidden but it also does not seal a perforation? It cannot be that this fat is forbidden by Torah law if they permit it for consumption. Even though we are stringent with regard to its consumption, we may still maintain that it effectively seals a perforation.

²²⁴ The Gemara explains: The abomasum is shaped like a bow. The side facing outward is curved like the bow itself, while the side facing inward is flat and straight like the bowstring. With regard to the fat that is on the bow, everyone agrees, even the residents of Eretz Yisrael, that it is forbidden for consumption. This fat, then, is the ḥimtza, which does not seal a perforation according to Rav Naḥman. When they disagree, it is with regard to the fat that is on the bowstring. The residents of Eretz Yisrael permit it for consumption, while those of Babylonia prohibit it. According to Rav Naḥman, the residents of Babylonia should concede that it is nevertheless an effective seal. This, then, is the bar ḥimtza.

²²⁵ There are those who say that with regard to the fat that is on the bowstring, everyone agrees that it is permitted. This, then, is the bar ḥimtza. When they disagree, it is with regard to the fat that is on the bow. The residents of Eretz Yisrael permit it, but the residents of Babylonia prohibit it. This, then, is the ḥimtza.

²²⁶ The Gemara adds: When it was stated that only the residents of Eretz Yisrael permit the fat on the bowstring for consumption, this means that they would eat it in a manner like that which Rav Avya says that Rabbi Ami says: One takes a handful of the fat that lies above the fat on the bowstring,

since this is the fat prohibited by the verse: “And all the fat that is upon the innards” (Leviticus 3:3), and the rest is permitted for consumption. And so says Rabbi Yannai, also a resident of Eretz Yisrael, in the name of a certain elder: One takes a handful. Rav Avya said: I was standing before Rabbi Ami. The people there took a handful of the fat on the bowstring and gave him the remaining fat, and he ate from it.

²²⁷ The Gemara relates: The attendant of Rabbi Ḥanina was standing before Rabbi Ḥanina, a resident of Eretz Yisrael. Rabbi Ḥanina said to him: Take off a handful from that fat on the bowstring and give me the rest so that I will eat from it. Rabbi Ḥanina saw that the attendant was hesitating, so he said to him: You are a Babylonian and usually consider all of this fat forbidden. If so, cut off all the fat and throw it away.

²²⁸ § The mishna states that if the small intestines are perforated, the animal is a tereifa. With regard to this, it is taught in a baraita: Rabban Shimon ben Gamliel says: If the intestines were perforated but mucus seals the perforated intestines, the animal is kosher. The Gemara asks: What is this mucus? Rav Kahana said: It is the mucus of the intestines that comes out under pressure, when one scrapes with a knife.

²²⁹ The Gemara relates: The colleagues of Rabbi Abba learned a tradition from Rabbi Abba. And who are they? The phrase: Colleagues of Rabbi Abba, is referring to Rabbi Zeira. And some say the colleagues of Rabbi Zeira learned it from Rabbi Zeira. And who are they? Rabbi Abba. This is the tradition: Rabbi Abba, son of Rabbi Ḥiyya bar Abba, said that this is what Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: The halakha is in accordance with the opinion of Rabban Shimon ben Gamliel with regard to a tereifa, and the halakha is in accordance with the opinion of Rabbi Shimon with regard to the halakhot of mourning.

²³⁰ The Gemara elaborates: The halakha is in accordance with the opinion of Rabban Shimon ben Gamliel with regard to a tereifa; this is the halakha that we stated above, that mucus forms an effective seal in the intestines. The halakha is in accordance with the opinion of Rabbi Shimon with regard to mourning; what is this halakha? As we learned in a baraita: If one learns of the death of an immediate relative after other relatives have already begun their period of mourning, the halakha is as follows: During the entire first three days of mourning, if a mourner comes to the house of mourning from a nearby place, he counts his days of mourning with the other mourners and completes his mourning with them.

²³¹ The baraita continues: If he came from a distant place, he counts seven days on his own from the time that he was informed of the death. From this point forward, i.e., after the first three days, even if he comes from a nearby place, he counts seven days on his own. Rabbi Shimon says: Even on the seventh day, if he comes from a nearby place, he counts and completes his mourning with the other mourners.

²³² Someone whose name was not given said: May I merit to go up to Eretz Yisrael and learn this halakha from the mouth of its Master. When he went up from Babylonia to Eretz Yisrael, he found Rabbi Abba, son of Rabbi Ḥiyya bar Abba, and said to him: Is it true that the Master said that the halakha is in accordance with the opinion of Rabban Shimon ben Gamliel with regard to a tereifa? Rabbi Abba said to him: This is not true. Rather, I said just the opposite, that the halakha is not in accordance with Rabban Shimon ben Gamliel, and even if mucus seals the perforation of the intestine, the animal is a tereifa.

²³³ The anonymous man asked Rabbi Abba again: What about the other ruling reported in your name, that the halakha is in accordance with the opinion of Rabbi Shimon with regard to mourning; is this accurate? Rabbi Abba said to him: There are conflicting opinions with regard to this matter, as it was stated that Rav Ḥisda says that the halakha is in accordance with the opinion of Rabbi Shimon, and so says Rabbi Yoḥanan: That is the halakha. But Rav Naḥman says: That is not the halakha.

²³⁴ The Gemara concludes: And the halakha is not in accordance with the opinion of Rabban Shimon ben Gamliel with regard to a tereifa, and the halakha is in accordance with the opinion of Rabbi Shimon with regard to mourning, in accordance with the statement of Shmuel, who says: The halakha is in accordance with the statement of the more lenient authority in matters relating to mourning.

²³⁵ § Rav Shimi bar Ḥiyya says: One may compare perforations in the intestines. If one is unsure whether a perforation occurred before or after slaughter, one may make an additional perforation and compare the two. If their appearance is similar, one may conclude that the perforation occurred after slaughter, and the animal is kosher.

²³⁶ The Gemara relates: There were certain perforated intestines that came before Rava. Rava made other perforations and compared them, but they were not similar. Rav Mesharshiyya, his son, came and rubbed the new perforations, and they were similar. Rav Mesharshiyya therefore deemed the animal kosher. Rava said to him: From where did you know to do this? Rav Mesharshiyya said to him: I reasoned: How many hands rubbed these earlier perforations before they came before the Master? Therefore, I thought that if I handled the new ones, perhaps they would look similar. Rava said to him: My son is as wise in matters of tereifot as Rabbi Yoḥanan.

²³⁷ Similarly, Rabbi Yoḥanan and Rabbi Elazar both say: One may compare perforations in the lung to determine whether they occurred after slaughter. Rava said: We said this only when the two perforations are on the same side of the lungs. But one may not compare perforations from one side to the other side. The Gemara rules: And the halakha is: One may compare even from one side to the other side, and even from a small animal to another small animal, or from a large animal to another large animal, but not from a large animal to a small animal, and not from a small animal to a large animal.

²³⁸ Similarly, Abaye and Rava both say: One may compare severed or perforated areas in the windpipe. Rav Pappa said: We said this only when the two areas are in the same segment of the windpipe. But one may not compare from one segment to another segment. The Gemara rules: And the halakha is: One may even compare from one segment to another segment, and from one subsegment, i.e., a thin segment between the main segments, to another subsegment, but not from a segment to a subsegment, and not from a subsegment to a segment.

²³⁹ § Ze'eiri says: If the rectum was perforated, the animal is kosher, since the hips hold it up and seal the perforation. And to how much of the rectum does this apply? Rabbi Ilai says that Rabbi Yoḥanan says: If the rectum was perforated in the place where it is attached to the hips, even if it was perforated in its majority, the animal is kosher. If the perforation was not in the place where it is attached to the hips, the animal is a tereifa if it was perforated in any amount.

²⁴⁰ The Sages said this halakha before Rava in the name of Rav Naḥman. Rava said to them: Have I not told you not to hang on Rav Naḥman

²⁴¹ empty bottles, i.e., not to falsely attribute statements to him? So said Rav Naḥman: With regard to the place that the rectum is attached to the hips, even if all of it was removed, the animal is kosher. And this is the halakha only where sufficient space remains of it for a hand to grip. The Gemara asks: And how much is considered sufficient to grip? Abaye said: The width of a finger. This measure is sufficient even in the case of a large bull.

²⁴² § The mishna states that if the internal rumen was perforated or most of the external rumen was torn, the animal is a tereifa. With regard to this, Rav Yehuda says that Rav says: Natan bar Sheila, chief butcher of Tzipori, testified before Rabbi Yehuda HaNasi in the name of Rabbi Natan: Which is the internal rumen? It is the cecum. And so said Rabbi Yehoshua ben Korḥa: It is the cecum. Rabbi Yishmael said: It is the opening [istumka] of the rumen.

²⁴³ Rav Asi says that Rabbi Yoḥanan says: There is a narrow place in the rumen, and this is the internal rumen; all the rest is the external rumen. But I do not know which area is this narrow place. Rav Naḥman bar Yitzḥak said: The rumen has fallen in a pit, i.e., since it is unknown which area is considered the narrow place, a perforation in any part of the rumen renders the animal a tereifa. Rav Aḥa bar Rav Ava says that Rav Asi says: The inner rumen extends from the narrow place, where the rumen begins to narrow as it approaches the gullet, and downward toward the gullet when the animal is suspended by its legs.

²⁴⁴ Rabbi Ya'akov bar Naḥmani says in the name of Shmuel: The internal rumen is the place in the rumen that has no wool, i.e., downy projections on the inside of the rumen. Rabbi Avina says in the name of Geneva, who said in the name of Rav: The handbreadth in the gullet adjacent to the rumen, this is the internal rumen.

²⁴⁵ In the West, Eretz Yisrael, they said in the name of Rabbi Yosei bar Ḥanina: The entire rumen is the internal rumen. And if so, which is the external rumen? It is the flesh that envelops the majority of the rumen on the underside of the animal. Rabba bar Rav Huna says: The internal rumen is the mafrata. The Gemara asks: What is the mafrata? Rav Avya said: It is the place that the butcher exposes when he opens up the animal, i.e., the underside of the stomach.

²⁴⁶ The Gemara recounts: In Neharde'a, they practiced in accordance with the opinion of Rabba bar Rav Huna. Rav Ashi said to Ameimar, one of the Sages of Neharde'a: What about all these other statements, that the internal rumen is another part of the rumen? Ameimar said to him: They are all included in the definition of the rumen according to Rabba bar Rav Huna. The cecum, the opening of the stomach, and the place with no wool all face the underside of the stomach, i.e., the mafrata.

²⁴⁷ Rav Ashi replied: And what about the opinion that Rav Asi says in the name of Rabbi Yoḥanan, that the internal rumen is an unknown narrow area? Shouldn't the entire rumen be treated as the internal rumen? Ameimar said to him: Rav Aḥa bar Ava already explained that it is the area extending from the narrow place until the gullet. This area is also included in the mafrata. Rav Ashi asked further: And what of the opinion of Rabbi Avina, that the internal rumen is the handbreadth near the gullet, and of the residents of the West, Eretz Yisrael, that it is the entire rumen? Ameimar said to him: These opinions certainly disagree with that of Rabba bar Rav Huna, but we do not follow them.

²⁴⁸ § The mishna states: Rabbi Yehuda says: With regard to a tear in the external rumen, for a large animal, a tear of one handbreadth renders it a tereifa, while for a small animal, it is a tereifa only if most of it was torn. Rabbi Binyamin bar Yefet says that Rabbi Elazar says: The word: Large, is not

referring literally to a large animal, and the word: Small, is not referring literally to a small animal. Rather, concerning any animal large enough that its external rumen can be torn one handbreadth and this does not constitute most of it, this is what we learned: For a large animal, a tear of one handbreadth renders it a tereifa. And concerning any animal small enough that most of its external rumen can be torn and this does not constitute one handbreadth, this is what we learned: For a small animal, it is a tereifa only if most of it was torn. In other words, any external rumen torn either one handbreadth or in its majority renders the animal a tereifa.

²⁴⁹ The Gemara asks: If most of the external rumen is torn but it does not constitute a handbreadth, isn't it obvious that the animal is rendered a tereifa? There is a principle that the majority of an entity is considered like all of it. The Gemara responds: No, it is necessary to teach this for a case where the tear would constitute a handbreadth with any amount more than a majority, i.e., the external rumen is slightly smaller than two handbreadths. Lest you say that in such a case, the animal is not a tereifa until a handbreadth of it is torn, this halakha teaches us that this is not so. Rather, if the majority of the rumen is torn, the animal is a tereifa, even if this constitutes less than a handbreadth.

²⁵⁰ Geneiva says that Rabbi Asi says: If a round hole was bored through the external rumen as large as a sela coin, the animal is a tereifa, since if a hole of such size will be stretched, it will reach the length of a handbreadth. Rabbi Hiyya bar Abba said: This matter was explained to me personally by Geneiva himself, when we were on the ferry of Neharde'a: If the hole is exactly as large as a sela, the animal is kosher. If the size of the hole is greater than a sela, it is a tereifa. The Gemara asks: And how much is considered greater than a sela? Rav Yosef said: For example, if three date pits covered in remains of the date can fit through the hole with difficulty, or if, without being covered in any remains, they can fit comfortably, this is considered a hole larger than a sela.

²⁵¹ § The mishna states: An animal is a tereifa if the omasum or the reticulum was perforated to the outside, i.e., to the abdominal cavity. With regard to this, the Sages taught: In the case of a needle that is found in the thickness of the reticulum, if it pierced the wall from only one side, the animal is kosher. If it pierced the wall from both sides, i.e., the needle completely pierced the wall of the stomach, it is a tereifa. But even if it protrudes from both sides, it is not always a tereifa, and it may be inspected further: If a drop of congealed blood is found on top of the needle,

²⁵² it is certain that the perforation was created before the slaughter of the animal, and it is therefore a tereifa. If a drop of blood is not found on it, it is certain that it occurred after the slaughter, when the blood of the animal had stopped flowing. The animal is therefore kosher.

²⁵³ If a scab covered the opening of the wound, i.e., the perforation, it is certain that the perforation occurred three days before the slaughter. Consequently, if the animal was sold less than three days before the slaughter, the buyer can claim that the transaction was performed in error, as he did not intend to purchase a tereifa animal, and the seller must refund the buyer. If a scab did not cover the opening of the wound, and it is uncertain whether the perforation occurred before or after the animal was purchased, the burden of proof rests upon the claimant. Accordingly, the buyer must furnish proof that the perforation occurred before the purchase in order to demand a refund.

²⁵⁴ The Gemara asks: But in what way is this case different from all other perforations, where even though there is no blood on the wound the Master deems the animal a tereifa? The Gemara responds: There, in all other cases, there is nothing to which the blood can attach. Even if the wound had bled, the blood would be reabsorbed into the flesh. Here, since there is a needle, it follows that if it is the

case that the perforation occurred before slaughter, blood from the wound would have attached to the needle. Accordingly, if there is no blood on the needle, it is certain that the perforation occurred after slaughter.

²⁵⁵ The Gemara relates that Rav Safra said to Abaye: Did the Master see a Torah scholar who came from the West, Eretz Yisrael, and said: My name is Rav Avira? He said that there was an incident that came before Rabbi Yehuda HaNasi involving a needle that was found in the thickness of the reticulum protruding from only one side, and he deemed the animal a tereifa. Abaye sent a message to Rav Avira calling for him to come and explain the matter, since this contradicts the baraita that states that the animal is a tereifa only if the needle protrudes from both sides. Rav Avira did not come before him, so Abaye went before Rav Avira. Rav Avira was standing on the roof. Abaye said to him: Let Master descend and come, but Rav Avira did not descend. Abaye ascended to him and said to him: Say to me, what were the circumstances of the incident itself?

²⁵⁶ Rav Avira said to him: I am a director of assemblies in the study hall. I was standing above the Great Rabbi Yehuda HaNasi, and Rav Huna of Tzipori and Rabbi Yosei of Media were sitting before him, and a needle came before Rabbi Yehuda HaNasi that was found in the thickness of the reticulum protruding from one side, i.e., the inside, and Rabbi Yehuda HaNasi turned the reticulum over and found a drop of blood on the outside, parallel to the wound on the inside, and he deemed the animal a tereifa. And he said: If there is no wound on the outside there as well, from where is this drop of blood? Abaye said to Rav Avira: He caused that man trouble needlessly, i.e., you troubled me for no reason. This is nothing more than the mishna, which states that an animal is a tereifa if the omasum or the reticulum was perforated to the outside.

²⁵⁷ § The mishna states: An animal that fell from the roof is a tereifa, since its limbs may have been shattered. Rav Huna says: If one left an animal above, on the roof, and he came back and found it below, but did not see it fall, one need not be concerned with regard to the shattering of limbs. One may presume that it jumped intentionally and was not injured.

²⁵⁸ The Gemara relates: There was a certain kid belonging to Ravina that saw barley groats through an open skylight. It jumped down through the skylight and fell from the roof to the ground. The case came before Rav Ashi, and Ravina said to him: What is the rationale for this statement that Rav Huna says, that if one left an animal above and he came back and found it below, one need not be concerned about the possible shattering of limbs? Is it because the animal usually has something to grab hold of? If so, since this kid jumped through a skylight, it did not have something to grab hold of, and one must be concerned. Or perhaps it is because the animal evaluates itself and determines that it can jump without injury. If so, this kid also evaluated itself before jumping, and one need not be concerned.

²⁵⁹ Rav Ashi said to him: It is because the animal evaluates itself before jumping, and this kid also evaluated itself before jumping. Therefore, one need not be concerned about the possible shattering of limbs.

²⁶⁰ The Gemara relates that there was a certain ewe that was in the house of Rav H̄aviva, whose hind legs would drag. Rav Yeimar said: This ewe suffers from rheumatism [shigrona], and this is why she drags her legs. Ravina objects to this: But perhaps the spinal cord was cut, and this is why the ewe dragged her legs, and the animal is a tereifa. They inspected her and found that the spinal cord was cut, as Ravina said. The Gemara notes: And even so, the halakha is in accordance with the opinion of

Rav Yeimar, since rheumatism is common, but a cut spinal cord is not common. Accordingly, one need not be concerned about the possibility of a cut spinal cord.

²⁶¹ Rav Huna also says: With regard to rams that butt one another, one need not be concerned with regard to shattering of limbs. Even though they are in pain and stand still, it is only a fever that afflicts them; one need not be concerned about the possibility of severe injuries. But if they fall to the ground due to the impact, we certainly must be concerned that their limbs may have been shattered.

²⁶² Rav Menashei says: With regard to these rams that thieves steal and throw over the fence, one need not be concerned with regard to the shattering of limbs. What is the reason for this? When the thieves throw them over the fence, they throw them so that they land on their hips, where they will not be injured, so that they will be able to run before them. But if the thieves returned them to the owner, we certainly must be concerned that their limbs may have been shattered, since thieves do not throw them carefully when returning them. And this statement applies only when they return them due to fear of being caught, or are otherwise forced to return them. But if they return them due to repentance, they have performed full-fledged repentance and will take care to return them without injury.

²⁶³ Rav Yehuda says that Rav says: If one hit an animal on its head with a stick, and the length of the stick continued toward its back; or if one hit the animal on its tail and the length of the stick continued toward its head, such that in either case the blow extended along the entire spine, one need not be concerned with regard to the shattering of limbs. But if the length of the stick concluded at the middle of the back, we must be concerned that the strike caused an injury to the spine. And if there are knots, i.e., protrusions, on the stick, we must be concerned that it injured the spine, even if the stick fell across the entire back. And if he struck it like a slash across the width of the back, we must be concerned that it injured the spine.

²⁶⁴ § Rav Nahman says: The womb is not subject to concern about possible shattered limbs. In other words, one need not be concerned that the limbs of a newborn calf may have been shattered by the narrow birth canal. Rava said to Rav Nahman: That which is taught in a baraita supports your opinion: A one-day-old infant

²⁶⁵ becomes ritually impure if he experiences a gonorrhea-like discharge [ziva]. And if it should enter your mind that a newborn is subject to concern about possible shattered limbs, read here the ruling stated with regard to ziva, that one's discharge renders one impure only when it issues "out of his flesh" (Leviticus 15:2), but not when it issues due to circumstances beyond his control, e.g., due to illness. Therefore, if one must be concerned that a newborn's limbs may have shattered during birth, his discharge would not render him impure.

²⁶⁶ The Gemara responds: One cannot bring a proof from this baraita, since here we are dealing with a case where the infant left the womb by caesarean section and did not exit through the narrow birth canal. By contrast, after normal births, a newborn's discharge does not render it impure, since one is concerned about the possibility of shattered limbs.

²⁶⁷ The Gemara suggests: Come and hear proof from a baraita: If a calf was born on a Festival, one may slaughter it and eat it on the Festival. One need not wait twenty-four hours before deeming the animal kosher, as one does for an animal that fell from a roof. Apparently, one need not be concerned that its limbs were shattered during the birth. The Gemara responds: Here, too, the baraita is referring

to a case where the calf left the womb by caesarean section. But after normal births, one must wait twenty-four hours before slaughtering the calf.

²⁶⁸ The Gemara suggests: Come and hear proof from another baraita: And all agree that if a firstborn animal was born on a Festival and its blemish was born with it, i.e., if it was born with a blemish that removes its sanctity and renders it permitted for consumption, it is considered to be prepared for the Festival and may be eaten. Evidently, one need not wait twenty-four hours before deeming it kosher. And if you would say that here too, the baraita deals with a case where the animal left the womb by caesarean section, one might respond: Is a firstborn animal born by caesarean section sanctified? But doesn't Rabbi Yoḥanan say: Rabbi Shimon would concede with regard to sacrificial animals, e.g., a firstborn, that an animal born by caesarean section is not sanctified? Therefore, the baraita must be referring to an animal born naturally.

²⁶⁹ The Gemara responds: Here we are dealing with a firstborn that spread out its legs on the ground and stood up immediately after birth. In such a case the animal is certainly not a tereifa on account of shattered limbs.

²⁷⁰ § And Rav Naḥman says: If an animal was thrown to the ground in the slaughterhouse in preparation for slaughter, it is not subject to concern for shattered limbs.

²⁷¹ The Gemara relates: A certain bull fell in the slaughterhouse, and its bellowing was audible due to the blow. Still, Rav Yitzḥak bar Shmuel bar Marta entered and took from the very best portions of the bull and was not concerned that it may have been a tereifa. The Sages said to him: From where did you learn this? Rav Yitzḥak bar Shmuel bar Marta said to them: This is what Rav said: When falling, the bull digs in its hooves until it reaches the earth. Therefore, one need not be concerned that it fell roughly.

²⁷² § Rav Yehuda says that Rav says: If an animal fell and stood up again, it does not require a twenty-four-hour period mentioned in the mishna (56b) to determine if it may be slaughtered. Nevertheless, it certainly requires inspection after slaughter to determine whether it was injured by the fall and rendered a tereifa. But if it both stood up and walked after the fall, it does not even require inspection after slaughter. Rav Ḥiyya bar Ashi says: Both in this case and in that case, i.e., even if it walked after the fall, it requires inspection.

²⁷³ Rav Yirmeya bar Aḥa says that Rav says: If the animal stretched out its foreleg to stand, even if it did not actually stand, it is considered to have stood and does not require a twenty-four-hour waiting period. If it raised its leg to walk, even if it did not actually walk, it is considered to have walked and does not require inspection according to Rav. And Rav Ḥisda says: Even if it did not stretch out its foreleg, but simply struggled to stand, even if it did not stand, it is considered to have stood and may be slaughtered that day.

²⁷⁴ The Gemara concludes: And the halakha is: In any case where an animal fell from the roof unawares, i.e., unintentionally, and stood but did not walk, it requires inspection after slaughter but does not require a twenty-four-hour period before slaughter. And if it walked, it does not even require an inspection.

²⁷⁵ § Ameimar said in the name of Rav Dimi of Neharde'a: A fallen animal that the Sages said requires inspection must be inspected around the intestines to see whether the organs there have been perforated or torn, rendering the animal a tereifa. Mar Zutra said to him: This is what we say in the

name of Rav Pappa: Such an animal requires inspection around the entire space of the body cavity, in case the ribs or spine have been damaged.

²⁷⁶ Huna Mar, grandson of Rav Neḥemya, said to Rav Ashi: What about the two organs that must be severed in ritual slaughter [simanim], i.e., the windpipe and the gullet? Do they require inspection as well? Rav Ashi said to him: The simanim are hard and resistant to damage in falling. Therefore, one need not inspect them.

²⁷⁷ § With regard to birds that have fallen, Rav Yehuda says that Shmuel says: If a bird fell and hit the surface of the water, once it swims the full length of its body, this is sufficient to indicate that its limbs have not been shattered, similar to an animal that walks after falling. And we said this only in cases where it swam from below to above, i.e., upstream. But if it swam from above to below, i.e., downstream, it is only the water that carried it down, and it must be inspected. And if the water is standing, e.g., in a pond, we have no problem with it, as it is clear that the bird is swimming on its own strength, and it need not be inspected. And even if the bird swims downstream, if straw was scattered in front of it and the bird overtook it with its swimming, then the bird overtook it on its own strength and need not be inspected.

²⁷⁸ If the bird fell on a garment spread out taut over poles, we must be concerned that its limbs may have been shattered from the impact. If it fell on a garment that was not taut, we need not be concerned. In any event, if the garment was folded, we need not be concerned, since it presumably was not taut enough to injure the bird. If the bird fell on a net whose knots were woven closely together, we must be concerned that its limbs may have been shattered from the impact. If the knots were not close together, we need not be concerned.

²⁷⁹ If the bird fell directly on to flax arranged into bundles, we must be concerned that its limbs may have been shattered from the impact, because the bundles are hard. If it fell on this side or that side of the bundles, we need not be concerned, because it did not fall directly onto the bundles and the impact was dampened. If it fell on bundles of reeds, we must be concerned. If it fell on beaten and combed flax, with the impurities removed, we need not be concerned, since it is soft. If it fell on flax that was beaten but not combed, we must be concerned due to the residue of flax stalks in the bundles. If it fell on flax that was bundled after it was beaten and combed, since it has knots in it we must be concerned. If the bird fell on flax tow, a coarse bundle of unspun fiber, we must be concerned. If it fell on fine tow, we need not be concerned, because it is soft.

²⁸⁰ If the bird fell on nevara, the fibers that grow around a palm tree, we must be concerned that its limbs may have been shattered. If it fell on timaḥta, palm bark cut into strips, we need not be concerned. If it fell on sifted ashes, we must be concerned, because the ashes harden. If it fell on unsifted ashes, we need not be concerned, because they are soft and scatter on impact.

²⁸¹ If the bird fell on fine sand, we need not be concerned, because the sand slides on impact, cushioning the fall. If it fell on coarse sand, we must be concerned, because there are large stones mixed into it. If it fell on dust of the road, we must be concerned, because the dust is compact and hard. If the bird fell on bundled straw, we must be concerned, because it is compact and hard. If the straw was not bundled, we need not be concerned.

²⁸² If the bird fell on wheat and all similar types of grain, such as spelt or rye, whose kernels are hard, we must be concerned. If it fell on barley and all similar types of grain, such as oats, we must be concerned. With regard to all types of beans, there is no concern due to possible shattered limbs if

a bird fell on them, since their round shape causes the bird to slide when it hits them, except for fenugreek. With regard to peas, there is no concern due to possible shattered limbs, but with regard to chickpeas, there is a concern due to possible shattered limbs. The principle of the matter is: With regard to anything that slips to the sides on impact, there is no concern due to possible shattered limbs. And with regard to anything that does not slip, there is a concern due to possible shattered limbs.

²⁸³ If the bird's wings became stuck to a davuk, a board covered with glue set as a trap, and in trying to escape it fell to the ground while stuck to the board, Rav Ashi deemed the bird permitted, while Ameimar deemed it prohibited. The Gemara explains: In a case where only one wing was stuck to the board, everyone agrees that it is permitted, because the bird flaps with the other wing, lessening the impact of the fall. They disagree when both wings are stuck to the board. The one who deemed it prohibited could have said to you: How will it stand itself up so that it might dampen the impact? And the one who deemed it permitted could have said to you: It is possible for it to stand itself up by using the tips of its wings.

²⁸⁴ And there are those who say: In a case where two wings were stuck to the board, everyone agrees that it is prohibited, because it cannot dampen the impact. They disagree when only one wing is stuck to the board. The one who deemed it permitted could have said to you: It is possible for it to fly with one wing and dampen the fall. And the one who deemed it prohibited could say: Since it cannot fly with this wing that is stuck to the davuk, it also cannot fly with that untrapped wing. The Gemara concludes: And the halakha is: In a case where two wings were stuck, it is prohibited. In a case where only one wing was stuck, it is permitted.

²⁸⁵ § The mishna states that if most of an animal's ribs were fractured, it is a tereifa. The Sages taught: These are most of the ribs: Six from here and six from there, i.e., six on each side, or eleven from here and one from there. Twenty-two ribs are significant for matters of tereifot, eleven on each side. Twelve fractured ribs constitutes a majority.

²⁸⁶ Ze'eiri says: And this applies only when the ribs were fractured from the half of the rib toward the spine, but not if they were fractured on the other half. Rabba bar bar Hana says that Rabbi Yoḥanan says: And this applies only to fractures occurring in large ribs that contain marrow; fractures in small ribs do not render the animal a tereifa.

²⁸⁷ § Ulla said that ben Zakkai says: If the ribs were dislocated from the spine, even a majority of one side, i.e., six dislocated ribs, is enough to render the animal a tereifa. Only if the ribs were broken is a majority of both sides necessary. Rabbi Yoḥanan says: Whether they were dislocated or broken, the animal is a tereifa only with a majority of both sides.

²⁸⁸ Rav says: If a rib was dislocated and the attached vertebra was torn out with it, the animal is a tereifa, even if the spinal cord remains intact. Rav Kahana and Rav Asi said to Rav: If a rib was dislocated from here and another rib from there, i.e., both ribs connected to a single vertebra were dislocated, but the vertebra itself remains intact, what is the halakha? Rav said to them: Are you saying that an animal that was sliced in half is a tereifa? This animal is considered to have been sliced and already has the status of a carcass, as it is already considered dead (see 21a).

²⁸⁹ The Gemara asks: But didn't Rav also say that a sliced animal is a tereifa, since he said that if a rib was dislocated along with the attached vertebra, the animal is a tereifa? In such a case, the opposite rib is inevitably detached. If so, the animal should be considered a carcass. The Gemara

responds: When Rav said that such an animal is a tereifa, he was referring to a case where the rib was dislocated without the vertebra.

²⁹⁰ The Gemara asks: But didn't Rav explicitly say his statement with regard to a rib and vertebra that were dislocated? The Gemara responds: Rav meant that if a rib and half its attached vertebra were dislocated, the animal is a tereifa. The opposite rib, however, is intact and connected to the remainder of the vertebra.

²⁹¹ The Gemara challenges: By inference, one may conclude that Rav Kahana and Rav Asi stated their question with regard to a less serious case, i.e., where a rib from each side was torn out without the vertebra being damaged at all. And yet, Rav said to them: Are you saying that an animal that was sliced in half is a tereifa? Rather, this animal is a carcass and is certainly prohibited. And how could Rav say this? But didn't Ulla say that ben Zakkai says: If the ribs were dislocated, even a majority of one side is enough to render the animal a tereifa, while if the ribs were broken, a majority of both sides is necessary? If so, any animal with fewer than six dislocated ribs should be kosher, as long as the spine is undamaged.

²⁹² The Gemara responds: Rav could have said to you: There, where ben Zakkai says that six dislocated ribs on one side render the animal a tereifa, this is referring only to ribs not dislocated one opposite the other. Here, where Rav says that two dislocated ribs render the animal a carcass, this is referring to ribs dislocated one opposite the other.

²⁹³ The Gemara asks: But doesn't Rabbi Yoḥanan say that the animal is a tereifa only if a majority of both sides was dislocated, and in a majority of both sides, it is impossible that one of them is not situated opposite another? Still, Rabbi Yoḥanan says that the animal is a tereifa and not a carcass.

²⁹⁴ The Gemara responds: There, Rabbi Yoḥanan is referring to a case where the pestle, i.e., the end of the rib, was torn out without the mortar, the socket of the vertebra in which it sits, leaving the spine completely intact. In such a case, the animal is a tereifa only if twelve ribs were dislocated, even though this necessarily includes one rib opposite another. Here, where Rav says that two dislocated ribs opposite one another render the animal a carcass, that is referring to a case where the pestle and mortar were torn out together, damaging the spine.

²⁹⁵ The Gemara asks: If so, why did Rav Kahana and Rav Asi ask anything of Rav? Their case in question is identical to the statement of Rav. If Rav says that the animal is a tereifa if a rib and part of its vertebra were dislocated, that should be the halakha all the more so if ribs opposite one another were dislocated in addition to part of the attached vertebra. The Gemara responds: Rav Kahana and Rav Asi did not hear that statement of Rav.

²⁹⁶ The Gemara persists: But if so, let them ask about the simpler case of one dislocated rib, like that which Rav himself discussed. Why ask specifically about two ribs opposite one another? The Gemara responds: They reasoned: Let us ask him one question through which he will explain to us two different cases. As, if we ask him about only one dislocated rib, this works out well if he says to us that the animal is a tereifa, because we can infer that all the more so if two ribs opposite one another are dislocated, the animal is a tereifa. But if he says to us that it is kosher, we must still ask with regard to a case of two dislocated ribs.

²⁹⁷ The Gemara objects: If that is so, then now, too, when they ask him about two ribs, they may not receive an answer with regard to both cases. Granted, this works out well if he says to them that an

animal with two dislocated ribs opposite one another is kosher, since they can infer that all the more so it is kosher if only one rib is dislocated. But if he says to them that it is a tereifa, they must still ask with regard to a case of only one dislocated rib.

²⁹⁸ The Gemara responds: They reasoned that it is better to ask about a case where two ribs opposite one another were dislocated, because if it is so that Rav holds that the animal is a tereifa if even one rib is dislocated, then he would become angry and respond: If an animal with even one dislocated rib is a tereifa, is it necessary to ask about an animal with two dislocated ribs?

²⁹⁹ The Gemara objects: But they did say this question to him and he did not become angry, despite the fact that he holds that even one dislocated rib renders the animal a tereifa. The Gemara responds: When he said to them: Are you saying that an animal that was sliced in half is a tereifa, this is his anger. Rav Kahana and Rav Asi understood from this response that an animal with two dislocated ribs opposite one another is a carcass, but an animal with one dislocated rib is a tereifa.

³⁰⁰ § Rabba bar Rav Sheila says that Rav Mattana says that Shmuel says: If a rib was ripped from its root, or if the skull was crushed in its majority, or if the flesh that envelops the majority of the rumen was damaged in its majority, the animal is a tereifa.

³⁰¹ The Gemara asks: Did Shmuel really say that if a rib was ripped from its root, the animal is a tereifa? But raise a contradiction from a mishna (Oholot 2:3):

³⁰² How much is considered a deficiency in the spine of a corpse so that it will not be considered a full corpse that would render one impure in a tent? Beit Shammai say: Two missing vertebrae, and Beit Hillel say: One vertebra. And Rav Yehuda says that Shmuel says: And just as Beit Shammai and Beit Hillel disagree with regard to ritual impurity, so too they disagree with regard to a tereifa, i.e., according to Beit Hillel an animal missing only one vertebra is a tereifa. Evidently, Shmuel holds that a missing vertebra renders the animal a tereifa, but a dislocated rib does not.

³⁰³ The Gemara responds: This is not difficult. Here, where Shmuel says that a rib ripped from its root renders the animal a tereifa, he is referring to a case where the rib was torn out without the vertebra. There, where he says that a missing vertebra renders the animal a tereifa according to Beit Hillel, he is referring to a case where the vertebra was missing without the rib being dislocated. But if the rib itself was ripped from its root, the animal is a tereifa.

³⁰⁴ The Gemara asks: Granted, with regard to a case where a rib was dislocated without the vertebra, you find this commonly. But how can you find a case of a missing vertebra without a dislocated rib? The Gemara responds: This can occur at the ends of the flanks, where there are vertebrae with no ribs attached to them.

³⁰⁵ Shmuel said that just as Beit Shammai and Beit Hillel disagree with regard to ritual impurity, so too they disagree with regard to a tereifa. Rav Oshaya objects to this statement: But if that is so, then the opinion of Beit Hillel is the more stringent one, as they hold that even one missing vertebra renders the animal a tereifa. Accordingly, let the tanna teach this dispute along with the list of leniencies of Beit Shammai and stringencies of Beit Hillel in tractate Eduyyot. Rav said to him: When the question was asked, it was asked with regard to the ritual impurity of a corpse. That is the source of the dispute between Beit Hillel and Beit Shammai, and on that matter, Beit Shammai constitute the stringent opinion. The parallel disagreement with regard to tereifot is not mentioned explicitly in any mishna or baraita, and it was therefore omitted from the list in tractate Eduyyot.

³⁰⁶ The Gemara returns to Shmuel's statement: Or if the skull was crushed in its majority, the animal is a tereifa. Rabbi Yirmeya raises a dilemma: Is this referring to the majority of its height or the majority of its circumference? The Gemara responds: The dilemma shall stand unresolved.

³⁰⁷ Shmuel also said: Or if the flesh that envelops the majority of the rumen was damaged in its majority, the animal is a tereifa. Rav Ashi raises a dilemma: Is this referring even to a case where the majority of the length of the flesh was torn? Or is it referring only to a case where the majority of the flesh was removed, but if it was torn along the majority of its length the animal remains kosher?

³⁰⁸ The Gemara responds: Resolve the dilemma from that which we learned in the mishna: If the internal rumen was perforated or most of the external rumen was torn, the animal is a tereifa. And in the West, Eretz Yisrael, they said in the name of Rabbi Yosei, son of Rabbi Ḥanina: The entire rumen is the internal rumen. And if so, which is the external rumen? It is the flesh that envelops the majority of the rumen. Apparently, the animal is a tereifa even if the flesh is torn in its majority.

³⁰⁹ The Gemara rejects the proof: This explanation is meant only to clarify the statement of Shmuel, and Shmuel does not agree with the opinion of Rabbi Yosei, son of Rabbi Ḥanina, as this is what Rabbi Ya'akov bar Naḥmani said that Shmuel said: The case of: Most of the external rumen was torn, mentioned in the mishna, where the animal is a tereifa, is not referring to where the flesh enveloping the majority of the rumen was torn, but rather where the majority of the rumen itself was torn. The internal rumen is the place in the rumen that has no wool, i.e., downy projections on the inside of the rumen. Accordingly, one cannot prove anything about the statement of Shmuel based on an explanation of the mishna offered by Rabbi Yosei, son of Rabbi Ḥanina.

³¹⁰ § The mishna states: And an animal that was clawed by a wolf is a tereifa. Rav Yehuda says that Rav says: In the case of an animal, it is a tereifa if it was clawed by any predator from the size of a wolf and upward. And with regard to birds, they are tereifot if they were clawed by any predator from the size of a hawk and upward.

³¹¹ The Gemara asks: What does this statement of Rav, that an animal is a tereifa if it was clawed by a predator at least as large as a wolf, serve to exclude? If we say it serves to exclude a cat that clawed an animal, since it is smaller than a wolf, we already learned in the mishna: And an animal clawed by a wolf is a tereifa. One can infer from this that cats do not render an animal a tereifa. And if you would say: This mishna teaches us that a wolf can also effectively claw a large animal, e.g., cattle, but it may still be that a cat can render a small animal a tereifa, this cannot be; didn't we learn in the mishna that Rabbi Yehuda says: If it was clawed by a wolf in the case of a small animal, or clawed by a lion in the case of a large animal, the animal is a tereifa?

³¹² And if you would say that Rabbi Yehuda disagrees with the Rabbis, and they hold that a wolf can also render large livestock tereifa by clawing, this too is impossible, as doesn't Rabbi Binyamin bar Yefet say that Rabbi Ela says: The statement of Rabbi Yehuda in the mishna comes only to explain the statement of the Rabbis?

³¹³ The Gemara responds: Are you setting the statement of one man against the statement of another man? Even if Rabbi Ela holds that Rabbi Yehuda comes only to explain the statement of the Rabbis, Rav may still hold that Rabbi Yehuda disagrees with the Rabbis. Or, if you wish, say instead: Actually, everyone agrees that a wolf can render only a small animal a tereifa through clawing. Nevertheless, the statement of Rav serves to exclude a cat from the ability to render even a small animal a tereifa. Lest you say that the mishna taught about a wolf only because this is the manner in

which the matter typically occurs, but a cat may in fact render a small animal a tereifa, Rav teaches us that it is referring specifically to a wolf.

³¹⁴ § Rav Amram says that Rav H̥isda says: If an animal was clawed by a cat or a mongoose, in the case of kids or lambs, which are very small, it is a tereifa. If it was clawed by a weasel in the case of birds, it is a tereifa. The Gemara raises an objection from a baraita: An animal clawed by a cat, hawk, or mongoose is not rendered a tereifa until one of its internal organs is perforated to its recesses. One may infer: But they, i.e., a cat, hawk, and mongoose, do not have the ability to render an animal a tereifa through the clawing itself.

³¹⁵ The Gemara questions the inference: And can you understand that a hawk does not effectively claw an animal? But didn't we learn in the mishna: And a small bird clawed by a hawk is rendered a tereifa? The Gemara responds: That is not difficult. Here, where the mishna states that a hawk can effectively claw, it is with regard to birds, while there, where the baraita states that a hawk does not effectively claw, it is with regard to kids and lambs.

³¹⁶ The Gemara returns to its initial objection: In any case, the baraita poses a difficulty for Rav H̥isda, who says that a cat may render kids and lambs tereifot through clawing. The Gemara responds: Rav H̥isda states his opinion in accordance with the opinion of that tanna, as it is taught in a baraita: The Distinguished One says: They said that a kid is not effectively clawed by a cat only in a place where there are none present to save it. But in a place where there are bystanders trying to save the kid, it is effectively clawed, since the cat is angered and injects venom into the wound. Rav H̥isda is referring specifically to the latter case.

³¹⁷ The Gemara asks: And in a place where there are none to save the kid, is it not effectively clawed? But there was a certain hen that was in the house of Rav Kahana, which a cat pursued, and the cat entered after it into a small room, and the door shut in the cat's face, and it struck the door with its paws in anger. And afterward, five drops of blood, i.e., venom, were found on the door. Apparently a cat is venomous even if no one is present to save its prey.

³¹⁸ The Gemara responds: For a cat, saving itself is also considered like saving others. Since the cat felt threatened, it acted as it would if there had been someone present to defend the hen. The Gemara asks: And the Rabbis, who state in the baraita that a cat can never effectively claw a small animal, even when there are bystanders attempting to save its prey, how do they explain this incident? The Gemara responds: According to the Rabbis, a cat does have venom, but its venom does not burn enough to render the animal a tereifa.

³¹⁹ There are those who state the details of this exchange differently: After raising an objection to the statement of Rav H̥isda from the baraita that states that a cat cannot effectively claw kids and lambs, the Gemara responds: In accordance with whose opinion is this baraita? It is in accordance with the opinion of the Distinguished One, as it is taught in a baraita: The Distinguished One says: They said that a kid is effectively clawed by a cat only in a place where there are bystanders present to save it. But in a place where there are none present to save the kid, it is not effectively clawed. The baraita, then, discusses a case where there are none present to save it. Rav H̥isda agrees with the Rabbis that a cat can effectively claw an animal even when there are none present to save it.

³²⁰ The Gemara asks: But in a place where there are none present to save the kid, is it not effectively clawed? But there was a certain hen that was in the house of Rav Kahana, which a cat pursued, and the cat entered after it into a small room, and the door shut in the cat's face, and it struck the door

with its paws in anger. And afterward, five drops of blood, i.e., venom, were found on the door. The Gemara responds: For a cat, saving itself is also considered like saving others.

³²¹ The Gemara relates that Rav Kahana asked Rav:

³²² Does a cat render an animal a tereifa through clawing, or does a cat not render it a tereifa through clawing? Rav said to him: Even a weasel, which is smaller than a cat, does render an animal a tereifa through clawing. Rav Kahana also asked him: Does a weasel render an animal a tereifa through clawing, or does a weasel not render it a tereifa through clawing? Rav said to him: Even a cat does not render an animal a tereifa through clawing.

³²³ Rav Kahana also asked him: With regard to a cat and a weasel, do they render an animal a tereifa through clawing, or do they not render it a tereifa through clawing? Rav said to him: A cat does render an animal a tereifa through clawing, but a weasel does not render it a tereifa through clawing.

³²⁴ The Gemara clarifies: And the apparent contradiction between these responses is not difficult. That which Rav said to him: Even a weasel does render an animal a tereifa through clawing, was stated about a case of clawed birds. That which he said to him: Even a cat does not render an animal a tereifa through clawing, was stated about a case of adult sheep. That which Rav said to him: A cat does render an animal a tereifa through clawing, but a weasel does not render it a tereifa through clawing, was stated about a case of kids and lambs.

³²⁵ § The mishna states that a small bird clawed by a hawk is a tereifa. Rav Ashi raises a dilemma: With regard to other non-kosher birds beside a hawk, do they render a bird a tereifa through clawing, or do they not render it a tereifa through clawing? Rav Hillel said to Rav Ashi: When we were in the study hall of Rav Kahana, he said: Other non-kosher birds do render a bird a tereifa through clawing.

³²⁶ The Gemara asks: But didn't we learn in the mishna: Or if it was clawed by a hawk in the case of a small bird, it is a tereifa? Apparently, only a hawk renders a small bird a tereifa through clawing. The Gemara responds: The mishna means that a small bird clawed by a hawk is rendered a tereifa even in a case where it is as large as the hawk. But these other non-kosher birds can render a small bird a tereifa only in a case where it is smaller than them. And there are those who say: A small bird clawed by a hawk is rendered a tereifa even in a case where it is larger than the hawk. But these other non-kosher birds can render a small bird a tereifa only in a case where it is, at most, as large as them.

³²⁷ § Rav Kahana said in the name of Rav Shimi bar Ashi: A fox does not render an animal a tereifa through clawing. The Gemara asks: Is that so? But when Rav Dimi came from Eretz Yisrael to Babylonia he said: There was an incident in which a fox clawed a ewe in the bathhouse of Beit Hini, and the incident came before the Sages, and they said: This is a case of clawing. Rav Safra said in response: In that case the predator was a cat, not a fox.

³²⁸ There are those who say the above exchange differently: Rav Kahana said in the name of Rav Shimi bar Ashi: A fox does render an animal a tereifa through clawing. The Gemara asks: Is that so? But when Rav Dimi came from Eretz Yisrael to Babylonia he said: There was an incident in which a fox clawed a ewe in the bathhouse of Beit Hini, and the incident came before the Sages, and they said: This is not a case of clawing. Rav Safra said in response: In that case the predator was a dog, not a fox. And Rav Yosef said: We have a tradition that a dog does not render an animal a tereifa through clawing.

³²⁹ § With regard to the definition of clawing that renders an animal a tereifa, Abaye said: We have a tradition: Clawing is only with the foreleg, to the exclusion of clawing with the hind leg, which does not render the animal a tereifa. Additionally, clawing is only with the claw, to the exclusion of savaging with the tooth, which does not render the animal a tereifa, because the teeth contain no venom. And clawing is only through an intentional act, to the exclusion of an unintentional act, which does not render the animal a tereifa, e.g., if the predator accidentally fell on the prey with its claws outstretched. And clawing is only while the predator is alive, to the exclusion of a case where it clawed an animal after death, which does not render the animal a tereifa.

³³⁰ The Sages say: Now that you said that an unintentional act of clawing does not render an animal a tereifa, is it necessary to say that clawing after death is ineffective? The Gemara responds: No, it is necessary to teach this halakha for a case where the predator clawed while still alive, and they cut off its hand with its claws still inside the prey's flesh. Lest you say: It injects its venom while it claws, Abaye teaches us that it injects its venom while it withdraws its claws. Accordingly, where the venom has yet to be injected before its death, i.e., before its hand is severed, the animal is kosher.

³³¹ § Rabba bar Rav Huna says that Rav says: If a lion entered among the oxen, and afterward a claw was found stuck in the back of one of the oxen, one need not be concerned that perhaps the lion clawed it. What is the reason for this? Even though a majority of lions claw their prey and only a minority of them do not claw, still, it is known with regard to any lion that claws that its claw is not ripped out in the process. And therefore, with regard to this ox, since a claw sits in its back, say that it rubbed against a wall that had a claw embedded in it.

³³² The Gemara objects: On the contrary, say that even though a majority of oxen rub against the wall and only a minority do not rub, still, it is known with regard to any ox that rubs that a claw does not sit in its back. And therefore, with regard to this ox, since a claw sits in its back, say that the lion clawed it.

³³³ The Gemara responds: One can say this, and one can say that. Therefore, establish the matter according to its presumptive status, in which case the ox is not a tereifa. Accordingly, the ox is permitted because this case is one of uncertainty as to whether the animal was clawed, and Rav conforms to his standard line of reasoning, as he says: One need not be concerned in a case of uncertainty as to whether an animal was clawed.

³³⁴ Abaye said: We said that one need not be concerned that the lion clawed the ox only when the claw was found in its back, since it is known that a claw is not ripped out during clawing. But if only the spot of a claw was found, i.e., a perforation, one must be concerned. And even if the claw was found in its back, we said that one need not be concerned only when it was moist, since this indicates it was well connected to the flesh. Accordingly, if the lion had clawed the ox, this claw would not have been ripped out. But if the claw was dry, one must be concerned, because it happens that such a claw is ripped out during clawing.

³³⁵ And with regard to a moist claw as well, we said that one need not be concerned only when one claw was found in its back. But if there were two or three claws embedded in its back, we must be concerned, because multiple claws were not likely to be embedded in the wall. And this is the halakha only where they are situated in a row as they are in the paw of a lion.

³³⁶ § It was stated: Rav says: One need not be concerned in a case of uncertainty as to whether an animal was clawed. And Shmuel says: One must be concerned in a case of uncertainty as to whether an animal was clawed, and the animal must be inspected.

³³⁷ The Gemara explains: Everyone agrees that in a case where it is uncertain whether a predator entered the pen or coop and uncertain whether it did not enter, I will say that it did not enter. Furthermore, if it is known that an animal entered but it is uncertain whether it was a dog and uncertain whether it was a cat, I will say that it was a dog, which cannot render an animal a tereifa through clawing. And even if a predator entered, but it was quiet and sat among the animals, I will say it made peace with them, as though it were tame, and did not claw them. And if it decapitated one of them, I will say that its anger subsided afterward, and it did not claw other animals. And if it was roaring and they were clucking, I will say that they are only frightening

³³⁸ each other, and one need not be concerned. They disagree when the lion is quiet and the birds are clucking. One Sage, Shmuel, holds: They are clucking because it is acting upon them, i.e., clawing them, and one Sage, Rav, holds that they are doing this out of fear of the predator, but it is not necessarily clawing them.

³³⁹ Ameimar said: The halakha is that one must be concerned in a case of uncertainty as to whether an animal was clawed. Rav Ashi said to Ameimar: What about this statement of Rav that one need not be concerned? Ameimar said to him: I did not hear that statement; that is to say, I do not hold in accordance with it.

³⁴⁰ Or if you wish, say instead that Rav retracted his statement and conceded to Shmuel that one must be concerned in a case of uncertainty. As there was a certain basket of birds concerning which there was uncertainty as to whether they had been clawed by a hawk that entered among them, which came before Rav. Rav sent them before Shmuel to issue a ruling, and Shmuel strangled them and threw them in the river. And if it enters your mind that Rav did not retract his statement, then let him permit them for consumption. Why did he send them to Shmuel?

³⁴¹ The Gemara rejects this: Rather, what will you say, that Rav really did retract? If so, let him prohibit them for consumption without sending them to Shmuel. Rather, he sent the birds to Shmuel because it was Shmuel's place, and although Rav disagreed with Shmuel, it would be improper to issue a contradictory ruling.

³⁴² The Gemara asks: Why do I need Shmuel to strangle the birds? Let him simply throw them into the river as is. The Gemara responds: Shmuel was concerned lest they fly and leave the river and eventually end up in the possession of an unwitting Jew.

³⁴³ The Gemara objects: But let him delay killing them for twelve months. If they survive it will prove that they are not tereifot, and they will be permitted. The Gemara responds: Shmuel was concerned lest people encounter a stumbling block, as they might forget that these birds are prohibited and eat them before twelve months have passed. The Gemara asks: But let him sell them to gentiles so that they will not be a stumbling block. The Gemara responds: Shmuel was concerned that perhaps the gentiles will come to sell them back to Jews.

³⁴⁴ The Gemara objects: But let him strangle them and throw them into the garbage. Why did Shmuel throw them into the river? The Gemara responds: And according to your reasoning, we

should throw them to the dogs, as at least then they will come to some use. Rather, Shmuel threw them into the river, a public place, in order to publicize the matter of the prohibition.

³⁴⁵ The Gemara relates that there was a certain duck that was in the house of Rav Ashi. The duck entered between the reeds, and it came out with its throat stained with blood. Rav Ashi said: Do we not say: If it is uncertain whether the predator was a dog and uncertain whether it was a cat, I will say that it was a dog, which cannot claw an animal effectively? Here, too, since it is uncertain whether the duck was injured by a reed and uncertain whether it was injured by a cat, I will say that a reed struck it, and the duck is not a tereifa.

³⁴⁶ § The sons of Rabbi Ḥiyya, Yehuda and Ḥizkiyya, said: A clawed animal, about which the Sages said one must be concerned, requires inspection of the flesh adjacent to the intestines. If the flesh surrounding the intestines reddened, the animal is a tereifa, because the venom will eventually penetrate the body cavity and perforate the intestines themselves.

³⁴⁷ Rav Yosef said: This statement of the sons of Rabbi Ḥiyya was already explained by Shmuel, as Shmuel says in the name of Rabbi Ḥanina ben Antigonus: A clawed animal, about which they said one must be concerned, requires inspection adjacent to the intestines.

³⁴⁸ Ilfa raises a dilemma: Is there clawing with regard to the simanim, or is there no clawing with regard to the simanim? Does the venom penetrate the simanim as it does the intestines? Rabbi Zeira said: This dilemma that Ilfa raises was already explained by Rav Ḥanan bar Rava, as Rav Ḥanan bar Rava says that Rav says: A clawed animal, about which they said one must be concerned, requires inspection of the flesh adjacent to the entire body cavity, and even in the area of the simanim.

³⁴⁹ Ilfa raises another dilemma: With regard to simanim that were detached, how much detachment renders the animal a tereifa? Rabbi Zeira said: This dilemma that Ilfa raises was already explained by Rabba bar bar Ḥana, as Rabba bar bar Ḥana says that Shmuel says: With regard to simanim that were detached, if they were detached in their majority the animal is a tereifa.

³⁵⁰ Rav Ami raises a dilemma: What is the halakha with regard to an animal that was clawed in an area not surrounding the body cavity, such as the legs, and rot was found in the flesh of that area? Rabbi Zeira said: This dilemma that Rav Ami raises was already explained by Rav Yehuda, as Rav Yehuda says that Rav says: With regard to a clawed animal, the injury does not render it a tereifa unless the flesh adjacent to the intestine reddens; but if the flesh rotted, one views the rotten area as if it does not exist. If the animal would be a tereifa when missing this flesh, it is also a tereifa if the flesh rotted.

³⁵¹ The Gemara asks: What is considered rotten flesh? Rav Huna, son of Rav Yehoshua, said: It is any flesh in such a state that the doctor scrapes it off and leaves the animal with its raw flesh exposed so that it will heal. Rav Ashi said: When we were in the study hall of Rav Kahana they brought before us a certain lung that, when they would set it down, would sit well, but when they would pick it up it would disintegrate and fall into pieces. And we deemed it a tereifa based on the statement of Rav Huna, son of Rav Yehoshua, that one views rotten flesh as if it does not exist. Since the animal would be a tereifa if missing the lung (see 42a), it is also a tereifa if the lung is rotten.

³⁵² Rav Naḥman said: If an animal was pierced by a thorn, it is not a tereifa until it is perforated to the cavity of the body. But in the case of a clawed animal, once the flesh adjacent to the intestines reddens, it is a tereifa. Rav Zevid would teach the halakha in this manner: In the case of a clawed

animal, once the flesh adjacent to the intestines reddens it is a tereifa; but if it was clawed in the simanim, it is not a tereifa unless the simanim themselves redden. If only the flesh around them reddens, the animal is kosher, since the venom may not penetrate to the simanim themselves.

³⁵³ Rav Pappi said: Rav Beivai bar Abaye raises a dilemma:

³⁵⁴ If the gullet is perforated in any amount, the animal is a tereifa, as taught in the mishna (42a). Therefore, if the gullet is clawed and any amount of its flesh reddens, the animal is a tereifa as well. But a perforation of the windpipe renders the animal a tereifa only where it is the size of an issar. If clawed, what amount of its flesh must redden in order to render it a tereifa? After he raised the dilemma he then resolved it: Both this and that render the animal a tereifa if any amount of its flesh reddened. What is the reason for this? It is because its venom burns continuously around the circumference of the hole and widens it.

³⁵⁵ The Gemara relates: Rav Yitzḥak bar Shmuel bar Marta sat before Rav Naḥman, and he was sitting and saying: A clawed animal, about which the Sages said one must be concerned, requires inspection adjacent to the intestines to see that the flesh has not reddened. Rav Naḥman said to him: By God! Rav would teach that it must be inspected over its entire body, from the flesh around the hollow to that of the thigh.

³⁵⁶ The Gemara asks: What is the hollow? If we say that it is the hollow of the foreleg, i.e., its shoulder, then the area between it and the thigh is the same as the area adjacent to the intestines, and Rav Naḥman has said nothing new. Rather, Rav Naḥman referred to the area from the hollow of the brain, i.e., the skull, to the thigh.

³⁵⁷ The Gemara relates that when Rav Ḥiyya bar Yosef went up from Babylonia to Eretz Yisrael, he found that Rabbi Yoḥanan and Reish Lakish were sitting and saying: A clawed animal, about which they said one must be concerned, requires inspection adjacent to the intestines. Rav Ḥiyya bar Yosef said to them: By God! Rav would teach that it must be inspected from the flesh around the hollow to that of the thigh. Reish Lakish said to him: Who is this Rav, and who is this Rav? I do not know who he is.

³⁵⁸ Rabbi Yoḥanan said to him: But don't you remember that student who served the great Rabbi Yehuda HaNasi and Rabbi Ḥiyya and studied under them? But by God! All those years that this student served in the yeshiva, he was held to be one of the most important students and was allowed to sit during study, while I held a lower status and served while standing up. And who was greater? He was greater in all things, in Torah and piety.

³⁵⁹ Immediately, Reish Lakish began to speak and said: Indeed [beram], that man, Rav, is remembered for the good, as they said this halakha in his name: If an animal's windpipe is dislocated from the throat, and it has already been slaughtered, and it is uncertain whether it was dislocated before or after slaughter, the animal is kosher, as it is impossible for an animal with a dislocated windpipe to be slaughtered. A dislocated windpipe would have slipped away from the knife, and therefore the animal must have been slaughtered while it was still attached.

³⁶⁰ And Rabbi Yoḥanan says: This is not certain; rather, one should bring the windpipe, make a new slit in it, and compare the two slits. If they are similar, then the first slit by the slaughtering knife was also made after the windpipe was dislocated, and the animal is a tereifa. If they are different, then the slaughter preceded the dislocation of the windpipe and the animal is kosher.

³⁶¹ Rav Naḥman said: The Sages taught that it is impossible to slaughter a dislocated windpipe only in cases where he did not grip the simanim during slaughter. But if he gripped the simanim and slaughtered the animal, then it is possible for an animal with a dislocated windpipe to be slaughtered, since it will not slip away from the knife.

³⁶² § The mishna states: This is the principle: Any animal that was injured such that an animal in a similar condition could not live for an extended period is a tereifa. The Gemara asks: What case does this principle add that was not previously mentioned? The Gemara responds: It was stated to add seven halakhot of tereifot taught by amora'im and not listed in the mishna. These cases are enumerated on 42b.

³⁶³ The Gemara recounts: The men of the house of Yosef the hunter would strike the sciatic nerve of an animal with an arrow and kill it that way. In other words, the animal would die from that wound. They came before Rabbi Yehuda ben Beteira to ask if an animal with an injured sciatic nerve is a tereifa, which is relevant if the animal was slaughtered before it died. Rabbi Yehuda ben Beteira said to them: And is it possible to add to the list of tereifot? You have only what the Sages counted, and the Sages mentioned no such tereifa.

³⁶⁴ Likewise, the men of Rav Pappa bar Abba the hunter would strike an animal in the kidney with an arrow and kill it that way. They came before Rabbi Abba to ask if such an animal is a tereifa. Rabbi Abba said to them: And is it possible to add to the list of tereifot? You have only what the Sages counted.

³⁶⁵ The Gemara objects: But we see that they die. Isn't this an indication that the animal is a tereifa? The Gemara responds: It is learned as a tradition that in all these cases, if one were to scatter medicine on the wound, the animal would live. An animal is not considered a tereifa unless it cannot be healed.

³⁶⁶ MISHNA: And these, despite their condition, are kosher in an animal: If its windpipe was perforated or cracked lengthwise. How much can the windpipe be missing and still be kosher? Rabban Shimon ben Gamliel says: Until the perforation is the same size as the Italian issar. If the skull was fractured but the membrane of the brain was not perforated, it is kosher. If the heart was perforated and the perforation did not reach its chamber, or if the spinal column was broken but its cord was not cut, or if the liver was removed and an olive-bulk of it remained, it is kosher.

³⁶⁷ Additionally, it is kosher if the omasum or the reticulum was perforated one into the other. If the spleen was removed, or the kidneys were removed, or if its lower jaw was removed, or if its womb was removed, or if its lung shriveled by the hand of Heaven, the animal is kosher. In the case of an animal whose hide was removed, Rabbi Meir deems it kosher, and the Rabbis deem it a tereifa and unfit for consumption.

³⁶⁸ GEMARA: The mishna begins: And these are kosher, while the previous mishna begins: These are tereifot. With regard to this, it was stated that Rabbi Yoḥanan says: The tanna intended the phrase: These are tereifot, specifically, teaching that an animal is kosher in another case. The list of kosher cases here is therefore not exhaustive. And Rabbi Shimon ben Lakish says that the tanna intended the phrase: These are kosher, specifically, teaching that an animal is a tereifa in another case. The list of tereifot at the beginning of the chapter is therefore not exhaustive.

³⁶⁹ The Gemara explains: With regard to what case do they disagree? They disagree with regard to the statement of Rav Mattana, as Rav Mattana says: This head of the femur that was completely dislocated renders the animal a tereifa. According to Rabbi Yoḥanan, who says that the phrase: These are tereifot, is meant specifically, the tanna taught the list of tereifot and taught afterward: This is the principle, to add cases that were not stated explicitly;

³⁷⁰ and the tanna then saw that the case of Rav Mattana, where the end of the thigh is dislocated, ostensibly comes under the heading of: This is the principle, and one might assume that it renders the animal a tereifa as well. What is the reason for this? It is because a dislocated thigh is similar to the cases of removed organs that render the animal a tereifa. Therefore, he taught the phrase: These are tereifot, at the beginning of the mishna, to emphasize that it is only these that render an animal a tereifa, but in the case of Rav Mattana, the animal is kosher.

³⁷¹ And according to Rabbi Shimon ben Lakish, who says that the phrase: These are kosher, is meant specifically, the tanna taught the list of tereifot, and taught afterward that this is the principle. And the tanna then saw that the case of Rav Mattana ostensibly does not come under the heading of: This is the principle, and one might assume that it does not render the animal a tereifa. What is the reason for this? It is because a dislocated thigh is not similar to cases of perforated organs, and it is not similar to cases of cut organs, such as the windpipe, and it is not similar to cases of removed organs. Therefore, he taught the phrase: These are kosher, to emphasize that it is only these that are kosher, but in the case of Rav Mattana, the animal is a tereifa.

³⁷² The Gemara addresses the matter itself: Rav Mattana says: This head of the femur that was completely dislocated renders the animal a tereifa. And Rava said: The animal is kosher, but if its sinew holding the bone in place is cut, it is a tereifa. The Gemara concludes: And the halakha is: Even if the sinew is cut, the animal is still kosher, unless the sinew decomposed, in which case the animal is a tereifa.

³⁷³ § The mishna states: How much can the windpipe be missing and still be kosher? Rabban Shimon ben Gamliel says: Until the perforation is the same size as an Italian issar. Ze'eiri, who came from Eretz Yisrael, said with regard to this: You, who are not familiar with the measure of an Italian issar, because it is not used in Babylonia, should estimate its measure as a Kurdish dinar. And it is like a small peruta coin and can be found among the perutot of Pumbedita.

³⁷⁴ Rabbi Ḥana the money changer said: Bar Nappaḥa, i.e., Rabbi Yoḥanan, was standing over me, and he requested of me a Kurdish dinar with which to measure tereifot, in accordance with the statement of Ze'eiri. And I wanted to rise before him out of respect, but he did not let me. Rabbi Yoḥanan said to me: Sit, my son, sit. Tradesmen are not permitted to stand before Torah scholars when they are engaged in their work.

³⁷⁵ The Gemara asks: And are tradesmen not permitted to stand before Torah scholars? But didn't we learn in a mishna (Bikkurim 3:3): When the pilgrims bring their first fruits to Jerusalem, all the tradesmen stand before them, and greet them, and say to them: Our brothers from such and such place, welcome?

³⁷⁶ Rabbi Yoḥanan said: Yes, they stand before those bringing first fruits, but they do not stand before Torah scholars. Rabbi Yosei bar Avin says: Come and see how beloved is a mitzva performed in its proper time, as the tradesmen stand before those who brought first fruits, while they do not stand before Torah scholars.

³⁷⁷ The Gemara rejects the statement of Rabbi Yosei bar Avin: From where does one know that they rise out of respect? Perhaps the tradesmen stand only in order not to cause those bringing first fruits to fail and sin in the future. That is, if the tradesmen do not treat those bringing the first fruits with great respect, they may not make the effort to travel to Jerusalem in a subsequent year.

³⁷⁸ § The mishna states: How much can the windpipe be missing and still be kosher? Rabban Shimon ben Gamliel says: Until the perforation is the same size as an Italian issar. With regard to this, Rav Naḥman says: Whenever the Sages specify the measure as that of a sela, e.g., with regard to a damaged skull for purposes of tereifot, they mean that even an area exactly the size of a sela is treated as more than a sela. Likewise, when they specify the measure as that of an issar, they mean that an area exactly the size of an issar is treated as though it were more than an issar.

³⁷⁹ Since Rav Naḥman holds that a perforation exactly the size of an issar is treated as though it were larger than an issar, he must hold that such a perforation in the windpipe renders the animal a tereifa. The Gemara therefore infers: Apparently, Rav Naḥman holds that whenever the Sages use the word: Until, it means until and not including the measure, as the mishna states that an animal with a perforated windpipe is kosher until the perforation reaches the size of an issar.

³⁸⁰ Rava raised an objection to the opinion of Rav Naḥman from a mishna (Kelim 19:2): The end of a rope that extends from a rope bed is not susceptible to ritual impurity until it is five handbreadths long. If the bed becomes impure, the rope remains pure, because it has no use and is therefore not considered part of the bed. What, is it not teaching that a rope exactly five handbreadths long is treated as though its length were below that amount? If so, the word: Until, means until and including the exact measure. The Gemara responds: No, a rope exactly five handbreadths long is like a rope whose length is above that amount.

³⁸¹ The Gemara suggests: Come and hear a proof from the continuation of the mishna: If the end of the rope was of any length from five handbreadths until ten, it is susceptible to impurity. What, is it not teaching that a rope exactly ten handbreadths long is treated as though its length were below that? The Gemara responds: No, a rope exactly ten handbreadths long is treated like a rope whose length is above that, and it is not susceptible to impurity.

³⁸² The Gemara suggests: Come and hear proof from another mishna (Kelim 2:2): With regard to the smallest of earthenware vessels, if they, or even their broken-off bases or sides, can sit, i.e., remain upright, without being supported,

³⁸³ their measure in order to be susceptible to ritual impurity is that they can hold enough oil with which to anoint a small child. If they cannot hold this amount, they are considered useless and are not susceptible to impurity. And this measure applies only to vessels that held up to a log when they were whole; if they had originally held more, they must hold more when broken in order to be susceptible to impurity. What, is it not teaching that if it originally held exactly one log it is treated as though it had held below that amount? If so, the term: Up to, means up to and including. The Gemara responds: No, if it held exactly one log it is treated as though it held above that amount, and if broken it must be capable of holding a greater measure in order to be susceptible to impurity.

³⁸⁴ The Gemara suggests: Come and hear proof from the continuation of the same mishna: If the vessel originally held from a log up to a se'a, its broken-off base or sides must hold a quarter-log in order to be susceptible to impurity. What, is it not teaching that if it originally held exactly a se'a it is treated as though it had held below that amount? The Gemara responds: No, if it held exactly a se'a it

is treated as though it had held above that amount, and its base or sides must hold a greater measure in order to be susceptible to impurity.

³⁸⁵ The Gemara suggests: Come and hear proof from the continuation of the same mishna: If the vessel had originally held from a se'a up to two se'a, its broken-off base or sides must hold half a log to be susceptible to impurity. What, is it not teaching that if it had originally held exactly two se'a it is treated as if though it had held below that amount? The Gemara responds: No, if it had held exactly two se'a it is treated as though it had held above that amount.

³⁸⁶ The Gemara asks: How can one explain the mishna in this manner? But isn't it taught explicitly in a baraita: If the vessel had originally held exactly a log it is treated as though it had held below that amount; if it had held exactly a se'a it is treated as though it had held below that amount; if it had held exactly two se'a it is treated as though it had held below that amount? Evidently, the term: Up to, means up to and including the given measure, in contradiction to Rav Nahman's opinion that it means up to and not including the measure.

³⁸⁷ The Gemara responds: The term: Up to, is always interpreted in the more stringent manner. Accordingly, there, with regard to the impurity of vessels, the term: Up to, is interpreted as up to and including in order to rule stringently, since the vessel is then more easily susceptible to impurity. As Rabbi Abbahu says that Rabbi Yoḥanan says: All measures of the Sages must be interpreted stringently, except for the measure of a groat as a standard for stains of blood found on a woman's clothing, which is interpreted leniently. Even if the stain is exactly the size of a groat, the woman remains pure. Here, it is more stringent to interpret the phrase: Up to, as up to and including, because an animal is then more susceptible to being rendered a tereifa.

³⁸⁸ The Gemara notes: The language is also precise, i.e., it is evident that the phrase: Up to, is always interpreted stringently, as the mishna (Kelim 19:2) states that if a rope extending from a rope bed is of any length up to five handbreadths, it is not susceptible to ritual impurity, but if it is of any length from five up to ten handbreadths, it is susceptible. And a baraita teaches with regard to that mishna: If the rope was exactly five handbreadths long, it is treated as though its length were above that; if the rope was exactly ten handbreadths long, it is treated as though its length were below that. In both cases, the measure is interpreted stringently.

³⁸⁹ § The mishna states: If the spleen was removed the animal remains kosher. Rav Avira says in the name of Rava: The Sages taught that it is kosher only when the spleen was removed, but if it was perforated, it is a tereifa.

³⁹⁰ Rabbi Yosei bar Avin, and some say Rabbi Yosei bar Zevida, raises an objection from a mishna in the next chapter (68a): If, prior to slaughtering an animal, one severs pieces from a fetus that is in the womb and leaves those pieces in the womb, their consumption is permitted by virtue of the slaughter of the mother animal (see 69a). By contrast, if one severs pieces of the spleen or of the kidneys of an animal and then slaughters it, then even if those pieces are left inside the animal their consumption is prohibited, because an organ severed from a living being is not permitted by the subsequent slaughter of the animal. One can infer from the mishna that the animal itself is permitted even when part of the spleen was severed. Evidently, such an animal is not a tereifa.

³⁹¹ The Gemara responds: The same is true of the animal, and even the animal is prohibited. But since the mishna taught in the first clause, with regard to the parts of the fetus: Their consumption is permitted, it taught in the last clause with regard to the parts of the spleen: Their consumption is

prohibited, to contrast between them. Or, if you wish, say instead that a perforated spleen is a discrete case, in which the animal is a tereifa, and a cut spleen is a discrete case, in which the animal is not.

³⁹² § The mishna states: If the kidneys were removed the animal remains kosher. Rakhish bar Pappa said in the name of Rav: If an animal was diseased in even one kidney, the animal is a tereifa. In the West, Eretz Yisrael, they say: And this applies only in a case where the disease reached

³⁹³ the location of the crevice. And where is the location of the crevice? This is a reference to the white matter under the loins. Rav Nehunya said: I asked all the authorities on tereifot of the West, and they said to me: The halakha is in accordance with the opinion of Rakhish bar Pappa in the name of Rav that a diseased kidney renders an animal a tereifa, but the halakha is not in accordance with the opinion of Rav Avira that a perforated spleen renders the animal a tereifa.

³⁹⁴ The Gemara adds: And even with regard to the opinion of Rav Avira, we said that the halakha is not in accordance with his opinion only if the spleen was perforated in its narrow, lower end, but if it was perforated in its thick, upper end, the animal is a tereifa. And even if it was perforated in its thick end, if it was not perforated completely and a layer of the spleen as thick as a gold dinar remains intact, the animal is kosher.

³⁹⁵ § They say in the West, Eretz Yisrael: Any injury that renders an animal unfit for consumption when occurring in the lung is kosher when occurring in the kidney. For example, a perforation renders an animal unfit when occurring in the lung (see 42a), but the animal is kosher if it occurs in the kidney. And it follows that all the more so, where an animal is kosher despite an injury in the lung, it will remain kosher despite a similar injury in the kidney.

³⁹⁶ Rabbi Tanḥuma objects to this: And is this an established principle? But what about a case of pus, where the animal is kosher if it occurs in the lung and unfit for consumption if it occurs in the kidney? And what about clear fluid, which is kosher both here and there, i.e., whether occurring in the lungs or the kidney? Rather, Rav Ashi said: Are you comparing tereifot to one another? One cannot say with regard to tereifot: This is similar to that, as one cuts an animal from here, in one place, and it dies, while one cuts it from there, in another place, and it lives. Certain injuries may compromise the kidney but not the lung, or vice versa.

³⁹⁷ The Gemara notes: And with regard to clear fluid found in the lungs or kidney, which is kosher, we said so only in a case where the fluid was unclouded, but if it was clouded, the animal is a tereifa. And even when the fluid was unclouded, we said the animal is kosher only if the fluid is not fetid, but if it is fetid, the animal is a tereifa.

³⁹⁸ The Gemara continues to discuss cases of tereifot due to the kidneys: With regard to a kidney that shrank, in small animals, such as sheep, the animal is a tereifa if it shrank until the size of a bean; in large animals, such as cattle, the animal is a tereifa if it shrank until the size of an intermediate-sized grape.

³⁹⁹ § The mishna states: If the animal's lower jaw was removed, it remains kosher. With regard to this, Rabbi Zeira says: The Sages taught this only when the animal is able to live by placing food in its mouth or stuffing it down its throat. But if it cannot live by placing or stuffing food into it, it is a tereifa.

⁴⁰⁰ § The mishna states: If its womb [em] was removed, the animal remains kosher. A Sage taught: The em is synonymous with the tarpahat, and it is synonymous with the shalpuḥit.

⁴⁰¹ § The mishna states: Or if its lung shriveled [ḥaruta] by the hand of Heaven, the animal is kosher. The Sages taught in a baraita: Which is a ḥaruta? It is any animal whose lung shriveled. If this occurred by the hand of Heaven, e.g., if the lung shriveled from fright of thunder and lightning, the animal is kosher. But if it happened by the hands of a person who frightened it, e.g., if it witnessed another animal being slaughtered, it is a tereifa. Rabbi Shimon ben Elazar says: Even if the lung shriveled by the hands of any creature, e.g., if it was frightened by a lion's roar.

⁴⁰² A dilemma was raised before the Sages: Is the statement of Rabbi Shimon ben Elazar referring to the first clause of the baraita, in which case the statement is a leniency, and even the roar of a lion is considered by the hand of Heaven? Or perhaps it is referring to the latter clause, and the statement is a stringency, and a lung shriveled by the hand of any creature renders the animal a tereifa?

⁴⁰³ The Gemara suggests: Come and hear a proof, as it is taught in the above baraita: A lung that was shriveled by the hands of a person renders the animal a tereifa. Rabbi Shimon ben Elazar says: Even by the hands of any creature. Evidently, Rabbi Shimon ben Elazar is referring to the latter clause.

⁴⁰⁴ The Gemara recounts: Rabba bar bar Ḥana was walking in the desert, and he found certain rams whose lungs were shriveled. He came and asked in the study hall how one can determine the cause of the shriveling. The Sages said to him: In the summer, bring white vessels and fill them with cold water and set the lungs in them for a twenty-four-hour period. If they go back to appearing healthy, i.e., if they expand, one knows that it was by the hand of Heaven and the animals are kosher; but if they do not expand, the animals are tereifa. In the winter, bring dark vessels and fill them with tepid water, and set the lungs in them for a twenty-four-hour period. If they go back to appearing healthy, they are kosher; but if not, they are tereifa.

⁴⁰⁵ § The mishna states: In the case of an animal whose hide was removed, Rabbi Meir deems it kosher, and the Rabbis deem it a tereifa. With regard to this, the Sages taught: In the case of an animal whose hide was removed, Rabbi Meir deems it kosher, and the Rabbis deem it a tereifa and unfit for consumption. And Elazar the scribe and Yoḥanan ben Gudgeda already testified before the Sages with regard to an animal whose hide was removed that it is unfit for consumption. Rabbi Shimon ben Elazar said: Rabbi Meir retracted his statement.

⁴⁰⁶ The Gemara objects: By inference, one may conclude that according to Rabbi Shimon ben Elazar, Rabbi Meir initially disagreed with regard to an animal whose hide was removed. But isn't it taught in a baraita: Rabbi Shimon ben Elazar said: Rabbi Meir and the Sages did not disagree with regard to an animal whose hide was removed, and all agree that it is unfit for consumption. And Rabbi Oshaya, son of Rabbi Yehuda the spice merchant, already testified before Rabbi Akiva in the name of Rabbi Tarfon with regard to an animal whose hide was removed that it is unfit for consumption. And if a piece of hide the same size as a sela remained intact, the animal is kosher. The Gemara explains the objection: The phrase: Did not disagree, indicates that Rabbi Meir never disagreed with the Sages. Rav Naḥman bar Yitzḥak said: What is the meaning of the phrase: Did not disagree? It means that Rabbi Meir did not stand firm in his disagreement and retracted.

⁴⁰⁷ The Gemara analyzes the baraita: The Master said: If a piece of hide the same size as a sela remained intact in the animal, it is kosher. The Gemara asks: Where must this piece of hide be? Rav Yehuda said that Shmuel said: The piece of hide must be along the entire spine.

⁴⁰⁸ A dilemma was raised before the Sages: Does Shmuel mean that it is kosher if a long and thin strip of hide remains along the spine, such that when one combines its area, it will constitute the

same size as a sela? Or perhaps it is kosher only if the remaining hide is the width of a sela along the entire spine? The Gemara responds: Come and hear proof from that which Rabbi Nehorai explained in the name of Shmuel: It must be the width of a sela along the entire spine.

⁴⁰⁹ Rabba bar bar Ḥana says: There must be a piece of hide the size of a sela on the tips of all segments of the spine and on the tips of the femur and tibia. Rabbi Elazar ben Antigonus says in the name of Rabbi Elazar, son of Rabbi Yannai: The piece of hide must be the width of a sela at the place of its navel.

⁴¹⁰ Rabbi Yannai, son of Rabbi Yishmael, raises a dilemma: If all the hide covering the place of the spine was removed, but all of the remaining hide was intact, or if the hide covering the place of its navel was removed but all of the remaining hide was intact, or if the hide covering all the tips of the segments were removed but all of the remaining hide was intact, what is the halakha? The Gemara responds: The dilemma shall stand unresolved.

⁴¹¹ Rav says: Any portion of the hide that is the size of a sela saves an animal whose hide was removed from becoming a tereifa, except for the hide of the hooves, which is not considered hide. And Rabbi Yoḥanan says: Even the hide of the hooves saves it.

⁴¹² The Gemara recounts: Rabbi Asi asked Rabbi Yoḥanan: With regard to the hide of the hooves, what is the halakha? Does it save an animal whose hide was removed if a piece of it the size of a sela remains? Rabbi Yoḥanan said to him: It saves the animal. Rabbi Asi said to him: But didn't you teach us, our teacher, the following mishna (122a): These are the entities whose hide is like their flesh in terms of halakhic status, in that it transmits ritual impurity...the skin of a head of a young calf, and the hide of the hooves? Evidently, the hide of the hooves is considered like flesh and not true skin. Rabbi Yoḥanan said to him: Do not trouble me by invoking that mishna, as I teach it in the singular. Only according to one Sage, Rabbi Shimon, is the hide of the hooves not true skin; according to the Rabbis, it is considered true skin.

⁴¹³ As it is taught in a baraita: One who slaughters a burnt offering with intent to burn an olive-bulk of the hide beneath the tail outside its designated area, i.e., outside the Temple courtyard, renders the offering unfit, but there is no liability for excision from the World-to-Come [karet] for one who partakes of the offering. If he had intent to burn it beyond its designated time, then it is rendered piggul, and one is liable to receive karet for partaking of it. This halakha usually applies to an offering's flesh but not its hide. Since the hide beneath the tail is soft, it is treated like part of the flesh. This is the opinion of the Rabbis.

⁴¹⁴ Eliezer ben Yehuda of Evlayim said in the name of Rabbi Ya'akov, and so says Rabbi Shimon ben Yehuda of Ikos in the name of Rabbi Shimon: Whether the hide of the hooves, or the hide of the head of a young calf, or the hide beneath the tail, or any hide that the Sages listed with regard to ritual impurity under the heading: These are the entities whose hide is like their flesh in terms of halakhic status,

⁴¹⁵ including the hide of the vulva, the halakha is the same: If one performs the sacrificial rites with intent to burn one of them outside its designated area, the offering is unfit, but there is no liability for karet for one who partakes of the offering. If he had intent to burn it beyond its designated time, this renders it piggul, and one is liable to receive karet for eating it. This baraita indicates that only Rabbi Shimon holds that the hide of the hooves is treated like its flesh, and that the Sages disagree, as Rabbi Yoḥanan stated.

⁴¹⁶ MISHNA: And these are tereifot in a bird: One with a perforated gullet, or with a cut windpipe that was cut across its width; or if a weasel struck the bird on its head in a place that renders it a tereifa, as one must be concerned that the membrane of the brain was perforated; or if the gizzard was perforated; or if the small intestines were perforated. In a case where a bird fell into the fire and its innards were singed [neḥmeru], if they turned green they are unfit, and the bird is a tereifa, but if they are red the bird is kosher. If a person trampled the bird, or slammed it against a wall, or if an animal crushed it and it is twitching, it is a tereifa because its limbs were shattered. But if the bird lasted for a twenty-four-hour period, and then one slaughtered it, it is kosher.

⁴¹⁷ GEMARA: The mishna states: If a weasel struck the bird on its head in a place that renders it a tereifa, one must be concerned that the membrane of the brain was perforated. Rav and Shmuel and Levi say: How does one inspect the membrane? After slaughter, one inserts his hand into the mouth of the bird and pushes the nerve tissue with his finger and inspects it. If the nerve tissue emerges and rises out through the hole in the skull, the animal is a tereifa, because this proves that the membrane has been perforated, allowing the nerve tissue through. And if not, the animal is kosher.

⁴¹⁸ The Gemara asks: This works out well according to the one who says (45a) that an animal is not a tereifa unless the inner membrane is perforated as well. But according to the one who says that the animal is rendered a tereifa if the outer membrane was perforated, even if the inner membrane was not perforated, how can one rely on this inspection? Let us be concerned that perhaps the outer membrane was perforated but the inner membrane was not perforated, in which case the animal is a tereifa even if the nerve tissue does not emerge through the hole. The Gemara responds: If it is the case that the outer membrane was perforated, the inner membrane will inevitably burst due to its fragility, allowing the nerve tissue to emerge. If it does not emerge, it is certain that the outer membrane is intact as well.

⁴¹⁹ Ze'eiri says: There is no effective inspection for a bird bitten on the head by a weasel, because the weasel's teeth are so thin that even if they perforate the membrane, the nerve tissue will not emerge through the perforations. The Gemara asks: And if its teeth are thin, what of it? Certainly a small amount will emerge through the perforation. Rav Oshaya said: There is no inspection because its teeth are fine and crooked. The hole in the skull does not overlap the perforation in the membrane, and nothing will be able to escape.

⁴²⁰ The Gemara recounts: When Ze'eiri went up to Neharde'a, he sent a message to the Sages: The matters that I stated before you are an error on my part. In fact, they said this in the name of Rabbi Shimon ben Lakish: One inspects a bird bitten on the head by a weasel with one's hand, pressing against the nerve tissue to see if it emerges through the hole, but not with a nail. One may not inspect it by dragging the tip of a nail over the surface of the membrane to see if it catches on a perforation, since the nail itself may perforate the membrane. And Rabbi Yoḥanan says: One may even inspect it with a nail.

⁴²¹ The Gemara notes: And this disagreement is also reflected in the dispute of Rabbi Yehuda and Rabbi Neḥemya, wherein one inspected the bird by hand, and one inspected it with a needle. The one who inspected it by hand said to the one who inspected it with a needle: Until when will you waste the money of the Jewish people by causing them to discard kosher meat? Sometimes the needle itself will perforate a membrane that was initially whole. The one who inspected it with a needle said to

the one who inspected it by hand: Until when will you feed carcasses to the Jewish people, as you permit for consumption a bird that might well be forbidden?

⁴²² The Gemara asks: Carcasses? But this is a slaughtered animal; even if it is forbidden, it is a tereifa, not a carcass. Rather, he must have said: Until when will you feed tereifot to the Jewish people; perhaps the membrane of the brain was perforated. Inspection by hand is not reliable, since the teeth of the weasel are thin and crooked and the nerve tissue may not escape even if the membrane is perforated.

⁴²³ The Gemara notes: It may be concluded that it is Rabbi Yehuda who inspected it by hand, as it is taught in a baraita: Rabbi Shimon ben Elazar says in the name of Rabbi Yehuda that one may inspect a bird bitten on the head by a weasel with one's hand, but not with a nail. The baraita continues: If the bone of the skull was broken, even if the membrane of the brain was not perforated, the animal is a tereifa. The Gemara affirms: Indeed, it may be concluded that Rabbi Yehuda permits inspection only by hand.

⁴²⁴ The Gemara objects: This itself is difficult. You said in the baraita: One may inspect a bird injured by a weasel with one's hand, but not with a nail; apparently, it has an option of inspection. But you then teach: If the bone of the skull was broken, even if the membrane of the brain was not perforated, the animal is a tereifa; apparently it has no inspection, because inspecting for a perforation would be pointless. The Gemara responds: In the latter clause, we come to discuss a water bird, which cannot be inspected, since it has no membrane. The Gemara clarifies: Can it enter your mind that it has no membrane? One can see that it does. Rather, the response is: Since its membrane is fragile, it must have ruptured when the skull was broken.

⁴²⁵ Similarly, the Gemara relates that Rav Nahman said to Rav Anan: The Master says that Shmuel inspects a bird bitten on the head by a weasel with his hand and deems it kosher if the membrane is not perforated, and our colleague Rav Huna also says that Rav inspects it by hand and deems it kosher. But doesn't Levi teach: Those tereifot that the Sages enumerated in an animal apply likewise in a bird, and in addition to those, a bird is a tereifa if the bone of the skull was broken, even if the membrane of the brain was not perforated? If so, how can a bird be permitted through inspection? Rav Anan said to him: That baraita is referring to a water bird, which cannot be inspected since it has no membrane. The Gemara clarifies: Can it enter your mind that it has no membrane? Rather, the response is: Since its membrane is fragile.

⁴²⁶ Similarly, the Gemara relates: There was a certain hen that was in the house of Rav Hana whose skull was injured. He sent it before Rav Mattana, who inspected it and found that the bone of the skull was broken but the membrane of the brain was not perforated, and he deemed it kosher. Rav Hana said to Rav Mattana: But doesn't Levi teach: Those tereifot that the Sages enumerated in an animal hold likewise in a bird, and in addition to those, a bird is a tereifa if the bone of the skull was broken, even if the membrane of the brain was not perforated? Rav Mattana said to him: That baraita is referring to a water bird, which cannot be inspected since it has no membrane. The Gemara clarifies: Can it enter your mind that it has no membrane? Rather, say that his response was: Since its membrane is fragile.

⁴²⁷ The Gemara notes that Rav Sheizvi would inspect the membrane of the brain by the light of the sun. Rav Yeimar would inspect it by pouring water into the skull through the hole, to see if it emerges mixed with nerve tissue. Rav Aha bar Ya'akov would inspect it

⁴²⁸ by dragging a wheat straw over the membrane to see if it would catch on a perforation.

⁴²⁹ Rav Sheizvi said: Our geese are considered like water birds. If the skull of a goose is broken, even if the membrane is not perforated, it is a tereifa.

⁴³⁰ § The mishna states: In a case where a bird fell into the fire and its innards were singed, if they turned green the bird is a tereifa; if they are red the bird is kosher. Rabbi Yoḥanan says in the name of Rabbi Yosei ben Yehoshua: The measure of their turning green is like the measure of their perforation. Just as their perforation in any amount renders them a tereifa, so too their turning green in any amount renders them a tereifa.

⁴³¹ Rav Yosef, son of Rabbi Yehoshua ben Levi, asked Rabbi Yehoshua ben Levi: If a liver turned green on the side facing the intestines, what is the halakha? Rabbi Yehoshua ben Levi said to him: The bird is a tereifa. Rav Yosef said to him: But this halakha should be no more stringent than that of a case where the liver was removed and an olive-bulk remained (see 54a), in which case the bird is kosher. Therefore, as long as an olive-bulk remains red, the bird should be kosher. Rava said: Since the liver turned green facing the intestines, it is certain that the bird fell into the fire and the intestines themselves were singed, and this is why the animal is a tereifa, not because of the liver per se.

⁴³² The Gemara recounts: Rabbi Yehoshua ben Levi had a certain hen that fell into the fire. After it was slaughtered, he sent it before the distinguished Rabbi Elazar HaKappar and said to him: Its innards were green, and Rabbi Elazar HaKappar deemed it kosher. Rabbi Yehoshua ben Levi asked: But didn't we learn in the mishna: If they turned green they are unfit? Rabbi Elazar HaKappar said to him: The Sages said that if they turned green they are unfit only with regard to the gizzard, the heart, and the liver, which are naturally red. Other innards of a hen, such as the intestines, are naturally green, and a green appearance in them does not render the hen a tereifa. The Gemara notes: This is also taught in a baraita: Concerning which innards did they say that a green appearance renders the bird a tereifa? Only concerning the gizzard, the heart, and the liver.

⁴³³ The Gemara recounts: Rabbi Yitzḥak bar Yosef had a certain hen that fell into the fire. After it was slaughtered, he sent it before Rabbi Abbahu and said to him: Its innards were red, and Rabbi Elazar HaKappar deemed it a tereifa. Rabbi Yitzḥak bar Yosef asked: But didn't we learn in the mishna: If they are red, the bird is kosher? Rabbi Elazar HaKappar said to him: Red innards that turned green and green innards that turned red render the animal a tereifa. The Sages said in the mishna that red innards are kosher only with regard to the heart, the gizzard, and the liver, because these organs are naturally red. Organs that are naturally green, however, render the bird a tereifa if they have turned red.

⁴³⁴ Rav Shmuel bar Ḥiyya says that Rabbi Mani says: If red organs turned green, and one boiled them and they turned red again, they are kosher. What is the reason? This proves that they were not burned; rather, smoke entered them and changed their color temporarily. Rav Naḥman bar Yitzḥak said: We, too, will say: If red organs did not turn green, and one boiled them and they then turned green, the animal is a tereifa. What is the reason? Their shame was revealed, i.e., it is evident that they were in fact burned. Rav Ashi said: Therefore, even if a bird's innards remain red after it fell in a fire, a person may eat it only if it is boiled, to be certain that the innards will not turn green. The Gemara rejects this: But that is not so, since we do not presume the existence of a flaw without evidence.

⁴³⁵ § The mishna states: If a person trampled the bird, or slammed it against a wall, or if an animal crushed it, and it lasted twenty-four hours, and then one slaughtered it, it is kosher. Rabbi Elazar ben Antigonus says in the name of Rabbi Elazar, son of Rabbi Yannai: Both this and that, i.e., all of the above cases, require inspection after slaughter, to ascertain that there is no injury that would itself render the animal a tereifa.

⁴³⁶ MISHNA: And these are kosher among birds: If a bird's windpipe was perforated or cracked lengthwise; or if a weasel struck the bird on its head in a place that does not render it a tereifa; or if the crop was perforated. Rabbi Yehuda HaNasi says: It is kosher even if the crop was removed. If the bird's intestines emerged from the abdominal wall but were not perforated, or if its wings were broken, or if its legs were broken, or if the feathers on its wings were plucked, the bird is kosher. Rabbi Yehuda says: If the down covering its body was removed, it is a tereifa and unfit for consumption.

⁴³⁷ GEMARA: The Sages taught in a baraita: There was an incident involving Rabbi Simai and Rabbi Tzadok, who went to intercalate the year in Lod, and they spent Shabbat in the town of Ono. And they ruled with regard to an animal whose womb was removed, in accordance with the opinion of Rabbi Yehuda HaNasi in the mishna with regard to the crop.

⁴³⁸ A dilemma was raised before the Sages: What is the meaning of the baraita? Is it referring to two different rulings, i.e., that they ruled with regard to the womb to prohibit it, and they also ruled in accordance with the opinion of Rabbi Yehuda HaNasi with regard to the crop to permit it? Or perhaps it is referring to only one ruling, and it means that they ruled with regard to the womb to permit it, in accordance with the opinion of Rabbi Yehuda HaNasi with regard to the crop, but they do not hold in accordance with the opinion of Rabbi Yehuda HaNasi with regard to the crop itself. The Gemara concludes: The dilemma shall stand unresolved.

⁴³⁹ Rabba says, and some say it was Rabbi Yehoshua ben Levi who says: The roof of the crop is treated like the gullet, i.e., it renders the bird a tereifa if perforated in any amount. The Gemara asks: Where is the roof of the crop? Rav Beivai bar Abaye said: It is any part of the crop that stretches with the gullet.

⁴⁴⁰ § The mishna states: If the bird's intestines emerged from the stomach wall but were not perforated, the bird is kosher. Rabbi Shmuel bar Rav Yitzhak says: The Sages taught this halakha only in a case where one did not jumble them, but returned them to the stomach in their proper order. But if he jumbled them, the bird is a tereifa, as it is written: "Has He not made you, and established you?" (Deuteronomy 32:6). The verse teaches that the Holy One, Blessed be He, created established locations for each organ in a person, so that if one of them is switched he cannot live. The same applies to other creatures.

⁴⁴¹ It is taught in a baraita: Rabbi Meir would say that the verse: "Has He not made you, and established you?" teaches that the Jewish people is a city with everything in it. Out of it come its priests, out of it come its prophets, out of it come its chiefs, out of it come its kings, as it is stated: "Out of them shall come forth the cornerstone, out of them the stake, out of them the battle bow, out of them every master together" (Zechariah 10:4).

⁴⁴² The Gemara recounts an incident involving a certain Roman who saw a certain man fall from the roof to the ground, and his stomach ruptured and his intestines emerged. The Roman brought the man's son and slaughtered him before his father's eyes

⁴⁴³ deceptively, i.e., he only pretended to kill the son. The father fainted and went limp. By this movement, his intestines entered his stomach, and the Roman sewed up his stomach, and he recovered.

⁴⁴⁴ § The mishna states: If its legs were broken, the bird remains kosher. The Gemara relates that there was a certain basket of birds with broken legs that came before Rava. Rava inspected each bird at the convergence of sinews in the thigh, and when he found that all its sinews were intact, he deemed it kosher.

⁴⁴⁵ Rav Yehuda says that Rav says: A dislocated foreleg in an animal is kosher. A dislocated femur in an animal renders it a tereifa. A dislocated femur in a bird renders it a tereifa. A dislocated wing in a bird renders it a tereifa, because we must be concerned that perhaps the lung was perforated. The lung is located near the wing's attachment to the body, and part of the lung may have been torn out with the wing. And Shmuel says: The lung should be inspected, and if no damage is found, the bird is kosher. And so says Rabbi Yoḥanan: It should be inspected.

⁴⁴⁶ Hizkiyya, son of Rabbi Ḥiyya, says: A bird has no lungs. And Rabbi Yoḥanan says: A bird does have lungs, and they are like a rose petal in appearance, thin and red, between the wings. The Gemara asks: What does Hizkiyya mean when he says that a bird has no lungs? If we say that it has no lungs at all, that is problematic, as don't we see that it does have lungs? Rather, say that he means that the bird is not rendered a tereifa by them if they are perforated. But this, too, is problematic, as doesn't Levi teach: Those tereifot that the Sages enumerated in an animal hold likewise in a bird, and in addition to those, a bird is a tereifa if the bone of the skull was broken, even if the membrane of the brain was not perforated? If so, a perforated lung in a bird, as in an animal, renders it a tereifa.

⁴⁴⁷ Rather, say that Hizkiyya means that a bird's lung has no halakha of falling and no halakha of singeing. If a bird falls, one need not inspect the lungs for damage as he must other organs (see 51b), and if it falls in a fire, one need not inspect the lungs for a change in color as he must other organs (see 56b). What is the reason for this? Rav Ḥana said: Since a majority of the bird's ribs protect the lungs, one need not be concerned that the lung was damaged.

⁴⁴⁸ The Gemara asks: But from the fact that Rabbi Yoḥanan says in response: A bird does have lungs, and they are like a rose petal between the wings, by inference one must conclude that Hizkiyya maintains that it has no lungs at all. Rather, one must say as they say in the West, Eretz Yisrael, in the name of Rabbi Yosei, son of Rabbi Ḥanina: From the statement of the Distinguished, i.e., Hizkiyya, it is apparent that he is unfamiliar with chickens.

⁴⁴⁹ § Rav Huna said that Rav said: A dislocated femur in a bird is kosher. Rabba bar Rav Huna said to Rav Huna: But the Rabbis that came from Pumbedita said that Rav Yehuda says in the name of Rav: A dislocated femur in a bird renders it a tereifa. Rav Huna said to him: My son, each river and its course, i.e., different communities observe different customs. Although Rav himself held that such a bird is kosher, he ruled for those living in Pumbedita that such a bird is a tereifa, in accordance with their own custom.

⁴⁵⁰ The Gemara recounts: Rabbi Abba went and found Rav Yirmeya bar Abba inspecting birds at the convergence of sinews in the thigh. Rabbi Abba said to him: Why must Master do all this? But doesn't Rav Huna say that Rav says: A dislocated femur in a bird is kosher? If a bird is kosher even when the whole thigh has been removed, all the more so it should be kosher when only the convergence of sinews has been removed. Rav Yirmeya bar Abba said to him: I know the mishna

(76a): With regard to an animal whose hind legs were severed, if they were severed from the leg joint and below, it is kosher; from the leg joint and above, it is a tereifa and unfit for consumption. And likewise an animal whose convergence of sinews in the thigh was removed is a tereifa. And Rav said about this: And likewise with regard to a bird.

⁴⁵¹ Rabbi Abba responded: If so, this statement of Rav, that a bird whose convergence of sinews was removed is a tereifa, poses a difficulty for that statement of Rav, that a bird with a dislocated femur is kosher. Rav Yirmeya bar Abba was silent and did not respond. Rabbi Abba said to him: Perhaps there is a difference for Rav between a dislocated femur and a severed femur, and while the former does not render a bird a tereifa, the latter does. Rav Yirmeya bar Abba said to him: And are you interpreting Rav's halakhot based on your own reasoning? Rav said explicitly: A dislocated femur is kosher, while a severed femur renders the animal unfit for consumption. And do not be confounded by this distinction, as one cuts an animal from here, in one place, and it dies, but one cuts it from there, in another place, and it lives.

⁴⁵² The Gemara recounts: When Rabbi Abba went up from Babylonia to Eretz Yisrael, he found Rabbi Zeira sitting and saying: Rav Huna said that Rav said that a dislocated femur in a bird renders it a tereifa. Rabbi Abba said to him: By Master's life, since the day that Master came up to here, Eretz Yisrael,

⁴⁵³ we had the opportunity to speak with Rav Huna, and we asked him about this matter, and he said to us: A dislocated femur in a bird is kosher.

⁴⁵⁴ And I also found Rabbi Yirmeya bar Abba sitting and inspecting birds at the convergence of sinews in the thigh. And I posed a difficulty to him: Doesn't Master maintain in accordance with this statement that Rav Huna says that Rav says: A dislocated femur in a bird is kosher? Rabbi Yirmeya bar Abba said to me: I know the mishna (76a): With regard to an animal whose hind legs were severed, if they were severed from the leg joint and below, it is kosher; from the leg joint and above, it is a tereifa and unfit for consumption. And likewise an animal whose convergence of sinews in the thigh was removed is a tereifa. And Rav said about this: And likewise with regard to a bird.

⁴⁵⁵ And I said to him: If so, this statement of Rav poses a difficulty for that statement of Rav. Rabbi Yirmeya bar Abba was silent. And I challenged him: But perhaps there is a difference for Rav between a dislocated femur and a severed one. And he said to me: And are you interpreting Rav's halakha based on your own reasoning? Rav said explicitly: A dislocated femur is kosher, while a severed femur renders the animal unfit for consumption.

⁴⁵⁶ Rabbi Abba then asked Rabbi Zeira: And as for you, what is in your hand? What have you heard with regard to this halakha? Rabbi Zeira said to him: This is what Rav Ḥiyya bar Ashi says that Rav says: A dislocated femur in a bird renders it a tereifa. And so said Rabbi Ya'akov bar Idi that Rabbi Yoḥanan said: A dislocated femur in a bird renders it a tereifa.

⁴⁵⁷ And with regard to this, Rabbi Ya'akov bar Idi said: If Rabbi Yoḥanan had been in the place where the assembly ruled to permit such a bird, he would not have stirred. In other words, he would not have contested their ruling, because they were the greatest Sages of the previous generation. As Rabbi Ḥanina says that Rabbi Yehuda HaNasi says: A dislocated femur in a bird is kosher. And Rabbi Ḥanina had a hen whose femur was dislocated, and he brought it before Rabbi Yehuda HaNasi, and Rabbi Yehuda HaNasi permitted it to him, and Rabbi Ḥanina salted the hen to preserve it. And he

would teach the students the halakha with it, as he would show them the preserved body of the hen and say: Rabbi Yehuda HaNasi permitted this to me, Rabbi Yehuda HaNasi permitted this to me.

⁴⁵⁸ The Gemara concludes: But the halakha is not in accordance with any of these statements. Rather, it is in accordance with that which Rabbi Yosei ben Nehorai asked Rabbi Yehoshua ben Levi: In what amount must a windpipe be punctured to render the animal a tereifa? Rabbi Yehoshua ben Levi said to him: We learned a full mishna (54a): Until the perforation is the same size as the Italian issar. Rabbi Yosei ben Nehorai said to him: But wasn't there a certain ewe in our neighborhood whose windpipe was punctured in a greater amount, and they made a seal for the windpipe out of the shell of a reed and it lived?

⁴⁵⁹ Rabbi Yehoshua ben Levi said to him: And do you rely on this incident as evidence? But isn't it a widespread halakha among the Jewish people that a dislocated femur in a bird renders it a tereifa? And still, Rabbi Shimon ben Ḥalafta had a hen whose femur was dislocated, and they made it a support out of the tube of a reed and it lived. Rather, what have you to say about this case? It must have occurred within twelve months of the dislocation, and afterward the hen died, since no tereifa can live more than twelve months. Here, too, in the case of the punctured windpipe, the episode occurred within twelve months of the injury and the ewe later died.

⁴⁶⁰ § They said about Rabbi Shimon ben Ḥalafta that he was a researcher of various matters, and he would act to counter the opinion of Rabbi Yehuda, as Rabbi Yehuda would say: If the down covering a bird's body was removed, it is a tereifa and unfit for consumption, as stated in the mishna. And Rabbi Shimon ben Ḥalafta had a hen whose down was removed, and he placed it in an oven, a warm place, and he covered it with a Coppersmiths' [tarsiyyim] apron, and its new, i.e., rehabilitated, wings grew even more feathers than the original wings.

⁴⁶¹ The Gemara asks: But how does this counter Rabbi Yehuda's opinion? Perhaps Rabbi Yehuda holds that a tereifa can live and that its health can even improve beyond its previous state. The Gemara responds: Even if this is so, would Rabbi Yehuda say so with regard to the very thing with which it was rendered a tereifa, as is the case here, where it grew new wings with more feathers than the original wings?

⁴⁶² The Gemara asks: From what episode did Rabbi Shimon ben Ḥalafta earn the title: Researcher of matters? Rav Mesharshiyya said: He saw that it is written: "Go to the ant, you sluggard; consider her ways, and be wise; which having no chief, overseer, or ruler, provides her bread in the summer" (Proverbs 6:6–8). Rabbi Shimon ben Ḥalafta said: I will go and see if it is correct that they have no king.

⁴⁶³ He went in the season of Tammuz, i.e., summer. Knowing that ants avoid intense heat, he spread his cloak over an ant hole to provide shade. One of the ants came out and saw the shade. Rabbi Shimon placed a distinguishing mark on the ant. It went into the hole and said to the other ants: Shade has fallen. They all came out to work. Rabbi Shimon lifted up his cloak, and the sun fell on them. They all fell upon the first ant and killed it. He said: One may learn from their actions that they have no king; as, if they had a king, would they not need the king's edict [harmana] to execute their fellow ant?

⁴⁶⁴ Rav Aḥa, son of Rava, said to Rav Ashi: But perhaps the king was with them at the time and gave them permission. Or perhaps they already possessed the king's edict giving them license to kill the ant. Or perhaps it was an interregnum between kings, as it is written: "In those days there was no

king in Israel; every man did that which was right in his own eyes” (Judges 17:6). Rather, rely on the credibility of Solomon, the author of Proverbs, that ants have no king.

⁴⁶⁵ § Rav Huna says: The sign of a tereifa is twelve months. If it is uncertain whether an animal is a tereifa, one may wait twelve months; if the animal survives, it is kosher. The Gemara raises an objection from a baraita: The sign of a tereifa is any animal that cannot give birth. Rabban Shimon ben Gamliel says: If its health improves continuously, it is certainly kosher; if its health deteriorates continuously, it is certainly a tereifa. Rabbi Yehuda HaNasi says: The sign of a tereifa is any animal that does not survive thirty days. The Sages said to him: But don’t many animals that are certainly tereifot survive two or three years? None of the opinions cited in the baraita accord with Rav Huna’s statement.

⁴⁶⁶ The Gemara responds: The matter is a dispute between tanna’im, as it is taught in a baraita: And in a skull that contains one long hole, or even if it has many holes, the areas of the holes join together to constitute the size of a drill hole, and they render the animal a tereifa. Rabbi Yosei ben HaMeshullam said: There was an incident in a place called Inbul involving one whose skull was missing a piece, and they made for him a patch out of the shell of a gourd, and he survived. Therefore, an animal with a missing piece of skull cannot be a tereifa. Rabbi Shimon ben Elazar said to him: Can you bring proof from there? It was summer then, and once winter came upon him he died immediately. Rabbi Shimon ben Elazar holds that an animal is a tereifa if it does not survive through summer and winter, i.e., one year. Rav Huna’s statement accords with this opinion.

⁴⁶⁷ Rav Aḥa bar Ya’akov says: The halakha is that a tereifa can give birth and its health can even improve. If the animal appears to recover or gives birth, this does not prove it is not a tereifa. Ameimar says: With regard to these eggs of a tereifa bird,

⁴⁶⁸ the first clutch [shiḥala] of eggs that were in its body at the time it was rendered a tereifa is prohibited for consumption, because these eggs are considered part of the bird and were therefore rendered tereifa along with it. But as for any egg fertilized from this point forward, it is a case where both this and that cause it, i.e., a tereifa female and a kosher male, and as a rule, when permitted and prohibited causes operate together, the joint result is permitted.

⁴⁶⁹ Rav Ashi raised an objection to Ameimar from a mishna (Eduyyot 5:1): And all agree with regard to the egg of a tereifa bird that it is prohibited for consumption, because it grew in a state of prohibition. Evidently, even eggs created after the bird was rendered a tereifa are prohibited. Ameimar said to him: There, the mishna is dealing with a bird that is heated by the earth, i.e., that was not fertilized by a male, and the female tereifa is therefore the sole source of the egg.

⁴⁷⁰ The Gemara objects: And let Ameimar answer differently, that the mishna is dealing with the first clutch of eggs, which were part of the mother’s body when it became a tereifa. The Gemara responds: If this was so, why does the mishna state: Because it grew in a state of prohibition? The mishna should have stated: Because it was finished in a state of prohibition.

⁴⁷¹ The Gemara objects: But if the offspring in the womb of an animal becomes a tereifa along with it, then that which we learned in a baraita is difficult: With regard to the offspring of a tereifa, Rabbi Eliezer says that it shall not be sacrificed on the altar, and Rabbi Yehoshua says that it may be sacrificed. With regard to what case do they disagree? It must be with regard to a case where the mother animal was rendered a tereifa and afterward became pregnant from a kosher male, and Rabbi Eliezer holds: In a case where this and that cause it, it is prohibited, and Rabbi Yehoshua holds: In a

case where this and that cause it, it is permitted. But if so, rather than disputing whether it is permitted to sacrifice such offspring to the Most High, let them disagree concerning the more basic issue of whether the offspring is permitted to an ordinary person for consumption.

⁴⁷² The Gemara responds: The dispute addresses the question of whether it is permitted to sacrifice the animal as an offering in order to convey to you the far-reaching nature of the lenient opinion of Rabbi Yehoshua, that such an animal is permitted even as an offering to the Most High.

⁴⁷³ The Gemara challenges: But let them disagree concerning whether the animal is permitted to an ordinary person in order to convey to you the far-reaching nature of the stringent opinion of Rabbi Eliezer, that such an animal is prohibited even to an ordinary person. The Gemara responds: It is preferable for the tanna to emphasize the power of leniency.

⁴⁷⁴ The Gemara concludes: Since Rabbi Eliezer and Rabbi Yehoshua disagree with regard to an offspring brought about by two causes, it follows that when the mishna states: And they concede with regard to the egg of a tereifa bird that it is prohibited for consumption, this is referring to a bird that is heated by the earth and was not fertilized by a male, so that there is only one cause, the tereifa mother bird.

⁴⁷⁵ The Gemara notes: Rav Aḥa holds in accordance with the opinion of Rav Aḥa bar Ya'akov, who said at the end of the previous amud that a tereifa animal can be capable of giving birth, and similarly a tereifa bird can be capable of laying eggs as well, and he therefore teaches the statement of Ameimar as we have said, that any egg fertilized after the bird became a tereifa is permitted.

⁴⁷⁶ But Ravina does not hold in accordance with the opinion of Rav Aḥa bar Ya'akov. Rather, he holds that a tereifa cannot produce eggs or give birth. And he therefore teaches the statement of Ameimar in this formulation: Ameimar said that with regard to these eggs of a bird concerning which it is uncertain whether it is a tereifa, the halakha is as follows: We leave aside the first clutch of eggs. If the bird produces eggs again, the first eggs are permitted for consumption, because the bird is certainly not a tereifa. And if not, they are prohibited, because they were considered part of the bird when it was rendered a tereifa.

⁴⁷⁷ Rav Ashi raised an objection to Ameimar from a mishna (Eduyyot 5:1): And they concede with regard to the egg of a tereifa bird that it is prohibited for consumption, because it grew in a state of prohibition. Evidently, a tereifa bird can produce eggs. Ameimar said to him: The mishna there deals with the first clutch of eggs, which existed before the bird became a tereifa. Rav Ashi asks: If so, why does the mishna state: Because it grew in a state of prohibition? The mishna should have stated: Because it was finished in a state of prohibition. Ameimar responded: Teach an emended version of the mishna: Because it was finished in a state of prohibition.

⁴⁷⁸ Rav Ashi asks: But if a tereifa cannot become pregnant, that which we learned in a baraita is difficult: With regard to the offspring of a tereifa, Rabbi Eliezer says that it shall not be sacrificed on the altar, and Rabbi Yehoshua says that it may be sacrificed. With regard to what case do they disagree? It must be with regard to a case where the mother animal became pregnant and only afterward was rendered a tereifa. Rabbi Eliezer holds that a fetus is considered like the thigh of its mother and is rendered a tereifa as part of its body, and Rabbi Yehoshua holds that a fetus is not considered like the thigh of its mother. The Gemara objects: But if so, rather than disputing whether it is permitted to sacrifice such offspring to the Most High, let them dispute the more basic issue of whether the offspring is permitted to an ordinary person for consumption.

⁴⁷⁹ The Gemara responds: The mishna discusses the question of whether it is permitted to sacrifice the animal as an offering in order to convey to you the far-reaching nature of the lenient opinion of Rabbi Yehoshua that such an animal is permitted even as an offering to the Most High. The Gemara suggests: But let them dispute whether the animal is permitted to an ordinary person, in order to convey to you the far-reaching nature of the stringent opinion of Rabbi Eliezer that such an animal is prohibited even to an ordinary person. The Gemara responds: It is preferable for the tanna to emphasize the power of leniency.

⁴⁸⁰ The Gemara concludes: According to this explanation, when the mishna states: And they certainly concede with regard to the egg of a tereifa bird that it is prohibited for consumption, it is dealing with the first clutch of eggs in the bird's oviduct at the time it becomes a tereifa. Even Rabbi Yehoshua, who holds that the fetus of an animal is not considered like the thigh of its mother, concedes that a bird's egg is rendered a tereifa along with it. What is the reason for this? Rabbi Yehoshua holds that an egg is a true part of its body.

⁴⁸¹ The Gemara rules: And with regard to an animal concerning which it is uncertain whether it is a tereifa, the halakha is: In the case of a male, it is prohibited for an entire twelve-month period. After that point, the animal is certainly kosher. In the case of a female, any animal that does not give birth is prohibited. Once it has, it is certainly kosher.

⁴⁸² § Rav Huna says: Any creature that has no bones cannot last twelve months. Rav Pappa said: One may learn from Rav Huna's statement about that which Shmuel says: If a serpent melon became infested by worms while attached to the ground [be'ibbeha], the worm is prohibited for consumption, in accordance with the verse: "And every swarming thing that swarms upon the earth is a detestable thing; it shall not be eaten" (Leviticus 11:41).

⁴⁸³ These dates stored in a jar are permitted after remaining there for twelve months of the year. Since worms have no bones, they cannot last twelve months. Consequently, any worms found in the dates must have hatched after they were picked and are therefore permitted.

⁴⁸⁴ Rav says: There is no one-day-old mosquito, since all mosquitoes die before they have lived a day. And there is no one-year-old fly.

⁴⁸⁵ Rav Pappa said to Abaye: But isn't there the adage that people say that the female mosquito revolted against the male mosquito seven years, since she said to him: I saw a townsman swimming in the water, and he came out and wrapped himself in sheets, and you sat on him and sucked blood from him, and you did not inform me? Apparently, some boneless creatures can survive at least seven years. Abaye said to him: And according to your reasoning, what about that adage that people say: Six thousand iron dinars hang in a mosquito's mallet, i.e., its bite is powerful? Is there really such a thing? How much does the mosquito itself weigh? Rather, the saying must be referring to hundreds of their own dinars, i.e., the mosquitoes' coins. Here, too, the adage is referring to their own years, not human years.

⁴⁸⁶ § We learned in a mishna elsewhere (Bekhorot 40a): With regard to an animal with five legs, or one that has only three, this is a blemish, and the animal may not be brought as an offering. Rav Huna said: They taught this halakha only in a case where the animal was missing or had an additional foreleg. But if it was missing or had an additional hind leg, it is also a tereifa. What is the reason? It is that any extra limb is considered like a removed limb. An animal whose foreleg was removed is kosher, but if its hind leg was removed it is a tereifa; the same applies if it had an extra leg.

⁴⁸⁷ The Gemara recounts the case of a certain animal that had two ceca. They brought it to Ravina, and he deemed it a tereifa based on the statement of Rav Huna that an extra limb is like a missing limb. Since an animal missing a cecum is a tereifa, an animal with an extra cecum is likewise a tereifa. The Gemara adds: But if they empty into each other, such that food can move freely between them, the animal is kosher, because they are considered one organ.

⁴⁸⁸ The Gemara recounts the case of a certain tube that exited from the reticulum into the omasum. Rav Ashi thought to deem the animal a tereifa. Rav Huna Mar bar Ḥiyya said to Rav Ashi: All animals that dwell outside have tubes like this, and one need not be concerned.

⁴⁸⁹ The Gemara recounts the case of a certain tube that passed from the reticulum to the rumen. Mar bar Rav Ashi thought to deem the animal kosher, as in the above case. Rav Oshaya said to him: Is that to say all such cases are woven in one weave? Where it was stated that such an organ is normal, it was stated; where it was not stated, it was not stated. This animal is a tereifa.

⁴⁹⁰ Natan bar Sheila, head of the butchers of Tzipori, testified before Rabbi Yehuda HaNasi about two intestines that exit the abomasum of the animal as one, that this renders the animal a tereifa. But if this phenomenon occurs likewise in a bird, it is kosher, because it is common in birds. In what case is this statement said, i.e., that two intestines render an animal a tereifa? It is said in a case where they exit at two different points. But if they exit at one point, adjacent to each other, and they end, i.e., they merge into one intestine, within a fingerbreadth, the animal is kosher.

⁴⁹¹ Rav Ami and Rav Asi disagree with regard to this halakha. One says: It is kosher when the two intestines exit at one point only in a case where they subsequently merge into one intestine; and one says: It is kosher even if they do not subsequently merge.

⁴⁹² The Gemara asks: Granted, according to the one who says that it is kosher only in a case where they subsequently merge, this explanation is consistent with that which the baraita teaches: Within a fingerbreadth. That is, the two intestines must merge within a fingerbreadth for the animal to be kosher. But according to the one who says: It is kosher even if they do not subsequently merge, what is the meaning of the phrase: And they end within a fingerbreadth? The Gemara responds: It means within a fingerbreadth below. As long as the intestines merge before the final fingerbreadth near the anus, the animal is kosher.

⁴⁹³ § The mishna states: Rabbi Yehuda says: If the down covering its body was removed, it is a tereifa and unfit for consumption, like an animal whose hide was removed. With regard to this, Rabbi Yoḥanan says: Rabbi Yehuda and Rabbi Yishmael said the same thing. Rabbi Yehuda said that which we said here, that the removal of the feathers is like removal of the hide. Rabbi Yishmael agrees, as we learned in a baraita: Rabbi Yishmael says: The down joins the flesh to constitute an olive-bulk for purposes of piggul. If a priest pinches the nape of the neck of a bird with intent to consume a combined olive-bulk of its meat and its down beyond the permitted time, the offering is rendered piggul. Evidently, both Rabbi Yehuda and Rabbi Yishmael agree that the down of a bird is considered like the hide of an animal.

⁴⁹⁴ Rava said: Perhaps it is not so, and they disagree. Perhaps Rabbi Yehuda says that the down is like the hide of an animal here only with regard to a tereifa, since when the down is removed, there is nothing that protects the bird, and its life is in danger; but with regard to piggul, he holds in accordance with the opinion of the Rabbis that the down is not treated like the hide of an animal, because piggul applies only if one had intent to consume an item that is normally consumed. And

perhaps Rabbi Yishmael says so there only with regard to piggul, since he holds that the down is in fact fit for consumption; but with regard to a tereifa, he holds that the down does not protect the bird, and its removal does not endanger it.

⁴⁹⁵ MISHNA: With regard to an animal that is congested with excess blood, or that was smoked, i.e., that suffered from smoke inhalation, or that was chilled and subsequently became sick, or that ate oleander, which is poisonous, or that ate the excrement of chickens, or that drank foul water, although in all these cases the animal is in danger, it is kosher. By contrast, if the animal ate deadly poison, or if a snake bit the animal, with regard to the prohibition of tereifa, consumption of the animal would be permitted, but it is prohibited due to the threat to one's life if he eats it.

⁴⁹⁶ GEMARA: Shmuel says: If one fed an animal asafoetida, a very sharp plant, it is a tereifa. What is the reason? Since it perforates its intestines.

⁴⁹⁷ Rav Sheizvi raises an objection from a baraita: An animal that is congested with excess blood, or that suffered from smoke inhalation, or that ate poisonous oleander, or that ate the excrement of roosters, or that drank foul water, or if one fed it tia, asafoetida, or peppers, or if it ate deadly poison, it is kosher. But if a snake bit the animal, or if a mad dog bit it, with regard to the prohibition of tereifa its consumption is permitted, but it is nevertheless prohibited due to the threat to one's life. The statement of the baraita concerning an animal that was fed asafoetida poses a difficulty to Shmuel's statement that asafoetida renders the animal a tereifa, and the statement concerning deadly poison poses a difficulty to the mishna's statement that deadly poison renders the animal prohibited due to the threat to one's life.

⁴⁹⁸ The Gemara responds: The apparent contradiction between one statement about asafoetida and the other statement about asafoetida is not difficult. Here, the baraita is referring to a case where the animal ate asafoetida leaves, which are less dangerous. There, Shmuel is referring to a case where the animal ate slivers of asafoetida, which are very sharp. Likewise, the apparent contradiction between one statement about deadly poison and the other statement about deadly poison is not difficult. This statement of the baraita that it is permitted is referring to a case where the animal consumed poison that is deadly only to itself. That statement of the mishna that it is prohibited is referring to a case where it consumed poison deadly to a person. The Gemara asks: Poison deadly to an animal is the same as oleander; why should the baraita mention both? The Gemara responds: The tanna is referring to two types of deadly poison.

⁴⁹⁹ The above baraita teaches that if an animal was fed tia, it is kosher. The Gemara asks: What is tia? Rav Yehuda said:

⁵⁰⁰ It is the root of a bitter vegetable.

⁵⁰¹ Rav Yehuda says: This individual who eats the weight of three shekel of asafoetida on an empty heart, i.e., stomach, his skin sheds due to the fever he contracts. Rabbi Abbahu said: There was an incident in which I was involved, wherein I ate the weight of one shekel of asafoetida, and had I not immediately sat in water to cool off, my skin would have shed. And I thereby fulfilled with regard to myself that which the verse states: "Wisdom preserves the life of him that has it" (Ecclesiastes 7:12).

⁵⁰² Rav Yosef says: This individual who eats sixteen eggs and forty nuts and seven fruits of the caper bush, and he drinks a quarter-log of honey in the season of Tammuz, i.e., summer, all on an empty heart, i.e., stomach, his heartstrings are uprooted.

⁵⁰³ § The mishna states that if an animal is bitten by a poisonous snake, it is not a tereifa, but it is nevertheless prohibited for consumption due to the hazard it poses. The Gemara recounts the case of a certain young deer that was brought to the house of the Exilarch after slaughter whose hind legs had been cut. Rav inspected it at the convergence of sinews in the thigh and found them intact, and he deemed it kosher. He thought to eat it rare, i.e., lightly roasted. Shmuel said to him: Is the Master not concerned for the possibility that it may have a snakebite?

⁵⁰⁴ Rav said to him: What is the rectification for such an uncertainty? Shmuel said to him: We shall set it in a hot oven, as it will then inspect itself. Shmuel set it in the oven on a spit, and the meat fell off the bone bit by bit, a sign that a snake had bitten the young deer. Shmuel recited about Rav the verse: “There shall no mischief befall the righteous” (Proverbs 12:21), since he was saved due to his righteousness. Rav recited about Shmuel the verse: “And no secret causes you trouble” (Daniel 4:6), since he was learned even with regard to such matters.

⁵⁰⁵ MISHNA: The signs that indicate that a domesticated animal and an undomesticated animal are kosher were stated in the Torah, and the signs of a kosher bird were not explicitly stated. But the Sages stated certain signs in a bird: Any bird that claws its prey and eats it is non-kosher. Any bird that has an extra digit behind the leg slightly elevated above the other digits, and a crop, which is a sack alongside the gullet in which food is stored prior to digestion, and for which the yellowish membrane inside its gizzard can be peeled, is kosher. Rabbi Elazar, son of Rabbi Tzadok, says: Any bird that splits the digits of its feet when standing on a string, placing two digits on one side of the string and two on the other, is non-kosher.

⁵⁰⁶ And with regard to grasshoppers, whose signs were also not stated in the Torah, the Sages stated: Any grasshopper that has four legs, and four wings, and two additional jumping legs, and whose wings cover most of its body, is kosher. Rabbi Yosei says: And this applies only if the name of its species is grasshopper. And with regard to fish, the signs are explicitly stated in the Torah: Any fish that has a fin and a scale is kosher; Rabbi Yehuda says: Two scales and one fin. And these are scales: Those that are fixed to its body; and fins are those with which the fish swims.

⁵⁰⁷ GEMARA: The mishna states that the signs of a kosher domesticated animal are stated in the Torah. With regard to this, the Sages taught in a baraita: These are the signs of a kosher domesticated animal: “Whatsoever parts the hoof, and is wholly cloven-footed, and chews the cud, among the animals, that may you eat” (Leviticus 11:3). Any animal that chews the cud certainly has no upper front teeth, i.e., incisors, and is kosher.

⁵⁰⁸ The Gemara asks: And is this an established principle? But isn’t there a camel, which chews the cud, and has no upper front teeth, and it is still non-kosher (see Leviticus 11:4)? The Gemara responds: A camel has cuspid-like upper incisors, one on each side.

⁵⁰⁹ The Gemara asks: But isn’t there a young camel, which does not even have cuspid-like upper incisors and is still non-kosher? And furthermore, aren’t there the hyrax and the hare, which chew the cud, and yet they have upper front teeth, and are non-kosher? And furthermore, one might ask: Are teeth written in the Torah with regard to the kosher status of an animal? Rather, this is what the tanna is saying: Any animal that does not have upper front teeth certainly chews the cud and parts the hoof and is kosher.

⁵¹⁰ The Gemara asks: But why should one inspect the teeth? Let him simply inspect whether the hooves are cloven. The Gemara responds: One inspects the teeth in a case where its hooves were cut

and one cannot tell whether they are cloven. And this is in accordance with the statement of Rav Ḥisda, as Rav Ḥisda says: If one was walking in the wilderness, and he found an animal whose hooves were cut, he may inspect its mouth. If it has no upper front teeth, it is certainly kosher; if that is not the case, it is certainly non-kosher, provided that he recognizes that this animal is not a camel, which is non-kosher even though it has no upper incisors. The Gemara asks: Why must one recognize that this is not a camel? A camel has cuspid-like upper incisors. Rather, say: Provided that one recognizes that it is not a young camel, which has no cuspid-like upper incisors.

⁵¹¹ The Gemara asks: How can one rely only on an inspection of the mouth? Did you not say that there is a young camel, which has no upper incisors but is still non-kosher? If so, perhaps there is also another species that is similar to a young camel and is non-kosher despite having no upper incisors. The Gemara responds that this possibility should not enter your mind, as the school of Rabbi Yishmael taught: The verse states: “The camel, because it chews the cud but parts not the hoof, it is unclean” (Leviticus 11:4). The Ruler of His world knows that nothing other than the camel chews the cud and is still non-kosher. Therefore, the verse singles it out with the word “it,” i.e., it and no other.

⁵¹² And Rav Ḥisda says: If one was walking on the road, and he found an animal whose mouth was mutilated, he may inspect its hooves. If its hooves are cloven, it is certainly kosher. If not, it is certainly non-kosher. This applies provided that he recognizes that it is not a pig, which is non-kosher even though it has cloven hooves.

⁵¹³ The Gemara asks: But didn’t you say that there is a pig, which has cloven hooves but is still non-kosher? If so, perhaps there is also another species that is similar to a pig. The Gemara responds that this possibility should not enter your mind, as the school of Rabbi Yishmael taught: The verse states: “And the pig, because it parts the hoof, and is cloven-footed, but chews not the cud, it is unclean” (Leviticus 11:7). The Ruler of His world knows that nothing other than the pig parts the hoof and is still non-kosher. Therefore, the verse singles it out with the word “it.”

⁵¹⁴ And Rav Ḥisda says: If one was walking in the wilderness, and he found an animal whose mouth was mutilated and whose hooves were cut, he may inspect its flesh. If it runs like warp and woof, i.e., part of it stretches vertically and part of it horizontally, it is certainly kosher; and if not, it is certainly non-kosher, provided that one recognizes that this animal is not a wild donkey, which is non-kosher even though its flesh runs like warp and woof.

⁵¹⁵ The Gemara asks: Didn’t you say that there is a wild donkey, whose flesh runs like warp and woof but who is still non-kosher? If so, perhaps there is also another species that is similar to a wild donkey. The Gemara responds: It is learned as a tradition that there are no similar species. The Gemara asks: And where does one inspect the flesh? Abaye said, and some say that Rav Ḥisda said: At the edges of the tailbone, on the upper thighs.

⁵¹⁶ § The mishna states: The signs of an undomesticated animal were stated in the Torah. With regard to this, the Sages taught in a baraita: These are the signs of an undomesticated animal. The Gemara interjects: Why does one need signs for an undomesticated animal? An undomesticated animal [ḥayya] is included in the category of a domesticated animal [behema] with regard to signs, as the verse states: “These are the living things [ḥayya] which you may eat among all the animals [behema] that are on the earth. Whatsoever parts the hoof” (Leviticus 11:2–3). Rabbi Zeira said:

⁵¹⁷ The signs are given to permit its forbidden fat, i.e., to deem the animal undomesticated. Fat that is forbidden for consumption in domesticated animals is permitted in undomesticated animals. And this is what the tanna is saying: These are the signs of a kosher undomesticated animal, so that one will know that its fat is permitted: Any animal that has horns and cloven hooves is an undomesticated animal.

⁵¹⁸ Rabbi Dosa says: If it has horns, it is certainly a kosher undomesticated animal, and you need not search for cloven hooves. But if it has cloven hooves, you must still search for horns. And with regard to the animal called a *keresh*, even though it has only one horn, its fat is permitted for consumption.

⁵¹⁹ The Gemara asks: Is this an established principle? But isn't there a goat, which has horns and cloven hooves, and still its fat is forbidden, as it is a domesticated animal? The Gemara responds: We require horns that are layered to designate a kosher animal as undomesticated; a goat's horns are not layered. The Gemara asks: But isn't there a bull, which has layered horns, and still its fat is forbidden since it is domesticated? The Gemara responds: We require horns that are grooved; a bull's horns are not grooved.

⁵²⁰ The Gemara persists: But isn't there a goat, which has grooved horns, and still its fat is forbidden? The Gemara responds: We require horns that are branched; a goat's horns are not branched. The Gemara asks: But isn't there a gazelle [*tzevi*], whose horns are not branched, and still its fat is permitted? The Gemara responds: We require horns that are rounded and not broad like those of a sheep.

⁵²¹ The Gemara concludes: Therefore, where an animal's horns are branched, there is neither judgment nor judge, and the animal is without a doubt undomesticated. Where they are not branched, we require that they be layered, rounded, and grooved. And it must be grooved in a pattern such that its grooves are absorbed into one another.

⁵²² And this is the uncertainty that arose concerning the *karkoz* goat, i.e., whether it is considered a domesticated animal. As there was a certain *karkoz* goat that was in the house of the Exilarch, from which they removed a full basket of fat after slaughtering it. Rav Aḥai deemed the fat forbidden, because he considered it a domesticated animal. But Rav Shmuel, son of Rabbi Abbahu, ate of it. He read the verse about himself: "A man's belly shall be filled with the fruit of his mouth" (Proverbs 18:20). In other words, due to his learning, he knew it was permitted to eat the fat of the *karkoz* goat.

⁵²³ The Sages sent a message from there, Eretz Yisrael: The halakha is in accordance with the opinion of Rav Shmuel, son of Rabbi Abbahu, that a *karkoz* goat is an undomesticated animal and its fat is permitted; but nevertheless, be mindful of the honor of our teacher Aḥai who deems it forbidden, and do not partake of the fat in his presence, as he enlightens the eyes of the exile.

⁵²⁴ § The baraita states: And with regard to the animal called a *keresh*, even though it has only one horn, its fat is permitted for consumption. Rav Yehuda says: The *keresh* is the gazelle that is native to the area of Bei Ila'ei. The tagras mentioned by the Sages is the lion of Bei Ila'ei. Rav Kahana says: There are nine cubits between the ears of the lion of Bei Ila'ei. Rav Yosef says: The length of the gazelle of Bei Ila'ei is sixteen cubits.

⁵²⁵ The Gemara recounts: The Roman emperor said to Rabbi Yehoshua ben Ḥananya: Your God is compared to a lion, as it is written: "The lion has roared, who will not fear" (Amos 3:8). But if so,

what is His greatness? A cavalryman can kill a lion. Rabbi Yehoshua said to him: God is not compared to that lion which a cavalryman can kill. Rather, God is compared to the lion of Bei Ila'ei. The emperor said to him: I ask that you show it to me. Rabbi Yehoshua said to him: You cannot see it. The emperor said to him: Truly, I wish to see it. Rabbi Yehoshua prayed for mercy, and the lion of Bei Ila'ei set off from its place of origin toward Rome.

⁵²⁶ When it was four hundred parasangs away from Rome, it roared once, and all the pregnant women miscarried, and the wall of Rome fell. When it was three hundred parasangs away, it roared another time, and all the men's front and back teeth fell out from fear. And even he, the emperor, fell from his throne to the ground. The emperor said to Rabbi Yehoshua: I beg you, pray for mercy with regard to it, that it should go back to the place from which it came. Rabbi Yehoshua prayed for mercy with regard to it, and it returned to the place from which it came.

⁵²⁷ § The Gemara recounts: The emperor said to Rabbi Yehoshua ben Ḥananya: I wish to see your God. Rabbi Yehoshua said to him: You cannot see Him. The emperor said to him: Truly,

⁵²⁸ I wish to see Him. Rabbi Yehoshua went and stood the emperor facing the sun in the season of Tammuz, i.e., summer. Rabbi Yehoshua said to him: Look at it. The emperor said to him: I cannot. Rabbi Yehoshua said to him: Now, if with regard to the sun, which is only one of the servants that stand before the Holy One, Blessed be He, you say: I cannot look at it, is it not all the more so with regard to the Divine Presence?

⁵²⁹ § The Gemara recounts: The Roman emperor said to Rabbi Yehoshua ben Ḥananya: I desire to arrange bread, i.e., a meal, for your God. Rabbi Yehoshua said to him: You cannot. The emperor asked him: Why? Rabbi Yehoshua said to him: His hosts are too great. The emperor said to him: Truly, I wish to do it. Rabbi Yehoshua said to him: Go out and arrange a meal on the shore of the great sea [dirvita], where there is a wide open space. The emperor worked all the six months of summer to accomplish this. A wind came and swept it all into the sea.

⁵³⁰ The emperor worked to arrange another meal all the six months of winter. Rain came and sank it all in the sea. The emperor said to Rabbi Yehoshua: What is this? Rabbi Yehoshua said to him: These are only the sweepers and floor washers that wait on Him, and they alone have eaten everything. The emperor said to him: If so, I cannot arrange a meal before Him.

⁵³¹ § The Gemara recounts: The daughter of the Roman emperor said to Rabbi Yehoshua ben Ḥananya: Your God is a carpenter, as it is written: "Who lays the beams of His upper chambers in the waters" (Psalms 104:3). Tell Him to make for me a distaff, a simple tool used in spinning. Rabbi Yehoshua ben Ḥananya said: Very well. He prayed for mercy for her and she was stricken with leprosy. She sat in the Roman market, and they gave her a distaff, since it was their custom to give a distaff to anyone stricken with leprosy in Rome, and the leper would sit in the market and untangle bunches of wool, so that people would see and pray for mercy on him.

⁵³² One day Rabbi Yehoshua ben Ḥananya was passing there, and he saw that she was sitting and untangling bunches of wool in the Roman market. Rabbi Yehoshua ben Ḥananya said to her: Is the distaff my God gave you pleasing? She said to him: Tell your God to take back what He has given me. Rabbi Yehoshua ben Ḥananya said to her: Our God gives, but does not take.

⁵³³ § Rav Yehuda says: A bull has a large paunch and large hooves. Its head is large, and its tail is large. And the opposite is true for a donkey. The Gemara explains: What is the practical difference

that results from such a statement? It is relevant for purposes of buying and selling. One who agrees to sell a bull must provide the buyer with one that fits this description, and the opposite for a donkey.

⁵³⁴ And Rav Yehuda says: The bull that Adam, the first man, sacrificed as a thanks offering for his life being spared had a single horn on its forehead, as it is stated: “And it shall please the Lord better than a bullock that has horns [makrin] and hoofs” (Psalms 69:32). The Gemara comments: On the contrary, the word makrin indicates two horns. Rav Naḥman said: Although it is vocalized in the plural, makran is written in the verse, without the letter yod, to indicate that it had only a single horn.

⁵³⁵ And Rav Yehuda says: With regard to the bull that Adam, the first man, sacrificed, its horns preceded its hooves. It was not born of a cow, but rose fully formed out of the earth such that its head emerged first, as it is stated: “And it shall please the Lord better than a bullock that has horns and hoofs.” The phrase “has horns” comes first, and only afterward the word “hoofs.”

⁵³⁶ And this supports the statement of Rabbi Yehoshua ben Levi, as Rabbi Yehoshua ben Levi says: All items created during the acts of Creation were created with their full stature, immediately fit to bear fruit; they were created with their full mental capacities; they were created with their full form. As it is stated: “And the heaven and the earth were finished, and all the host of them” (Genesis 2:1). Do not read it as: “The host of them [tzeva’am]”; rather, read it as: Their form [tzivyonam].

⁵³⁷ § Rabbi Ḥanina bar Pappa taught: “May the glory of the Lord endure forever; let the Lord rejoice in His works” (Psalms 104:31). This verse was stated by the minister of the world, i.e., the angel charged with overseeing the world. When the Holy One, Blessed be He, said: “Let the earth put forth grass, herb yielding seed, and fruit tree bearing fruit after its kind” (Genesis 1:11), the grasses drew an a fortiori inference with regard to themselves.

⁵³⁸ They reasoned: If the Holy One, Blessed be He, wishes the mixing of species, why did he say: After its kind, with regard to the trees? And furthermore, let us draw an a fortiori inference: If with regard to trees, which do not naturally grow mixed, as they are large and distinct from one another, the Holy One, Blessed be He, said: “After its kind,” all the more so with regard to us, since grass naturally grows mixed.

⁵³⁹ Immediately, every kind of grass emerged after its kind, as it is stated: “And the earth brought forth grass, herb yielding seed after its kind” (Genesis 1:12). The minister of the world began to speak and said: “May the glory of the Lord endure forever; let the Lord rejoice in His works,” who do His will even when not explicitly instructed.

⁵⁴⁰ With regard to the above description, Ravina raises a dilemma: If one grafted two species of grass onto one another, as is done with trees,

⁵⁴¹ what is the halakha according to Rabbi Ḥanina bar Pappa? Shall one say that since the phrase “after its kind” is not written as a mitzva with regard to them, one is not liable for transgressing the prohibition against mixing diverse kinds? Or perhaps, since God agreed with them after the fact, as the verse states: “Let the Lord rejoice in His works,” it is as if the mitzva “after its kind” is written with regard to them. The Gemara responds: The dilemma shall stand unresolved.

⁵⁴² § Rabbi Shimon ben Pazi raises a contradiction between two verses. It is written: “And God made the two great lights” (Genesis 1:16), and it is also written in the same verse: “The greater light to rule the day, and the lesser light to rule the night,” indicating that only one was great. Rabbi Shimon ben Pazi explains: When God first created the sun and the moon, they were equally bright.

Then, the moon said before the Holy One, Blessed be He: Master of the Universe, is it possible for two kings to serve with one crown? One of us must be subservient to the other. God therefore said to her, i.e., the moon: If so, go and diminish yourself.

⁵⁴³ She said before Him: Master of the Universe, since I said a correct observation before You, must I diminish myself? God said to her: As compensation, go and rule both during the day along with the sun and during the night. She said to Him: What is the greatness of shining alongside the sun? What use is a candle in the middle of the day? God said to her: Go; let the Jewish people count the days and years with you, and this will be your greatness. She said to Him: But the Jewish people will count with the sun as well, as it is impossible that they will not count seasons with it, as it is written: “And let them be for signs, and for seasons, and for days and years” (Genesis 1:14). God said to her: Go; let righteous men be named after you. Just as you are called the lesser [hakatan] light, there will be Ya’akov HaKatan, i.e., Jacob our forefather (see Amos 7:2), Shmuel HaKatan the tanna, and David HaKatan, i.e., King David (see I Samuel 17:14).

⁵⁴⁴ God saw that the moon was not comforted. The Holy One, Blessed be He, said: Bring atonement for me, since I diminished the moon. The Gemara notes: And this is what Rabbi Shimon ben Lakish says: What is different about the goat offering of the New Moon, that it is stated with regard to it: “For the Lord” (Numbers 28:15)? The Holy One, Blessed be He, said: This goat shall be an atonement for Me for having diminished the size of the moon.

⁵⁴⁵ § Rav Asi raises a contradiction between two verses. It is written: “And the earth brought forth grass” (Genesis 1:12), on the third day of the week of Creation. And it is also written: “No shrub of the field was yet in the earth” (Genesis 2:5), on Shabbat eve, the sixth day of Creation, immediately before Adam was created. Rav Asi explains: This teaches that the grasses emerged on the third day and stood at the opening of the ground, but they did not grow until Adam, the first man, came and prayed for mercy upon them, and rain came, and they sprouted. And this is meant to teach you that the Holy One, Blessed be He, desires the prayers of the righteous.

⁵⁴⁶ The Gemara recounts: Rav Nahman bar Pappa had a certain garden. He planted seeds but they did not sprout. He prayed for mercy, and rain came, and they sprouted. He said: This is what is meant by the statement of Rav Asi, that the Holy One, Blessed be He, desires the prayers of the righteous.

⁵⁴⁷ § In one of the passages discussing kosher and non-kosher animals, the Torah states: “Nevertheless, these you shall not eat of them that only chew the cud, or of them that have split hooves that are cloven [hashesua]: The camel, and the hare, and the hyrax” (Deuteronomy 14:7). Rav Ḥanan bar Rava said: “Hashesua” is not a redundant description of the split hooves but a distinct creature, which has two backs and two spines and therefore looks like an entirely cloven animal. One might ask: But was Moses our teacher a hunter, or was he an archer, who was familiar with the most exotic animals? Rather, from here there is a refutation to those who say that the Torah is not from Heaven, since Moses could not have known of the existence of such an animal save by divine revelation.

⁵⁴⁸ Rav Ḥisda said to Rav Taḥlisa bar Avina: Go write this statement about the hunter [kinnigi] and the archer [ballisteri] in your book of aggada, and explain those two words, since some are unfamiliar with them.

⁵⁴⁹ The Gemara relates another statement. The verse states: “The five lords of the Philistines: The Gazite, and the Ashdodite, the Ashkelonite, the Gittite, and the Ekronite; also the Avvim” (Joshua

13:3). The verse is difficult, since it first said there are five lords of the Philistines, but it then lists six. Rabbi Yonatan said: There were in fact six lords, but the greatest of them were only five. Rav Ḥisda said to Rav Taḥlisa bar Avina: Write this statement about the greatest [arunekei] in your book of aggada, and explain that word. The Gemara notes: And this statement disagrees with the opinion of Rav, as Rav says: The Avvim were not Philistines; rather, they came from Teiman.

⁵⁵⁰ This is also taught in a baraita: The Avvim came from Teiman. And why were they called Avvim and not Teimanim? Because they corrupted [ivvetu] and destroyed their place of origin when they left. Alternatively, they were called Avvim since they desired [ivvu] many deities. Alternatively, they were called Avvim since they were so fearsome that all who saw them were seized by convulsions [avit]. Rav Yosef said: And each one of them has sixteen rows of teeth.

⁵⁵¹ The Gemara cites another statement related to the Avvim: Rabbi Shimon ben Lakish says: There are many verses that are seemingly fit to be burned as books of the heretics, since they appear redundant or frivolous, and yet they are themselves the essence of Torah. For example, the verse states: “And the Avvim, that dwelt in villages as far as Gaza, the Caphtorim, that came forth out of Caphtor, destroyed them, and dwelt in their stead” (Deuteronomy 2:23). What practical difference does this make for us?

⁵⁵² The verse teaches the following: Since Abimelech, king of the Philistines, administered an oath to Abraham: “That you will not deal falsely with me, nor with my son, nor with my grandson” (Genesis 21:23), the Jewish people were prohibited from conquering the land of the Philistines until four generations had passed. Therefore, the Holy One, Blessed be He, said: Let the Caphtorim come and remove the land from the Avvim, who are the same as the Philistines, and let Israel come and remove it from the Caphtorim, circumventing the prohibition.

⁵⁵³ Similarly, you say with regard to another apparently unnecessary verse, describing a city that the Israelites conquered: “For Heshbon was the city of Sihon, the king of the Amorites, who had fought against the former king of Moab, and taken all his land out of his hand” (Numbers 21:26). What is the practical difference in knowing this information? It teaches that since the Holy One, Blessed be He, said to Israel: “Be not at enmity with Moab” (Deuteronomy 2:9), the Jewish people were prohibited from conquering the land of Moab. Therefore, the Holy One, Blessed be He, said: Let Sihon come and remove the land from Moab, and let Israel come and remove it from Sihon. The Gemara notes: And this is what Rav Pappa says: The lands of Ammon and Moab were purified by Sihon, i.e., rendered permitted for conquest.

⁵⁵⁴ The Gemara cites another seemingly superfluous verse, describing Mount Hermon: “Which Hermon the Sidonians call Sirion, and the Amorites call it Senir” (Deuteronomy 3:9). A Sage taught: Senir and Sirion are mountains of Eretz Yisrael. The verse teaches that every one of the nations of the world went and built itself a great city on Mount Hermon, and named it after one of the mountains of Eretz Yisrael, teaching you that even the mountains of Eretz Yisrael are beloved by the nations of the world.

⁵⁵⁵ Similarly, a difficult verse describes Joseph’s treatment of the Egyptians: “And as for the people, he removed them city by city” (Genesis 47:21). What is the practical difference of this information? It teaches Joseph’s love for his brothers, as he transferred the entire Egyptian population so that they would not call his brothers exiles.

⁵⁵⁶ § The mishna states: The signs of the kosher bird were not explicitly stated in the Torah. The Gemara asks: And is it true that they were not stated in the Torah? But isn't it taught in a baraita: "The nesher" (Leviticus 11:13) is a non-kosher bird.

⁵⁵⁷ Just as a nesher is unique in that it has no extra digit or crop, and its gizzard cannot be peeled, and it claws its prey and eats it, and it is non-kosher, so too, all like birds with these four signs are non-kosher. And just as doves and pigeons, which have an extra digit and a crop, and whose gizzard can be peeled, and do not claw their food and eat it, are kosher, as they are fit for sacrifice on the altar (see Leviticus 1:14), so too, all like birds with these four signs are kosher. If so, why does the mishna state that the signs were not stated in the Torah? Abaye said: The mishna means that the explanation of the signs of a kosher bird was not stated in the Torah. Rather, one learns it from the statements of the Sages, i.e., the baraita.

⁵⁵⁸ Rabbi Ḥiyya teaches: A bird that comes before a person with one sign of a kosher bird, and which is not listed in the Torah as non-kosher, is kosher, since it is unlike a nesher. The verse did not need to state that the nesher is non-kosher, since one could have inferred this from the list of other non-kosher birds. Rather, the verse mentions the nesher specifically to indicate that it is only a bird like a nesher, which has none of the signs of a kosher bird, that you shall not eat. But if there is a bird that has even one of the signs, you may eat it.

⁵⁵⁹ The Gemara asks: But why learn specifically from the case of a nesher? Let one derive the opposite from the case of doves: Just as doves, which the Torah mentions explicitly as kosher, have all four signs, so too here, no other bird is kosher unless it has all four signs.

⁵⁶⁰ The Gemara responds: If it is so that one learns from the case of a dove, why do I need the rest of the non-kosher birds that the Merciful One wrote? Since none of them has all four signs of a kosher bird, their non-kosher status could simply be inferred from the case of a dove. Rather, since the Torah states explicitly that they are non-kosher, it follows that one does not learn from the case of a dove.

⁵⁶¹ The Gemara objects: But let us derive instead from them, i.e., the rest of the non-kosher birds, which each have only three signs, the following: Just as there, those birds have three of the signs of a kosher bird mentioned in the mishna, and we still do not eat them, so too, all other birds that have three signs should have the same halakhic status, and we will not eat them. And all the more so should this apply to a bird that has only two signs or one.

⁵⁶² The Gemara responds: If so, why do I need the crow that the Merciful One wrote among the non-kosher birds? Now that it is established that we do not eat any bird that has three signs, is it necessary to mention the crow, which has only two? Rather, those birds explicitly listed as non-kosher are prohibited, and all other birds with any number of signs are kosher.

⁵⁶³ The Gemara objects: But one should derive instead from a crow: Just as there, a bird with two signs is not kosher, so too any other bird that has only two signs is not kosher. The Gemara responds: If so, why do I need the peres and the ozniyya that the Merciful One wrote among the non-kosher birds? Now that it is established that we do not eat any bird that has two signs, is it necessary to mention these birds, which have only one? Rather, even birds that have only one sign are kosher, save those mentioned explicitly in the Torah as non-kosher.

⁵⁶⁴ The Gemara objects: But let us learn instead from the peres and ozniyya themselves that all other birds with only one sign are non-kosher. The Gemara responds: If so, why do I need the nesher that

the Merciful One wrote? Now that it is established that we do not eat any bird that has one sign, is it necessary to mention the nesher, which has none? Rather, the Torah mentions the nesher to indicate that it is a nesher, which has none of the signs of a kosher bird, that you shall not eat. But if you find any bird that has even one of the signs, you may eat it.

⁵⁶⁵ The Gemara objects: But if so, the reason for eating birds with even one sign is only that the Merciful One wrote: “Nesher.” One can infer, then, that if not for this, I would say: Derive from the peres and ozniyya that any bird with one sign is non-kosher. But that cannot be, since the peres and ozniyya are two verses that come as one, i.e., that teach the same matter, and as a rule, two verses that come as one do not teach a principle.

⁵⁶⁶ The Gemara responds: It is learned as a tradition that the sign present in this, the peres, is absent in that, the ozniyya, and that which is present in that is absent in this. Accordingly, this is not a case of two verses that come as one, since each case would teach only that any other bird with only its respective sign is non-kosher. Consequently, it would have been possible to derive from them that any bird with only one sign is non-kosher. The verse therefore states: “Nesher,” to indicate otherwise.

⁵⁶⁷ The Gemara persists: Now, there are twenty-four non-kosher birds mentioned in the verses. It is impossible that the one sign present in these, the peres and ozniyya, respectively, is absent in all those other birds. Consequently, the mentioning of the peres, ozniyya, and the other birds constitutes two verses that come as one. If so, one could not have derived from the cases of the peres and ozniyya that a bird with one sign is not kosher, and the inclusion of the nesher is unnecessary.

⁵⁶⁸ The Gemara responds: It is learned as a tradition that there are twenty-four non-kosher birds, and four signs of a kosher bird. The same three signs can be found in all of them, with the exception of either the peres or the ozniyya. Twenty of them have all three signs, and two of those signs can be found in a crow. One sign is found in a peres and one in an ozniyya, and the sign present in this is absent in that, i.e., one of them has the fourth sign, which is absent from the other twenty-three non-kosher birds. Lest you say: Derive from it that any other bird with only that sign is non-kosher, the Merciful One wrote about the nesher to indicate: It is a nesher, which has none of the signs of a kosher bird, that you shall not eat. But if there is any bird that has even one of the signs, you may eat it.

⁵⁶⁹ The Gemara asks: But if one learns from nesher that a bird with even one sign is kosher, why do I need the doves that the Merciful One wrote are kosher, which have all four? Rav Ukva bar Ḥama said: The dove was not mentioned to teach that it is kosher, but rather to teach that it is the only bird fit to be sacrificed as an offering. Rav Naḥman says:

⁵⁷⁰ If one is familiar with the non-kosher birds and their names, any bird that comes before him with only one sign is kosher, since he can be sure that it is not the peres or ozniyya, which have only one sign. If he is not familiar with them and their names, any bird that he finds with one sign is non-kosher, since it may be the peres or ozniyya. But if he finds a bird with exactly two signs, it is kosher, provided that he can recognize a crow, since the crow is the only non-kosher bird with exactly two signs.

⁵⁷¹ The Gemara asks: Must he recognize only the crow and nothing more? But isn't it taught in a baraita: The verse states: “Every orev after its kinds” (Leviticus 11:15). With regard to the orev, this is the well-known crow; as for the phrase “after its kinds,” Rabbi Eliezer says: It is written to include the zarzir, another type of crow, to teach that it is non-kosher. The Sages said to Rabbi Eliezer: But

wouldn't the people of Kefar Temarta in Judea eat the zarzir, because it has a crop? Rabbi Eliezer said to them: They too will be judged in the future for their transgression.

⁵⁷² Alternatively, the phrase "after its kinds" is written to include the white senunit and teach that it is non-kosher; this is the statement of Rabbi Eliezer. The Rabbis said to him: But don't the people of the upper Galilee eat it, because its gizzard can be peeled? Rabbi Eliezer said to them: They too will be judged in the future for their transgression. In any event, the baraita indicates that other non-kosher birds exist that have two signs, like the crow. The Gemara responds: Rather, Rav Naḥman must have meant that one must be able to recognize the well-known crow and all other species of crow.

⁵⁷³ Ameimar said: The halakha is: Any bird that comes before a person with one sign is kosher, provided that it does not claw its food. Rav Ashi said to Ameimar: What about that which Rav Naḥman said, that if one finds a bird with exactly one sign, he may eat it only if he can identify all the non-kosher birds in the Torah, to be sure that it is not one of them? Ameimar said to him: I did not hear this statement; that is to say: I do not hold accordingly. What concern is there? Is one concerned because of the peres and ozniyya, which have only one sign? They are not found in settled areas, and one need not be concerned about them.

⁵⁷⁴ § Rav Yehuda says: The bird known as the scratching bird is fit for use in the purification of a leper, i.e., it is kosher. Only kosher birds are fit for this rite, as the verse states: "Then shall the priest command to take for him that is to be purified two living pure birds" (Leviticus 14:4). And this is the white senunit about which Rabbi Eliezer and the Rabbis disagreed in the baraita.

⁵⁷⁵ Ameimar said: There are two kinds of white senunit. With regard to the senunit with a white belly, everyone agrees that it is permitted for consumption. They disagree when discussing the kind with a yellow belly. Rabbi Eliezer prohibits it, and the Rabbis permit it. And the halakha is in accordance with the opinion of Rabbi Eliezer.

⁵⁷⁶ Mar Zutra teaches the statement of Ameimar in this manner: With regard to the senunit with a yellow belly, everyone agrees that it is prohibited. They disagree when discussing the kind with a white belly. Rabbi Eliezer deems it prohibited, and the Rabbis deem it permitted. And the halakha is in accordance with the opinion of the Rabbis, who deem it permitted.

⁵⁷⁷ The Gemara asks: Granted, according to the one who says that they disagree with regard to the kind with a white belly, this explanation is consistent with that which Rav Yehuda teaches: This is the white senunit about which Rabbi Eliezer and the Rabbis disagreed. But according to the one who says that they disagree with regard to the kind with a yellow belly, what is the meaning of the phrase: This is the white senunit? The Gemara responds: The phrase: White senunit, is used only to exclude the house senunit, which is black.

⁵⁷⁸ § Raḥava says that Rabbi Yehuda says: A young tasil, which is similar to a dove, is unfit for sacrifice as a dove, which is fit only when mature, but it is fit for sacrifice as a pigeon, which is fit only when immature. In other words, the tasil is considered a type of pigeon, not a dove. A mature datzifi bird, and mature doves of Reḥava, are fit as doves, but are unfit as pigeons, since they are types of doves. Rav Daniel bar Rav Ketina raises an objection from a mishna (Para 9:3): All birds

⁵⁷⁹ disqualify the water of purification, i.e., water in which ashes of the red heifer have been placed, by drinking from it. The water that entered the bird's mouth is disqualified, and some of it drips back

into the container, disqualifying the rest. This applies to all birds except for the pigeon, because it sips the water from the container and none falls back in from its mouth. But if it is so that the tasil is a type of pigeon, let the mishna teach: Except for the pigeon and the tasil. Rabbi Zeira said: Although the tasil is a type of pigeon and sips the water as well, this, the tasil, sips the water and spits part of it back, and therefore disqualifies the water of purification, and that, the pigeon, sips but does not spit.

⁵⁸⁰ Rav Yehuda says: The tzutzeyanei doves are fit for sacrifice on the altar, and they are the doves of Rehava mentioned earlier. The Gemara raises an objection from a mishna (Nega'im 14:6): The Torah requires hyssop for the purification of a leper. It must be standard hyssop, and neither a hyssop of Greece, nor stibium hyssop, nor Roman hyssop, nor desert hyssop, nor any other kind of hyssop whose name is accompanied by a modifier. Likewise, tzutzeyanei doves should be unfit for sacrifice, because they have a modifier in their name.

⁵⁸¹ Abaye said: Any item whose name was modified before the giving of the Torah, and concerning which the Torah was particular when naming it, is unfit if its name is accompanied by a modifier, since the language of the Torah was formulated to exclude it. But the name of these tzutzeyanei doves was not modified, i.e., the modifier tzutzeyanei was not applied to them, before the giving of the Torah. Even though it was applied to them later, they are still fit for sacrifice. Alternatively, Rava said: The tzutzeyanei doves are called simply doves in their place of habitation.

⁵⁸² Similarly, Rav Yehuda says: These grasshoppers found among the shrubs are kosher and permitted for consumption. And those found among the cabbages are forbidden. Ravina said: And we flog those who eat them on their account, due to the prohibition: "And all winged swarming things are impure unto you" (Deuteronomy 14:19). And Rav Yehuda says: The bird called tzarda is permitted for consumption, and the barda is prohibited. And your mnemonic to remember which is which is this: Eat any bird except [bar] for it. As for the marda, it is uncertain whether it is kosher.

⁵⁸³ Rav Asi says: There are eight uncertain cases: The huva, huga, suga, and harnuga, tushelemi, and marda, kuḥilna, and bar nappaḥa. The Gemara explains: What is their uncertainty? The gizzard of kosher birds can be peeled, as mentioned in the mishna, and the gizzard of non-kosher birds cannot be peeled, but the gizzard of these birds can be peeled only with a knife.

⁵⁸⁴ The Gemara asks: But why should these not be kosher? Wasn't there a certain duck in the house of Mar Shmuel whose gizzard could not be peeled, and they set the gizzard in the sun, and once it softened it could be peeled? The Gemara responds: There, when it softened it could be peeled by hand. Here, in these eight cases, even when it softened it could be peeled only with a knife.

⁵⁸⁵ Abaye says: The swamp rooster is one of the eight uncertain cases, and this is the mardu, i.e., the marda mentioned earlier. Rav Pappa says: The swamp rooster is forbidden, but the swamphen is permitted. And your mnemonic to remember this is the statement of the Sages with regard to the verse: "An Ammonite or a Moabite shall not enter into the assembly of the Lord" (Deuteronomy 23:4), that an Ammonite man is unfit to enter the assembly, but not an Ammonite woman. Mareimar taught: The swamphen is forbidden, because the Sages saw that it claws its prey and eats it. And this is the giruta, a non-kosher bird (see 109b).

⁵⁸⁶ Rav says: The bird called the shavor anderafta is permitted, but the piruz anderafta is forbidden. And your mnemonic to remember this is the known personality Piruz the Evil. Rav Huna says: The bird called the bunya is permitted. The parva is forbidden. And your mnemonic to remember this is the known personality Parva'a the Sorcerer.

⁵⁸⁷ Rav Pappa says: The bird known as the reclining and eating mardu is permitted, while the bowing and eating mardu is forbidden. And your mnemonic to remember this is the verse: “You shall bow down to no other god” (Exodus 34:14). Shmuel says: The bird called the wine drinker is forbidden. And your mnemonic to remember this is the halakha: Those who drank wine are unfit for service in the Temple. And Shmuel says: The bird called the wine pourer is forbidden.

⁵⁸⁸ But the bird called the little wine pourer is permitted. And your mnemonic to remember this is the idiom of the Sages: The power of the son is greater than the power of the father, i.e., the larger is forbidden while the smaller is permitted.

⁵⁸⁹ Rav Yehuda says: There are several types of shekitena. The long-shanked red ones are permitted. And your mnemonic to remember this is the murzema bird, which is similar in appearance and known to be kosher. The little red ones are forbidden, and your mnemonic for this is the halakha that a dwarf priest is unfit for Temple service. The long-shanked green, i.e., yellow, ones are forbidden, and your mnemonic for this is the mishna (56a): Innards that have turned green render an animal a tereifa and unfit for consumption.

⁵⁹⁰ Rav Yehuda says: As for the shalakh, listed as a non-kosher bird (see Leviticus 11:17), this is the bird that scoops [sholeh] fish out of the sea. The dukhifat (see Leviticus 11:19) is the bird whose comb seems bent [hodo kafut] due to its thickness. The Gemara notes: This is also taught in a baraita: The dukhifat is the bird whose comb seems bent, and this is the bird that brought the shamir to the Temple. As recounted in tractate Gittin (68b), King Solomon required a unique worm called the shamir to carve stones of the Temple, as the verse states: “There was neither hammer nor ax nor any tool of iron heard in the house, while it was in building” (I Kings 6:7).

⁵⁹¹ The Gemara recounts: When Rabbi Yoḥanan would see a shalakh, he would say: “Your judgments are like the great deep” (Psalms 36:7), as God exacts retribution even upon the fish in the sea. When he would see an ant, he would say the first half of the same verse: “Your righteousness is like the mighty mountains,” as God provides sustenance for the tiny ant just as He does for the largest creatures.

⁵⁹² Ameimar says: The laknei and batnei birds are permitted. As for the sakna’ei and batna’ei birds, in any place that it is customary to eat them, one may eat them; in any place that it is customary not to eat them, one may not eat them. The Gemara asks: Is that to say that the matter of whether it is permitted depends on custom? The Gemara responds: Yes, but it is not difficult: This place where they are forbidden is a place where the peres and ozniyya are found. Since they are similar to these birds, one must be concerned that people will confuse them, even though the sakna’ei and batna’ei are themselves kosher. That place where they are permitted is a place where the peres and ozniyya are not found.

⁵⁹³ Abaye says: The birds called kevai and kakvai are forbidden, but the kakvata is permitted. Still, in the West, Eretz Yisrael, they flog one who eats it on its account, and they call it taḥveta.

⁵⁹⁴ The Sages taught in a baraita: The tinshemet, listed in the Torah as non-kosher (see Leviticus 11:18), is the ba’ut among birds. One might ask: Do you say that it is the ba’ut among birds, or is it only the ba’ut among creeping animals? The tinshemet is also listed among the creeping animals (see Leviticus 11:30). Say: Go out and learn from the thirteen hermeneutical principles, of which one is: A matter derived from its context. What are the adjacent verses speaking about? They are speaking about birds. So too here, the word tinshemet is referring to birds.

⁵⁹⁵ The Gemara notes: It is also taught in a baraita in this way with regard to the tinshemet listed among the creeping animals: The tinshemet here is the ba'ut among creeping animals. One might ask: Do you say that it is the ba'ut among creeping animals, or it is only the ba'ut among birds? Say: Go out and learn from the thirteen hermeneutical principles, of which one is: A matter derived from its context. What are the adjacent verses speaking about? They are speaking about creeping animals. So too here, the word tinshemet is referring to creeping animals.

⁵⁹⁶ Abaye says: The ba'ut among birds is commonly called the kifof. The ba'ut among creeping animals is commonly called the kurpedai. Rav Yehuda says: As for the ka'at listed in the Torah as non-kosher (see Leviticus 11:18), this is the bird called a kuk. As for the raḥam, this is the sherakrak.

⁵⁹⁷ Rabbi Yoḥanan says: Why is it called the raḥam? Because when the raḥam comes to Eretz Yisrael, mercy [raḥamim] comes to the world, as it appears at the beginning of the rainy season. Rav Beivai bar Abaye said: And it is a sign of rain only when it sits on something and makes a sherakrak sound. And it is learned as a tradition that if it sits on the ground and hisses [veshareik], this is a sign that the Messiah is coming, as it is stated: "I will hiss [eshreka] for them, and gather them" (Zechariah 10:8).

⁵⁹⁸ Rav Adda bar Shimi said to Mar bar Rav Idai: But wasn't there a certain raḥam that sat on a plowed field and hissed, and a stone came and broke its head? Mar bar Rav Idai said to him: That raḥam was a liar and was punished for prophesying falsely.

⁵⁹⁹ With regard to the verse: "Every orev after its kinds" (Leviticus 11:15), the Sages taught in a baraita: As for the orev, this is the crow. When the verse states: "Every orev," this serves to include the valley crow as non-kosher. And the verse states: "After its kinds," to include the crow that comes at the heads of pigeons.

⁶⁰⁰ The Gemara explains: The Master said: As for the orev, this is the crow. Is that to say that the particular crow stands before us, such that one immediately knows which one it is? Rather, say: As for the orev, this is the black crow, and so the verse states: "His locks are curled, and black as a crow" (Song of Songs 5:11). The Gemara continues to explain the baraita: The valley crow [ha'amaki] is the white crow. And so the verse states with regard to leprosy: "If the appearance thereof be deeper [amok] than the skin" (Leviticus 13:30), and the Sages explained: As the appearance of an area lit by the sun, which seems deeper than the shade, which appears to cover it. There is therefore an association between a valley and the color white.

⁶⁰¹ And with regard to the crow that comes at the heads of pigeons, Rav Pappa said: Do not say that the baraita means that it comes at the head of pigeons, i.e., it dwells with them; rather, it means that this crow's head resembles that of a pigeon.

⁶⁰² With regard to the verse: "And the netz after its kinds" (Leviticus 11:16), the Sages taught: As for the netz, this is the hawk. The verse states: "After its kinds," to include the bird called bar ḥireya. The Gemara asks: What is the bar ḥireya? Abaye said: It is the bird commonly called the shurineka.

⁶⁰³ With regard to the verse: "And the ḥasida, and the anafa after its kinds" (Leviticus 11:19), Rav Yehuda says: As for the ḥasida, this is the white dayya. And why is it called ḥasida? Since it performs charity [ḥasidut] for its fellows, giving them from its own food. As for the anafa, this is the irritable dayya. And why is it called anafa? Since it quarrels [mena'efet] with its fellows.

⁶⁰⁴ § Rav Ḥanan bar Rav Ḥisda says that Rav Ḥisda says that Rav Ḥanan, son of Rava, says that Rav says: There are twenty-four non-kosher birds. Rav Ḥanan bar Rav Ḥisda said to Rav Ḥisda, his father: From where in the Torah is this number obtained? If you are referring to the list of Leviticus (11:13–19), there are only twenty birds listed there. If you are referring to the list of Deuteronomy (14:12–18), there are only twenty-one there. And if you would say: Add the da’a, which is written in Leviticus but is not written in Deuteronomy, to the others in Deuteronomy, still there are only twenty-two.

⁶⁰⁵ Rav Ḥisda said to him: This is what your mother’s father, Rav Ḥanan, son of Rava, said in the name of Rav: The phrases “after its kinds,” “after its kinds,” “after its kinds,” and “after its kinds,” that appear in each list indicate additional cases. Here, then, are four more. The Gemara objects: If so, there are twenty-six, not twenty-four. Abaye said: The da’a mentioned in Leviticus and the ra’a mentioned in Deuteronomy are one bird. As, if it enters your mind that they are two different birds,

⁶⁰⁶ one might ask: Since it is assumed that the list in Deuteronomy comes to add to the list in Leviticus, what is different here, in Leviticus, that it is written: “Da’a,” and what is different here, in Deuteronomy, that it is written: “Ra’a,” and da’a is not written? Rather, conclude from the presence of each on only one list that the ra’a and da’a are one species.

⁶⁰⁷ The Gemara objects: But still, there are twenty-five birds, not twenty-four. Abaye said: Just as the ra’a and da’a are one species, so too, the ayya and the dayya, the latter of which is mentioned only in Deuteronomy, are one species. As, if it enters your mind that they are two different species, one might ask: Since it is assumed that the list in Deuteronomy comes to add to the list in Leviticus, what is different here, in Leviticus, that it is written: “After its kinds,” about the ayya, prohibiting some other kind of ayya, and what is different there, in Deuteronomy, that it is written: “After its kinds,” about the dayya? Why is the ayya not mentioned? Rather, learn from the use of the same phrase with regard to the ayya and dayya that they are one species.

⁶⁰⁸ The Gemara asks: And now that the ayya and dayya are one species, why did the Torah need to write both ayya and dayya in Deuteronomy? The Gemara responds: As it is taught in a baraita that Rabbi Yehuda HaNasi says: Given that the two are one species, I will read ayya and know that it is forbidden. Why is dayya stated? It is so as not to give a claim to a litigant to disagree, and it should not occur that you call it an ayya and he calls it a dayya and eats it. Likewise, the Torah did not write only dayya so that it will not occur that you call it a dayya and he calls it an ayya and eats it. Therefore, the Torah writes in Deuteronomy: “And the ra’a, and the ayya, and the dayya after its kinds” (Deuteronomy 14:13). Consequently, both the list in Leviticus and that in Deuteronomy enumerate twenty-four birds, in accordance with the statement attributed to Rav.

⁶⁰⁹ The Gemara raises an objection from a baraita: Why is the list of non-kosher animals in Leviticus repeated? It is due to the necessity of adding the shesua (Deuteronomy 14:7), which was not listed in Leviticus. And the list of non-kosher birds is repeated due to the ra’a. What, is it not understood from the fact that the extra list of animals there, in Deuteronomy, is to add animals, that the list of birds is also repeated to add birds? The Gemara responds: No, there, i.e., with regard to animals, the list is repeated to add, but here, with regard to birds, it is repeated only to explain.

⁶¹⁰ And the opinion that the da’a and ra’a are one species, and that the ayya and dayya are another species, differs from the opinion of Rabbi Abbahu, as Rabbi Abbahu says: The ra’a is the ayya. And why is it called the ra’a? Since it sees [ro’ah] most vividly. And so the verse states: “That path no

bird of prey knows, neither has the eye of the ayya seen it” (Job 28:7). And a Sage taught: The ra’a can stand in Babylonia and see a carcass in Eretz Yisrael.

⁶¹¹ The Gemara discusses Rabbi Abbahu’s statement: Since the ra’a is the same as the ayya, by inference, one may conclude that the da’a is not the same as the ra’a; otherwise, there are not twenty-four non-kosher birds. But since it is assumed that the list in Deuteronomy comes to add to the list in Leviticus, what is different here, in Leviticus, that it is written: “Da’a,” and what is different there, in Deuteronomy, that da’a is not written? Rather, must one not conclude from the discrepancy that the two are the same? If so, one must conclude that according to Rabbi Abbahu, the da’a and ra’a and ayya are all one species.

⁶¹² And furthermore, from the fact that Rabbi Abbahu holds that the ra’a is the same as the ayya, by inference, one may conclude that the dayya is not the same as the ayya. But if so, one may ask again: What is different there, in Leviticus, that it is written: “After its kinds,” about the ayya, and what is different here, in Deuteronomy, that it is not written: “After its kinds,” about the ayya but about the dayya? Rather, the ayya and dayya must be one species. And one may learn from the combination of the two disputes that according to Rabbi Abbahu, the da’a and ra’a, dayya and ayya are all one species. Consequently, according to Rabbi Abbahu, there are only twenty-three non-kosher species.

⁶¹³ § With regard to the phrase: “The ayya after its kinds” (Leviticus 11:14), it is taught in a baraita that Isi ben Yehuda says: There are one hundred non-kosher birds in the East, and they are all species of ayya. Avimi, son of Rabbi Abbahu, taught: There are seven hundred types of non-kosher fish, and eight hundred types of non-kosher grasshopper, and there are countless birds. The Gemara protests: Are there countless non-kosher birds? But there are only twenty-four non-kosher birds mentioned in the Torah. Rather, Avimi must have meant: And there are countless kosher birds.

⁶¹⁴ It is taught in a baraita: Rabbi Yehuda HaNasi says: It is revealed and known before the One Who spoke and the world came into being that the species of non-kosher animals are more numerous than the kosher ones. Therefore, the Torah lists the kosher animals, teaching that all the rest are non-kosher. On the other hand, it is revealed and known before the One Who spoke and the world came into being that the species of kosher birds are more numerous than the non-kosher ones. Therefore, the Torah lists the non-kosher birds.

⁶¹⁵ The Gemara asks: What is this baraita teaching us? The Gemara responds: As Rav Huna says that Rav says, and some say that Rav Huna says that Rav says in the name of Rabbi Meir: A person should always teach his student in a concise manner, just as the Torah is concise in its language.

⁶¹⁶ Rabbi Yitzḥak says: A kosher bird may be eaten on the strength of a tradition that it is kosher, without inspecting for the signs listed in the mishna. And the hunter is deemed credible to say: My teacher conveyed to me that this bird is kosher. Rabbi Yoḥanan said: And this is the halakha only when the teacher is familiar with the non-kosher birds and with their names.

⁶¹⁷ Rabbi Zeira raises a dilemma: Was Rabbi Yoḥanan referring to the hunter’s teacher the Sage, or to his teacher the hunter, i.e., the one who taught him how to hunt? The Gemara responds: Come and hear proof from that which Rabbi Yoḥanan said: And this applies only when the teacher is familiar with them and with their names. Granted, if you say this is referring to his teacher the hunter, this works out well. But if you say it is referring to his teacher the Sage, granted, a Sage will know their names, since he has learned them, but does he recognize the birds themselves? Rather, must one not

conclude from it that Rabbi Yoḥanan referred to his teacher the hunter? The Gemara concludes: Indeed, conclude from it that this is so.

⁶¹⁸ § The Sages taught in a baraita: One may buy eggs from the gentiles anywhere, and one need not be concerned, neither with regard to carcasses, i.e., that the egg may have been removed from a carcass of a bird and therefore forbidden, nor with regard to eggs from tereifot, because neither of these possibilities is likely.

⁶¹⁹ The Gemara objects: But perhaps they are from a non-kosher bird. Shmuel's father said: The baraita is referring to a case where the gentile says they are of such and such bird, which is known to be kosher. The Gemara challenges: But if the gentile is deemed credible, let him say only that they are of a kosher bird. Why does he need to name the species? The Gemara responds: If so, if he does not name the species, he has the opportunity to deflect scrutiny if he is dishonest; but if he names the species, one can bring other eggs of the same species to compare and validate the claim.

⁶²⁰ The Gemara asks: But why must one rely on the gentile? Let him inspect the eggs for signs, as it is taught in a baraita: Like the signs of kosher eggs, so too are the signs of fish. The Gemara interjects: Can it enter your mind that the baraita is referring to the signs of fish? The Merciful One states them explicitly in the Torah: "Fins and scales" (Leviticus 11:9). Rather, say: So too are the signs of

⁶²¹ fish embryos, i.e., fish eggs found in the fish's innards.

⁶²² The Gemara continues: And it is taught in a baraita about eggs that these are the signs of bird eggs: Any egg that narrows at the top and is rounded, so that one of its ends is rounded and the other one of its ends is pointed, is kosher. If both of its ends are rounded or both of its ends are pointed, they are non-kosher. If the albumen is on the outside and the yolk on the inside, it is kosher. If the yolk is on the outside and the albumen on the inside, it is non-kosher. If the yolk and albumen are mixed with each other, it is certainly the egg of a creeping animal. Therefore, if it is possible to recognize a kosher egg by these signs, there is no need to rely on the gentile.

⁶²³ The Gemara responds: No, it is necessary if the eggs have already been cut and one cannot know their original shape. The Gemara challenges: But let him inspect the yolk and the albumen, to see which is inside and which is outside. The Gemara responds: The baraita deals with a case where the eggs are mixed in a bowl, and it is impossible to discern this.

⁶²⁴ The Gemara counters: But in a case like this, where the eggs are mixed, may we buy eggs from them? Isn't it taught in another baraita: One may sell the egg of a tereifa bird to a gentile only if it is mixed in a bowl; therefore, one may not buy eggs mixed in a bowl from them, because they may be from tereifot? If so, it cannot be that the baraita deals with a case where they are mixed, and one should be able to inspect the yolk and albumen.

⁶²⁵ Rather, Rabbi Zeira said: The signs of a kosher egg are not valid by Torah law. As, if you do not say so, one encounters difficulty with that which Rav Asi says: There are eight birds whose kosher status is uncertain. Why is there uncertainty? Let one inspect their eggs for the signs listed in the baraita to determine whether they are kosher. Rather, learn from it that the signs are not valid by Torah law and one may not rely on them.

⁶²⁶ The Gemara asks: But if one may not rely on these signs, with regard to what halakha is the baraita teaching them? The Gemara responds: This is what the baraita is saying: If both of its ends

are rounded, or both its ends are pointed, or the yolk is on the outside and the albumen is on the inside, it is certainly non-kosher. But if one of its ends is pointed and one of its ends is rounded, and the albumen is on the outside and the yolk on the inside, and the gentile says to you that it is from such and such bird, and that bird is kosher, rely on the signs. But if he offers no specification of the type of bird, or if one simply finds eggs with these signs, do not rely on them, since there are crow's eggs that resemble those of a pigeon.

⁶²⁷ The Gemara analyzes the baraita: The Master said: If the albumen and yolk are mixed with each other, it is certainly the egg of a creeping animal and not of a non-kosher bird. The Gemara asks: For what halakha is this information necessary? Either way, the egg is forbidden. Rav Ukva bar Ḥama said: The baraita means to say that if tissue of an embryo developed [rikema] inside it and it was perforated, and one touched it, it transmits ritual impurity provided that the embryo is at least the size of a lentil-bulk, because the carcass of a creeping animal of this size is a source of ritual impurity.

⁶²⁸ Ravina objects to this: But perhaps it is the egg of a snake, whose carcass does not transmit ritual impurity, even though the albumen and yolk of its eggs are mixed together. Rather, Rava said: The baraita does not teach about ritual impurity, but rather that if tissue of an embryo developed inside the egg and one ate it, he is flogged on its account, due to the prohibition: "And every swarming thing that swarms upon the earth is a detestable thing; it shall not be eaten" (Leviticus 11:41).

⁶²⁹ The Gemara asks: If so, why specifically mention the egg of a non-kosher creeping animal? The same would apply even for one who eats the embryo of a kosher bird as well. In either case, one is flogged, as it is taught in a baraita that the verse: "Every swarming thing that swarms upon the earth,"

⁶³⁰ serves to include chicks of pigeons whose eyes have not yet opened in the prohibition against consuming swarming things. The Gemara responds: This prohibition is by rabbinic law, and the verse cited is a mere support for it. One who eats the embryo of a kosher bird is not liable to receive lashes.

⁶³¹ § The Sages taught in a baraita: Kosher eggs that have been boiled with non-kosher eggs are permitted. Unfertilized eggs are permitted, and one of strong constitution may eat them, even if the hen has sat on them for a long period of time. If a drop [koret] of blood is found on it, one discards the blood, which is the first stage of an embryo's development, and eats the rest.

⁶³² Rabbi Yirmeya said: And this applies when the blood is found on its knot, i.e., the place in the albumen where the embryo begins to develop, since this proves that tissue has not developed elsewhere in the egg. And so taught Dostai, father of Rabbi Aporiki: The Sages taught that one may eat the rest of the egg only when the blood is found on its albumen, i.e., the knot; but if it is found on its yolk, even the rest of the egg is forbidden. What is the reason for this? It is that the decay has spread through all of it. Rav Geviha from Bei Ketil said to Rav Ashi: A tanna taught the opposite before Abaye, that one may eat the rest of the egg only when the blood is found on its yolk, and it is Abaye that corrected it in this manner.

⁶³³ § Ḥizkiyya says: From where is it derived that the egg of a non-kosher bird is prohibited by Torah law? As it is stated: "And the daughter [bat] of the ya'ana" (Leviticus 11:16). But does the ya'ana have a daughter whose forbidden status would be different from that of its mother? Both daughter and mother should be included in the same prohibition. Rather, which is this? This is a non-kosher egg. The Gemara challenges: But perhaps this is their name, i.e., the bird is called bat ya'ana. The

Gemara responds: This should not enter your mind, as it is written: “The daughter of my people has become cruel, like the ye’anim in the wilderness” (Lamentations 4:3).

⁶³⁴ The Gemara persists: And is bat ya’ana not its name? But isn’t it written: “I will make a wailing like the jackals, and a mourning like the daughters [benot] of the ya’ana” (Micah 1:8)? The Gemara responds: The verse means: I will make mourning like this ya’ana that mourns for its children. The Gemara asks: But isn’t it written: “And benot ya’ana shall dwell there” (Isaiah 13:21)? The Gemara responds: Here too, the verse means: And they shall dwell there like this ya’ana that dwells with its children.

⁶³⁵ The Gemara asks: But isn’t it written: “The animals of the field shall honor Me, the jackals and the benot ya’ana” (Isaiah 43:20)? And if it enters your mind that the term bat ya’ana is referring to an egg, can an egg sing a song of praise to God? Rather, one must say: The ya’ana is written, and the bat ya’ana is also written, and both are acceptable names for this bird.

⁶³⁶ And still, the name here is different from those of other animals, in that the scribe splits it into two words: Bat ya’ana, even though it is one species. And from the fact that the scribe splits it

⁶³⁷ into two words, conclude from it that they are two names, prohibiting the egg as well.

⁶³⁸ The Gemara asks: If that is so, what about the name: “Chedorlaomer” (Genesis 14:4), which the scribe splits in two so that it appears as: Chedor Laomer? Is it also true there that they are two names? The verse is clearly referring to only one person. They say in response: There, with regard to Chedor Laomer, the scribe splits the name into two words, but he may not split it into two lines if the first half nears the end of one line. But here, he may split the name bat ya’ana even into two lines, indicating that they are completely separate.

⁶³⁹ § The mishna states: But the Sages stated that any bird that claws its prey and eats it is non-kosher. It is taught in a baraita: Rabban Gamliel says: A bird that claws its prey and eats it is certainly non-kosher. If it has an extra digit and a crop, and its gizzard can be peeled, it is certainly kosher. Rabbi Elazar, son of Rabbi Tzadok, says: One stretches a line, and the bird perches on it. If it splits its feet on the line, with two digits here and two there, it is non-kosher. If it places three digits here and one there, it is possibly kosher. Rabbi Shimon ben Elazar says: Any bird that catches food out of the air is non-kosher.

⁶⁴⁰ The Gemara interjects: But the tziparta also catches food out of the air, and it is kosher. Abaye said: We say this only for a bird that both catches and eats its food in the air. The tziparta lands before eating what it has caught.

⁶⁴¹ The baraita concludes: Others say: If a bird dwells with non-kosher birds, it is non-kosher; if it dwells with kosher birds, it is kosher.

⁶⁴² The Gemara asks: In accordance with whose opinion is this last statement? Perhaps it is in accordance with the opinion of Rabbi Eliezer, as it is taught in a baraita: Rabbi Eliezer says: It was not for naught that the zarzir went to dwell with the crow, but because it is of the same species. The Gemara rejects this: You may even say that the opinion introduced with the words: Others say, is like that of the Rabbis, who disagree with Rabbi Eliezer and deem the zarzir kosher. The statement introduced with the words: Others say, is understood as follows: We say that a bird is non-kosher whenever it both dwells with a non-kosher bird and resembles it. The zarzir, though, does not resemble the crow.

⁶⁴³ § The mishna states: And with regard to grasshoppers, any grasshopper that has four legs, and four wings, and two additional jumping legs, and whose wings cover most of its body, is kosher. The Gemara asks: What is considered most of its body? Rav Yehuda said that Rav said: Most of its length. And some say that he said: Most of its circumference. Rav Pappa said: Therefore, one must satisfy both versions of the statement. We require that the wings cover most of its length, and we also require that they cover most of its circumference.

⁶⁴⁴ The Sages taught in a baraita: A grasshopper that has no wings now but will grow them after a time, e.g., the zaḥal, is permitted. Rabbi Elazar, son of Rabbi Yosei, says: The verse states: “Yet these may you eat of all winged swarming things that go upon all fours, which have [lo] jointed legs above their feet, wherewith to leap upon the earth” (Leviticus 11:21). The word lo is written with the letter alef, meaning not, so that it can be understood as: Do not have jointed legs. This teaches that even though it has no jointed legs now but will grow them after a time, it is still kosher. The Gemara asks: What is the zaḥal? Abaye said: It is called askarin in Aramaic.

⁶⁴⁵ The Sages taught in a baraita that the verse states: “These of them you may eat: The arbeh after its kinds, and the solam after its kinds, and the ḥargol after its kinds, and the ḥagav after its kinds” (Leviticus 11:22). The arbeh is the insect known as the govai. The solam is the rashon. The ḥargol is the nippul. The ḥagav is the gadyan. Why must the verse state: “After its kinds,” “after its kinds,” “after its kinds,” and “after its kinds,” four times? It is to include four similar species: The vineyard bird, and the Jerusalem yoḥana, and the artzuveya, and the razbanit, which are also kosher.

⁶⁴⁶ The school of Rabbi Yishmael taught: These appearances of the phrase “after its kinds” in the verse are generalizations, and these species mentioned explicitly are details. The verse must be understood in light of the previous verse, which offers general signs of a kosher grasshopper. The two verses together are a generalization, and a detail, and a generalization, in the following manner: The first verse is a generalization, arbeh is a detail referring to the species govai, and the phrase “after its kinds” is another generalization. According to Rabbi Yishmael’s hermeneutical principles, the second generalization serves to include a case similar to the detail. In this case, the phrase “after its kinds” serves to include

⁶⁴⁷ the vineyard bird, which is similar to the arbeh in that its forehead is not smooth but has small hairs.

⁶⁴⁸ I have derived only that a species that comes before a person and does not have a smooth forehead is kosher. From where is it derived that even one that comes before a person and has a smooth forehead is kosher? The verse states: “Solam,” and this is the nippul, which has a smooth forehead. The phrase “after its kinds” that follows solam is another generalization, which serves to include a case similar to the detail, i.e., the ushkaf, which has a smooth forehead like the solam.

⁶⁴⁹ And I have derived only that a species that comes before a person and does not have a smooth forehead, like the arbeh, or one that comes before a person and has a smooth forehead, like the solam, or one that comes before a person and has no tail, is kosher, since none of the previously mentioned grasshoppers have a tail. From where is it derived that even one that comes before a person and has a tail is kosher? The verse states: “Ḥargol,” and this is the rashon, which has a tail. The phrase “after its kinds” that follows ḥargol is another generalization, and it serves to include the karsefet and the shaḥlanit, which also have tails.

⁶⁵⁰ And I have derived only that a species that comes before a person and does not have a smooth forehead, or that comes before a person and has a smooth forehead, or that comes and has no tail, or that comes and has a tail, or that comes and its head is not long, is kosher, since every grasshopper mentioned until this point does not have a long head. From where is it derived that even one that comes and its head is long is kosher?

⁶⁵¹ You will say: You derive a paradigm from the three of them, as follows: The aspect [re'i] of the arbeh, which has neither smooth forehead nor tail, is not similar to the aspect of the ḥargol, which has both; and the aspect of the ḥargol is not similar to the aspect of the arbeh. And the aspect of neither of them is similar to the aspect of the solam, which has a smooth forehead but no tail, and the aspect of the solam is similar to neither of their aspects. The characteristic that renders them all kosher can only be an aspect common to all of them. Their common denominator is that each has four legs, and four wings, and jumping legs, and its wings cover most of its body. So too, any other species that has four legs, and four wings, and jumping legs, and its wings cover most of its body is kosher, even if its head is long.

⁶⁵² One might ask: But doesn't this tzartzur have four legs, and four wings, and jumping legs, and its wings cover most of its body? Consequently, one might have thought that it should be permitted. Therefore, the verse states: "Ḥagav," to indicate that its name must be ḥagav. This includes all of the species previously mentioned, but not the tzartzur.

⁶⁵³ But if its name must be ḥagav, one might have thought that any ḥagav is kosher, even if it does not have all these signs. Therefore, the verse states: "After its kinds," indicating that even if it is called a ḥagav it is not kosher unless it has all these signs. This concludes the baraita of the school of Rabbi Yishmael.

⁶⁵⁴ Rav Aḥai refutes the baraita: The four signs listed are not the sole common denominators between the arbeh, ḥargol, and solam. What is also unique about these grasshoppers in addition to these signs? They are unique in that their heads are not long. If so, grasshoppers with long heads might not be kosher. And if you would say: Since they share these four signs, we include all others with these four signs and we do not refute them, since the included species need not be identical in all their aspects, if so, the Torah should not even write the ḥargol, which shares these four signs with the arbeh and the solam, and let it be derived that the ḥargol is kosher by inference from the common denominators between the arbeh and solam.

⁶⁵⁵ Rather, it was necessary for the verse to write ḥargol because if it were omitted, its inclusion could be refuted as follows: What is unique about these, the arbeh and solam? They are unique in that they both have no tail. Since the ḥargol has a tail, its kosher status cannot be inferred from theirs. So too, the inclusion of grasshoppers with long heads can be refuted as follows: What is unique about these, the arbeh, ḥargol, and solam? They are unique in that their heads are not long. If so, grasshoppers with long heads might not be kosher.

⁶⁵⁶ Rather, Rav Aḥai said: One can derive that grasshoppers with long heads are kosher as follows: The solam mentioned in the verse is redundant. How so? Let the Merciful One not write solam, and instead let it be derived by inference from the common denominators between the arbeh and ḥargol, that they have four legs, four wings, jumping legs, and that their wings cover most of their body. As what can you say to refute this? If you say: What can be derived from the arbeh, which, unlike the solam, does not have a smooth forehead; one can respond: But there is the ḥargol, which has a

smooth forehead. And if you say: What can be derived from the ḥargol, which, unlike the solam, has a tail, one can respond: But there is the arbeh, which has no tail. If so, why do I need the solam that the Merciful One wrote? Rather, if the solam is not necessary for the matter itself, apply it to the matter of a long-headed grasshopper, to teach that it is kosher.

⁶⁵⁷ The Gemara asks: With regard to what do the tanna of the study hall, who taught the first baraita above, and the tanna of the school of Rabbi Yishmael disagree? They disagree with regard to a grasshopper whose head is long. According to the tanna of the study hall it is prohibited, and according to the tanna of the school of Rabbi Yishmael it is permitted.

⁶⁵⁸ The Gemara elaborates: The tanna of the study hall holds that the previous verse, permitting all species “which have jointed legs” (Leviticus 11:21), is a generalization. The species arbeh, solam, ḥargol, and ḥagav, and the phrase “after its kinds,” that appears after each, are a detail. As a rule, in any instance of a generalization and a detail, the generalization includes only that which is spelled out in the detail. Therefore, only grasshoppers of the same species as those detailed in the verse are kosher. Grasshoppers that are not of the same species as them are not kosher. And the phrase “after its kinds” amplifies the halakha to include grasshoppers that are similar to the named species in two aspects, i.e., that are very similar to them. Since all the named species have short heads, grasshoppers with long heads are forbidden.

⁶⁵⁹ By contrast, the tanna of the school of Rabbi Yishmael holds that the phrase “which have jointed legs” is a generalization. The species arbeh, solam, ḥargol, and ḥagav are a detail. And by the phrase “after its kinds” after each species, it then generalized again. In any instance of a generalization, and a detail, and a generalization, you may deduce that the verse is referring only to items similar to the detail. And the verse therefore amplifies the halakha to include any grasshopper that is similar to the named species in even one aspect, i.e., that has the four signs listed in the mishna, even if its head is long.

⁶⁶⁰ The Gemara asks: But how can this be considered a generalization, a detail, and a generalization? The first generalization is not similar to the latter generalization. In the first generalization, the Merciful One states: “Which have jointed legs,” indicating that you may eat a grasshopper that has jointed legs, but you may not eat one that does not have jointed legs, irrespective of any other sign. However, the latter generalization: “After its kinds,” indicates that no grasshopper is kosher unless it shares all four signs with the named species.

⁶⁶¹ The Gemara responds: The tanna of the school of Rabbi Yishmael deduces from generalizations and details like this case, even if the generalizations are not similar to one another. The Gemara notes: And that which we also say generally, that the tanna of the school of Rabbi Yishmael deduces from generalizations and details like this case, is derived from here.

⁶⁶² The Gemara analyzes the baraita of the school of Rabbi Yishmael: The Master said: If its name must be ḥagav, one might have thought that any ḥagav is kosher, even if it does not have all these four signs. Therefore, the verse states: “After its kinds,” indicating that it is not kosher unless it has all these signs. The Gemara asks: From where would this be derived, that a grasshopper is kosher even if it does not have all these signs? How could one entertain this possibility? Arbeh and ḥargol are written beforehand, indicating that all kosher grasshoppers must share the signs they both possess.

⁶⁶³ The Gemara responds: If solam had not been written as well, it would be as you said. But now that it is written: “Solam,” to include long-headed grasshoppers even though none of the named species have long heads, I will say: Let us also include any grasshopper that is called ḥagav. Therefore, the phrase “after its kinds” teaches us that this is not so.

⁶⁶⁴ The Gemara asks: What is different there, in the baraita of the study hall, that you say that the solam is the rashon, and the ḥargol is the nippul, and what is different here, in the baraita of the school of Rabbi Yishmael, that you say: The solam is the nippul, and the ḥargol is the rashon? The Gemara responds: This Sage refers to them in accordance with the custom of his locale and that Sage refers to them in accordance with the custom of his locale.

⁶⁶⁵ § The mishna states: And with regard to fish, any fish that has a fin and a scale is kosher. The Sages taught in a baraita: If a fish does not have scales now but will grow them after a period of time, such as the sultanit and afyan fish, it is permitted. Likewise, if it has scales now but will shed them when it is caught and rises from the water, such as

⁶⁶⁶ the akunas, and the afunas, and the kesaftiyas, and the akhsaftiyas, and the atunas, it is permitted.

⁶⁶⁷ We learned in a mishna elsewhere (Nidda 51b): Any fish that has scales certainly has fins, but there are fish that have fins and do not have scales. Any fish that has scales and fins is a kosher fish. If it has fins but no scales, it is a non-kosher fish.

⁶⁶⁸ The Gemara asks: Now, since we rely only on scales to deem a fish kosher, presuming that if it has scales it must have fins as well, let the Merciful One write only “scales” as the sign of a kosher fish and let Him not write “fins” at all. The Gemara responds: If the Merciful One had written: Scales [kaskeset], and had not written: Fins [senappir], I would say: What is kaskeset? It is fins. And I would thereby come to permit even non-kosher fish. Therefore, the Merciful One stated: “Senappir and kaskeset,” to leave no room for error.

⁶⁶⁹ The Gemara asks: But now that the Merciful One has written: “Senappir and kaskeset,” from where is it derived that kaskeset denotes clothing, i.e., scales, rather than fins? As it is written: “And he was clad with a coat of scale armor [kaskasim]” (I Samuel 17:5). And if it is certain that kaskeset refers to scales, the question resurfaces: Let the Merciful One write only “kaskeset,” and let Him not write “senappir.”

⁶⁷⁰ Rabbi Abbahu said, and so the tanna of the school of Rabbi Yishmael taught: The Holy One, Blessed be He, wished to bestow good upon the Jewish people. Therefore, He made their Torah abundant, as it is written: “The Lord was pleased, for His righteousness’ sake, to make Torah great and glorious” (Isaiah 42:21). He consequently expanded some aspects of the Torah more than strictly necessary.

⁶⁷¹ § The Sages taught in a baraita: The Torah states the prohibition of non-kosher fish both positively and negatively: “These may you eat of all that are in the waters: Whatever has fins and scales...them you may eat. And all that have not fins and scales...they are a detestable thing unto you” (Leviticus 11:9–10). From the implication of that which is stated: Eat fish that have these signs, I would derive the inverse: Do not eat fish that do not have them. And from the implication of that which is stated: Do not eat fish that do not have them, I would derive the inverse: Eat fish that have them. If so, why did the Torah teach both of them? It is in order to indicate that one who eats non-kosher fish transgresses, on its account, both a positive mitzva and a prohibition.

⁶⁷² Given that the verse states: “Whatever has fins and scales...them may you eat,” what is the meaning when the verse states: “These may you eat of all that are in the waters?” Why is this necessary? It is necessary, as without this verse one might have thought: Since the Torah permitted creeping creatures of the water without fins and scales explicitly and also permitted them implicitly, one can infer: Just as when the Torah permitted such creatures explicitly, it permitted them only when in vessels, so too, when it permitted them implicitly, it permitted them only in vessels. From where is it derived to include as kosher even those in pits, ditches, and caves, that one may bend down and drink from them and need not refrain from drinking the creeping creatures in them? The verse states: “These may you eat of all that are in the waters,” to indicate that this is permitted.

⁶⁷³ The Gemara elaborates: Where did the Torah permit them in vessels? It did so in the following verse, as it is written: “These may you eat of all that are in the waters: Whatever has fins and scales in the waters, in the seas, and in the rivers, them may you eat.” It would have been sufficient to write simply: “In the waters.” The addition of “in the seas and in the rivers” indicates that it is only in the seas and in the rivers that when it has fins and scales you may eat it, and that you may not eat one that does not have them. But with regard to a creeping creature found in vessels, even if it does not have fins and scales you may eat it.

⁶⁷⁴ The Gemara objects: One could just as easily say the opposite: You may eat a fish that has these signs only when it is found in seas and rivers, but in vessels, even if it has fins and scales, you may not eat it. The Gemara responds: This should not enter your mind, as 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, and of all the living creatures that are in the waters, they are a detestable thing to you.” The verse indicates that it is only in the seas and in the rivers that you may not eat a fish that does not have fins and scales. But you may eat a creeping creature found in vessels, even if it does not have fins and scales.

⁶⁷⁵ The Gemara objects: But one can prove whether it is permitted to drink from pits, ditches, and caves differently. Say instead that the phrase “whatever has fins and scales in the waters” is a generalization, and the phrase “in the seas and in the rivers” is a detail. In any instance of a generalization and a detail, the generalization only includes that which is spelled out in the detail. Therefore, in the seas and rivers, yes, one may eat only fish with fins and scales, but in water channels and trenches, as well as pits, ditches, and caves, this restriction does not apply. Consequently, the clause “These may you eat of all that are in the waters” is unnecessary.

⁶⁷⁶ The Gemara responds: This deduction is not sound. The term “in the waters” appears twice in the verse. When the verse repeated it, it then generalized again. Consequently, there are two generalizations and one detail in the verse, making it an instance of a generalization, a detail, and a generalization, which includes all cases similar to the detail, including pits, ditches, and caves, indicating that the restriction applies to them as well. Therefore, the clause “These may you eat of all that are in the waters” is necessary to teach that all fish in pits, ditches, and caves are permitted.

⁶⁷⁷ The Gemara asks: How can this verse be an instance of a generalization, a detail, and a generalization? These are two generalizations that are adjacent to each other. Both instances of the term “in the waters” precede the detail, such that the verse is actually a generalization, a generalization, and a detail. Ravina said: As they say in the West, Eretz Yisrael: Wherever you find two generalizations juxtaposed one with the other, followed by a specific detail,

⁶⁷⁸ place the detail between the two generalizations and then expound them as a generalization, and a detail, and a generalization. Therefore, the first instance of the phrase “in the waters” is a generalization. The phrase “in the seas and in the rivers” is a detail. And by the second instance of the phrase “in the waters,” it then generalized again.

⁶⁷⁹ Therefore, as in any instance of a generalization, and a detail, and a generalization, you may deduce that the verse is referring only to items similar to the detail. Just as the detail, seas and rivers, is referring explicitly to flowing water, so too, fish without fins and scales found in all flowing water are forbidden. What does this include? It includes trenches and water channels, to prohibit fish without fins and scales found in them. And what does it exclude? It excludes pits, ditches, and caves, which are collections of still water, to permit all fish found in them.

⁶⁸⁰ The Gemara asks: But why not say: Just as the detail refers explicitly to water that grows, i.e., is found, on the ground, so too, it includes all water that grows on the ground? And what would this include? It would include even pits, ditches, and caves, to prohibit fish found in them that do not have fins and scales. And what would it exclude? It would exclude only those found in vessels.

⁶⁸¹ The Gemara responds: If so, what use is the phrase “These may you eat of all that are in the waters”? Even without it, vessels would be excluded, since they are not at all similar to seas and rivers. Rather, the phrase “These may you eat of all that are in the waters” serves to indicate that only trenches and water channels are considered similar to the detail, but all fish found in pits, ditches, and caves are permitted.

⁶⁸² § The tanna of the school of Rabbi Yishmael taught: The verse’s use of the phrase “in the waters,” “in the waters” twice is not to be interpreted as a generalization and a detail, but rather as an instance of amplification and restriction. By the first phrase “in the waters,” the verse amplifies, by the phrase “in the seas and in the rivers” it restricts, and by the second instance of “in the waters” it then amplifies again. According to a hermeneutical principle, when a verse amplified, and then restricted, and then amplified, it amplified the relevant category to include everything except for the specific matter excluded by the restriction, i.e., in the seas and in the rivers. What, then, does it include? It includes trenches and water channels, to prohibit fish without fins and scales found in them. And what does it exclude? It excludes fish found in pits, ditches, and caves, to permit them.

⁶⁸³ The Gemara objects: Why not say: What does it include? It includes fish found in pits, ditches, and caves, to prohibit them if they do not have fins and scales. And what does it exclude? It excludes only fish found in vessels. The Gemara responds: If so, what use is the phrase “These may you eat of all that are in the waters”? Even without it, vessels would be excluded. Rather, it indicates that pits, ditches and caves are excluded by the restriction, and all fish found in them are permitted.

⁶⁸⁴ The Gemara objects: But perhaps I should reverse the statement and claim that fish without fins and scales in pits, ditches, and caves are prohibited, and those in trenches and water channels are permitted. The Gemara responds: One must say as Mattitya taught, as Mattitya bar Yehuda taught: What did you see that caused you to include pits, ditches, and caves, to permit them, and to exclude trenches and water channels, to prohibit them? I include pits, ditches, and caves, which contain still water like vessels, and I exclude trenches and water channels, which are not still like vessels, as water flows through them.

⁶⁸⁵ § The baraita on the previous amud states that the Torah permits all fish without fins and scales in vessels both explicitly and implicitly. The Gemara asks: Which verse is the implicit source and which

is the explicit source? Rav Aḥa and Ravina disagree with regard to it. One says: The verse permitting “whatever has fins and scales in the waters, in the seas, and in the rivers,” is the explicit source, and the verse prohibiting “all that have not fins and scales in the seas, and in the rivers,” is the implicit source. And one says the opposite, i.e., that the verse prohibiting “all that have not fins and scales” is the explicit source and the verse that permits “whatever has fins and scales” is the implicit source.

⁶⁸⁶ The Gemara asks: What is the reasoning of the one who says that “whatever has fins and scales” is the explicit source? The Gemara responds: That Sage could have said to you: It is from this verse that the Gemara derives on the previous amud that fish without fins and scales found in vessels are permitted.

⁶⁸⁷ The Gemara asks: What is the reasoning of the one who says that “all that have not fins and scales” is the explicit source? The Gemara responds: The reasoning is that it is this verse that proves that the other verse permits all fish in vessels. As, if one attempted to derive whether fish in vessels are permitted from the other verse alone, I would say the opposite: The verse indicates that a fish with fins and scales is permitted only in the seas and rivers; but in vessels, even if it has fins and scales, you may still not eat it. The phrase in the verse “and all that have not fins and scales” indicates that these restrictions apply only to fish in the seas and rivers.

⁶⁸⁸ § Rav Huna says: A person should not pour beer into a vessel through straw to filter it at night, lest a creeping animal emerge from the beer above the straw and then fall into the cup. Since the drinker poured the beer through a filter, he will assume that all creatures found in the vessel originated there and are permitted despite lacking fins and scales. He will therefore drink the beer along with the creature, and in doing so, he violates the prohibition: “Every swarming thing that swarms upon the earth is a detestable thing; it shall not be eaten” (Leviticus 11:41).

⁶⁸⁹ The Gemara objects: If so, that one must be concerned that a creeping animal may have fallen from the straw into the cup, one should also be concerned about any beer found in a vessel, as perhaps some creature emerged from the beer onto the side of the vessel, thereby becoming forbidden, and then fell back into the vessel. The Gemara responds: There, that is the creature’s normal manner of growth, to attach itself to the sides of the vessel, and it is not considered to have emerged from the liquid.

⁶⁹⁰ And from where do you say that emerging in its normal manner of growth does not render it forbidden? As it is taught in a baraita: From where is it derived to include pits, ditches, and caves, that one may bend down and drink from them and need not refrain from drinking the creeping creatures inside them? The verse states: “These may you eat of all that are in the waters,” indicating that all fish in pits, ditches, and caves are permitted. And one might ask: Let one be concerned that perhaps a creature emerged from the water onto the side of the pit or cave, thereby becoming forbidden, and then fell back into it. Rather, one must say that since that is the creature’s normal manner of growth, it does not render it forbidden. Here too, with regard to beer in a vessel, that is the creature’s normal manner of growth and does not render it forbidden.

⁶⁹¹ Rav Ḥisda said to Rav Huna: A baraita is taught that supports your statement that one need be concerned only about filtered beer: The verse: “Every swarming thing that swarms upon the earth is a detestable thing” (Leviticus 11:41), serves to include gnats found in liquid that one filtered. One may infer: The reason they are prohibited is because one filtered the liquids, but if one did not filter them,

the gnats are permitted. Evidently, one need not be concerned that they emerged from the water onto the side of the vessel.

⁶⁹² § With regard to the prohibition against consuming creeping animals, Shmuel says: A cucumber that became infested with worms

⁶⁹³ while attached to the ground is prohibited, due to the prohibition of: “Every swarming thing that swarms upon the earth,” because the cucumber was considered part of the earth when the worms infested it.

⁶⁹⁴ The Gemara suggests: Let us say that a comparison of the following two baraitot supports Shmuel’s opinion. As it is taught in one baraita: “Every swarming thing that swarms upon the earth” serves to exclude zizin, a type of insect that is found in lentils, and mosquitoes that are in kelisim, a type of bean, and worms that are in dates and in dried figs. All of these are permitted for consumption because they do not swarm on the earth itself. And it is taught in another baraita that when the verse states: “Every swarming thing that swarms upon the earth,” the word “every” serves to include as non-kosher worms that are in the roots of olive trees and that are in the roots of vines.

⁶⁹⁵ What, is it not that both this and that baraita are referring to insects that are found in the fruit, and this, the latter baraita, deems forbidden fruit that is attached to the ground, and that, the former baraita, deems permitted fruit that is not attached to the ground? This would support Shmuel’s statement that worms in a cucumber attached to the ground are forbidden.

⁶⁹⁶ The Gemara responds: No, it is possible that both this and that baraita are referring to insects found in vegetation attached to the ground; and the apparent contradiction between the two is not difficult. This, the former baraita, deems permitted insects found in the fruit, and that, the latter baraita, deems forbidden insects found in the tree itself. This interpretation contradicts Shmuel’s statement.

⁶⁹⁷ The Gemara notes: The language of the latter baraita is also precise, as it teaches: Worms that are in the roots of olive trees and in the roots of vines, clearly referring to the tree itself rather than the fruit. The Gemara concludes: Learn from it that the second interpretation is correct.

⁶⁹⁸ § From the above discussion, it is clear that worms that grow in produce not attached to the ground, and have never emerged from the produce, do not fall under the prohibition of: “Every swarming thing that swarms upon the earth,” because they have never swarmed on the earth. Rav Yosef raises a dilemma: If a worm emerged from the produce but died before it reached the earth, what is the halakha? Is it considered to have swarmed on the earth simply by having emerged? If only part of it emerged, what is the halakha? If it emerged into the air of the world and flew away without landing, what is the halakha? The Gemara responds to all of the above: The dilemma shall stand unresolved.

⁶⁹⁹ Rav Ashi raises a dilemma: If a worm was spawned in a date, and it emerges and climbs onto the roof of the date, i.e., its upper part, what is the halakha? Is this considered the normal manner of growth for the worm, in which case this does not render it forbidden, or is the roof of the date considered a separate entity such that crawling there constitutes swarming on the earth? And if it is considered a separate entity, what is the halakha if the worm climbed onto the roof of the date’s pit? Is this considered the normal manner of growth for the worm? If the worm emerged from a date and

entered a date that was attached to it, without being exposed to the air, what then is the halakha? The Gemara responds to all of the above: The dilemma shall stand unresolved.

⁷⁰⁰ § Rav Sheshet, son of Rav Idi, says: Kukeyanei, worms found in the internal organs of animals, e.g., in the lung and liver, are forbidden. What is the reason for this? It is that they came from the outside world, i.e., the animal must have swallowed them along with vegetation, in which case these worms were already included in the prohibition: “Every swarming thing that swarms on the earth is a detestable thing; it shall not be eaten.”

⁷⁰¹ Rav Ashi objects to this: If they came from the outside world, they should be found in the digestive tract as well. Since they are found only in non-digestive organs, they must have originated in the animal and should not be considered creeping animals that swarm on the earth.

⁷⁰² Some state the exchange differently: Rav Sheisha, son of Rav Idi, says: Kukeyanei are permitted. What is the reason for this? It is that they originate from inside the animal. Rav Ashi said: This is obvious, as if they came from the outside world, they should be found in the digestive tract.

⁷⁰³ The Gemara concludes: And the halakha is: Kukeyanei are forbidden. What is the reason for this? It is that the animal sleeps, and worms enter it through its snout. From there they travel to the internal organs without passing through the digestive tract. Worms found in meat between the skin and the flesh are forbidden; those found in fish are permitted.

⁷⁰⁴ The Gemara recounts: Ravina said to his mother: Conceal the fish’s worms inside it so I cannot see them, and I will eat the fish. Rav Mesharshiyya, son of Rav Aḥa, said to Ravina: What is different in this case from that which is taught in a baraita, that the verse: “Their carcasses you shall have in detestation” (Leviticus 11:11), serves to include worms that are in animals as forbidden? Why are worms in fish permitted?

⁷⁰⁵ Ravina said to him: How can these cases be compared? An animal is rendered permitted for consumption only by slaughter. Before it is slaughtered, it and all its contents are considered part of a living animal and prohibited by the Torah. And since the animal’s slaughter is not effective for these worms, they retain their forbidden status. But fish are rendered permitted by merely gathering them; they are not included in the prohibition against eating a limb from a living animal. And therefore, when these worms originate inside the fish, they originate in a permitted state.

⁷⁰⁶ § The verse states: “Whatever goes upon the belly, and whatever goes upon all fours, or whatever has many feet, even all swarming things that swarm upon the earth, them you shall not eat” (Leviticus 11:42). The Sages taught in a baraita that the phrase “goes upon the belly” is referring to the snake. The preceding word “whatever” serves to include the earthworm and animals similar to an earthworm. The phrase “upon all fours” is referring to the scorpion. The preceding phrase “whatever goes” serves to include the beetle and animals similar to a beetle. The phrase “has many feet” is referring to the centipede. The preceding phrase “or whatever” serves to include animals similar to a centipede and animals similar to those similar to it.

⁷⁰⁷ It is taught in a baraita: Rabbi Yosei ben Durmaskit says: The leviathan mentioned in the Bible is a kosher fish, as it is stated: “His armor is his pride” (Job 41:7), and: “Sharpest potsherds are under him” (Job 41:22). The phrase “his armor” is referring to his scales, which protect him like armor. The phrase “sharpest potsherds are under him” is referring to fins with which he swims, which are sharp and project from his underside.

Chapter 4

¹ MISHNA: When a pregnant kosher animal is slaughtered, the slaughter also renders the consumption of its fetus permitted. Even if an animal was encountering difficulty giving birth and meanwhile the fetus extended its foreleg outside the mother animal's womb and then brought it back inside, and then the mother animal was slaughtered, the consumption of the fetus is permitted by virtue of the slaughter of the mother animal. But if the fetus extended its head outside the womb, even if it then brought it back inside, the halakhic status of that fetus is like that of a newborn, and the slaughter of the mother animal does not permit the consumption of the fetus. Rather, it requires its own slaughter.

² If, prior to slaughtering an animal, one severs pieces from a fetus that is in the womb and leaves those pieces in the womb, their consumption is permitted by virtue of the slaughter of the mother animal. By contrast, if one severs pieces of the spleen or of the kidneys of an animal and then slaughters it, then even if those pieces are left inside the animal their consumption is prohibited, because an organ severed from a living being is not permitted by the subsequent slaughter of the animal. This is the principle: An item that is part of an animal's body that was severed prior to its slaughter is prohibited even after slaughter, and an item that is not part of its body, i.e., its fetus, is permitted by virtue of its slaughter.

³ GEMARA: The Gemara qualifies the first ruling of the mishna: Rav Yehuda says that Rav says: But as for the limb itself, i.e., the foreleg, its consumption is prohibited, even though the fetus brought it back inside prior to the slaughter.

⁴ What is the reason for this? It is as the verse states: "And flesh, in the field, a tereifa, you shall not eat" (Exodus 22:30). A tereifa is an animal with a wound that will cause it to die within twelve months; its consumption is prohibited even if it is ritually slaughtered. The Gemara interprets the verse as teaching a principle: Once flesh whose permitted status is dependent on being within a certain area, e.g., sacrificial meat within the Temple courtyard, has gone outside of its boundary, i.e., the area in which it is permitted, which the verse describes as being "in the field," it becomes permanently prohibited, like a tereifa. Likewise, the permitted status of a fetus is dependent on its being within the womb when the mother animal is slaughtered. Accordingly, if any part of the fetus leaves the womb before the slaughter, it is rendered permanently prohibited.

⁵ The Gemara raises a difficulty: We learned in the mishna: If an animal was encountering difficulty giving birth and as a result the fetus extended its foreleg outside the mother animal's body but then brought it back, and then the animal was slaughtered, the consumption of the fetus is permitted by virtue of the slaughter of the mother animal. The Gemara assumes: What, is the mishna not referring to the entire fetus, including the limb, i.e., the foreleg, when it states that its consumption is permitted by the slaughter? This would contradict Rav's ruling. The Gemara answers: No, the mishna is referring to the rest of the fetus, apart from the foreleg.

⁶ The Gemara asks: If the mishna is referring to the rest of the fetus, why state specifically that the fetus brought back its foreleg? Even if it did not bring it back the rest of the fetus would still be permitted. The Gemara answers: The same is true, that the rest of the fetus is permitted, even if it did not bring back its foreleg. But since the tanna of the mishna wants to teach in the latter clause: If the fetus extended its head, even though it brought it back, the halakhic status of that fetus is like that of

a newborn and is permitted only through its own slaughter, therefore he also taught in the first clause that the fetus brought back its foreleg, for stylistic reasons, despite the fact that the ruling is not limited to that case.

⁷ The Gemara asks: And concerning this latter clause itself, what does it teach us? Does it teach that once the fetus extended its head, that is considered a birth? But we have already learned this in a mishna (Bekhorot 46a): Who is considered a firstborn with regard to inheritance but is not considered a firstborn with regard to the requirement to be redeemed by giving five shekels to the priests? It is a son who came after the miscarriage of an underdeveloped fetus. The mishna adds that the category of stillbirth includes the case of a child who did not reach full term, even if its head emerged alive, or a fully developed, nine-month-old fetus whose head emerged dead.

⁸ The Gemara infers from the final clause of the mishna: The reason a son born following the miscarriage is considered a firstborn with regard to inheritance is that the head of the miscarriage emerged only after it was already dead. But if its head had initially emerged alive, even if it then died before being fully delivered, the son born after him would not be considered a firstborn even with regard to inheritance. Apparently, this is because the emergence of the head alive is considered a birth, and therefore any subsequent child cannot be considered the firstborn. Evidently, it is unnecessary for the mishna here to teach this definition of a birth.

⁹ And if you would say that the mishna there teaches us the definition of birth with regard to a person, and the mishna here teaches us that the same definition applies to an animal, another problem remains, as the Gemara will presently explain.

¹⁰ Before explaining the problem with this suggestion, the Gemara explains why it is necessary to teach the definition with regard to both people and animals: Because the definition of birth with regard to a person cannot be derived from that of an animal, as an animal does not have a concealed opening [prozdor] to the womb, unlike women, whose thighs conceal the opening to their womb. Consequently, even if the definition were stated with regard to an animal, one might limit it to animals, as that stage is immediately visible; whereas in women it is not. And conversely, the definition of birth with regard to an animal cannot be derived from that of a person, as the form of a person's face is significant because people are created in the image of God, and their faces bear the mark of their intelligence, which is not true of animals. Consequently, perhaps the emergence of the head alone is considered a birth only with regard to a person.

¹¹ The Gemara proceeds to explain why the above suggestion is not a solution: With regard to this halakha also, that the emergence of the head of an animal is considered a birth, we have already learned it in a mishna (77a): If part of a placenta emerged from the womb of an animal before it was slaughtered, its consumption is prohibited even after the mother animal is slaughtered. The reason for this is just as the placenta is an indication of the presence of a fetus in a woman, so too, it is an indication of the presence of a fetus in an animal. Consequently, it is possible that the part of the placenta that emerged contained the head of the fetus, and accordingly it would be considered to have been born. The slaughter of the mother animal would therefore not permit it for consumption. Evidently, it is unnecessary for the mishna here to teach the definition of a birth even with regard to an animal.

¹² The Gemara has established that the latter clause does not teach any novelty. Accordingly, it returns to challenging Rav's ruling: Granted, the mishna is understood if you say that the statement

that the fetus brought its foreleg back inside the mother animal, which is mentioned in the first clause of the mishna, is written specifically in order to teach the novelty that the foreleg is permitted if it was brought back before the slaughter, in contrast to Rav's ruling. If so, then one can claim the mishna taught it in the latter clause due to the first clause, so that they would be parallel stylistically, and no novelty is necessary in the latter clause.

¹³ But if you say the first clause is not written specifically and does not teach a novelty, but rather the mishna is referring to the permitted status of the rest of the fetus, which is permitted even if it does not bring back its foreleg, and you also say the latter clause is not written specifically to teach a novelty, since the definition of birth is already taught in a mishna elsewhere, then why does it need to teach the halakha that the foreleg or head were brought back at all? Perforce, the first clause must be referring to the permitted status of the foreleg and limiting it specifically to the case where it was brought back inside. This contradicts Rav's ruling.

¹⁴ The Gemara responds: No; actually, the mishna is referring to the permitted status of the rest of the fetus, but nevertheless, the statement that the fetus brought back its foreleg does teach a novelty. This is similar to that which Rav Naḥman bar Yitzḥak said, in explanation of a ruling in a baraita cited below, that it is necessary only with regard to the location of a cut limb on the fetus's body. If the foreleg were to be severed at precisely the point that lay on the boundary between the inside and the outside of the womb, then the location of the cut on the fetus's body would also be prohibited. Here too, one can explain that the ruling is necessary only with regard to the location of the cut, and it teaches that if the fetus did not bring back its foreleg, then not only is the foreleg prohibited but the location of the cut is also prohibited.

¹⁵ The Gemara suggests: Come and hear a challenge to Rav's ruling from a baraita: If an animal was encountering difficulty giving birth, and as a result the fetus extended its foreleg outside the mother animal's body and then brought it back inside and then afterward one slaughtered its mother, its consumption is permitted by virtue of the slaughter of the mother animal. But if one first slaughtered its mother, and only afterward did the fetus return its foreleg back inside, its consumption is prohibited.

¹⁶ If the fetus extended its foreleg outside and one cut it off, and then afterward one slaughtered its mother, then the part of the foreleg that was outside and was cut off is ritually impure and its consumption is prohibited, as it has the status of a limb cut from a living animal, which is forbidden. And the rest of the fetus that was inside is ritually pure and its consumption is permitted by virtue the slaughter of the mother animal.

¹⁷ If one slaughtered its mother and only afterward cut off the foreleg that had been extended outside,

¹⁸ then the flesh of both the mother animal and the fetus, excluding the foreleg, is impure due to contact with a carcass. Since the foreleg of the now dead fetus was not permitted through an act of slaughtering, it is regarded as a carcass. It therefore imparts impurity to the rest of the flesh, which was in contact with it. This is the statement of Rabbi Meir.

¹⁹ And the Rabbis say: Although the slaughter of the mother animal does not permit the consumption of the foreleg, it does serve to prevent the foreleg from imparting the ritual impurity of a carcass. Accordingly, the flesh has the status of having been in contact with a slaughtered tereifa. By Torah

law, consumption of the animal is prohibited but it does not impart ritual impurity. The Sages decreed it to be impure in that it disqualifies sacrificial flesh with which it comes in contact.

²⁰ The Gemara explains the challenge to Rav's ruling: In any event, the first clause of the baraita teaches: If the fetus extended its foreleg outside the mother animal's body and then brought it back inside and then afterward one slaughtered its mother, its consumption is permitted. What, is it not referring to the limb, i.e., the foreleg, and the baraita rules that it is permitted, in contradiction to Rav's ruling? The Gemara responds: No, it is referring to the rest of the fetus.

²¹ The Gemara questions this: If the baraita is referring to the fetus, say the latter clause: If one first slaughtered its mother, and only afterward the fetus returned its foreleg inside, its consumption is prohibited. The Gemara explains the question: And if it is referring to the fetus, why should it be prohibited in this case?

²² The Gemara answers: The baraita is referring to the fetus, and should be explained in a manner similar to that which Rav Nahman bar Yitzhak said, in explanation of a ruling in a baraita cited below, that it is necessary only with regard to the location of the cut limb on the fetus's body. If the foreleg was severed at precisely the point that lay on the boundary between the inside and outside when it was extended outside the womb, the location of the cut on the fetus's body is also prohibited. Here too, one can explain that this ruling is necessary only with regard to the location of the cut, and it teaches that if the fetus did not return its foreleg, then not only is the foreleg prohibited but the location of the cut is prohibited as well. The foreleg itself, though, is prohibited even if it was brought back inside before the slaughter.

²³ The Gemara asks: Is that so? But when Avimi came from Bei Hozai he came and brought a baraita with him: One of the sources (see 69a) that the slaughter of a pregnant animal also serves to permit the consumption of the fetus is the verse: "And every animal that has a split hoof and is cloven into two hooves, chews the cud, of the animals, it you may eat" (Deuteronomy 14:6). The verse mentions both "hoof" in the singular and "hooves" in the plural to teach that sometimes one may eat two hooves and sometimes only one, as follows: If the fetus extended two of its hooves outside the womb, if it returned one hoof one may eat, if it brought back both hooves one may eat. What, is it not that the baraita means that if it brought back one hoof one may eat that hoof, and likewise if it brought back both hooves one may eat both of them, in contradiction to Rav's ruling?

²⁴ The Gemara responds: No, it means that if it brought back one hoof or even both, one may eat the rest of the fetus but not the hooves. The Gemara objects: If it is referring to the permitted status of the fetus, why does it specifically state that it brought back the hoof? Even if it did not bring it back the fetus would be permitted. Rav Nahman bar Yitzhak said the ruling of the baraita is necessary only with regard to the location of the cut limb on the body of the fetus. If the limb were to be severed at precisely the point that lay on the boundary between the inside and the outside when it was extended outside the womb, then the location of the cut on the fetus's body would also be prohibited, but only if the fetus had not brought back that limb before the mother animal was slaughtered.

²⁵ The Gemara persists: But even given Rav Nahman bar Yitzhak's claim the baraita adduces two verses, i.e., the mention of hoof and hooves. What, is it not that one serves to permit the limb, in contradiction to Rav's ruling, and the other one serves to permit the location of the cut, in accordance with Rav Nahman bar Yitzhak's ruling? The Gemara responds: No; one mention does serve to permit the location of the cut, but the other one serves to permit a fetus with non-cloven hooves [kalut]

found inside the womb of a cow that was slaughtered. Although the fetus does not bear the distinguishing characteristics of a kosher species, it is nevertheless permitted by virtue of the slaughter of its mother.

²⁶ And it is necessary to have a specific source to permit this according to the opinion of Rabbi Shimon, as Rabbi Shimon says: A calf with non-cloven hooves born from a kosher cow is forbidden, as the calf does not bear the distinguishing characteristics of a kosher species. The verse teaches that this matter applies only where the fetus emerged into the airspace of the world, i.e., it was born before the mother animal was slaughtered. But if it was still inside its mother's womb when the mother was slaughtered, it is permitted.

²⁷ § The Gemara attempted to challenge Rav's ruling that once a limb of a fetus is extended outside the mother animal's body it becomes prohibited even if it was then brought back, but did not find a conclusive refutation. It now presents a dissenting opinion: Ulla says that Rabbi Yoḥanan says: And even the limb itself is permitted by virtue of the slaughter of the mother animal.

²⁸ Rav Yehuda said to Ulla: But Rav and Shmuel both say the limb itself is prohibited; how can you say otherwise? Ulla said to him: Who will give us some of the dust of the graves of Rav and Shmuel and we will fill our eyes with it; such is the greatness of those Sages. But I follow the opinion of Rabbi Yoḥanan, and this is what Rabbi Yoḥanan says: Initially one would assume all flesh that is permitted due to being within a certain boundary, e.g., a fetus inside its mother's womb, the flesh of offerings of the most sacred order within the Temple courtyard, and the flesh of offerings of lesser sanctity within Jerusalem, was included in the verse: "And flesh, in the field, a tereifa, you shall not eat" (Exodus 22:30). The verse is interpreted to teach that if such flesh leaves its boundaries it is rendered forbidden, even should it subsequently return.

²⁹ Once another verse applies the concept for you specifically with regard to a sin offering, teaching that if it went outside of its boundary and returned it is prohibited (see Leviticus 10:18), then it is apparent that the Merciful One specifically applied the concept to a sin offering. But with regard to all other items that left their boundary, once they are brought back they are permitted, including the limb of a fetus that was extended outside the womb and then was brought back.

³⁰ The Gemara raises an objection to the opinion of Ulla and Rabbi Yoḥanan from a baraita: It is derived from the verse: "And flesh, in the field, a tereifa, you shall not eat," that flesh that leaves the boundary in which it is permitted is thereby rendered forbidden like a tereifa. Why must the verse state that it is like a tereifa? The baraita explains: Since we find with regard to second tithe and first fruits that even though they went outside of their boundary, which is the city of Jerusalem and the only place where it is permitted to eat them, nevertheless if they are brought back to there they are once again permitted, one might have thought that also with regard to this prohibition, that of flesh that leaves its boundary, it is so, i.e., if it is brought back it once again becomes permitted for consumption. Therefore, the verse states: "A tereifa."

³¹ The Gemara clarifies: What is the biblical derivation from the term "a tereifa"? Rabba said: The verse indicates that the prohibition of flesh that left its boundary is like the prohibition of a tereifa. Just as with regard to a tereifa, once an animal is mortally wounded, rendering it a tereifa, it can no longer regain a permitted status, so too with regard to flesh referred to in the verse: Once it has gone outside of its boundary it can no longer regain permitted status. Accordingly, if the limb of a fetus was extended outside the womb it would thereby become permanently prohibited, contradicting the

opinion of Ulla and Rabbi Yoḥanan. The Gemara concludes: The refutation of the statement of Ulla is indeed a conclusive refutation.

³² The Gemara analyzes the baraita, which states: The Master said: Since we find with regard to second tithe and first fruits that although they left their boundary, if they are brought back there they are again permitted. The Gemara asks: Where did we find this, i.e., what is the source for this halakha?

³³ The Gemara explains that it is written: “You may not eat within your gates the tithe of your grain, or of your wine, or of your oil, or the firstborn of your herd or of your flock, nor any of your vows that you have vowed, nor your voluntary offerings, nor the offering of your hand. But you shall eat them before the Lord your God” (Deuteronomy 12:17–18). The phrase “the tithe of your grain, or of your wine, or of your oil” is referring to second tithe, and the phrase “the offering of your hand” is referring to first fruits. The verse states that all the items listed may be eaten only “before the Lord your God,” i.e., within the city of Jerusalem. The prohibition stated in the verse is that within your gates, i.e., outside of Jerusalem, you may not eat these items. But by inference, if these items went outside of their boundary, i.e., outside of Jerusalem, and then were brought back, they are permitted.

³⁴ § The Gemara explained the dispute between Rav and Rabbi Yoḥanan in the way in which it was taught in Babylonia. The Gemara notes that in the West, Eretz Yisrael, they taught the dispute like this: Rav says there is a concept of birth with regard to limbs. When a limb is extended outside the womb, it is considered born and is independent of the mother animal. Consequently, it can never be permitted by virtue of the slaughter of the mother animal. And Rabbi Yoḥanan says that there is no concept of birth with regard to limbs. Since the limb is never considered to have been born, as long as it is inside the mother animal when the mother animal is slaughtered it will be permitted by virtue of that slaughter.

³⁵ The Gemara asks: What is the difference between these two versions which explain why Rav deemed the limb forbidden? The Gemara answers: The practical difference between them is in a case in which only the majority of a limb was extended outside the womb. In that case, the issue is whether or not to prohibit the minority of the limb that remained inside. If the limb is forbidden because it is considered to have been born, the entire limb would be forbidden and not just the part that was extended. If the limb is forbidden because it left its boundary, then only the part that extended outside the womb would be forbidden.

³⁶ A dilemma was raised before the Sages: According to the statement of the one who says there is no concept of birth with regard to limbs, if the fetus extended its foreleg outside the womb and brought it back, and again it extended its other foreleg outside and brought it back, and continued to extend parts of its body outside until the total amount that had been outside the womb constituted the majority of the fetus, what is the halakha? Do we say that ultimately the majority of the fetus has left the womb and the entire fetus should be regarded as having been born, and consequently the slaughter of its mother can no longer permit its being consumed? Or perhaps, since it brought each limb back, the limbs are considered to have been brought back; therefore, the majority of the fetus is not considered to have left the womb and it is not regarded as having been born. In that case, the slaughter of its mother would still permit its being consumed.

³⁷ The Gemara asks: If you want to say that since it brought back each limb, they are considered to have been brought back and the majority of the fetus is not considered to have left the womb, the

following dilemma still arises: If the fetus extended its foreleg outside and someone severed it, and again it extended its other foreleg outside and someone severed it, and this continued with its other limbs until the total amount outside the womb constituted the majority of the fetus, what is the halakha? Do we say that since the majority of the fetus has left the womb, the entire fetus should be regarded as having been born and therefore the slaughter of its mother can no longer permit it? Or perhaps, in order for the fetus to be regarded as having been born we require a majority of the fetus to leave simultaneously, which does not exist in this case.

³⁸ The Gemara suggests: Come and hear a proof from the mishna:

³⁹ This is the principle: An item that is part of an animal's body that was severed prior to the slaughter is prohibited to be consumed even after slaughter, and an item that is not part of its body, i.e., its fetus, is permitted by virtue of its slaughter. The Gemara asks: Just prior to stating the principle, the mishna states the halakha that even if parts of a fetus are cut from it the slaughter of the mother permits it. If so, when the mishna presents the principle and states that an item that is not part of its body is permitted, what is added? Is it not to include a case like this, where the majority of the fetus has already left the womb, and nevertheless the principle clarifies that the rest of the fetus that remains inside the womb is permitted?

⁴⁰ The Gemara rejects this suggestion: No, it comes to include a fetus with non-cloven hooves found inside the womb of a cow that was slaughtered. Although the fetus does not bear the hallmarks of a kosher animal, which has split hooves and chews its cud, it is nevertheless permitted to be consumed by virtue of the slaughter of its mother. And a specific clause in the mishna permitting this is necessary according to the opinion of Rabbi Shimon, as Rabbi Shimon says: A calf with non-cloven hooves born from a kosher cow is forbidden, as the calf does not bear the hallmarks of a kosher animal. The mishna teaches that this matter applies only where the fetus emerged into the airspace of the world, i.e., it was born before the mother animal was slaughtered. But if it is still inside its mother's womb when the mother is slaughtered, it is permitted to be consumed.

⁴¹ § The Gemara taught that the reason to deem a limb of a fetus that was extended outside the womb forbidden for consumption is because it went outside of its boundary. Based on this, Rav Ḥanania raises a dilemma: If the fetus of a sacrificial animal of the most sacred order extended its foreleg outside the womb while in the Temple courtyard and then brought it back, what is the halakha? Will the slaughter of the mother permit that limb? Do we say that since the courtyard is regarded as the boundary for such sacrificial animals, as they are permitted only when in the courtyard, therefore it is also regarded as the boundary for this fetus, and even if it extended its limb outside of the womb, it is irrelevant since it ultimately remained within its boundary? Or perhaps, for this fetus, the courtyard is not considered its boundary, as the boundary of a fetus is its mother, and so the limb would become prohibited.

⁴² Abaye said to Rav Ḥanania: But why don't you raise the same dilemma with regard to the fetuses of offerings of lesser sanctity, which are permitted only within Jerusalem? Abaye continues: It would appear that concerning offerings of lesser sanctity within Jerusalem, what is the reason that you did not raise this dilemma? It is because it is clear to you that the boundary of a fetus is its mother. But here too, concerning a fetus of an offering of the most sacred order, one must say that the boundary of a fetus is its mother, and not the Temple courtyard.

⁴³ § The baraita cited on 68b discusses the case of a fetus that extended a limb outside the womb. It cites the opinion of the Rabbis that although the slaughter of the mother does not permit the consumption of the limb, it does prevent it from being defined as a carcass with the associated ritual impurity. Based on this, Ilfa raises a dilemma: If the fetus extended its foreleg outside the womb between the severing of its mother's windpipe, which is one of the organs that must be severed in ritual slaughter [siman], and the severing of the other siman, the gullet, what is the halakha?

⁴⁴ Does the cutting of the first siman combine with that of the second siman to render that limb pure from the impurity of a carcass or not? The cutting of the first siman could potentially permit the consumption of the limb, as the limb was still inside the womb, whereas the cutting of the second siman could not permit consumption, as the limb had already been extended outside the womb. Since they have different effects, can they combine to render the limb pure? Rava said: It is an a fortiori inference: If the cutting of the first siman was effective to the extent that it can combine with the cutting of the second siman to permit the rest of the fetus for consumption, will it not be effective with regard to the limb to render it pure from the impurity of a carcass?

⁴⁵ Rabbi Yirmeya raises a dilemma: If a fetus extended a limb outside the womb, thereby rendering the limb forbidden, and then, after the mother animal was slaughtered, the fetus emerged alive, what is the halakha concerning whether there is a need to be concerned with regard to any offspring of that fetus, i.e., that the prohibition pertaining to its limb will pass on to its offspring?

⁴⁶ The Gemara clarifies: What are the circumstances of this case? If we say the dilemma applies to the offspring in a case where the fetus matured and mated with a full-fledged, normal animal, which would be fully permitted if slaughtered, then why raise this dilemma specifically with regard to this fetus, which has a prohibition attached to it caused by leaving its boundary?

⁴⁷ Even in the case of a regular fetus that emerged alive from its mother's womb after the mother was slaughtered [ben pekua], which is permitted without the need for any slaughter, the dilemma could also be raised, as Rav Mesharshiyya says: According to the statement of the one who says that when defining the status of an animal one needs to be concerned with its paternity and not only its maternity, if a ben pekua mated with a full-fledged animal, the offspring has no rectification. The offspring of two ben pekua animals is permitted without ritual slaughter. But if the father is a ben pekua but not the mother, then it is simultaneously defined as requiring slaughter, based on the mother, and being excluded from the possibility of being permitted through slaughter, based on the father. Therefore, no act of slaughter can permit it.

⁴⁸ The Gemara answers: No, the dilemma does not concern that case. Rather, it is necessary in a case in which the fetus later mated with a ben pekua like it and had offspring. Since neither of the parents require slaughter, the offspring does not require it either. In such a case, what is the halakha? To what extent does the prohibition pertaining to the limb of the father pass to the offspring? Do we say that each limb of the father produces the corresponding limb in the offspring, and so only the parallel limb in the offspring is prohibited, and therefore one could sever that limb and the rest of the offspring will be permitted? Or perhaps the father's seed is intermingled through the entire offspring, and so the entire offspring is prohibited.

⁴⁹ After raising this dilemma, Rabbi Yirmeya then said: It is obvious that the seed of the father is intermingled through the entire offspring, as if it were so that each limb produces the corresponding

limb, every blind father would bear blind offspring, and an amputee father would bear offspring that is an amputee.

⁵⁰ Rather, it is obvious that the seed of the father is intermingled, and this is the dilemma we are raising: Even with regard to a regular animal, is it not produced from the influence of the forbidden fat and blood of its father and mother, and yet it is permitted to be consumed? Here too, it is no different, and although the forbidden limb of the father was an influence in the offspring's formation, the offspring should nevertheless be permitted. Or perhaps we say that the Torah permitted these two prohibitions, the consumption of forbidden fat and the consumption of blood, but we do not say that it permitted three prohibitions, i.e., also the prohibition of a limb that left its boundary.

⁵¹ The Gemara asks: And according to whom is it possible to speak of three prohibitions in order to raise this dilemma? If it is in accordance with the opinion of Rabbi Meir that is difficult, because he holds that a fetus that has completed its gestational term is regarded as being independent of its mother and is no longer permitted by virtue of its mother's slaughter. Consequently, there is a prohibition of forbidden fat and blood, just like any other animal, but there is no prohibition of a limb that leaves its boundary, as its permitted status is no longer dependent on being within its mother's womb.

⁵² And if you say it is in accordance with the opinion of Rabbi Yehuda that is also difficult, because he holds that since ultimately the offspring was inside its mother's womb when the mother was slaughtered, the fetus is permitted in its entirety by virtue of that slaughter. Consequently, there is a prohibition of a limb that leaves its boundary, but there is no prohibition of forbidden fat and blood.

⁵³ The Gemara cites the source of the opinions of Rabbi Meir and Rabbi Yehuda: As we learned in a baraita: The prohibition of the sciatic nerve applies to the fetus that had already completed its gestational term when its mother was slaughtered, and likewise its fat is forbidden; this is the statement of Rabbi Meir. Rabbi Yehuda says that the prohibition of the sciatic nerve does not apply to the fetus, and its fat is permitted. Evidently, according to all opinions, both the prohibitions of forbidden fat and blood and the prohibition of a limb that leaves its boundary cannot apply to the same animal.

⁵⁴ Rather, it must be that we do not say that any item that is produced from the influence of a forbidden entity is itself forbidden, as in fact it is permitted. Therefore, it would certainly be permitted to consume the offspring of a fetus whose limb had been forbidden, and the dilemma does not concern such an animal.

⁵⁵ And this is the dilemma that we are raising: What is the halakha with regard to drinking the milk of a fetus whose limb is forbidden? Isn't regular milk of a normal animal comparable to a limb from a living animal, given that it is taken from a live animal, and yet it is permitted? If so, this milk too should be no different, and although the milk comes from an animal whose limb is forbidden as a limb from a living animal, as it was not permitted through the slaughter of its mother, nevertheless, the milk should be permitted.

⁵⁶ Or perhaps there, with regard to regular milk, the Torah waives the prohibition of a limb from a living animal, as there is a rectification for its prohibition through slaughter. But here, with regard to a fetus whose limb is forbidden as a limb from a living animal, there is no rectification for its prohibition through slaughter. The Gemara accepts that this was the dilemma, but concludes that no resolution for it was found, and so the dilemma shall stand unresolved.

⁵⁷ § The mishna states: If, prior to slaughtering an animal, one severed pieces from a fetus that is in its womb, leaving those pieces in the womb, their consumption is permitted by virtue of the slaughter of the mother animal. The Gemara asks: From where do we derive this halakha? It is derived from a verse, as it is written: “And every animal that has a split hoof and is cloven into two hooves, chews the cud, of the animals, it you may eat” (Deuteronomy 14:6). The term “of the animals [babehema]” is translated literally as: In the animal, and is referring to the term “every animal” mentioned at the beginning of the verse. Accordingly, the verse may be read as saying: Every animal in the animal you may eat, and is referring to a fetus inside its mother. It therefore serves to include the offspring, i.e., the fetus, as being permitted by its mother’s slaughter, even if parts of the fetus had been severed.

⁵⁸ The Gemara objects: If that is so, that the phrase: Every animal of the animals, is referring to a fetus, then one should be able to substitute a non-sacred animal for the sanctified fetus of a pregnant offering, i.e., the non-sacred animal should become consecrated through the attempt to do so. This is because the verse referring to substitution also uses that phrase: “And if he shall substitute an animal for an animal [behema bivhema], it and its substitute shall be consecrated” (Leviticus 27:10). There too, the phrase “an animal for an animal” translates literally as: An animal in an animal.

⁵⁹ Why, then, did we learn in a mishna (Temura 10a): One cannot substitute limbs of a non-sacred animal for fetuses of pregnant offerings, i.e., those limbs will not thereby be consecrated; and one cannot substitute fetuses of non-sacred animals for limbs of an offering, and one cannot substitute limbs and fetuses of non-sacred animals for whole offerings, and one cannot substitute whole, non-sacred animals for them, i.e., limbs and fetuses of offerings?

⁶⁰ Rather, the halakha that a fetus and its severed pieces are permitted to be consumed by virtue of the slaughter of the mother animal is derived from that which the verse states: “And every animal.” The term “and every” serves to include the offspring, i.e., the fetus, as being permitted, even if parts of it had been severed.

⁶¹ The Gemara objects: If so, then even if one severs pieces of the spleen or of the kidneys of an animal, those pieces should be permitted as well. Why, then, did we learn in the mishna: If one severed pieces from a fetus that was in its womb, leaving those pieces in the womb, their consumption is permitted by virtue of the slaughter of the mother animal, but if one severed pieces of the spleen or of the kidneys of an animal and then slaughtered it their consumption is prohibited? The Gemara explains: That verse states: “Of the animal, it you may eat,” which indicates that slaughter permits consumption of only the whole animal, but not of the parts of the animal that it is lacking, i.e., the parts that were severed.

⁶² The Gemara objects: If that is so, that the halakha is derived from the term “and every animal,” then even in the case of one who slaughters an animal and finds a dove-shaped fetus in it, it should be permitted. Why, then, does Rabbi Yoḥanan say: One who slaughters an animal and finds a dove-shaped fetus in it, that fetus is prohibited for consumption?

⁶³ The Gemara explains: In order for the fetus to be permitted, I require that it have hooves, and a dove-shaped fetus does not have hooves.

⁶⁴ The Gemara objects: If that is so, that the fetus is permitted only if it fulfills the conditions mentioned in that verse, then a fetus with non-cloven hooves found inside a cow’s womb should be forbidden, whereas the baraita cited on 68b states that it is permitted. The Gemara answers: This is as the school of Rabbi Yishmael taught in accordance with the opinion of Rabbi Shimon ben Yoḥai:

Each phrase in the verse is taken as a sufficient condition. Furthermore, the term “hoof” can be understood independently of the phrase “cloven into two hooves,” and is referring to a non-cloven hoof. Accordingly, the verse can be interpreted as teaching: An animal that has a hoof, in the animal, it you may eat, and teaches that even a fetus with a non-cloven hoof is permitted.

⁶⁵ Rav Shimi bar Ashi said: Actually, the halakha that the fetus and its severed pieces are permitted should be derived as you previously said, i.e., from the phrase: An animal in the animal. And with regard to that which posed a difficulty for you, i.e., the mishna in Temura that states one cannot substitute a non-sacred animal for the fetus of a pregnant offering, that difficulty can be resolved by saying: In accordance with whose opinion is this? It is the opinion of Rabbi Shimon, who compares substitution to the animal tithe: Just as the animal tithe does not apply to limbs and fetuses but only to live animals that can walk, as it is stated: “Whatever passes under the rod” (Leviticus 27:32), so too, substitution does not apply to limbs and fetuses.

⁶⁶ The Gemara asks: And from where do you say that this mishna expresses the opinion of Rabbi Shimon? The Gemara explains: As we learned in the same mishna (Temura 10a) that Rabbi Yosei says: But with regard to consecrated offerings, if one says the leg of this animal is a burnt offering, then all of the animal is consecrated as a burnt offering. Accordingly, even with regard to substitution, if one says: The leg of this non-sacred animal should be substituted instead of that offering, the entire animal should be a substitute in its stead.

⁶⁷ Rabbi Yosei clearly disagrees with the opinion that substituting a limb is not possible. But Rabbi Yosei’s formulation indicates that even according to that opinion, if a single limb is consecrated then the entire animal becomes consecrated. The Gemara clarifies: To whom is Rabbi Yosei responding? If we say he is responding to Rabbi Meir and Rabbi Yehuda, do they accept this reasoning? But isn’t it taught in a baraita: One might have thought that in the case of one who says: The leg of this animal is a burnt offering, all of it will be a burnt offering. Therefore, the verse states: “And if it is an animal of those that they bring as an offering to the Lord, anything of it that one gives to the Lord, it shall be sacred” (Leviticus 27:9). The verse indicates that the part of it that one gives will be sacred, but all of it will not be sacred.

⁶⁸ A non-sacred animal with a consecrated limb may not be sacrificed. Accordingly, one might have thought the consecrated limb may be redeemed and thereby transferred to non-sacred status. Therefore, the verse states: “It shall be sacred,” indicating that it shall remain as it is. How is this possible? The animal should be sold for the needs of burnt offerings, i.e., to an individual who will sacrifice the entire animal as a burnt offering, and the payment received for the animal will be non-sacred, except for the payment received in exchange for that one limb that is consecrated. This is the statement of Rabbi Meir and Rabbi Yehuda.

⁶⁹ Rabbi Yosei and Rabbi Shimon say: From where is it derived that in the case of one who says: The leg of this animal is a burnt offering, all of it becomes a burnt offering? The verse states: “It shall be sacred.” This serves to include all of the animal, indicating that it all becomes sacred.

⁷⁰ The Gemara reiterates its question: To whom is Rabbi Yosei responding? Rabbi Yosei clearly disagrees with the opinion that if a single limb is consecrated then the entire animal becomes consecrated. If we say he is responding to Rabbi Meir and Rabbi Yehuda, do they accept this reasoning? Rather, isn’t Rabbi Yosei responding to Rabbi Shimon, as the Gemara suggests above in resolution of the difficulty from the mishna in Temura?

⁷¹ The Gemara responds: No, it is possible that Rabbi Yosei is not responding directly to any other opinion; rather, he stated his own reasoning, without reference to that of another Sage. Consequently, his statement affords no proof that the mishna in Temura expresses the opinion of Rabbi Shimon.

⁷² MISHNA: Upon its birth, the firstborn male offspring of a domesticated animal is automatically consecrated with firstborn status, and it is prohibited to derive benefit from it. Furthermore, if it dies, it may not be discarded, but must be buried. If an animal that was giving birth to a firstborn male was encountering difficulty giving birth, and in order to alleviate the difficulty one wishes to terminate the birth, he may cut up the fetus limb by limb and cast it to the dogs. Since the fetus was not born, it is non-sacred and does not require burial. If a majority of the fetus had already emerged, it is considered to have been born and is therefore consecrated; consequently, if one cut it up it must be buried, and the mother animal is exempted from having firstborn status conferred on any future offspring.

⁷³ GEMARA: An amoraic dispute was stated with regard to a case in which one-third of a firstborn fetus emerged from the womb and then one sold it to a gentile, and then another one-third of the fetus emerged. Once a majority of the fetus emerges it is considered born. The halakha is that a fetus partly owned by a gentile is not consecrated as a firstborn. In this case, the firstborn was sold to a gentile only after it had already partially emerged from the womb. Rav Huna says it is consecrated, while Rabba says it is not consecrated.

⁷⁴ The Gemara elaborates: Rav Huna says it is consecrated, as he maintains a firstborn is consecrated retroactively from the moment the first part of its body emerges from the womb. And therefore in this case, once most of it had emerged, it became clarified retroactively that it had already been consecrated from the outset, and so with regard to that which he had sold to a gentile, it arises that he did not actually sell anything at all. Since it had already been consecrated, he did not have full ownership of it to be able to sell it.

⁷⁵ Rabba says it is not consecrated, as he maintains a firstborn is consecrated from that point forward, i.e., only at the moment the majority of it emerges. And so with regard to that which he had sold to a gentile, it arises that he had sold it properly, i.e., the sale was valid because at the time of the sale it had not been consecrated. Accordingly, by the time the majority of its body emerged it was already partly owned by a gentile, and that prevented it from being consecrated.

⁷⁶ The Gemara notes: Rav Huna and Rabba follow their lines of reasoning, as another dispute between them was stated with regard to a case in which one-third of a firstborn fetus emerged through the wall of the womb, i.e., via caesarean section, and then the other two-thirds emerged through the opening of the womb. The halakha is that a fetus is consecrated only if it emerged through the opening of the womb. In this case a majority did emerge through the opening, but the first majority to emerge was not through the opening. Rav Huna says it is not consecrated and Rabba says it is consecrated.

⁷⁷ The Gemara elaborates: When Rav Huna says it is not consecrated Rav Huna conforms to his standard line of reasoning, as he says a firstborn is consecrated retroactively, since the birth consecrates it. And in this case, the first majority that emerged, which defined its birth, was not through the opening of the womb. Therefore, it was not consecrated. Conversely, when Rabba says it is consecrated Rabba conforms to his standard line of reasoning, as he says a firstborn is consecrated from that point forward, i.e., only once a majority of the fetus has emerged from the opening of the

womb. This is because the emergence of a majority of the fetus through the opening of the womb consecrates it, even if that is not the first majority, and in this case the majority of the animal emerged through the opening of the womb.

⁷⁸ The Gemara notes: And it is necessary to convey Rav Huna and Rabba's dispute in both of these cases. As, had the Sages taught us only their dispute with regard to this case, where after one-third emerged it was sold to a gentile, one might have thought that it is only with regard to this case that Rav Huna says the animal is consecrated retroactively. This is because to rule it is consecrated from that point forward would be a leniency, as then the fetus would be exempt from being subject to firstborn status. But with regard to that case, when one-third emerged through the wall of the womb, where Rabba's opinion would lead to a stringency, one might say that Rav Huna concedes to Rabba.

⁷⁹ And if their dispute was stated only with regard to that case, when one-third emerged through the wall of the womb, one might have thought it is only in that case that Rabba says the animal is consecrated from that point forward, as that results in a stringency, i.e., the fetus is subject to firstborn status. But in this case, when after one-third emerged it was sold to a gentile, and where ruling that the animal is consecrated from that point forward results in a leniency, one might say that Rabba concedes to Rav Huna. Therefore, it was necessary for the dispute to be stated in both cases.

⁸⁰ The Gemara raises a difficulty with the opinion of Rav Huna. We learned in the mishna: If an animal that was giving birth to a firstborn male was encountering difficulty giving birth, and in order to alleviate the difficulty one wishes to terminate the birth, he may cut up the fetus limb by limb and cast it to the dogs. What, is it not teaching that one cuts each limb and leaves it outside the body, casting the limbs to the dogs only after he has already extracted a majority of its body? And if you say a firstborn is consecrated retroactively, then once the majority of the fetus emerges from the womb all of the limbs would be consecrated retroactively according to Rav Huna. Accordingly, the mishna should have said the limbs must be buried.

⁸¹ The Gemara responds: No, here we are dealing with one who cuts each limb and immediately casts it to the dogs, before any consecration takes effect.

⁸² The Gemara asks: But according to this, if one cuts the limbs and leaves them, what is the halakha? Each one must be buried. If that is so, rather than teaching in the latter clause of the mishna: If a majority of the fetus had already emerged it is considered to have been born and duly consecrated, and so if one cut it up it must be buried, and any future offspring from that animal is exempted from firstborn status; let the tanna instead distinguish and teach a case in which the limbs are consecrated within the context of the first case itself, in the following manner: In what case is this statement, that the limbs may be cast to the dogs, said? It is with regard to one who cuts pieces of the fetus and immediately casts them to the dogs limb by limb, before a majority has emerged. But if one cuts and leaves the limbs until a majority has emerged, each one of them must be buried.

⁸³ The Gemara answers: That is indeed what the latter clause of the mishna is saying: In what case is this statement said? It is with regard to one who cuts and casts the limbs to the dogs before a majority emerges. But if one cuts and leaves the limbs until a majority emerges it is regarded as though a majority of it emerged at one time, and so it must be buried.

⁸⁴ § Rava raises a dilemma: Does one follow the majority with regard to limbs or does one not follow the majority with regard to limbs?

⁸⁵ The Gemara asks: What are the circumstances of this dilemma; what exactly is Rava's question? If we say it is referring to a case where the majority of the fetus emerged, but that majority includes the emergence of the minority part of one of its limbs, then Rava is raising the following dilemma: With regard to this minority part of a limb that is outside the womb, do we cast it, i.e., count it, together with the majority of that limb, which is still inside the womb, as if the entire limb was still inside the womb? If so, it would be regarded as though a majority of the fetus has not yet emerged. Or perhaps we cast it and count it together with the majority of the fetus that has already emerged, and so it is regarded as though a majority of the fetus has emerged and it is duly consecrated.

⁸⁶ The Gemara rejects this possibility: In that case it is obvious that we do not disregard the majority of the fetus and go after the majority of the limb. Consequently, Rava would not have raised a dilemma about this.

⁸⁷ Rather, the dilemma is referring to a case where half of the fetus emerged, but that half includes the majority of a certain limb, and Rava raises the following dilemma: With regard to this minority part of a limb that is inside the womb, what is the halakha as to whether one casts it and counts it together with the majority of that limb and considers it as if that entire limb has emerged? If it is counted, it would be regarded as though a majority of the fetus has emerged, and it is duly consecrated.

⁸⁸ The Gemara suggests: Come and hear a resolution from a statement of the mishna: If a majority of the fetus had already emerged, it is considered to have been born and duly consecrated, and so if one cut it up it must be buried. The Gemara clarifies: What is meant by a majority of the fetus? If we say it means literally the majority of the fetus, then the following difficulty arises: Until now had we not learned the principle that the majority of an item is considered like all of it? This is a well-established principle and it is not necessary to teach it again in this context.

⁸⁹ Rather, is the mishna not referring to a case where half of the fetus emerged, but that half includes the majority of a limb? If so, the mishna directly resolves Rava's dilemma and teaches that the minority part of the limb inside the womb is regarded as though it had emerged.

⁹⁰ The Gemara responds: No, the mishna could be referring to a case where the majority of the fetus emerged, but that majority includes the emergence of the minority of a limb, and it teaches us that we do not disregard the majority of the fetus and go after the majority of the limb.

⁹¹ § A firstborn animal is consecrated by virtue of the fact that its birth is the first in which the womb of the mother opens, as indicated by the verse: "Consecrate to Me every firstborn, that which opens the womb" (Exodus 13:2). Concerning this condition, Rava raises a dilemma: If one wrapped the fetus in the bast of a palm tree while it was still in the womb, and it therefore did not come in contact with the opening of the womb directly when it emerged, what is the halakha with regard to whether it is consecrated? Likewise, if one wrapped it in his robe when it emerged, what is the halakha?

⁹² Rava adds: If it emerged wrapped in its afterbirth, what is the halakha? The Gemara interjects: How could one suggest that being wrapped in its afterbirth would pose a problem? That is its natural manner of birth, and the afterbirth is consequently not considered an interposition. Accordingly, it is considered as though it was in direct contact with the opening of the womb. Rather, Rava's dilemma must be as follows: If it emerged wrapped in the afterbirth of a different animal, what is the halakha?

⁹³ Another dilemma: If one wrapped it in one's hands and held it and brought it out in that fashion, such that the fetus did not come in direct contact with the opening of the womb, what is the halakha? With regard to all these dilemmas the Gemara asks: What are the circumstances? If the fetus had already partially emerged headfirst and then one wrapped up the body, which was still inside the womb, the halakha in such a case is clear: Since its head emerged, it is already considered to have been born and to have opened up the womb, and it is duly consecrated. Rather, the dilemma is in a case where it partially emerged hind legs first, and the majority of the body, which was still in the womb, was wrapped before it emerged.

⁹⁴ Rava raises additional dilemmas: If a weasel entered the womb and swallowed the fetus there, and then exited the womb, bringing the fetus out in its stomach, what is the halakha? The Gemara interjects: Is there any doubt about a case where the weasel brought the fetus out in its stomach? In such a case it is the weasel that brought it out, and it is certainly not regarded as though the fetus opened the womb. Rather, the dilemma concerns a case where the weasel swallowed the fetus and brought it out, and then brought it back into the womb and vomited it out while inside the womb, and the fetus subsequently emerged of its own accord. What is the halakha in this case?

⁹⁵ Another dilemma: If one pressed together the openings of two wombs of two animals giving birth to firstborns, and a fetus exited from the womb of this animal and entered the womb of that animal, and then emerged from the womb of the second animal, after which the second animal gave birth to its fetus, what is the halakha with regard to whether the fetus of the second animal is consecrated as a firstborn? Is the womb considered to have opened only when its own fetus emerges from inside, but a fetus that is not its own is not halakhically considered to have opened the womb? Or perhaps even a fetus that is not its own is also considered to have opened the womb? The Gemara does not provide a resolution for these dilemmas and concludes: The dilemma shall stand unresolved.

⁹⁶ Rav Aḥa raises a dilemma: If the walls of the opening of the womb opened and widened to such an extent that when the fetus emerged it did not touch them, what is the halakha? Does the airspace of the opening of the womb consecrate the fetus as it is born, and this situation exists here in this case; or perhaps it is the contact with the opening of the womb that consecrates it, and this situation does not exist here in this case?

⁹⁷ Mar bar Rav Ashi raises a dilemma: If the walls of the opening of the womb were removed, what is the halakha? The Gemara interjects: The halakha in this case is clear, since if they were removed they are not there to consecrate the fetus. Rather, the dilemma is in a case where they were removed from their original place, recessed inside the womb, and as the fetus emerged, the walls lay on its neck. In such a case, what is the halakha? Do the walls of the opening of the womb consecrate a fetus only when they are in their natural place, but when they are not in their natural place they cannot consecrate a fetus? Or perhaps when they are not in their natural place they also consecrate the fetus.

⁹⁸ Rabbi Yirmeya raises a dilemma before Rabbi Zeira: If the walls of the opening of the womb were thinned [nigmemu] by removing the inner layer, what is the halakha? If the fetus then emerges through them is it consecrated? Rabbi Zeira said to him: You have touched upon a dilemma that was already raised before us, and that discussion provides the answer to your dilemma. As Rabbi Zeira raised a dilemma, and some say Rabbi Zeira raised that dilemma before Rabbi Asi: If a section of the opening of the womb was cut away, but the standing section, i.e., the part remaining, is greater in size than the breached, removed, section, and the offspring emerged through the breached section; or if

the breached section is greater in size than the standing section and the offspring emerged through the standing section, what is the halakha?

⁹⁹ Rabbi Zeira explains how this dilemma can resolve Rabbi Yirmeya's dilemma: That dilemma was raised only with regard to a case where the breached section is greater than the standing section, as there is at least some part of the womb still standing and therefore one can consider the possibility that it could consecrate the fetus. But a dilemma was not raised with regard to a case where the walls were thinned, because in that case it is obvious that the fetus is not consecrated, as there is nothing left to consecrate it.

¹⁰⁰ MISHNA: With regard to an animal whose fetus died in its womb and the shepherd reached his hand into the womb and touched the fetus, both in the case of a non-kosher animal and in the case of a kosher animal the fetus does not have the status of an animal carcass that imparts ritual impurity, and the shepherd remains ritually pure. Rabbi Yosei HaGelili says: In the case of a non-kosher animal it is impure, and in the case of a kosher animal it is pure.

¹⁰¹ GEMARA: The Gemara asks: What is the reason for the ruling of the first tanna? Rav Hisda said: It is apparent through an a fortiori inference: If being inside its mother is effective to permit it for consumption through the slaughter of its mother even if the fetus was found dead inside the womb, then should being inside its mother not also be effective to render it pure from the impurity of an animal carcass?

¹⁰² The Gemara asks: We found a rationale for this halakha with regard to a kosher animal; from where do we derive that the same applies to a non-kosher animal? The Gemara answers that the verse states: "And when a domesticated animal dies, of those that you eat, one who touches its carcass shall be impure until the evening" (Leviticus 11:39). The Gemara interprets the verse as follows: "And when a domesticated animal dies," this is referring to a non-kosher animal; "of those that you eat," this is referring to a kosher animal. The verse thereby juxtaposes a non-kosher animal to a kosher animal with regard to imparting impurity of a carcass, and teaches that just as with regard to a kosher animal, its fetus that died in its womb is pure, as derived above through an a fortiori inference, so too, with regard to a non-kosher animal, its dead fetus is pure.

¹⁰³ The Gemara asks: And as for Rabbi Yosei HaGelili, what is the reason for his ruling? Rabbi Yitzhak said that the verse states with regard to non-kosher animals that do not have cloven hooves: "And whatever walks on its paws, among any [bekhol] undomesticated animal [hayya] that walks on all fours, they are impure for you; whoever touches their carcass shall be impure until the evening" (Leviticus 11:27). Rabbi Yosei HaGelili expounds this verse as follows: Those animals that walk on their paws, i.e., that do not have cloven hooves, which are inside the body of an animal, I rendered impure for you. Rabbi Yitzhak interprets the term bekhol as meaning: Inside the body of, and the word hayya as meaning: A live animal. Accordingly, he understands the verse to be referring to a dead fetus found inside a living animal.

¹⁰⁴ The Gemara objects: If that is so, then a dead fetus with non-cloven hooves found inside a cow should be impure, despite the fact that it is from a kosher species, as it is an animal that walks on its paws that is inside the body of a kosher animal. The Gemara explains: The verse renders impure an animal that walks upon its four paws that is inside an animal that walks on four paws. But this is a case of an animal that walks on four inside an animal that walks on eight. Since the mother cow's

hooves are entirely split into two parts, it actually walks on eight parts and is not the animal referred to by the verse.

¹⁰⁵ The Gemara raises another objection: If that is so, then a dead fetus in the form of a cow, which has eight parts to its legs, inside the womb of a camel, a non-kosher animal with non-cloven hooves, should not be impure, as it is an animal that walks on eight inside an animal that walks on four, and the verse is not referring to it. The Gemara responds that the verse could have stated: Walks upon, but instead states: “And whatever walks upon,” i.e., the addition of the word “whatever” serves to include a dead cow fetus in the womb of a camel, teaching that it is impure.

¹⁰⁶ The Gemara objects: If that is so, then a dead fetus with non-cloven hooves inside the womb of a cow with non-cloven hooves should be impure, as it is an animal that walks on four inside an animal that walks on four, but the halakha is that since the mother is a kosher species, it is pure. The Gemara explains: It is to that end that the a fortiori inference of Rav Ḥisda is effective, as it renders pure the fetuses of all kosher animals, even if their hooves are not fully cloven.

¹⁰⁷ Rav Aḥadvoi bar Ami objects to this explanation that the verse renders impure only animals that walk on four inside animals that walk on four: If that is so, a dead pig fetus inside the womb of a female pig should not be impure, as a pig has cloven hooves, and so it is an animal that walks on eight inside an animal that walks on eight, and so the verse is not referring to it.

¹⁰⁸ Rather, Rav Naḥman bar Yitzḥak said that Rabbi Yosei HaGelili’s opinion is derived from here: The verse states with regard to the sliding-scale offering brought by one who was unaware that he was impure when he ate consecrated food or entered the Temple: “A person who touched anything impure, or the carcass of a non-kosher undomesticated animal, or the carcass of a non-kosher domesticated animal, or the carcass of an impure creeping animal, and is guilty, it having being hidden from him that he is impure” (Leviticus 5:2).

¹⁰⁹ The verse presents a difficulty: Does only a carcass of a non-kosher animal impart impurity, and that of a kosher animal not impart impurity? The halakha is that both do. Rather, what is this animal to which the verse is referring? This is a fetus, which if inside a non-kosher animal is impure, and if inside a kosher animal is pure.

¹¹⁰ The Gemara asks: And since this halakha is derived from the statement of Rav Naḥman bar Yitzḥak, why do I need the proof of Rabbi Yitzḥak from the verse: “And whatever walks on its paws, among any undomesticated animal that walks on all fours” (Leviticus 11:27)? The Gemara explains: Were it not for the derivation of Rabbi Yitzḥak, I would say that the entire verse expounded by Rav Naḥman bar Yitzḥak comes to teach only that which Rabbi Yehuda HaNasi derived from it, as cited by the Gemara later on. Rabbi Yitzḥak’s statement teaches us that the verse is also to be expounded as Rav Naḥman bar Yitzḥak explained.

¹¹¹ § It is taught in a baraita that Rabbi Yonatan, a student of Rabbi Yishmael, says: I said [namti] to ben Azzai: We learned that a carcass of a kosher domesticated animal imparts impurity from the verse: “And when a domesticated animal dies, of those that you eat, one who touches its carcass shall be impure until the evening” (Leviticus 11:39). And we learned that a carcass of a non-kosher domesticated animal imparts impurity, and that a carcass of a non-kosher undomesticated animal imparts impurity, from the verse: “A person who touched anything impure, or the carcass of a non-kosher undomesticated animal, or the carcass of a non-kosher domesticated animal” (Leviticus 5:2).

¹¹² But we did not yet learn about a carcass of a kosher undomesticated animal. From where is it derived that it imparts impurity? Ben Azzai said to me that this is derived from the verse: “And whatever walks on its paws, among any undomesticated animal that walks on all fours” (Leviticus 11:27). The inclusive term “among any” serves to include even a carcass of a kosher undomesticated animal among those that impart impurity.

¹¹³ Rabbi Yonatan continues. I said to ben Azzai: But does it state: And any undomesticated animal? Isn’t it stated only: “Among any undomesticated animal”? And as explained earlier, this comes to teach that a dead fetus in the form of any of the animals that walk on their paws inside an undomesticated animal imparts impurity. He said to me: And what does Rabbi Yishmael, your teacher, say about this matter?

¹¹⁴ I said to him that Rabbi Yishmael derives all these halakhot from the verse: “And when a domesticated animal dies, of those that you eat, one who touches its carcass shall be impure until the evening” (Leviticus 11:39), as follows: “And when a domesticated animal [habeHEMA] dies,” this is referring to a non-kosher animal; “of those that you eat,” this is referring to a kosher animal. And we learned that a ḥayya is included in the category of a behema, i.e., the term behema can also refer collectively to both domesticated and undomesticated animals. And likewise, a behema is included in the category of a ḥayya.

¹¹⁵ Furthermore, a kosher ḥayya is included when the Torah makes reference to a kosher behema, and a non-kosher ḥayya is included when the Torah makes reference to a non-kosher behema.

¹¹⁶ And likewise, a non-kosher behema is included in the category of a non-kosher ḥayya, and a kosher behema is included in the category of a kosher ḥayya. Accordingly, although the verse here is referring to a behema, it is understood to be referring collectively to both a behema and a ḥayya, and teaches that the carcasses of both types impart impurity. And upon hearing this, ben Azzai said to me in these words: Woe [haval] unto ben Azzai, who did not serve Rabbi Yishmael.

¹¹⁷ The Gemara analyzes Rabbi Yishmael’s statement: From where do we derive that according to the Torah, a ḥayya is included in the category of a behema? As it is written: “These are the behema that you may eat: An ox, a sheep, and a goat, a deer, and a gazelle, and a fallow deer, and a wild goat, and an oryx, and an aurochs, and a wild sheep” (Deuteronomy 14:4–5). Despite employing the term “behema,” the verse also lists the deer and the gazelle, which are undomesticated animals. How is this possible? From here it is evident that a ḥayya is included by the Torah in the category of a behema.

¹¹⁸ From where do we derive that according to the Torah, a behema is included in the category of a ḥayya? As it is written: “These are the ḥayya that you may eat, among all the behema that are on the earth. Whatever parts the hoof” (Leviticus 11:2–3). How is this possible, that the verse mentions a ḥayya and then refers to a behema? This indicates that a domesticated animal is included in the category of a ḥayya by the Torah.

¹¹⁹ The Gemara further clarifies: The principle that a kosher ḥayya is included by the Torah in the category of a kosher behema is relevant with regard to the distinguishing characteristics of kosher animals. The Torah states with regard to a domesticated animal that only a species that chews its cud and has cloven hooves is kosher. Nevertheless, this requirement is understood as a reference to both domesticated and undomesticated animals.

¹²⁰ The principle that a non-kosher ḥayya is included by the Torah in the category of a non-kosher behema is relevant with regard to the prohibition against mating one species with another. The Torah states the prohibition with regard to a behema: “You shall not let your animal [behema] mate with a diverse kind” (Leviticus 19:19). Nevertheless, this is understood as referring to both a behema and a ḥayya.

¹²¹ The principle that a non-kosher behema is included by the Torah in the category of a non-kosher ḥayya is relevant with regard to that which Rabbi Yehuda HaNasi taught, as it is taught in a baraita: The verse delineates a case in which one is obligated to bring a sliding-scale offering as an atonement: “A person who touched anything impure, or the carcass of a non-kosher undomesticated animal [ḥayya], or the carcass of a non-kosher domesticated animal [behema], or the carcass of an impure creeping animal, and is guilty, it having being hidden from him that he is impure” (Leviticus 5:2). But the nature of the transgression for which the person requires atonement is not apparent from the verse.

¹²² Rabbi Yehuda HaNasi says: Since a domesticated animal is also referred to as a ḥayya, it would be sufficient if I would read, i.e., the verse would write, only the clause about a ḥayya, and I would have known that one who touches a carcass of any non-kosher animal is impure. Why, then, is an explicit clause about a behema stated? It serves as the basis for a verbal analogy.

¹²³ It is stated here, with regard to one who is unaware that he touched an impure item: “Non-kosher behema,” and it is likewise stated below, with regard to one who was aware that he touched an impure item: “Non-kosher behema,” in the following verse: “And when any one shall touch any impure thing, whether it is the impurity of man, or a non-kosher behema, and then eats of the flesh of a peace offering to the Lord, that soul shall be cut off from its people” (Leviticus 7:21). Just as below, the verse is referring to the defiling of sacrificial foods, so too here, the reference is to the defiling of sacrificial foods, and therefore one must bring a sliding-scale offering as an atonement.

¹²⁴ The Gemara clarifies the final statement: The principle that a kosher behema is included by the Torah in the category of a kosher ḥayya is relevant with regard to the formation of children. As we learned in a mishna (Nidda 21a): With regard to a woman who miscarries a fetus that appears to be in the form of a type of behema, ḥayya, or bird, whether it had the form of a non-kosher species or a kosher species, if the fetus is a male, then she observes the periods of impurity and purity required for giving birth to a male.

¹²⁵ The mishna continues: And if the fetus is a female, then she observes the periods required for giving birth to a female. After giving birth to a male, a woman is impure for seven days, during which it is prohibited for her to engage in intercourse. During the next thirty-three days she may immerse in a ritual bath at any time, after which she is permitted to engage in intercourse even should she then experience a discharge of uterine blood. Nevertheless, during the entire forty-day period she may not enter the Temple or be in contact with consecrated foods. After giving birth to a girl, the length of each of these periods is doubled to fourteen days and sixty-six days, respectively (see Leviticus 12:2–5).

¹²⁶ If the sex of the fetus is unknown, she observes the strictures of a woman who gave birth both to a male and to a female. Accordingly, it is prohibited for her to engage in intercourse for the fourteen days after birth, after which she immerses in a ritual bath. After that she is permitted to engage in intercourse despite any discharge of uterine blood until the fortieth day after birth, i.e., for thirty-

three days following the seven days she would have been prohibited from engaging in intercourse if the fetus was male. The prohibition against entering the Temple, however, continues until eighty days have passed from the birth.

¹²⁷ This is the statement of Rabbi Meir. The Gemara elsewhere (Nidda 22b) explains that Rabbi Meir derives his opinion from the fact that the term “formation” is used to describe both the formation of man: “Then the Lord God formed man” (Genesis 2:7), and the formation of animals and birds: “The Lord God formed every animal [ḥayya] of the field, and every bird of the air” (Genesis 2:19). Furthermore, he holds that the term “ḥayya” is referring to both domesticated and undomesticated animals, and concludes that a woman observes these periods of purity and impurity if the fetus has the form of any of these types of animals.

¹²⁸ And the Rabbis say: Any fetus that is not of human form is not regarded as an offspring with regard to observance of these periods of purity and impurity, and she is permitted to engage in intercourse provided she does not experience a discharge of uterine blood.

¹²⁹ § The Gemara returns to explaining the opinion of the Rabbis, cited in the mishna, who hold that a dead fetus found inside its mother’s womb does not impart impurity, irrespective of whether it is of a kosher or a non-kosher animal. Rabbi Yosei HaGelili disagrees and holds that a dead fetus inside a non-kosher animal imparts impurity. He derives this from the verse: “A person who touched anything impure, or the carcass of a non-kosher ḥayya, or the carcass of a non-kosher behema, or the carcass of an impure creeping animal, and is guilty” (Leviticus 5:2), which is referring only to non-kosher animals. The Gemara asks: And according to the Rabbis, why do I need this verse?

¹³⁰ The Gemara answers: The entire verse comes to teach that which Rabbi Yehuda HaNasi taught in the baraita cited earlier, that the verse obligates one to bring a sliding-scale offering only in cases where one partook of consecrated foods or entered the Temple while in a state of impurity of which one was unaware.

¹³¹ MISHNA: With regard to a woman whose fetus died in her womb and the midwife extended her hand into the womb and touched the fetus, the midwife is thereby rendered impure with the seven-day impurity imparted by a corpse, and the woman remains ritually pure until the offspring emerges from the womb.

¹³² GEMARA: Rabba says: Just as a ritually impure item that is encapsulated within a body does not impart impurity to an item that comes in contact with it, so too, a ritually pure item that is encapsulated within a body cannot be rendered impure if it comes in contact with an impure item. For example, if one swallowed a ring that was ritually pure and then entered a tent containing a corpse, the ring would not be rendered impure.

¹³³ The Gemara asks: From where do we derive that an encapsulated impure item does not impart impurity? As it is written: “And one who eats of its carcass shall wash his clothes, and be impure until the evening” (Leviticus 11:40), i.e., he must immerse his body and garments in a ritual bath, and he then becomes pure at sunset. Are we not dealing even with a case where one ate from the carcass close to sunset and then immersed? And yet the Merciful One states that he is pure once the sun sets, despite the fact that his stomach still contains pieces of the carcass that have not yet been digested. If so, it is apparent that an encapsulated impure item does not impart impurity.

¹³⁴ The Gemara challenges: But perhaps it is different there, as with regard to the prohibition against eating a carcass the Torah states: “You shall not eat any carcass; you may give it to the gentile resident who is in your cities” (Deuteronomy 14:21). The juxtaposition of the two parts of the verse teaches that the prohibition is limited to a carcass that is fit to be given to a gentile resident, i.e., it is fit for human consumption. Accordingly, perhaps the carcass that the person ate does not impart impurity, as it is no longer fit for a gentile resident, i.e., it is now unsuitable for human consumption.

¹³⁵ The Gemara comments that the effectiveness of the proof depends on whether a carcass can impart impurity to a person despite its not being fit for human consumption: This proof works out well according to the opinion of Rabbi Yoḥanan, who says: A carcass imparts impurity to both this, a person, and that, food, even if it is unfit for human consumption, until it is no longer fit for consumption by a dog. According to this opinion the proof is understood well, as the carcass in the person’s stomach still has the ability to impart impurity to him because it is still fit for consumption by a dog. Therefore, it is apparent that the only reason it does not impart impurity is that it is encapsulated within his body.

¹³⁶ But according to the opinion of bar Padda, who says a carcass has the severe form of ritual impurity, which can impart impurity to people only while it is still fit to be eaten by a gentile resident and it has the light form of ritual impurity even until the point that it is no longer fit for consumption by a dog, this proof is flawed. This is because it is possible the carcass in the person’s stomach does not render him impure simply because it is no longer fit for human consumption. Can one claim that the carcass cannot impart impurity because it is no longer fit for a gentile resident?

¹³⁷ Granted that the carcass is not fit to be eaten by someone when it was eaten in his presence, as he is aware that it was swallowed and considers it disgusting to eat a swallowed item, but it is still sometimes fit for a person to eat when it was eaten not in his presence and he is unaware that it had been previously swallowed. This is possible where one consumed a small piece of food and did not chew it prior to swallowing. The Gemara concedes this point and therefore accepts the proof.

¹³⁸ The Gemara asks: We found a source for the halakha that an encapsulated impure item does not impart impurity. From where do we derive that a pure item that is encapsulated within another body cannot be rendered impure if it comes in contact with an impure item?

¹³⁹ The Gemara explains: It is derived through an a fortiori inference: If an earthenware vessel that is closed with a tightly sealed cover, which does not shield, i.e., prevent, the impure piece of a corpse contained within it from imparting impurity to other items in the same tent as it; the Gemara interrupts the explication of the inference and clarifies: As the Master said: The impure piece of a corpse that is in a tight space; e.g., it is buried in the ground and there is not a handbreadth of hollow space above it, beneath the dirt, breaks through the earth above it and ascends up to the heavens, imparting impurity in that path. The Gemara resumes the explication of the inference: Although the tightly sealed earthenware vessel does not shield the impure item, it does shield a pure item contained within it from being rendered impure (see Numbers 19:15).

¹⁴⁰ Then with regard to a person, who does shield the impurity of a piece of a corpse contained within him from imparting impurity to other items in the same tent, as the Gemara derived above, is it not logical that he shields a pure item contained within him from being rendered impure?

¹⁴¹ The Gemara challenges the inference: What is notable about an earthenware vessel? It is notable in that it cannot become impure through a source of impurity coming in contact with its exterior. Can

you say, then, that it is comparable to a person, who can become impure through a source of impurity coming in contact with his exterior? Since here the halakhot concerning impurity of a person are more stringent than those concerning an earthenware vessel, one cannot apply to a person a leniency with regard to an earthenware vessel.

¹⁴² The Gemara responds: Is that to say we are speaking of rendering an item impure through a source of impurity coming in contact with its exterior? We are in fact speaking of where the impurity comes in contact with its interior. For such cases, it is reasonable to compare the case of a person with an earthenware vessel.

¹⁴³ The Gemara adds: On the contrary, the contraction of impurity by an earthenware vessel is more stringent than that of a person, as it becomes impure through the presence of a source of impurity in its airspace, even if the source does not touch the vessel itself. By contrast, a person is rendered impure from a source of impurity in his airspace, e.g., in his mouth, only if it actually touches him, and the a fortiori inference remains valid.

¹⁴⁴ The Gemara asks: We found a source for the halakha that an impure item encapsulated in a body that entered it from above, i.e., through the mouth, does not impart impurity. From where do we derive that an impure item encapsulated in a body that entered it from below, i.e., through the rectum, also does not impart impurity? The Gemara answers: It is derived through an a fortiori inference: And if, when the impure item enters from above, through the mouth, which is a place that does not digest the food, the body nevertheless shields the impure item from imparting impurity, then with regard to a case where the impure item enters from below, which is a place that does digest food, is it not logical that the body should shield it from imparting impurity?

¹⁴⁵ The Gemara challenges the basis of the inference: Isn't digestion performed below only by means of the chewing and digestive functions of the body above? The Gemara explains: Even so, the digestion performed below is greater than that performed above.

¹⁴⁶ The Gemara asks: We found a source for the halakha that an impure item encapsulated in the body of a person does not impart impurity; from where do we derive that an impure item encapsulated in the body of an animal does not impart impurity? The Gemara answers: It is derived through an a fortiori inference: If the body of a person, who can impart impurity even while he is still alive, e.g., if he is a leper or a zav, nevertheless shields the impure item encapsulated inside him from imparting impurity, then with regard to an animal, which does not impart impurity while it is alive, is it not logical that it should shield an impure item encapsulated inside it from imparting impurity?

¹⁴⁷ The Gemara challenges the inference: What is notable about the impurity of a person? It is notable in that if he entered a leprous house, in order for his garment to be rendered impure he needs to remain in the leprous house for a minimal period of time (see Leviticus 14:33–53). Can you say, then, that it is comparable to an animal, which does not need to remain in a leprous house for a minimal period of time? Rather, any utensils placed upon it are rendered impure immediately upon its entry. Since here the halakhot concerning impurity of an animal are more stringent than those concerning a person, one cannot necessarily apply to an animal a leniency with regard to a person.

¹⁴⁸ The Gemara responds: When it is stated about an animal that it does not need to remain in a leprous house for a minimal period of time, with regard to what halakha was that said? A living animal itself cannot be impure. Perforce, the statement is referring to utensils that are placed upon its back, and they are rendered impure immediately upon entry. But in this regard there is no difference

between animals and people: A person as well does not need to remain in the leprous house for a minimal period of time in order to render impure any utensils placed on his back. Rather, they are rendered impure immediately upon entry.

¹⁴⁹ This is as we learned in a mishna (Nega'im 13:9): With regard to one who enters a leprous house with his clothes resting on his shoulders but who is not wearing them in the normal manner, and his sandals and his rings are in his hands, both he and they, the clothes, sandals, and rings, are rendered ritually impure immediately. If he was dressed in his clothes, and his sandals were on his feet and his rings were on his fingers, he is rendered impure immediately upon entering the house, but they, the clothes, sandals, and rings, remain pure until he remains in the house for the time it takes to eat a half-loaf of bread. This calculation is made with wheat bread and not with barley bread, which takes more time to eat than wheat bread. In addition, the calculation is made with regard to one who is reclining, and eating the bread together with a relish usually consumed with bread, which hastens the eating.

¹⁵⁰ § Rabba stated above that an encapsulated impure item cannot impart impurity and that an item that is ritually pure that is encapsulated within another body cannot be rendered impure. Rava said: Why is this statement necessary? We learn both halakhot in a mishna: We learn about an encapsulated impure item, and we learn about an encapsulated pure item.

¹⁵¹ Rava elaborates: With regard to an encapsulated impure item, the halakha is as we learned (Mikvaot 10:8): If someone swallowed a ring that was impure due to having been in contact with a corpse, he is thereby rendered impure. To render himself pure he immerses and then he may partake of his teruma, despite the fact that the impure ring is still inside him. The reason this is permitted is that since the ring is encapsulated inside the person's body it cannot impart impurity. If he vomited out this ring it remains impure, as it was not purified by his immersion, and therefore it renders him impure upon its exit from his body.

¹⁵² Likewise, we learn the halakha that an encapsulated pure item cannot be rendered impure, as we learn in the same mishna (Mikvaot 10:8): If one swallowed a ritually pure ring and then entered a tent containing a corpse, thereby contracting impurity, and then in order to render him pure someone sprinkled upon him the water that is mixed with the ashes of the red heifer, once on the third day and again on the seventh day as required, and then he immersed, thereby completing the purification process; and then he vomited out the ring, the ring is pure as it always was, i.e., it was not rendered impure from the corpse.

¹⁵³ The Gemara answers: The cases in the mishna concern the possibility of imparting impurity from the ring to the body within which it is contained and vice versa. But when Rabba was speaking he was referring to imparting impurity from one item to another where both are contained together inside a body, such as where a person swallowed two rings, one impure and one pure, and they came in direct contact with one another. Rabba taught that even in this case the impure ring does not render the pure ring impure.

¹⁵⁴ The Gemara objects: But what about the mishna's case of a dead fetus in its mother's womb, and a midwife who touched it there, which is similar to the case of two swallowed rings, and yet the mishna rules that the fetus renders the midwife impure.

¹⁵⁵ Rabba said: A fetus is different from a ring in this regard, since it will ultimately leave the womb. Rava said in puzzlement: Is that to say that a fetus will ultimately leave the womb, but a ring that

someone swallowed will not ultimately leave his body? A ring will certainly be expelled eventually as well. Rather, Rava said: The scholars of Pumbedita know the reason for this matter, and who is the Sage referred to as the scholars of Pumbedita? It is Rav Yosef.

¹⁵⁶ As Rav Yosef says that Rav Yehuda says that Shmuel says: This impurity of the midwife in the mishna's case is not in effect by Torah law; rather, it was decreed by rabbinic law. The Gemara asks: What was Shmuel's intention in emphasizing: It is not in effect by Torah law; rather, it was decreed by rabbinic law? It should have sufficed for him to say simply the impurity is decreed by rabbinic law. The Gemara answers: He said this so that you should not say that the ruling of the mishna is only in accordance with the opinion of Rabbi Akiva, who says that one who touches a dead fetus in a woman's womb is impure by Torah law, and that is why the midwife was rendered impure. Rather, even according to the opinion of Rabbi Yishmael, who says that one who touches a dead fetus in a woman's womb is pure by Torah law, nevertheless, the Sages decreed that a midwife who touches it is impure by rabbinic law.

¹⁵⁷ The Gemara asks: What is the reason for this decree? Rav Hoshaya said: It is a rabbinic decree lest the fetus extend its head out of the concealed opening of its mother's womb. If it did, it would be regarded as having been born, and it would then be ritually impure by Torah law. The Sages were concerned that the fetus extended its head and then the head returned inside but the midwife did not notice. Consequently, when she touched the fetus she mistakenly assumed she remained ritually pure. To safeguard against this, the Sages decreed that in any case where she touches the dead fetus, she is ritually impure.

¹⁵⁸ The Gemara objects: If so, the Sages should also decree that the woman herself, who is carrying the fetus, is impure, since she also might not notice that the fetus's head emerged. The Gemara explains: A woman accurately senses with regard to her own body whether the head of the fetus had emerged. The Gemara asks: But then she would have said this to the midwife. Why is there a need for a decree? The Gemara answers: Since the mother is distracted by the pain of childbirth, she does not have the presence of mind to warn the midwife.

¹⁵⁹ The Gemara cited a dispute as to whether one who touches a dead fetus in a woman's womb is ritually impure. It now elucidates that dispute: What is the opinion of Rabbi Yishmael, and what is the opinion of Rabbi Akiva? As it is taught in a baraita with regard to the verse: "And whoever in the open field touches one who is slain by the sword, or one who dies on his own, or a bone of a man, or a grave, shall be impure seven days" (Numbers 19:16). The phrase "in the open field" indicates that one is rendered impure only in a case where he touches an exposed corpse. This serves to exclude one who touches a dead fetus in a woman's womb from being rendered impure; this is the statement of Rabbi Yishmael. Rabbi Akiva says: This phrase serves to include the grave cover and the grave walls, upon which the cover rests, as sources of impurity that render impure anyone who touches them.

¹⁶⁰ The Gemara asks: And from where does Rabbi Yishmael derive that the grave cover and the grave walls render one who touches them impure? He learned this halakha through tradition, not from a verse. The Gemara asks: And as for Rabbi Akiva, from where does he derive that a dead fetus in a woman's womb is impure by Torah law? Rabbi Oshaya said he derives it from the verse that states: "Whoever touches of a corpse, of the life of a person that died, he will be impure" (Numbers

19:13). The term “of the life” can also be interpreted as: Inside the life. What is the case of a corpse that is inside the life of a person? You must say that this is a dead fetus inside a woman’s womb.

¹⁶¹ The Gemara comments: And Rabbi Yishmael requires that verse to teach about a quarter-log of blood that comes from a corpse, meaning that even it imparts impurity like a corpse, as it is stated: “Whoever touches of a corpse, of the life of a person that died” (Numbers 19:13). What is the case of a life of a person that imparts impurity? You must say this is referring to a quarter-log of blood, as blood is regarded as the life force of a person, as the verse states: “For the blood is the life” (Deuteronomy 12:23), and a person requires a minimum of a quarter-log of blood to survive.

¹⁶² The Gemara comments: And Rabbi Akiva does not accept this derivation. He conforms to his line of reasoning, as he says even a quarter-log of blood that comes from two corpses imparts ritual impurity in a tent to people and other items that are under the same roof. As it is taught in a baraita: From where is it derived that a quarter-log of blood that came out of two separate corpses also imparts ritual impurity in a tent?

¹⁶³ It is derived from a verse, as it is stated with regard to the prohibition against priests coming in contact with a dead body: “He shall not come upon any people that are a corpse [nafshot met]” (Leviticus 21:11). The use of the plural form “people [nafshot]” indicates that the blood imparts impurity even if it comes from two people, as blood is referred to as “nefesh” (see Deuteronomy 12:23), and the use of the singular form “corpse [met]” indicates that this blood combines to complete one measure, i.e., the minimum amount of a quarter-log required to impart impurity.

¹⁶⁴ MISHNA: If an animal was encountering difficulty giving birth and as a result the fetus extended its foreleg outside the mother’s womb, and someone severed it and afterward slaughtered the mother animal, the flesh of the fetus is ritually pure. If one first slaughtered the mother animal and afterward severed the foreleg, the flesh of both the mother animal and the fetus are ritually impure due to having been in contact with a carcass. Since the foreleg was not permitted to be consumed through the act of slaughtering, it is regarded as a carcass with the associated ritual impurity. The rest of the flesh, which was permitted to be consumed by the slaughter, was in contact with it and so was rendered ritually impure from it; this is the statement of Rabbi Meir.

¹⁶⁵ And the Rabbis say: The flesh has the ritual impurity of having been in contact with a tereifa that was slaughtered, as the limb is regarded as a tereifa that was slaughtered. By Torah law, although it is prohibited to consume it, it does not impart ritual impurity. Nevertheless, the Sages decreed that a tereifa that was slaughtered, as well as anything that comes in contact with it, is regarded as ritually impure to the extent that it disqualifies sacrificial foods that come in contact with it.

¹⁶⁶ The Rabbis explain the rationale behind their opinion: Just as we found in the case of a tereifa that its slaughter renders it ritually pure according to Torah law, i.e., ritual slaughter prevents it from having the ritual impurity of a carcass despite not rendering the animal permitted for consumption, so too, the slaughter of the mother animal should render the limb of its fetus that left the womb ritually pure, despite the fact that its consumption is prohibited.

¹⁶⁷ Rabbi Meir said to them: No, if the slaughter of a tereifa renders the body of the animal ritually pure, it is because the slaughter is performed on something that is part of its body, i.e., its throat. Does it necessarily follow that you should also render the limb that left the womb pure, given that it is something that is not part of the mother’s body? Certainly not.

¹⁶⁸ The mishna asks: From where is it derived with regard to a tereifa that its slaughter renders it ritually pure, i.e., prevents it from having the ritual impurity of a carcass? The mishna notes there is a reason to say the slaughter should not render it pure, as one can compare a tereifa with a non-kosher animal: A non-kosher animal is prohibited for consumption; so too, a tereifa is prohibited for consumption. Therefore, conclude: Just as with regard to a non-kosher animal, its slaughter does not render it ritually pure, so too with regard to a tereifa, its slaughter should not render it ritually pure.

¹⁶⁹ The mishna questions the comparison: No, if you said that slaughtering cannot prevent an animal from having the ritual impurity of a carcass in the case of a non-kosher animal, which is distinct in that it did not have a period of potential fitness when slaughtering it could have rendered its consumption permitted, does it necessarily follow that you should also say this in the case of a tereifa, which did have a period of potential fitness? Perhaps, since the animal had a period of potential fitness its slaughter remains effective in preventing it from having the ritual impurity of a carcass.

¹⁷⁰ The mishna rejects this distinction: Take back to yourself this claim that you brought, as it is insufficient. What about a case where an animal was born as a tereifa from the womb, and so it never had a period of potential fitness? For such a case, from where is it derived that its slaughter renders it ritually pure?

¹⁷¹ The mishna reformulates the distinction: No, if you say that slaughtering cannot prevent a prohibited animal from having the ritual impurity of a carcass with regard to a non-kosher animal, which is distinct in that there are no animals of its kind that are permitted through slaughtering, as the Torah states the concept of slaughtering only with regard to kosher animals, does it necessarily follow that you should also say this with regard to a tereifa kosher animal, given that there are other animals of its kind that are permitted through slaughtering, i.e., kosher animals that are not tereifa? Perhaps, since the concept of slaughtering is relevant to that kind of animal it can serve to prevent the animal from having the ritual impurity of a carcass even if the slaughter cannot render it permitted for consumption.

¹⁷² The mishna notes: Based on this reasoning, one must conclude that with regard to an eight-month-old fetus that was born alive, slaughter does not render it ritually pure, as there are no animals of its kind that are permitted through slaughtering. The Torah applies the concept of slaughter only with regard to animals that were born full term.

¹⁷³ GEMARA: The mishna states that according to Rabbi Meir, if a foreleg of a fetus emerges from the womb and is severed after the slaughter of the mother, it is regarded as a carcass with the associated ritual impurity. Furthermore, the rest of the fetus from which it was cut is thereby rendered ritually impure through its contact with the foreleg. The Gemara asks: Why should the rest of the fetus be impure? This is a case of impurity imparted within a concealed area, as the point of contact between the foreleg and the fetus existed when they were still naturally connected to each other. And the halakha is that an impure item within a concealed area does not impart impurity. If the two items were in contact in a concealed area and not on an external surface, impurity cannot be imparted from one item to the other. Shall we say that Rabbi Meir conforms to his standard line of reasoning in this regard, as he holds that an impure item within a concealed area does impart impurity?

¹⁷⁴ This is as we learned in a mishna (Kelim 27:10) concerning ritual impurity imparted by treading: If a person who is ritually impure due to having experienced a bodily emission, such as a man who

experiences a gonorrhea-like discharge [zav], sits or leans upon an item that was designated for that purpose, the item is rendered ritually impure due to ritual impurity imparted by treading. The item will then impart impurity to people or utensils that come in contact with it. In the case of a garment that is impure with ritual impurity imparted by treading that was three by three handbreadths in size, i.e., the minimum size to impart such impurity, that was split into smaller pieces, each part is ritually pure with regard to ritual impurity imparted by treading and will no longer impart impurity to people and utensils that come in contact with it.

¹⁷⁵ The mishna continues: But each piece will still have the ritual impurity of having been in contact with an item that imparts ritual impurity imparted by treading. Before the garment was split, when it still imparted ritual impurity imparted by treading, each piece of the garment was in contact with another part of it. Through that connection, each piece was rendered ritually impure with the impurity of having been in contact with ritual impurity imparted by treading. When the garment was subsequently split, although the pieces were no longer able to impart ritual impurity imparted by treading, they retained the ritual impurity they acquired through their contact with the other pieces before the garment was split. This is the statement of Rabbi Meir. In this case, the contact between the pieces occurred within a concealed area, as the connection between parts of the same item has the status of a connection within a concealed area. Evidently, Rabbi Meir holds that impurity can be imparted within a concealed area.

¹⁷⁶ And it is taught in that mishna that Rabbi Yosei says, disagreeing with Rabbi Meir: But what source of impurity imparted by treading did these pieces touch? Rabbi Yosei disregards the contact between the pieces that occurred before the garment was split, as that contact has the status of a connection within a concealed area. Rather, the only way the pieces could still be ritually impure is if a zav had touched the garment directly, e.g., when he sat on the garment he also touched it with his skin. In that case the garment would have also been rendered ritually impure due to contact with a zav, and that impurity would remain even after the garment was split. It would appear, then, that the opinion of Rabbi Meir in the mishna here can be reconciled only with the opinion of Rabbi Meir in the mishna in Kelim, but not with the opinion of Rabbi Yosei.

¹⁷⁷ The Gemara responds: Wasn't it stated with regard to that mishna in Kelim that Ulla said: They taught that Rabbi Yosei disagrees with Rabbi Meir only in the case of a garment of three by three handbreadths that was split into smaller pieces, as once it is split, there is no piece large enough to impart to the other pieces impurity imparted through treading.

¹⁷⁸ But with regard to pieces of three by three fingerbreadths that come, i.e., are cut, from a large garment, everyone agrees that at the time of their separation from their original garment, before they are fully detached from it, they are rendered impure through their contact with the original garment, despite the fact that the contact occurs within a concealed area. In this case of the mishna here also, one can say that at the time of separation of the flesh of the fetus from the limb, i.e., the foreleg, it is rendered impure through its contact with the limb. According to Ulla, then, the mishna can be reconciled also with the opinion of Rabbi Yosei.

¹⁷⁹ Ravina said there is a different explanation of how the mishna can be reconciled with the opinion of Rabbi Yosei: A garment does not stand, i.e., is not intended, to be cut. On the contrary, it is better for it to remain whole. Therefore, the connections between its pieces are regarded as being within a concealed area that cannot impart impurity. By contrast, with regard to a fetus that extends its

foreleg, the foreleg does stand to be cut, as it is prohibited for consumption while the rest of the fetus is permitted, and the halakhic principle is that any item that stands to be cut

¹⁸⁰ is regarded as though it were cut. Therefore, it is regarded as though the foreleg had already been severed from the body of the fetus, and the point of contact between them is not considered to be a concealed area. Rather, it is regarded as if the foreleg and fetus were two separate items that came into contact with each other. Consequently, the former can impart impurity to the latter.

¹⁸¹ The Gemara asks: In accordance with whose opinion is this halakhic principle that Ravina cites? It is in accordance with the opinion of Rabbi Meir, as we learned in a mishna (Mikvaot 10:5): When a vessel is immersed in a ritual bath, it is purified only if all parts of the vessel are submerged at the same time. But with regard to any handles of vessels that are too long and therefore will ultimately be cut off, one must immerse them only until the point of their eventual size. Even though the part of the handle that will be cut off is not submerged, the vessel is nevertheless purified; this is the statement of Rabbi Meir. Evidently, Rabbi Meir holds that even though the handle is still physically attached, since that part of the handle stands to be cut off, it is already regarded as though it were cut off. Consequently, immersing the handle up until that point is regarded as immersing the entire vessel.

¹⁸² And the Rabbis say that the vessel is not purified until he immerses all of it, including the handle. Apparently, the Rabbis do not hold that an item that stands to be cut is regarded as though it was already cut, and Ravina's explanation is in accordance only with the opinion of Rabbi Meir.

¹⁸³ The Gemara responds: You may even say that Ravina's explanation is in accordance with the opinion of the Rabbis. The disagreement between the Rabbis and Rabbi Meir concerns utensils, but even the Rabbis agree that the connections between two pieces of food are disregarded, and the item is considered as though it is already separated into two pieces that are touching one another, and so ritual impurity can be imparted from one piece to another. Similarly, the fetus and the foreleg are considered like food in this regard. Therefore, it is considered as if they have already been separated and are touching, allowing the foreleg to impart impurity to the fetus.

¹⁸⁴ The Gemara asks: Granted, according to the explanation of Ulla that the fetus was rendered impure at the time of separation of the flesh of the fetus from the limb, this explanation is consistent with that which the mishna teaches, that the foreleg was severed from the body of the fetus. But according to the explanation of Ravina, the connection between the foreleg and fetus is like that of food, and even if the foreleg was never severed from the fetus it would still impart impurity to the fetus. What, then, is the reason the mishna states it was severed? The Gemara answers: Since the mishna needed to teach in the first clause that the foreleg was severed, it also taught in the latter clause that it was severed, for stylistic consistency, even though the halakha would apply even were it not severed.

¹⁸⁵ § The mishna states: And the Rabbis say: The flesh of a fetus that extended its foreleg outside the mother's womb and whose mother was subsequently slaughtered has ritual impurity due to having been in contact with a tereifa that was slaughtered. The Gemara asks: Does a slaughtered tereifa impart impurity? The Gemara answers: Yes, and this is in accordance with the statement of Shmuel's father, as Shmuel's father says: The Sages decreed that a tereifa that one slaughtered imparts impurity to sacrificial animals, i.e., it will disqualify them if it comes in contact with them.

¹⁸⁶ § The mishna cites the Rabbis' rationale for their opinion: Just as we found in the case of a tereifa that its slaughter renders it ritually pure according to Torah law, i.e., it prevents it from having the ritual impurity of a carcass, despite not rendering the animal permitted for consumption, so too, the slaughter of the mother animal should render the limb of its fetus that left the womb ritually pure, despite the fact that it is prohibited for consumption.

¹⁸⁷ The mishna itself proceeds to cite Rabbi Meir's response to this claim. The Gemara here cites a different version of his response based on that which is taught in a baraita: Rabbi Meir said to the Rabbis: But what renders this limb pure from the impurity of a carcass? You might say it is the slaughter of its mother, but if so, the act of slaughter should also permit it even for consumption.

¹⁸⁸ The Rabbis said to him: The slaughter of an animal has a greater effect in shielding that which is not part of its body from having the ritual impurity of a carcass than that which is part of its body, as is apparent from that which we learned in the mishna (68a): If, prior to slaughtering an animal, one severs pieces from a fetus that is in its womb, leaving those pieces in the womb, their consumption is permitted by virtue of the slaughter of the mother animal. By contrast, if one severs pieces of the spleen or of the kidneys of an animal and then slaughtered it, then even if those pieces were left inside the animal, their consumption is prohibited.

¹⁸⁹ The Gemara clarifies the response of the Rabbis: What are the Rabbis saying? Rava said, and some say it unattributed [kedi] to any particular Sage, that the baraita is incomplete, and this is what it is teaching: Rabbi Meir said to the Rabbis: But what renders this limb pure from the impurity of a carcass? You might say it is the slaughter of its mother, but if so, it should also permit it even for consumption. In response the Rabbis said to him: Let the halakha of a tereifa prove the point, as its slaughter renders it pure from the impurity of a carcass but it does not permit it for consumption. Similarly, the slaughter of the mother animal should render pure even the foreleg of its fetus, even if it does not permit it for consumption.

¹⁹⁰ Rabbi Meir said to them: No, even if the slaughter of a tereifa renders the animal itself pure from having the impurity of a carcass, that is true with regard to something that is part of its own body. Does it necessarily follow that it should also render pure the limb of its fetus, which is something that is not part of its own body? The Rabbis said to him: The slaughter of an animal has a greater effect in shielding that which is not part of its body from having the impurity of a carcass than that which is part of its body, as is apparent from that which we learned in the mishna at the beginning of the chapter: If one severs pieces from a fetus that is in an animal's womb and then slaughters the mother animal, their consumption is permitted. By contrast, if one severs pieces of the spleen or of the kidneys of an animal and then slaughters it, their consumption is prohibited.

¹⁹¹ The Gemara notes that this clarification of Rava is also taught explicitly in a baraita: Rabbi Meir said to the Rabbis: But what renders this limb pure from the impurity of a carcass? The Rabbis said to him: It is the slaughter of its mother. Rabbi Meir responded: But if so, it should also permit it even for consumption. In response the Rabbis said to him: Let the halakha of a tereifa prove the point, as its slaughter renders it pure from the impurity of a carcass but it does not permit it for consumption. Similarly, the slaughter of the mother animal should render pure even the foreleg of its fetus, even if it does not permit it for consumption.

¹⁹² Rabbi Meir said to them: Even if the slaughter of a tereifa renders the animal itself pure, and likewise the slaughter of any animal renders the limb that was partially cut from it but still hangs

from it pure from imparting the impurity of a carcass despite being prohibited for consumption, that is the halakha with regard to something that is part of its own body. Does it necessarily follow that it should also render pure the limb of its fetus, which is something that is not part of its own body?

¹⁹³ The Rabbis said to him: The slaughter of an animal has a greater effect in shielding that which is not part of its body from imparting the ritual impurity of a carcass than that which is part of its body, as is apparent from that which we have learned in the mishna above: If one severed pieces from a fetus that was in an animal's womb and then slaughtered the mother animal, their consumption is permitted. But if one severed pieces of the spleen or of the kidneys of an animal and then slaughtered it, their consumption is prohibited.

¹⁹⁴ § Rabbi Shimon ben Lakish said: Just as there is a dispute between Rabbi Meir and the Rabbis with regard to fetuses, concerning whether the slaughter of the mother prevents a limb that emerged from the womb from having the impurity of a carcass, so too, they have a parallel dispute with regard to limbs of an animal that were partially cut from it but still hanging from it, whether the slaughter of the animal prevents such limbs from having the impurity of a carcass.

¹⁹⁵ And Rabbi Yoḥanan said: Their dispute is only with regard to a limb of a fetus that emerged from the womb, but with regard to a limb hanging from an animal, everyone agrees that the slaughter of the animal renders such a limb as though it had already fallen off prior to the slaughter, and the slaughter does not prevent the limb from having the impurity of a carcass.

¹⁹⁶ Rabbi Yosei, son of Rabbi Ḥanina, said: What is the reason for the distinction made by Rabbi Yoḥanan concerning the opinion of the Rabbis that the slaughter of an animal renders pure the limb of its fetus, but does not render pure a limb hanging from the animal itself? The reason is that this limb of the fetus that emerged from its womb has a means of rectification by returning back inside the womb, in accordance with the opinion that it will then be permitted for consumption by virtue of the slaughter of the mother animal. But this hanging limb does not have a means of rectification by returning, as it cannot be reattached to the animal's body.

¹⁹⁷ The Gemara raises an objection to Rabbi Yoḥanan's opinion from the baraita cited above: Rabbi Meir said to them: No, even if the slaughter of a tereifa renders pure the animal itself and similarly the slaughter of any animal renders pure the limb that is hanging from it from having the impurity of a carcass, this is true with regard to something that is part of its own body. Does it necessarily follow that it should also render pure the limb of its fetus, which is something that is not part of its own body?

¹⁹⁸ Rabbi Meir's statement appears inconsistent with his opinion, as he holds that a hanging limb is not rendered pure by slaughtering the animal. The Gemara suggests that this difficulty can be resolved only according to Rabbi Shimon ben Lakish's version of the Rabbis' opinion, but not according to Rabbi Yoḥanan's version. Granted, according to Rabbi Shimon ben Lakish, one can explain that Rabbi Meir was speaking in accordance with the statement of the Rabbis, as follows: According to my own opinion, there is no difference with regard to the limb of a fetus, and there is no difference with regard to a limb hanging from an animal; they are the same in that the slaughter of the animal does not render either of them pure. Accordingly, Rabbi Meir must have been speaking in accordance with the opinion of the Rabbis that a limb hanging from an animal is rendered pure by the animal's slaughter.

¹⁹⁹ But according to Rabbi Yoḥanan, who holds that both the Rabbis and Rabbi Meir agree that a limb hanging from an animal is not rendered pure by the animal's slaughter, Rabbi Meir's statement is difficult, as it is inconsistent with both his opinion and the Rabbis' opinion. The Gemara concedes the challenge.

²⁰⁰ Rather, if such a dispute was stated, it was stated like this: Rabbi Shimon ben Lakish said: Just as there is a dispute between Rabbi Meir and the Rabbis with regard to fetuses whose limbs emerged from the womb, so too, they have a parallel dispute with regard to limbs hanging from an animal. And Rabbi Yoḥanan said: Their dispute is only with regard to the limb of a fetus that emerged from the womb; but with regard to a limb hanging from an animal, everyone agrees that the slaughter of the animal does not render such a limb as though it had already fallen off prior to the slaughter, and does not impart the impurity of a carcass. According to this version of Rabbi Yoḥanan's understanding of the dispute, Rabbi Meir's statement is consistent even with his own opinion.

²⁰¹ Rabbi Yosei, son of Rabbi Ḥanina, said: What is the reason for the distinction made by Rabbi Yoḥanan concerning the opinion of Rabbi Meir, that the slaughter of an animal does not render pure the limb of its fetus, but it does render pure a limb hanging from the animal itself? It is that this hanging limb is part of the animal's body, but that, the limb of the fetus, is not part of its body.

²⁰² § The Gemara continues to elucidate the dispute between Rabbi Meir and the Rabbis. Rav Yitzḥak bar Yosef says that Rabbi Yoḥanan says: Everyone agrees that the death of an animal by means other than slaughter renders a limb as though it had already fallen off prior to the animal's death. Therefore, it will not have the impurity of a carcass, but it will have the impurity of a limb taken from a living animal. And likewise, everyone agrees that the slaughter of the animal does not render a limb as though it had already fallen off prior to the slaughter, and therefore it will not have the impurity of a carcass.

²⁰³ The Gemara clarifies: What are we dealing with here? If we say we are dealing with a limb of its fetus that emerged from its womb, Rabbi Meir and the Rabbis explicitly disagree with regard to this case. Rather, we are dealing with a limb hanging from an animal. But if so, Rabbi Yoḥanan's statement is unnecessary. With regard to a hanging limb, we already learn about the effect of the death of the animal in a mishna elsewhere, and we already learn about the effect of the slaughter of the animal in a mishna elsewhere.

²⁰⁴ The Gemara elaborates: We already learn about the effect of the death of an animal in the mishna (127b): If the animal died without slaughter, any hanging flesh needs to be rendered susceptible to contracting ritual impurity in order to become impure. This is accomplished by coming in contact with liquid, with the owner's approval. The reason is that its halakhic status is that of flesh severed from a living animal, which is ritually pure and does not have the status of an unslaughtered carcass. And a hanging limb imparts impurity as a limb severed from a living animal, but does not impart impurity as a limb from a carcass; this is the statement of Rabbi Meir. Evidently, Rabbi Meir holds that upon the animal's death, anything hanging from the animal is considered as though it had already fallen off before the animal's death. Since the mishna does not record that the Rabbis disagree, it would appear that they agree.

²⁰⁵ Likewise, we already learn about the effect of the slaughter of an animal in the same mishna: If the animal is slaughtered, they, the limb and the flesh hanging from it, are thereby rendered susceptible to impurity, by coming in contact with its blood. Blood is one of the seven liquids that

render foods susceptible to impurity and its presence is considered to be with the approval of the owner, as it makes the meat look redder and fresher; this is the statement of Rabbi Meir. Rabbi Shimon says: They were not rendered susceptible to impurity through the animal's own blood, but only once they were wet with another liquid, with the owner's approval. It is apparent that both opinions in that mishna agree that the limb does not have the impurity of a limb severed from a living animal. Evidently, they hold that the slaughter does not render the hanging limb as though it had already fallen off beforehand.

²⁰⁶ Given that the mishna has already taught both halakhot, what was the necessity of Rabbi Yoḥanan's statement? The Gemara answers: If these halakhot were derived only from that mishna, I would say that actually, slaughter does render a hanging limb as though it had already fallen off beforehand, and such a limb would have the impurity of a limb severed from a live animal. If so, what does the mishna mean when it states: They are rendered susceptible to impurity by coming in contact with its blood? Ostensibly, the intention is that both the limb and the flesh must be rendered susceptible to impurity, which indicates that the limb does not have any impurity of its own. The Gemara explains: One would have explained that the need to be rendered susceptible to impurity is referring only to the flesh, as flesh severed from a living animal does not have any impurity of its own.

²⁰⁷ The Gemara objects: But the mishna teaches: They are rendered susceptible, in the plural, which is apparently referring to both the flesh and the limb, which were mentioned previously in the mishna. The Gemara explains: You might say that the plural is used because the statement is referring to two types of hanging flesh that upon slaughter are considered to have been separated from a living animal: One is for flesh that separates from the body of the animal, and the other one is for flesh that separates from the hanging limb. Neither type has its own impurity, so they must be rendered susceptible to impurity by coming in contact with liquid.

²⁰⁸ The Gemara asks: But in what way is it more compelling to apply the halakha to this type of flesh than to that type, making it necessary to state the halakha with regard to both? The Gemara answers: It might enter your mind to say that since flesh that is attached to a limb severed from a living animal imparts the same severe form of ritual impurity as the limb on account of being a part of it, one might say that once the flesh is separated from the limb it does not need to then be rendered susceptible to impurity. To reject this possibility, the mishna uses the plural form to teach us that this type of flesh does need to be rendered susceptible to impurity.

²⁰⁹ § Rav Yosef said: Take the statement that Rav Yitzḥak bar Yosef says that Rabbi Yoḥanan says, i.e., that the slaughter of an animal does not render a hanging limb as though it had already fallen off prior to the slaughter, in your hand, i.e., accept it as correct, as Rabba bar bar Ḥana also holds in accordance with this opinion. As it is taught in a baraita: "And flesh that is torn in the field, you shall not eat" (Exodus 22:30). This serves to include the case of the limb or the flesh that was partially cut off but was still hanging on a domesticated animal or on an undomesticated animal or on a bird, and one slaughtered them; it is derived that they are prohibited as limbs severed from a living animal. And Rabba bar bar Ḥana says that Rabbi Yoḥanan says with regard to the ruling of this baraita:

²¹⁰ In fact, such limbs and flesh are not prohibited by Torah law, as the slaughter does not render them as though they had already fallen off prior to the slaughter, and the verse cited in the baraita is

not a true derivation but a mere support. Accordingly, with regard to them, there is nothing other than a rabbinic mitzva to separate oneself from consuming them.

²¹¹ § Rav Yosef sat before Rav Huna, and he sat and said: Rav Yehuda says that Rav says: If one ate this hanging limb he is flogged for violating the prohibition against eating a limb from a living animal. One of the Sages said to him: Do not listen to his statement in the name of Rav, as this is what Rav Yitzḥak bar Shmuel bar Marta says in the name of Rav: If one ate this hanging limb he is not flogged.

²¹² Rav Huna said to Rav Yosef: Upon whose version of Rav's ruling shall we rely? Rav Yosef turned his face away in anger and said to him: What is the difficulty? When I said in Rav's name that one is flogged for eating a limb that had been hanging from an animal when it died, I was referring to a case of death by means other than slaughter, which renders the limb as though it had already fallen off prior to the animal's death. When Rav Yitzḥak bar Shmuel bar Marta said in the name of Rav that one is not flogged, he was referring to the case of a slaughter, which does not render the limb as though it had already fallen off prior to the slaughter and therefore serves to render the limb permitted for consumption.

²¹³ § Rava said: From where is this matter that the Sages stated derived: The death of an animal by means other than slaughter renders a hanging limb as though it had already fallen off prior to the slaughter, whereas the slaughter of the animal does not render a limb as though it had already fallen off? As it is written with regard to the eight species of impure creeping animals: "And anything that these fall upon, when they are dead, it shall be impure" (Leviticus 11:32). What does the term "when they are dead" serve to exclude? If we say it serves to exclude the time when they are alive, that principle is derived from: "And everything upon which any part of their carcass falls shall be impure" (Leviticus 11:35), which explicitly states that only their carcasses impart impurity. Rather, learn from the verse that death renders a hanging limb as though it had already fallen off, and slaughter does not render a hanging limb as though it had already fallen off.

²¹⁴ Rav Adda bar Ahava said to Rava: But this verse is written with regard to creeping animals, which do not require slaughter. How then can a halakha with regard to slaughter be derived from here? Rava said to him: If, because it is superfluous, this verse is not referring to the matter of creeping animals, which are not subject to the requirement of slaughter, apply it to the matter of an animal, which is subject to slaughter.

²¹⁵ The Gemara objects: But the phrase "when they are dead, it shall be impure" is still necessary to teach a different halakha, i.e., that they impart impurity only when they are still in a state similar to their state at the time of their death, i.e., if they are moist they impart impurity, whereas if they are dry they do not impart impurity. The Gemara explains that "when they are dead" is written twice, once in the verse cited, and once in the previous verse, which states: "Whoever touches them when they are dead shall be impure until the evening" (Leviticus 11:31).

²¹⁶ § The Gemara returns to the dispute in the mishna (72a) with regard to a fetus that extended its foreleg and then its mother was slaughtered. Rabbi Meir holds that the foreleg is regarded as a carcass with the associated impurity, while the Rabbis hold that although it is not permitted for consumption, the slaughter prevents it from having the impurity of a carcass. With regard to this dispute, Rav Ḥisda said: The dispute concerns only the limb of a fetus that was alive when the mother was slaughtered; but concerning the case of the limb of a fetus that was dead when the

mother was slaughtered, everyone agrees that slaughter renders the fetus's limb as though it had already fallen off prior to the slaughter, and it imparts impurity as a limb from a living animal. But Rabba said: Just as there is a dispute between Rabbi Meir and the Rabbis concerning this case, where the fetus was alive, so too, there is a dispute between them concerning that case, where the fetus had died.

²¹⁷ § The mishna states that an eight-month-old fetus that was born alive is not rendered ritually pure by slaughtering it. The reason given is that the concept of permitting an animal through slaughter is never stated with regard to that kind of animal. The Gemara challenges: But isn't it taught in a baraita in a discussion about whether slaughter renders a tereifa pure from the impurity of a carcass: An eight-month-old fetus that was born alive will prove the point, as even though there are other animals of that kind that are permitted through slaughter, its slaughter does not render it pure from having the impurity of a carcass. This refutes the claim that the issue of slaughter rendering an animal pure from having the impurity of a carcass is a function of whether or not the concept of slaughter applies to that kind of animal.

²¹⁸ Rav Kahana said: The tanna of the baraita holds that even with regard to an eight-month-old fetus it can be said that there are animals of that kind that are permitted through slaughter, i.e., when they are still inside the womb and the mother is slaughtered; such an animal is permitted by virtue of the slaughter of its mother. Therefore, he cites the case of an eight-month-old fetus as a refutation. But the tanna of our mishna holds that the fact that this kind of animal is permitted by virtue of the slaughter of its mother does not define it as a kind of animal concerning which there is a concept of slaughter, and therefore he holds that this case cannot be used as a refutation.

²¹⁹ The Gemara asks: And according to that tanna of the baraita, who does use it as a refutation, from where does he derive that the slaughter of a tereifa renders it pure from having the impurity of a carcass? The Gemara answers that he derives it from that which Rav Yehuda says that Rav says, as Rav Yehuda says that Rav says, and some say it was taught in a baraita: The verse states: "And if some domesticated animal, of which you may eat, dies, one who touches its carcass shall be impure until the evening" (Leviticus 11:39). The word "some" teaches that only some dead animals impart impurity as a carcass, but some dead animals do not impart impurity as a carcass. And what is it that does not impart impurity? That is a tereifa that one slaughtered.

²²⁰ § Rav Hoshaya raises a dilemma: If one inserted his hand inside the womb of an animal and slaughtered a nine-month-old fetus that was alive, what is the halakha? Does the slaughter performed inside the mother render the fetus permitted? The Gemara notes: This dilemma may be raised according to the opinion of Rabbi Meir, and it may be raised according to the opinion of the Rabbis.

²²¹ The Gemara elaborates: It may be raised according to the opinion of Rabbi Meir. It is possible that Rabbi Meir states in the mishna below that a nine-month-old ben pekua requires slaughter, and slaughter renders the animal permitted only in that case, because that statement may apply only in a case where the animal emerged into the airspace of the world, i.e., once it was born alive. But if it is still inside its mother, its slaughter does not render it permitted.

²²² Or perhaps even the Rabbis, who disagree with Rabbi Meir and maintain that a nine-month-old ben pekua is permitted by virtue of its mother's slaughter, would concede that the slaughter of the fetus itself also permits it. Perhaps with regard to such an animal the Merciful One considers four

simanim, i.e., the windpipe and the gullet of the mother and the windpipe and the gullet of the fetus, to be fit for slaughter, and the fetus is permitted by the cutting of either pair.

²²³ Rav Ḥananya said: Come and hear a resolution of this dilemma from the mishna (72b), as it considers an animal that was born as a tereifa from the womb as one that never had a period of potential fitness. But if it is so, that one can slaughter a fetus in its mother's womb, you find that actually it did have a period of potential fitness, as if one wants to, he can insert his hand into the womb and slaughter it before it develops into a tereifa.

²²⁴ Rava said to Rav Ḥananya: Teach that mishna as referring to a case where the fetus was formed as a tereifa from its outset while inside the womb, and you find such a case where a fetus has five legs, which certainly developed from the outset. Consequently, there was never a possibility of slaughtering it.

²²⁵ MISHNA: In the case of one who slaughtered an animal and found within it an eight-month-old fetus, i.e., one that was not full term, whether it was alive or dead, or a nine-month-old fetus, i.e., one that was full term, that was dead, that fetus is permitted by virtue of the slaughter of its mother, as it is considered part of its mother. Therefore, its blood is considered part of its mother's blood and is prohibited, so one must tear the fetus and remove its blood before it may be consumed.

²²⁶ If he found within it a live nine-month-old fetus, it requires its own slaughter, as it is considered an independent full-fledged animal, and if one slaughters both the mother and fetus on the same day, one is liable for violating the prohibition against slaughtering an animal itself and its offspring on the same day; this is the statement of Rabbi Meir. And the Rabbis say: Even when the fetus is nine months old, it is still considered part of its mother, and the slaughter of its mother renders it permitted for consumption.

²²⁷ Rabbi Shimon Shezuri says: Even if the fetus emerged alive and is now five years old and plowing in the field, the earlier slaughter of its mother rendered it permitted and it does not require slaughter before it is eaten. But if one tore an animal, i.e., he killed it without slaughtering it, and inside he found a live nine-month-old fetus, everyone agrees that the fetus requires its own slaughter because its mother was not slaughtered.

²²⁸ GEMARA: Rabbi Elazar says that Rabbi Oshaya says: The Sages discussed the permissibility of a live nine-month-old fetus found inside a slaughtered animal only with regard to the matter of whether it requires its own slaughter. The Gemara asks: What does Rav Oshaya's statement serve to exclude? Rav Oshaya's statement indicates that with regard to other matters all agree that it is considered an independent animal, with the associated prohibitions. The Gemara suggests: It serves to exclude its fat, i.e., the fats that are prohibited in a regular animal, such as the fat of the kidneys and innards, and its sciatic nerve.

²²⁹ The Gemara asks: The fat of which part? If we say that this is referring to the fat of the fetus, that is difficult because the Sages disagree as to whether or not it is permitted, as it is taught in a baraita: The prohibition of the sciatic nerve applies to a fetus and its fat is prohibited; this is the statement of Rabbi Meir. Rabbi Yehuda says: The prohibition of the sciatic nerve does not apply to a fetus, and its fat is permitted. And Rabbi Elazar says that Rabbi Oshaya says: This dispute concerns a live nine-month-old fetus, and Rabbi Meir follows his standard line of reasoning, which he expressed in the mishna, that such a fetus is considered an independent full-fledged animal; and Rabbi Yehuda

follows his standard line of reasoning, as expressed by the Rabbis in the mishna, that such a fetus is considered a part of the mother.

²³⁰ Rather, say that Rabbi Elazar is referring to the fat of the sciatic nerve of the fetus, which all agree is permitted. The Gemara rejects this as well: But the Sages also disagree with regard to that, as it is taught in a baraita: With regard to the sciatic nerve, one scrapes around it to remove it entirely in any place that it is found in the thigh, and one cuts out its fat completely, even those fats that are sunk into the flesh; this is the statement of Rabbi Meir. Rabbi Yehuda says: One cuts out the nerve and the fat that is level with the flesh of the thigh, but there is no obligation to remove all traces of the fat.

²³¹ Rather, if Rabbi Oshaya's statement was stated, it was stated like this: Rabbi Elazar says that Rabbi Oshaya says: The Sages discussed the permissibility of the fetus only with regard to matters of consumption, i.e., whether or not it must be slaughtered in order to permit its flesh and whether or not the fat and the sciatic nerve are permitted. This statement serves to exclude only one who copulates with the animal, or one who plows with it together with an animal of a different species, as everyone agrees that these prohibitions apply to such a fetus just as they do to any other animal.

²³² § A related amoraic dispute is cited concerning a live nine-month-old fetus found inside a slaughtered animal: Rabbi Shimon ben Lakish said: According to the statement of Rabbi Yehuda, who permits the fat, he also permits its blood; according to the statement of Rabbi Meir, who prohibits its fat, he also prohibits its blood. And Rabbi Yoḥanan said: Even according to Rabbi Yehuda, who permits its fat, he prohibits its blood.

²³³ Rabbi Yoḥanan raised an objection to Rabbi Shimon ben Lakish from the mishna, which states with regard to an eight-month-old fetus, whether alive or dead, or a dead nine-month-old fetus, found inside a slaughtered animal, that since it is considered part of the mother its blood is prohibited. Therefore, one must tear the fetus and remove its blood before it may be consumed. The mishna prohibits the blood but apparently permits the rest of the fetus, including its fat, which contradicts the opinion of Rabbi Shimon ben Lakish. In resolution of this difficulty, Rabbi Zeira said: Rabbi Shimon ben Lakish meant to say only that the consumption of blood lost as the fetus died is not punishable by excision from the World-to-Come [karet], whereas Rabbi Yoḥanan holds that it is.

²³⁴ The Gemara clarifies: According to whom did Rabbi Shimon ben Lakish state that one who permits the fat of the fetus also holds that the consumption of its blood is not punishable by karet? Ostensibly, it is according to the opinion of Rabbi Yehuda, who permits its fat. But that is difficult, because this blood should be regarded only as blood of exudate, i.e., blood that exudes from the neck of the animal after the initial spurt of its slaughter concludes. This blood did not spurt out during the slaughter of the mother. Rabbi Yehuda holds that consumption of even this blood is punishable by karet, as it is taught in a baraita: The consumption of blood of exudate is prohibited by a regular prohibition and is punishable with lashes, unlike the initial spurt of blood, known as blood of the soul, whose consumption is punishable by karet. Rabbi Yehuda says: Blood of exudate is also punishable by karet.

²³⁵ Rav Yosef, son of Rav Salla the Pious, interpreted this matter before Rav Pappa: One of the verses prohibiting the consumption of blood states: "And whoever...eats any blood, and I will set My face against that soul that eats the blood, and will cut him off from among his people" (Leviticus 17:10). Rabbi Yehuda holds that since it would have been sufficient for the verse to state: Blood, but instead it states: "Any blood," it is interpreted as teaching that wherever one is liable for karet for the

consumption of blood of the soul, i.e., the initial spurt from the slaughter, as is the halakha with regard to a regular animal, one is also liable for karet for the consumption of blood of exudate, i.e., the rest of the blood. But wherever one is not liable for karet for the consumption of blood of the soul, as is the halakha with regard to the blood of a fetus according to Rabbi Yehuda, who holds that the fetus is not considered an independent life, one is also not liable for karet for the consumption of blood of exudate; rather, its blood is subject to a regular prohibition.

²³⁶ § A dilemma was raised before the Sages: What is the halakha with regard to redeeming a firstborn donkey with a ben pekua? Can one perform the mitzva, as stated in the Torah: “And every firstborn of a donkey you shall redeem with a lamb” (Exodus 13:13), with this animal? The Gemara elaborates: According to the opinion of Rabbi Meir do not raise the dilemma, as, since he says a ben pekua requires slaughter, evidently it is a full-fledged lamb, and therefore it can certainly be used to redeem a donkey.

²³⁷ When should you raise the dilemma? Raise it according to the opinion of the Rabbis, as they say that the slaughter of its mother renders it permitted. What is the halakha in this case? Does one say that since the Rabbis say that the slaughter of its mother renders it permitted, it is apparent that despite being physically alive, a ben pekua is halakhically regarded like meat placed in a pot, which cannot be used to redeem a donkey (see Bekhorot 12a)? Or perhaps, since the animal is running back and forth, i.e., it is alive, we call it a lamb and it can be used?

²³⁸ Mar Zutra said: One cannot redeem a donkey with this lamb, and Rav Ashi said: One can redeem it.

²³⁹ Rav Ashi said to Mar Zutra: What is the reason for your opinion? Is it because you derive the halakhot of redeeming a firstborn donkey from Paschal offerings by means of a verbal analogy between the term “lamb” (Exodus 13:13) written concerning a firstborn donkey and “lamb” (Exodus 12:5) written concerning a Paschal offering, and a ben pekua is unfit for sacrifice as a Paschal offering?

²⁴⁰ If so, just as there, with regard to the Paschal offering, it must be male, unblemished, and in its first year, so too here, the lamb must be male, unblemished, and in its first year. Yet the mishna in Bekhorot (9a) states explicitly that one may redeem with a female lamb, and even if it is blemished, and also with one that is past its first year. Mar Zutra responded: The repetition of the words “You shall redeem,” “You shall not redeem” written in the verse: “And every firstborn of a donkey you shall redeem with a lamb, and if you shall not redeem it then you shall break its neck” (Exodus 13:13), included a lamb that does not fulfill these criteria.

²⁴¹ Rav Ashi responds: If the repetition of “You shall redeem,” “You shall not redeem” serves to amplify, then it should even amplify all other types of lambs, including a ben pekua, i.e., they should also be included in the category of those that are fit for redemption. Mar Zutra answers: If that was so, what purpose would the verbal analogy of “lamb,” “lamb” serve? Rather, the repetition of “You shall redeem” serves to include all types of lambs, but the verbal analogy still serves to exclude a ben pekua.

²⁴² § A dilemma was raised before the Sages: According to the Rabbis, a ben pekua is permitted for consumption and is therefore susceptible to ritual impurity. If the ben pekua was still inside the slaughtered mother and the body of the mother came in contact with a primary source of ritual impurity, what is the halakha with regard to counting the mother as having first-degree ritual

impurity and the ben pekua as having second-degree ritual impurity? If the fetus is considered independent of the mother, it is rendered impure only through its contact with the mother and so would have second-degree impurity. But if it is considered part of the mother it would have the same first-degree impurity as the mother.

²⁴³ Rabbi Yoḥanan says: One counts the mother as having first-degree impurity and the ben pekua as having second-degree impurity. Rabbi Shimon ben Lakish says: One does not count the mother as having first-degree impurity and the ben pekua as having second-degree impurity. Rather, the fetus has first-degree impurity like its mother, as it is considered like a nut rattling in its shell; this is considered a single entity such that if impurity touches the shell, both the nut and the shell are rendered impure with the same degree of impurity.

²⁴⁴ Rabbi Shimon ben Lakish raised an objection to Rabbi Yoḥanan from the mishna (72a): If a fetus extended its foreleg outside its mother's womb and then the mother was slaughtered, and afterward the foreleg was severed, the flesh of both the mother and the fetus are ritually impure due to having been in contact with a carcass. Since the foreleg was not permitted through an act of slaughter it is regarded as a carcass with the associated ritual impurity. The rest of the flesh, which was permitted, was in contact with it and was thereby rendered ritually impure; this is the statement of Rabbi Meir.

²⁴⁵ And the Rabbis say: The flesh has the ritual impurity of having been in contact with a tereifa that was slaughtered. The limb is regarded as a tereifa that was slaughtered, which by Torah law is prohibited for consumption but does not carry ritual impurity. Nevertheless, the Sages decreed that if a tereifa was slaughtered and then came in contact with another item, the other item should be regarded as ritually impure to the extent that it will disqualify sacrificial foods that come in contact with it.

²⁴⁶ Rabbi Shimon ben Lakish explains his objection: Granted, according to my opinion, as I say that the mother and fetus together are one entity; that is why the flesh of the fetus is rendered susceptible to ritual impurity through the blood of its mother that spilled onto the body of the mother. When the blood from the mother's slaughter renders the mother susceptible to impurity, the fetus is also rendered susceptible to impurity, as it is considered part of the mother. But according to your opinion, that the fetus is an independent entity, through what means is it rendered susceptible to contracting impurity from its foreleg?

²⁴⁷ Rabbi Yoḥanan said to Rabbi Shimon ben Lakish: It is rendered susceptible through the slaughter of its mother, which also permits the consumption of the fetus, and this is in accordance with the opinion of Rabbi Shimon, who maintains that the flesh of a slaughtered animal is rendered susceptible to ritual impurity by virtue of the fact that it is permitted for consumption, even if it did not come in contact with blood or one of the other six liquids. Accordingly, the fetus will be susceptible to impurity even if it is not considered part of its mother.

²⁴⁸ Rabbi Yoḥanan raised an objection to Rabbi Shimon ben Lakish from a baraita: If a ben pekua grew up and passed through a river, it was thereby rendered susceptible to impurity. Therefore, if it went from there to a cemetery, it is rendered impure.

²⁴⁹ Rabbi Yoḥanan explains his objection: Granted, according to my opinion, as I say that the mother and fetus are two entities; it is due to that reason that only if the ben pekua itself has been rendered susceptible to impurity by coming in contact with the water of the river, yes, it can be rendered impure upon entering a cemetery, whereas if it has not been rendered susceptible to impurity through

these waters, no, it does not become impure when it enters a cemetery. But according to your opinion, in which you said that the mother and fetus together are one entity, why is it necessary for it to have passed through a river? It was already rendered susceptible to impurity through the blood of its mother that spilled onto the mother's body when it was slaughtered.

²⁵⁰ Rabbi Shimon ben Lakish answers: The baraita is referring to a case where the slaughter of the mother was dry, i.e., where no blood was emitted, and therefore, even the mother was not rendered susceptible to ritual impurity. And the baraita is not in accordance with the opinion of Rabbi Shimon, who maintains that the flesh of a slaughtered animal is rendered susceptible to ritual impurity by virtue of the fact that it is permitted for consumption, regardless of whether or not it came into contact with blood or other liquids.

²⁵¹ The Gemara asks: Who is the tanna who taught this baraita: If a ben pekua grew up and passed through a river, it was thereby rendered susceptible to impurity, and therefore if it went from there to a cemetery, it is rendered impure? Rabbi Yoḥanan said: It is the opinion of Rabbi Yosei HaGelili, as it is taught in a baraita that Rabbi Shimon ben Elazar says in the name of Rabbi Yosei HaGelili: The flesh of a ben pekua can become impure with the ritual impurity of food, but it first needs to be rendered susceptible to ritual impurity by coming in contact with liquid. But the Rabbis say: It cannot become impure with the ritual impurity of food because it is alive, and any live animal cannot become impure with the ritual impurity of food, even if it is permitted for consumption.

²⁵² The Gemara notes: And Rabbi Yoḥanan follows his standard line of reasoning, as Rabbi Yoḥanan says that Rabbi Yosei HaGelili and Beit Shammai said the same thing, i.e., they both hold that even a live animal can become impure with the ritual impurity of food.

²⁵³ The opinion of Rabbi Yosei HaGelili is that which we stated in the baraita. The opinion of Beit Shammai is as we learned in a mishna (Okatzin 3:8): With regard to fish, from when are they susceptible to impurity as food? Beit Shammai say: From when they are caught in a trap, as at this point they are considered food, since they do not require slaughter. And Beit Hillel say: From when they die. Rabbi Akiva says: From when they are no longer able to live.

²⁵⁴ The Gemara analyzes that mishna: What is the difference between the opinions of Rabbi Akiva and Beit Hillel? Rabbi Yoḥanan said: The difference between them is the case of a convulsing fish. Rabbi Akiva holds that such a fish can already become ritually impure, while Beit Hillel require it to have actually died.

²⁵⁵ Rav Ḥisda raises a dilemma: According to Rabbi Akiva, if symptoms of a tereifa developed in a fish, e.g., a perforation in the intestines, which will certainly result in the animal's death (see 42a), what is the halakha? Can it already be rendered ritually impure as if it were now dead? The Gemara clarifies: One can raise this dilemma according to the one who says that an animal that is a tereifa can live, i.e., it will not necessarily die within a year, and one can raise this dilemma according to the one who says that a tereifa cannot live, but will die within a year.

²⁵⁶ The Gemara elaborates: One can raise this dilemma according to the one who says that a tereifa can live, as perhaps that opinion is limited to an animal, as an animal has a strong life force, and it could live despite such symptoms. But with regard to a fish, whose life force is not strong, all would agree that it will not survive. Or perhaps, even according to the one who says that a tereifa cannot live, it is possible that this matter, that a tereifa is regarded as dead, applies only to an animal, as the requirement to slaughter it in order to permit it for consumption applies to this type of creature, i.e.,

to animals, and so to invalidate its slaughter, the Torah classifies an animal that is a tereifa as though it is dead. But with regard to fish, where the requirement to slaughter it in order to permit it does not apply to this type of creature, I would say that a fish with symptoms of a tereifa is not considered as though it were dead. The Gemara concludes: The dilemma shall stand unresolved.

²⁵⁷ § The Rabbis state in the mishna that a nine-month-old fetus is considered to be part of its mother. Therefore, when the mother is slaughtered, the entire fetus is permitted, including all its fats. The Gemara asks: If an animal expelled a non-viable newborn, what is the status of the fetus's fat? Rabbi Yoḥanan said: Its fat is like the fat of any other domesticated animal, and one is liable to receive karet if he eats it. And Rabbi Shimon ben Lakish said: Its fat is like the fat of an undomesticated animal, which is not prohibited.

²⁵⁸ The Gemara elaborates: Rabbi Yoḥanan said: Its fat is like the fat of any other domesticated animal, as he maintains that the exit of a fetus through the airspace of the opening of the womb causes it to be regarded as an independent animal. Rabbi Shimon ben Lakish said: Its fat is like the fat of an undomesticated animal, as he maintains that the completion of the months of gestation causes a fetus to be regarded as an independent animal, and this stillborn did not reach this stage.

²⁵⁹ Some say that there is another explanation of this dispute: In any case where its months of gestation were not completed, everyone agrees that it is nothing, i.e., it is not an independent animal and its fat is not included in the prohibition of forbidden fats. When they disagree it is with regard to a case where one inserted his hand into the womb of an animal and removed the fat of a live nine-month-old fetus and ate it. Rabbi Yoḥanan said: Its fat is like the fat of any other domesticated animal, as the months of gestation alone cause it to be regarded as an independent animal. Rabbi Shimon ben Lakish said: Its fat is like the fat of an undomesticated animal, as it is the months of gestation and its exit through the airspace of the opening of the womb that together cause it to be regarded as an independent animal. Since this fetus was not yet born, it is not subject to the prohibition of forbidden fats.

²⁶⁰ Rabbi Yoḥanan raised an objection to Rabbi Shimon ben Lakish from a baraita that discusses the sacrifice of the fat surrounding a fetus inside a pregnant animal: Just as with regard to the requirement to sacrifice the fat and two kidneys (see Leviticus 7:3–4), which is stated with regard to a guilt offering, the fat of a fetus is excluded from the category of fats that one is required to sacrifice because a guilt offering is always a male, so too, with regard to every offering, even in the case of a female offering, the fat of a fetus is excluded from the category of fats that one is required to sacrifice.

²⁶¹ Rabbi Yoḥanan explains his objection: Granted, according to my opinion that the fat of a fetus is forbidden for consumption, this is why a verse was necessary to exclude it from being sacrificed on the altar. But according to your opinion that it is not forbidden, why is a verse necessary to exclude it? Rabbi Shimon ben Lakish said to him: My explanation is also derived from the verse here, which serves as the source for the fact that the fat of a fetus is not forbidden.

²⁶² And some say that there is another version of this objection in which Rabbi Shimon ben Lakish raised an objection to Rabbi Yoḥanan from that baraita: Just as with regard to the requirement to sacrifice “the fat and two kidneys” that is stated with regard to a guilt offering, the fat of a fetus is excluded from the category of fats that one is required to sacrifice, so too, with regard to every offering, the fat of a fetus is excluded from the category of fats that one is required to sacrifice.

²⁶³ Rabbi Shimon ben Lakish explains the objection: Granted, according to my opinion that the fat of the fetus is not prohibited like the other fats, it is due to that reason that the Merciful One excludes it from the requirement of being sacrificed. But according to your opinion, that the fat of the fetus is considered one of the forbidden fats, let it also be sacrificed. Rabbi Yoḥanan said to him: The reason that this fat is not sacrificed is just as it is with regard to an offering whose time has not yet arrived, i.e., it is not yet seven days old, which may not be sacrificed (see Leviticus 22:27) despite being of a species of animal that may be sacrificed. Similarly, with regard to the fat of the fetus, despite being included among those fats that are prohibited, it may not be sacrificed.

²⁶⁴ § The Gemara returns to the dispute in the mishna with regard to a nine-month-old fetus found alive inside its slaughtered mother. Rabbi Meir holds that the fetus itself must be slaughtered in order to permit it, whereas the Rabbis hold that it is permitted by virtue of the slaughter of its mother. Rabbi Ami said: With regard to one who slaughtered a tereifa and found inside it a live nine-month-old fetus: According to the statement of Rabbi Meir, who prohibits a nine-month-old fetus found inside a kosher animal until it is slaughtered itself, if it is found inside a tereifa he permits the fetus once it is slaughtered itself. But according to the statement of Rabbi Yehuda, referred to as the Rabbis in the mishna, who permits a nine-month-old fetus found inside a kosher animal by virtue of the slaughter of its mother, if it is found inside a tereifa he prohibits it, even if it is slaughtered itself.

²⁶⁵ Rava said: According to the statement of Rabbi Yehuda, who permits a nine-month-old fetus found inside a kosher animal by virtue of the slaughter of its mother, he also permits it if it is found inside a tereifa, once the fetus itself is slaughtered. The reason is that the Merciful One considers four simanim to be fit for slaughter, i.e., the windpipe and gullet of the mother and those of the fetus, with the fetus being permitted by the cutting of either pair.

²⁶⁶ Rav Ḥisda said: With regard to one who slaughtered a tereifa and found inside it a live nine-month-old fetus,

²⁶⁷ the fetus requires its own slaughter to permit its consumption, and it is subject to the obligation to give the foreleg and the jaw and the maw to a priest, as is required for a non-sacred animal that is slaughtered. But nevertheless, if it dies, the fact that its mother was slaughtered serves to render it pure with regard to imparting impurity to people through their carrying of it, as it does not impart the impurity of a carcass.

²⁶⁸ Rava said to Rav Ḥisda: Your ruling is inconsistent. When you say it requires slaughter, in accordance with whose opinion is that? It is in accordance with the opinion of Rabbi Meir, that a live nine-month-old fetus is not permitted by virtue of its mother's slaughter. But when you say that if it dies, it is pure with regard to imparting impurity through carrying, in accordance with whose opinion is that? It is in accordance with the opinion of the Rabbis.

²⁶⁹ Rav Ḥisda replied: And according to your reasoning, the same difficulty arises with that which Rabbi Ḥiyya teaches in a baraita: With regard to one who slaughtered an animal that is a tereifa and found inside it a live nine-month-old fetus, it requires its own slaughter, and it is subject to the obligation to give the foreleg and the jaw and the maw to a priest. But nevertheless, if it dies, it is pure with regard to imparting impurity through carrying. When he says that it requires slaughter, in accordance with whose opinion is that? It is in accordance with the opinion of Rabbi Meir. But when he says that if it dies, it is pure with regard to imparting impurity through carrying, it is in accordance with the opinion of the Rabbis.

²⁷⁰ Rava responded: That is not difficult, as it is possible that Rabbi Ḥiyya was speaking about if one found that the fetus had already died inside the mother. In such a case, Rabbi Meir concedes that its mother's slaughter renders it pure, as stated in the mishna. Accordingly, the baraita is entirely in accordance with the opinion of Rabbi Meir. But according to your opinion, that even if it was found alive and died later it is pure from the impurity of a carcass, it is difficult.

²⁷¹ Rav Ḥisda said to Rava: According to my opinion also it is not difficult, as I claim that the entire baraita is in accordance with the opinion of the Rabbis, and although the slaughter of its mother permits the fetus, its own slaughter can also permit it, as the Merciful One considers four simanim to be fit for slaughter, two of the mother and two of the fetus, the fetus being permitted through the cutting of either pair.

²⁷² The Gemara relates: When Rabbi Zeira ascended to Eretz Yisrael, Rav Asi found him sitting and saying this halakha of Rav Ḥisda, i.e., that the Merciful One considers four simanim to be fit for slaughter. Rav Asi said to him: That is correct, and so says Rabbi Yoḥanan. Rabbi Zeira asked him: Can I conclude by inference from your statement that Rabbi Shimon ben Lakish, Rabbi Yoḥanan's colleague, disagrees with him?

²⁷³ Rav Asi answered: I do not know, as after Rabbi Yoḥanan made his statement, Rabbi Shimon ben Lakish was waiting for him to see if he would retract, and he therefore remained silent about whether or not he disagreed. But it is possible that after I left, he disagreed. And some say that Rav Asi said: At that time, Rabbi Shimon ben Lakish was drinking, and that is why he remained silent. Therefore, I do not know whether or not he disagreed.

²⁷⁴ § The mishna teaches that Rabbi Shimon Shezuri says: Even if a nine-month-old fetus emerged alive and is now five years old and plowing in the field it does not require slaughter. The Gemara asks: This opinion of Rabbi Shimon Shezuri is identical to that of the first tanna, i.e., the Rabbis. What difference is there between them? Rav Kahana said: The difference between them is a case where the fetus stood upon the ground. According to the opinion of the first tanna, once the fetus walks on the ground there is a rabbinic decree requiring that it be slaughtered before it is consumed, lest people mistakenly permit other animals without slaughter. Rabbi Shimon Shezuri disagrees and holds that it does not require slaughter.

²⁷⁵ Rav Mesharshiyya said: According to the statement of the one who says that when defining the status of an animal one needs to be concerned with its paternity, if a ben pekua copulated with a full-fledged animal, the offspring has no rectification. Although when the mother and father are each a ben pekua the offspring is permitted without ritual slaughter, if the father is a ben pekua but the mother is not, the offspring is simultaneously defined as requiring slaughter, based on the mother, and being excluded from the requirement for slaughter, based on the father. Therefore, no act of slaughter can permit it.

²⁷⁶ Abaye says: Everyone, i.e., even the first tanna, who requires the slaughter of a ben pekua that stood upon the ground, agrees with regard to a ben pekua with non-cloven hooves that was found inside a kosher animal, that it is permitted by virtue of the slaughter of its mother. What is the reason for this? It is that people remember any bizarre matter, and there is no concern that if it is permitted without slaughter, people will mistakenly permit regular animals without slaughter. Some say that Abaye said: Everyone agrees with regard to a ben pekua with non-cloven hooves found inside an animal with non-cloven hooves that was itself born to a kosher animal, that the fetus is permitted

without slaughter even if it stood on the ground. What is the reason? It is that people remember two bizarre matters.

²⁷⁷ Ze'eiri says that Rabbi Ḥanina says: The halakha is in accordance with the opinion of Rabbi Shimon ben Shezuri that a ben pekua is permitted without slaughter even if it stood upon the ground. And similarly, Rabbi Shimon Shezuri would permit without slaughter the offspring of a ben pekua and the offspring of its offspring, and so on to the end of all future generations. Rabbi Yoḥanan says: It, the ben pekua itself, is permitted, but its offspring is prohibited unless it is slaughtered.

²⁷⁸ The Gemara relates: Adda bar Ḥavu had a ben pekua that was attacked by a bear and was about to die. He came before Rav Ashi to inquire what to do. Rav Ashi said to him: Go and slaughter it before it dies so that you can eat it, in accordance with the opinion of the first tanna that if a ben pekua stood upon the ground it requires slaughter. Adda bar Ḥavu said to Rav Ashi: But doesn't Ze'eiri say that Rabbi Ḥanina says: The halakha is in accordance with the opinion of Rabbi Shimon Shezuri that a ben pekua is permitted without slaughter even if it stood upon the ground, and similarly, Rabbi Shimon Shezuri would permit without slaughter the offspring of a ben pekua and the offspring of its offspring, and so on to the end of all future generations? And even Rabbi Yoḥanan, who disagreed, said his dissenting opinion only with regard to its offspring, but with regard to a ben pekua itself, he did not disagree that it is permitted.

²⁷⁹ Rav Ashi said to Adda bar Ḥavu: Rabbi Yoḥanan was speaking according to the statement of Rabbi Shimon Shezuri, i.e., he said that even Rabbi Shimon Shezuri permits only a ben pekua itself, but not its offspring. But Rabbi Yoḥanan himself agrees with the first tanna that a ben pekua that stood upon the ground is prohibited without slaughter.

²⁸⁰ Adda bar Ḥavu persisted: But didn't Ravin bar Ḥanina say that Ulla says that Rabbi Ḥanina says with regard to a different issue: The halakha is in accordance with the opinion of Rabbi Shimon Shezuri; and moreover, not only is the halakha in accordance with his opinion with regard to this matter, but in any place where Rabbi Shimon Shezuri taught a halakha in our Mishna, the halakha is in accordance with his opinion?

²⁸¹ Rav Ashi said to Adda bar Ḥavu: I hold in accordance with this statement of Rabbi Yonatan, as Rabbi Yonatan says: The halakha is in accordance with the opinion of Rabbi Shimon Shezuri in the case of one who is dangerously ill, and in the case of teruma of the tithe of doubtfully tithed produce [demai], but not in other cases, e.g., in the case of his disagreement with the first tanna concerning a ben pekua.

²⁸² The Gemara now elaborates on these two cases. The case of one who is dangerously ill is as we learned in a mishna (Gittin 65b): Initially, the Sages would say that in the case of one who is taken out in a neck chain [bekolar] to be executed and who said: Write a bill of divorce for my wife, these people who hear should write the document and give it to her. Although there was no explicit instruction to give it to her, this is understood to have been his intention, in order to release her from the obligation to perform levirate marriage or the ritual through which she becomes free of her levirate bonds [ḥalitza]. They then said that this halakha applies even to one who sets sail and one who departs in a caravan to a distant place. A bill of divorce is given to his wife under these circumstances even if her husband said only: Write a bill of divorce for my wife. Rabbi Shimon ben Shezuri says: Even in the case of one who is dangerously ill who gives that instruction, they write the bill of divorce and give it to his wife.

²⁸³ The case of teruma of the tithe of demai is as we learned in a mishna (Demai 4:1): With regard to teruma of the tithe of demai, i.e., teruma of the tithe that was separated from the produce of an am ha'aretz, who is suspected of not separating tithes properly, that fell and returned to its original place, becoming mingled with the rest of produce from which it had been separated, Rabbi Shimon ben Shezuri says: Even on a weekday one may ask the am ha'aretz whether or not he separated the necessary tithes and then eat based on his statement.

²⁸⁴ MISHNA: With regard to an animal whose hind legs were severed, if they were severed from the leg joint and below, the animal is kosher; from the leg joint and above, the animal is thereby rendered a tereifa and is not kosher. And likewise, an animal whose convergence of sinews in the thigh was removed is a tereifa and is not kosher.

²⁸⁵ If the bone of a limb was broken but the limb was not completely severed, and the animal was then slaughtered, if the majority of the flesh surrounding the bone is intact, the slaughter of the animal renders it permitted; but if not, its slaughter does not render it permitted.

²⁸⁶ GEMARA: Rav Yehuda says that Rav says that Rabbi Ḥiyya says: When the mishna makes reference to the leg being severed from the leg joint and below, it means that the cut was below the leg joint, and when it says that if it was severed from the leg joint and above it is a tereifa, it means that the cut was above the leg joint. And with regard to which leg joint did they say this? With regard to the leg joint that is sold together with the head of the animal. This is the lower leg joint that connects the lower bone, or metatarsus, and middle bone, or tibia. Accordingly, the animal is a tereifa only if the leg was severed in the middle bone or upper bone.

²⁸⁷ Ulla says that Rabbi Oshaya says: The mishna is referring to the leg joint that in most animals cannot be seen from the outside, but the corresponding joint in the leg of a camel is prominent and conspicuous. This is referring to the joint between the upper bone, or femur, and middle bone, or tibia. Accordingly, the animal is a tereifa only if it was severed in the upper bone.

²⁸⁸ Ulla said to Rav Yehuda: Granted, according to my opinion, as I say it means the joint whose corresponding joint in the leg of a camel is conspicuous, i.e., the upper joint, this explanation is consistent with that which the mishna teaches: And likewise, an animal whose convergence of sinews in the thigh was removed is not kosher. The convergence of sinews lies on the lower part of the middle bone. Since I hold that if the middle bone is severed, this does not render the animal a tereifa, it is necessary for the mishna to teach that nevertheless, if that bone was severed at the point of the convergence of sinews, this would render it a tereifa. But according to your opinion that the mishna is referring to the lower joint, and if the middle bone is severed, this renders the animal a tereifa, what is the purpose of teaching: And likewise, an animal whose convergence of sinews in the thigh was removed is not kosher?

²⁸⁹ Rav Yehuda said to Ulla: According to my opinion, the mishna is referring to two cases: The first is where the leg was severed above the lower leg joint, in the middle bone, without the removal of the convergence of sinews in the thigh, and the second is where the convergence of sinews in the thigh was removed without the leg above the leg joint being severed. Ulla then asked Rav Yehuda: But the mishna teaches: Were severed, indicating that the leg was entirely severed, which perforce includes the convergence of sinews. Rav Yehuda was silent, as he did not have a resolution.

²⁹⁰ After Ulla left, Rav Yehuda said to himself: What is the reason that I did not say to him the following resolution: When the mishna states that if the leg was severed below the leg joint the

animal is kosher, it means below the lower leg joint, and when it says that if it was severed above it is a tereifa, it means in the middle bone above the convergence of sinews in the thigh. Accordingly, it would still be necessary to teach that if the convergence of sinews in the thigh was removed, this would render it a tereifa.

²⁹¹ Rav Yehuda then said to himself: It is good that I did not suggest this resolution, as did I not initially say a resolution to him, and he said to me that it was refuted by the fact that the mishna teaches: Were severed, which clearly indicates that it was severed completely? Here too, he could have said: You cannot explain the mishna as referring only to severing the leg above the convergence of sinews, as the mishna teaches: From the lower leg joint and above, which clearly includes the entire middle bone, including the area of the convergence of sinews.

²⁹² Rav Pappa teaches the previous discussion like this: Rav Yehuda says that Rav says that Rabbi Hiyya says: When the mishna refers to severing the leg below, it means severing below both the leg joint and the convergence of sinews in the thigh, i.e., the lower bone was severed, and when it refers to severing the leg above, it means severing above both the leg joint and the convergence of sinews in the thigh, i.e., the upper bone was severed. And then the mishna adds that with regard to the middle bone, it is only a tereifa when the convergence of sinews was removed. And this explanation assumes that the leg joint itself is referring to the upper leg joint, in accordance with that which Ulla said that Rabbi Oshaya said, i.e., that it means the joint whose corresponding joint in the leg of a camel is conspicuous.

²⁹³ The Gemara questions Rav Pappa's explanation of the opinions of Ulla and Rav Yehuda: But is there any possibility that if one went higher up the leg and severed the middle bone above the convergence of sinews, it would live, i.e., the animal would not be a tereifa, but if one went down the leg and severed it on the convergence of sinews, it would be a tereifa and would die within twelve months? It is illogical that severing more of the leg is less life-threatening for the animal.

²⁹⁴ Rav Ashi said: Are you comparing different types of tereifot to one another? One cannot say with regard to tereifot that this is similar to that, as different areas of an animal's body react differently: One cuts it from here, at a low point on the animal's body, and it could die; and one cuts it from there, at a higher point, and it could live.

²⁹⁵ § The Gemara asks: And which parts are included in the convergence of sinews in the thigh, such that if they are removed it renders the animal a tereifa? The sinews at the bottom of the bone cleave to it, as there is no flesh on that part of the bone. A short distance above that they separate from the bone and then they diverge from each other as they enter the flesh. Rabba says that Rav Ashi says: Those which are off the bone, before they diverge. Rabba bar Rav Huna says that Rav Ashi says: Those which are adjacent to the bone. Rava, son of Rabba bar Rav Huna, says that Rav Asi says: The convergence of sinews begins even lower and includes those which are above the arkum bone, a small bone that lies between the lower bone and the middle bone of the leg.

²⁹⁶ The Gemara relates: One of the Sages sat before Rabbi Abba, and he sat and said: The convergence of sinews includes the sinews of the arkum bone itself. Rabbi Abba said to his students: Do not listen to that Sage, as his ruling is too stringent. This is what Rav Yehuda said: It is in the place where butchers split open the animal's leg. The Gemara comments: And this is the same as that which Rava, son of Rabba bar Rav Huna, says that Rav Asi says, i.e., that it includes the sinews above the arkum.

²⁹⁷ Rav Yehuda says that Shmuel says: The convergence of sinews in the thigh that they spoke of in the mishna is the place where the sinews converge and appear as though they are a single entity. The Gemara asks: And until how far does it extend? One of the Sages, and his name is Rav Ya'akov, said to them: When we were studying in the school of Rav Yehuda, he said to us: Hear from me a matter that I heard from a great man, and who is he? Shmuel. The convergence of sinews that they spoke of is the place where the sinews converge, and it extends from the place where they converge until the place where they diverge and are subsumed within the flesh.

²⁹⁸ The Gemara asks: And how far is this? Abaye said: Four handbreadths in an ox. The Gemara asks: What is the measure in a small domesticated animal? Abaye said: There is no set measure; rather, as long as the sinews are prominent and are not subsumed within the flesh, they are part of the convergence of sinews in the thigh, but once they are subsumed they are not considered part of the convergence of sinews in the thigh.

²⁹⁹ Abaye adds: The sinews that are hard are part of the convergence of sinews in the thigh; those that are soft are not part of the convergence of sinews. Those that are thick are part of the convergence of sinews; those that are thin are not part of the convergence of sinews. Those that are white are part of the convergence of sinews; those that are not white are not part of the convergence of sinews.

³⁰⁰ Mar bar Rav Ashi said: Once the sinews begin to be translucent, even if they are not actually white, they are considered part of the convergence of sinews.

³⁰¹ § With regard to the removal of the convergence of sinews in the thigh, which renders the animal a tereifa, Ameimar says in the name of Rav Zevid: There are three strands, i.e., sinews; one is thick and the other two are thin. If the thick sinew was severed, a majority of the structure of the convergence of sinews is gone, as the thick sinew is thicker than the other two combined. If the thin ones were severed, then a majority of the number of sinews is gone. If either type of majority has been severed, the animal is rendered a tereifa. Conversely, Mar bar Rav Ashi teaches a lenient version of this ruling: If the thick sinew was severed, since there is a majority of the number of sinews that remains, the animal is not a tereifa. Likewise, if the thin ones were severed, since there is a majority of the structure that remains intact, the animal is not a tereifa.

³⁰² The Gemara comments: All this applies to animals, whereas with regard to birds, there are sixteen strands; if even one of them is severed, it is a tereifa. Mar bar Rav Ashi said: I was standing before father, i.e., Rav Ashi, and they brought before him a bird, and he examined it to see if it was a tereifa and found fifteen sinews. There was one of them that was different from the others; he broke it apart and it was found to be composed of two sinews.

³⁰³ The Gemara returns to the issue of the convergence of sinews in an animal. Rav Yehuda says that Rav says: The convergence of sinews in the thigh of which the Sages spoke, stating that if it is severed the animal is a tereifa, is referring to the severing of the majority of it. Rav Yehuda added: What is the meaning of the majority of it? This means the majority of one of the sinews. Rav Yehuda further stated: When I stated this halakha in the name of Rav before Shmuel, he said to me: Since they are three sinews, when one of them is severed entirely, there are still two remaining, which means that the majority of the convergence of sinews is intact. Therefore, the animal is still kosher.

³⁰⁴ The Gemara infers from Shmuel's statement: The reason the animal is not a tereifa is only that there are two remaining, from which it may be inferred that if there are not two remaining it is not

kosher, despite the fact that the other sinew is intact. The Gemara notes: And according to this version of his opinion, Shmuel disagrees with the opinion of Rabbenai, who also stated his ruling in Shmuel's name. As Rabbenai says that Shmuel says: With regard to the convergence of sinews in the thigh, even if only one sinew remains of it, which is as thick as the string used to close the neckline of a cloak [hasarbal], the animal is kosher.

³⁰⁵ And some say that there is a different version of this discussion. Rav Yehuda said: What is the meaning of a majority of it? This means a majority of each and every one of the sinews. Rav Yehuda added: When I stated this halakha in the name of Rav before Shmuel, he said to me: Since they are three sinews, there is one-third of each and every one, and that should be sufficient. There is no need for a majority of each sinew to remain. The Gemara notes: Rav Yehuda's statement in the name of Shmuel supports the opinion of Rabbenai, as Rabbenai says that Shmuel says: With regard to the convergence of sinews in the thigh of which the Sages spoke, even if there remains of each of the three sinews only as much as the thickness of the string used to close the neckline of a cloak, the animal is kosher. This also indicates that there is no need for a majority of the sinew to remain.

³⁰⁶ § The mishna states: If the bone of a limb was broken but the limb was not completely severed, and the animal was then slaughtered, if the majority of the flesh surrounding the bone is intact, the slaughter of the animal renders it permitted; but if not, its slaughter does not render it permitted.

³⁰⁷ Rav says: If the bone was broken above the leg joint and then the animal was slaughtered, if a majority of the flesh around the break is intact, both this, the animal itself, and that, the limb, are permitted. The break does not render the animal a tereifa and the limb is not regarded as a hanging limb; therefore it is permitted by the slaughter of the animal. But if not, i.e., if a majority of the flesh around the break is not intact, both this and that, the animal and the limb, are prohibited. If the bone was broken below the leg joint, then if a majority of the flesh is intact, both this and that are permitted; if not, then the limb itself is prohibited from the area of the break and below, as it is not permitted by the slaughter of the animal, but the rest of the animal is permitted.

³⁰⁸ And Shmuel says: Whether the break is above or below the leg joint, the halakha is the same: If a majority of the flesh is intact, both this and that, the limb and the animal, are permitted. If the majority of the flesh is not intact, the limb is prohibited and the animal is permitted. Even if the leg was broken above the leg joint the animal does not become a tereifa unless the leg was entirely severed.

³⁰⁹ Rav Naḥman objects to this ruling of Shmuel: If one permits the animal despite the fact that its leg is prohibited, people will say: A limb from the animal is placed in the garbage, as it is prohibited, and yet the animal itself is permitted? They may then mistakenly conclude that even if that leg had been completely severed from the animal, the animal would be permitted. Rav Aḥa bar Rav Huna said to Rav Naḥman: This concern also exists according to the opinion of Rav, in a case where the bone is broken below the joint and the flesh is not intact. Rav rules in that case that the animal is permitted and the limb is prohibited. But is there not the concern that people will say: A limb from this animal is placed in the garbage, and the animal itself is permitted?

³¹⁰ Rav Naḥman said to him: This is what I meant to say: People will say: A limb from which this animal lives, i.e., which if removed, renders the animal a tereifa, is placed in the garbage, and the animal itself is permitted? The concern exists only according to the opinion of Shmuel, who permits the animal even when the break is above the joint, as were it severed there, the animal would thereby

be rendered a tereifa. People may mistakenly equate the case where the bone was broken and the case where it was severed and permit both. The concern does not exist according to the opinion of Rav, as he permits the animal only in a case where the bone is broken below the joint, and even if it were severed there that would not render it a tereifa.

³¹¹ § With regard to this dispute, they sent a ruling from there, Eretz Yisrael: The halakha is in accordance with the opinion of Rav that if the bone was broken above the leg joint, if a majority of the flesh around the break is not intact, both the animal and the limb are prohibited. They then sent a ruling: The halakha is in accordance with the opinion of Shmuel that only the limb is prohibited. They then sent a ruling: The halakha is in accordance with the opinion of Rav that the animal is a tereifa, and they added that the limb itself is not rendered pure by the slaughter; rather, it imparts the impurity of a limb from a living animal by carrying. The animal itself, though, is rendered pure from the impurity of a carcass and is prohibited only as a tereifa.

³¹² Rav Ḥisda raises an objection from a baraita cited earlier (73a) concerning whether the slaughter of a mother animal can render pure a limb of its fetus that was extended outside the womb even though the act of slaughter cannot render the fetus permitted for consumption. The Rabbis brought proof for their opinion that this limb is rendered pure from the halakha that a tereifa is rendered pure by slaughter even though it is not thereby permitted for consumption. Rabbi Meir responded: No, even if the slaughter of a tereifa renders the animal itself pure, and likewise, the slaughter of any animal renders pure the limb that was partially cut from it but still hangs from it from imparting the impurity of a carcass, despite the fact that this animal or limb is prohibited for consumption, that is so with regard to something that is part of its own body. Does it necessarily follow that it should also render pure the limb of its fetus, which is something that is not part of its own body? It is explicit in Rabbi Meir's claim that the hanging limb of a tereifa is rendered pure by the slaughter of the animal.

³¹³ Rabba said to Rav Ḥisda: Why are you searching after refutations from baraitot that are not known by all? You can raise a conclusive refutation from the mishna (127b): With regard to the limb or flesh of an animal that was partially severed but remains hanging from it, if the animal was slaughtered, the limb and the flesh were thereby rendered susceptible to contracting the impurity of food by the blood of the animal, as blood is one of the seven liquids that render foods susceptible to impurity; this is the statement of Rabbi Meir. Rabbi Shimon says: They were not rendered susceptible with the blood of the slaughtered animal. It is evident that according to all opinions in the mishna, the hanging limb and flesh are not regarded as a limb or flesh from a living animal, which would not need to be rendered susceptible to impurity, as they impart their own impurity.

³¹⁴ Rav Ḥisda said to Rabba: The difficulty from the mishna can be refuted, as we refuted it earlier (73a), by claiming that the dispute about the blood rendering the animal susceptible to impurity concerns only the hanging flesh, but that a hanging limb from an animal that was slaughtered does have the status of a limb from a living animal and the associated impurity.

³¹⁵ The Gemara relates that when Rabbi Zeira ascended to Eretz Yisrael he found Rav Yirmeya sitting and saying this halakha of Rav, i.e., that if the bone is broken above the leg joint and the flesh is not intact, the animal is a tereifa. Rabbi Zeira said to him: You have spoken well, and Aryokh interpreted the matter likewise in Babylonia. The Gemara asks: Who is Aryokh? It is Shmuel. But that is difficult, as Shmuel disagrees with Rav concerning this issue. The Gemara explains: Shmuel retracted his opinion in favor of that of Rav.

³¹⁶ § The Sages taught in a baraita: In a case where the bone broke and protruded outward, if skin and flesh cover a majority of the bone the animal is permitted; if not, it is prohibited. The Gemara asks: And how much is a majority of a bone? When Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Yoḥanan says: A majority of its width, and some say that he said: A majority of its circumference. Rav Pappa said: Therefore, as there is no clear ruling on the matter, we require that the bone be covered by a majority of its width, and we also require that it be covered by a majority of its circumference.

³¹⁷ Ulla said that Rabbi Yoḥanan said: Skin is like flesh with regard to this issue, i.e., if the flesh has been removed but the skin covers a majority of the bone, the animal is kosher. Rav Naḥman said to Ulla: And let the Master say that skin combines with flesh, i.e., that if flesh and skin together cover a majority of the bone the animal is kosher, as the tanna of the above baraita teaches: Skin and flesh, which indicates that skin alone is ineffective. Ulla said to him: We learned that the baraita states: Skin or flesh.

³¹⁸ Some say that there is a different version of this discussion: Ulla said that Rabbi Yoḥanan said: Skin combines with flesh. Rav Naḥman said to Ulla: And let the Master say that skin completes the amount of flesh required, and this is a stringent ruling. This would mean that if the majority of the bone is covered mostly with flesh and the rest of the majority is covered with skin the animal is kosher, but if the majority is covered half with flesh and half with skin, it is not kosher.

³¹⁹ Ulla said to him: I know my ruling from the following incident: As there was a certain fledgling that was in the house of Rabbi Yitzḥak, and its leg broke, and it was a situation where the skin combined with flesh to cover the majority of the bone. And Rabbi Yitzḥak came before Rabbi Yoḥanan and he deemed the bird kosher. Rav Naḥman said to him: Do you speak of a fledgling? The halakha in the case of a fledgling is different, as its skin is soft and is considered like flesh.

³²⁰ The Gemara further relates: There was a case involving certain soft sinews that combined with flesh to cover the majority of a broken bone, and they came before Rabba for a ruling. Rabba said: What concern is there with the sinews in this case? First, there is no concern, because Rabbi Yoḥanan says: With regard to sinews that will ultimately harden,

³²¹ one may be registered as part of a group that will eat the Paschal offering on their account, i.e., even if those sinews are the only part of the lamb he will eat. Evidently, such sinews are regarded as flesh. And furthermore, the Torah spared the money of the Jewish people, and one must tend toward leniency.

³²² Rav Pappa said to Rabba: But Rabbi Shimon ben Lakish disagrees with Rabbi Yoḥanan and holds that one may not be registered for those sinews, as they will eventually harden and are therefore not considered flesh. And therefore, the broken bone in this case is not covered by flesh and the animal is prohibited by Torah law as a tereifa, and yet you say: What concern is there with the sinews in this case? Rabba was silent.

³²³ The Gemara asks: And why was Rabba silent? But doesn't Rava say that the halakha is in accordance with the opinion of Rabbi Shimon ben Lakish in his disputes with Rabbi Yoḥanan only with regard to these three matters, i.e., three matters that are mentioned in Yevamot 36a, and not in other cases? If so, Rabba could simply have replied that the halakha is not in accordance with the opinion of Rabbi Shimon ben Lakish with regard to this issue.

³²⁴ The Gemara answers: Here, with regard to sinews that will ultimately harden, it is different, as Rabbi Yoḥanan retracted his ruling in favor of the opinion of Rabbi Shimon ben Lakish, as when Rabbi Shimon ben Lakish raised a difficulty against Rabbi Yoḥanan's opinion, Rabbi Yoḥanan said to him: Do not provoke me by asking questions to refute my opinion that the fact that the sinews will ultimately harden is disregarded, as I teach it in explanation of a lone opinion (see Pesaḥim 84a). Even Rabbi Yoḥanan conceded that the opinion he expressed was only according to one Sage, but is not the halakha.

³²⁵ The Gemara relates: There was a certain case in which a bone in an animal's leg broke and protruded outward. This bone was mostly covered with flesh and skin, but a small piece [kurtita] of the bone had been removed from it. The case came before Abaye, who delayed his response until three pilgrimage Festivals had passed, when the Sages gathered together and he could ask them.

³²⁶ Rav Adda bar Mattana said to the owner of the animal: Go before Rava, son of Rav Yosef bar Ḥama, whose knife is sharp, i.e., he has insight into halakhic matters and decides matters quickly, and ask him to decide your case. The owner came before Rava to seek his opinion. Rava said to him: Since we learned in the baraita (76b): If the bone broke and protruded outward, if skin and flesh cover a majority of the bone the animal is permitted, what difference is there to me if the bone fell out, and what difference is there to me if it is in its place? In either case, the animal is permitted.

³²⁷ With regard to a case where flesh covers the majority of a broken bone, Ravina said to Rava: If the flesh was torn in pieces and spread over the area, and if gathered it would constitute a majority, what is the halakha? Similarly, if the flesh was pulverized and thin, what is the halakha? If it was decomposed, what is the halakha? The Gemara asks: What are the circumstances of this case in which the flesh is decomposed? Rav Huna, son of Rav Yehoshua, said: This is referring to any kind of flesh that the doctor cuts away [kodro] and removes to enable the surrounding area to heal.

³²⁸ A dilemma was raised before the Sages: If the flesh that covers the bone was perforated, what is the halakha? Likewise, if the flesh was peeled off the bone, what is the halakha? If it was cracked, what is the halakha? If the bottom third of the width of the flesh, i.e., the part that is adjacent to the bone, was removed, what is the halakha?

³²⁹ The Gemara suggests: Come and hear, as Ulla says that Rabbi Yoḥanan says: Skin is like flesh. This would appear to indicate that any covering is sufficient. The Gemara refutes this proof: Perhaps Rabbi Yoḥanan was referring to a specific case where there was never flesh on the bone, but only skin, e.g., adjacent to the knee, where the skin holds its own place close to the bone. This ruling may not apply in an area where there was flesh. Perhaps in such a place the bone must be covered by flesh that is still healthy.

³³⁰ Rav Ashi said: While we were studying in Rav Pappi's study hall, we raised a dilemma: If the flesh and skin were cut in the shape of a ring around the break, and yet most of the circumference of the bone is surrounded by flesh, what is the halakha? And we resolved this dilemma from this statement that Rav Yehuda says that Rav says: I asked about this matter to the Sages and to the doctors, what to do when a bone breaks and the surrounding flesh has been cut away, and they said: One makes an incision in it with a sharp piece of bone to help the blood flow and then congeal, and in this manner the wound will heal. The Gemara notes: But one should not make the incision with an iron implement, as it will cause inflammation. Rav Pappa said: And this advice should be

implemented only in a case where one can see that the bone is holding firmly onto its flesh, as only in such a case will the flesh heal.

³³¹ MISHNA: In the case of one who slaughters an animal and finds a placenta in its womb, one with a hearty soul [nefesh hayafa], i.e., who is not repulsed by it, may eat it, as its consumption was permitted by virtue of the slaughter of the mother. Nevertheless, since generally speaking, people do not consume such placentas, it is not regarded as food and so it cannot become impure with the ritual impurity of food even were it to come into contact with a source of impurity. And furthermore, it does not impart the ritual impurity of animal carcasses as it was permitted by virtue of the slaughter of the mother. But if one intended to eat it, one thereby elevated it to the status of food, and the placenta becomes impure with the ritual impurity of food if it comes into contact with a source of impurity. But even so, it still does not impart the ritual impurity of animal carcasses.

³³² With regard to a placenta, part of which emerged from the womb before the mother was slaughtered, its consumption is prohibited even after the mother animal is slaughtered because the emergence of the placenta is an indication of a fetus in a woman and an indication of a fetus in an animal. Accordingly, there is a concern that the head of the fetus might have emerged in that part of the placenta, thereby rendering the fetus as having been born, a status that precludes it from being permitted by the slaughter of its mother. Since the offspring is prohibited, its placenta is likewise prohibited.

³³³ If an animal that was giving birth to its firstborn expelled a placenta, one may cast it to the dogs, and one does not need to be concerned that the placenta came from a male fetus that has the consecrated status of a firstborn. But in the case of sacrificial animals the placenta must be buried, because it came from a fetus that is assumed to have been sacred. The mishna adds: But one may neither bury it at an intersection, nor may one hang it on a tree, superstitious rites intended to prevent the animal from miscarrying again, due to the prohibition against following the ways of the Amorite, which prohibits Jews from practicing the superstitious rites observed by gentiles.

³³⁴ GEMARA: With regard to the ruling that a placenta is permitted by virtue of the mother's slaughter, the Gemara asks: From where is this matter derived? As the Sages taught: "And every animal that parts the hoof, and has the hooves wholly cloven in two, and chews the cud, of the animals, it you may eat" (Deuteronomy 14:6). The verse is the source of the halakha that a fetus is permitted by virtue of the mother's slaughter (see 69a). The word "every" at the beginning of the verse serves to include the placenta as well as the fetus. One might have thought that a placenta is permitted even if part of it emerged from the womb before slaughter. Therefore, the verse states: "It you may eat," i.e., you may eat it, the slaughtered animal, but not its placenta, if it partially emerged.

³³⁵ The Gemara objects: Now the assumption is that there is no placenta without a fetus. Therefore, if part of the placenta emerged, there is a concern that the head of the fetus might have emerged in that part of the placenta, thereby rendering the fetus as having been born. Such a status would preclude it from being permitted by the slaughter of its mother. Why do I need a verse to teach this? The Gemara explains: The verse is a mere support for the halakha, but not the source for it.

³³⁶ § The mishna states: And a placenta found inside a slaughtered animal cannot become impure with the ritual impurity of food and does not impart the ritual impurity of animal carcasses. In a related discussion, Rabbi Yitzhak bar Nappaḥa raises a dilemma: A donkey hide that one cooked and it became softened, what is its halakhic status? The Gemara asks: With regard to what issue did he

raise this dilemma? If it was with regard to the ritual impurity of food, we already learn this halakha in a baraita,

³³⁷ and if you say it was with regard to the ritual impurity of animal carcasses, we already learn that halakha as well in another baraita.

³³⁸ The Gemara elaborates: With regard to the ritual impurity of food, it is as it is taught in a baraita: The hide and the placenta of an animal, which people do not typically eat, cannot become impure with the ritual impurity of foods. But a hide that one cooked until it became edible and a placenta that one intended to eat can become impure with the impurity of foods.

³³⁹ With regard to the ritual impurity of animal carcasses also, we already learn in a baraita: The verse states: “And when a domesticated animal dies, of those that you eat, one who touches its carcass shall be impure until the evening” (Leviticus 11:39). The verse indicates that one is rendered impure if he touches its carcass, but not if he touches its hide, and not its bones, and not its sinews, and not its horns, and not its hooves.

³⁴⁰ And Rabba bar Rav Ḥana said with regard to this baraita: This derivation is necessary only for a case in which one prepared these parts of the animal as a meat pudding [tzikei keder], in which they are cooked for an extended period and spices are added. One might have thought they would be considered edible flesh and therefore impart the impurity of a carcass. The baraita therefore teaches that this is not so.

³⁴¹ Given these two baraitot, why did Rabbi Yitzḥak Nappaḥa inquire about the status of the cooked hide of a donkey? The Gemara answers: Actually, Rabbi Yitzḥak Nappaḥa was inquiring about the impurity of foods, and although the halakha was already taught in the first baraita, Rabbi Yitzḥak Nappaḥa thought it is possible that the hide of a donkey is different, as it is repulsive and perhaps even when cooked it is not regarded as food.

³⁴² § The mishna states: With regard to a placenta, part of which emerged from the womb before the mother was slaughtered, its consumption is prohibited, as there is a concern that the head of the fetus might have emerged in that part of the placenta. Commenting on this mishna, Rabbi Elazar says: The Sages taught this halakha only in a case where there was no fetus found in the mother’s womb. But if there was a fetus with its head and the majority of its body in the womb, one need not be concerned for the existence of another fetus that might have been in the placenta. Therefore, the consumption of the placenta is permitted. But Rabbi Yoḥanan says: Whether there was no fetus found in the womb, or whether there was a fetus, one needs to be concerned for the existence of another fetus in the placenta, and therefore its consumption is prohibited.

³⁴³ According to the way the Gemara records the dispute, Rabbi Yoḥanan rules stringently and Rabbi Elazar rules leniently. The Gemara asks: Is that so? But doesn’t Rabbi Yirmeya say concerning this dispute: Rabbi Elazar said an explanation of the mishna that presents a stringency?

³⁴⁴ Rather, if it was stated, it was stated like this: Rabbi Elazar says: The ruling of the mishna is that the placenta is prohibited even if a fetus is found inside the womb. But the Sages taught this only in a case where the placenta is not attached to the fetus found inside. Consequently, one must be concerned with the possibility that the placenta came from another fetus that already left the womb, and it is therefore prohibited. But if it is attached to the fetus found inside, there is no concern for the possibility that the placenta came from another fetus, and therefore it is permitted.

³⁴⁵ And Rabbi Yoḥanan says: In my understanding of the mishna, we have the ruling that the placenta is prohibited only in a case where there is a placenta without any fetus being found. But if a fetus was found with it, then whether it is attached to the fetus or whether it is not attached to the fetus, there is no concern for the existence of another fetus. The Gemara confirms: And this understanding of the two opinions is in line with that which Rabbi Yirmeya says: Rabbi Elazar said an explanation of the mishna that presents a stringency.

³⁴⁶ It is taught in a baraita in accordance with the opinion of Rabbi Elazar: The periods of purity and impurity observed by a woman after giving birth apply only after delivering a fetus with a human form. With regard to a woman who expels a fetus that has the form of a type of domesticated animal, undomesticated animal, or bird, and there is a placenta with them, the halakha is as follows: When the placenta is attached to them, there is no concern for the existence of another fetus that may have had a human form. But if the placenta is not attached to them, it is possible there was another fetus that had a human form and so I must impose upon the woman the severity of two types of births, i.e., both the longer period of impurity observed after delivering a female, and the shorter period of purity observed after delivering a male.

³⁴⁷ The reason is that I can say: Perhaps the placenta that was found did not come from the fetus that was found, but from a fetus with a human form. To say this one must be concerned with the possibility that perhaps the fetus of the placenta that was found had a human form, and that fetus dissolved, and perhaps the placenta of the fetus that was found dissolved.

³⁴⁸ § The mishna states: If an animal that was giving birth to its firstborn expelled a placenta, one may cast it to the dogs. The Gemara asks: What is the reason for this ruling? Rav Ika, son of Rav Ami, said: The majority of domesticated animals give birth to something that can be consecrated with firstborn status, i.e., an animal with the same form as its mother, but a minority of animals give birth to something that cannot be consecrated with firstborn status, and what is this? It is an animal that resembles a species other than that of its mother.

³⁴⁹ And furthermore, with regard to all gestating animals, when they give birth, half of their offspring are male and half are female. Therefore, one can combine the minority of animals that resemble another species with the half that are females, and arrive at the conclusion that male offspring that resemble their species, which are the only offspring that can be consecrated with firstborn status, are the minority. Accordingly, one does not need to be concerned that the placenta found was from an animal consecrated with the status of a firstborn.

³⁵⁰ § The continuation of the mishna states: But in the case of sacrificial animals the placenta must be buried, because it came from a fetus that is assumed to have been sacred. The Gemara asks: What is the reason to assume this? The Gemara answers: It is because the majority of the offspring of sacrificial animals are fit to be sacred, as, in contrast to firstborn status, both female and male offspring of sacrificial animals can be sacred. Therefore, one must be concerned that the offspring, and its placenta, were sacred.

³⁵¹ § The mishna adds: But one may neither bury it at an intersection, nor may one hang it on a tree, due to the prohibition against following the ways of the Amorite. The Gemara cites Abaye and Rava, who both said: Anything that has an apparently effective medicinal purpose or any other logical reason behind it is not subject to the prohibition against following the ways of the Amorite. But if it

does not have an apparently effective medicinal purpose it is subject to the prohibition against following the ways of the Amorite.

³⁵² The Gemara challenges: But isn't it taught in a baraita: If there is a tree that sheds its fruit prematurely, one may paint it with red paint and load it with stones, even though this is the practice of the Amorites? The Gemara explains the difficulty: Granted, it is permitted to load it with stones, as one does so for a logical reason, in order

³⁵³ that the tree's strength will lessen. It is possible that the tree shed its fruits prematurely due to excessive blossoming. It taxes the tree to sustain these blossoms, and this may render the tree incapable of sustaining the fruits that subsequently grow from the blossoms. Stones were used to weaken the tree during blossoming, thereby reducing the number of blossoms that it needed to nourish. But with regard to painting it with red paint, for what benefit is it performed that makes it permitted despite the fact that this was the practice of the Amorites? The Gemara explains: One does so in order that people will see the tree and pray for it.

³⁵⁴ As it is taught in a baraita: It is derived from the verse: "And he will cry: Impure, impure" (Leviticus 13:45), that a leper must publicize the fact that he is ritually impure. He must announce his pain to the masses, and the masses will pray for mercy on his behalf. And likewise, one to whom any unfortunate matter happens must announce it to the masses, and then the masses will pray for mercy on his behalf.

³⁵⁵ Ravina said: In accordance with whose opinion do we hang bunches of unripe dates on a palm tree that casts off its dates, despite the fact that this is the practice of the Amorites? It is in accordance with the opinion of this tanna of the baraita just cited, who states that one must announce such occurrences to the masses so that they will pray for mercy.

Chapter 5

¹ MISHNA: The prohibition against slaughtering an animal itself and its offspring applies both in Eretz Yisrael and outside of Eretz Yisrael, both in the presence, i.e., the time, of the Temple and not in the presence of the Temple, and it applies with regard to non-sacred animals and with regard to sacrificial animals.

² How so? In the case of one who slaughters an animal itself and its offspring, both of which are non-sacred, and slaughters them outside the Temple courtyard, both of the animals are fit for consumption, but for slaughtering the second animal, one incurs [sofeg] the forty lashes for violating the prohibition: "You shall not slaughter it and its offspring both in one day" (Leviticus 22:28).

³ If both animals were sacrificial animals slaughtered outside the Temple courtyard, then for slaughtering the first animal, one is liable to receive excision from the World-to-Come [karet]. For slaughtering the second animal one is not liable to receive karet. The second animal was not fit for sacrifice, since one may not slaughter an animal and its offspring on the same day. And both animals are disqualified for use as offerings, and for the slaughter of both of them, one incurs forty lashes apiece: The first being a sacrificial animal slaughtered outside the courtyard and the second being the offspring of an animal slaughtered that day.

⁴ If both animals were non-sacred and slaughtered inside the Temple courtyard, both of them are unfit to be sacrificed, being non-sacred animals slaughtered in the courtyard. And for slaughter of the second animal, one incurs the forty lashes for slaughtering an animal and its offspring on a single day. If both animals were sacrificial animals slaughtered inside the Temple courtyard, the first is fit for sacrifice, and one who slaughters it is exempt from any punishment. But for slaughter of the second animal, one incurs the forty lashes for slaughtering an animal and its offspring on a single day, and it is unfit for sacrifice, because one was not allowed to slaughter it on that day.

⁵ If the first animal was non-sacred and the second a sacrificial animal, and both were slaughtered outside the Temple courtyard, the first is fit for consumption and one who slaughters it is exempt from any punishment. But for slaughtering the second animal, one incurs the forty lashes for slaughtering an animal and its offspring on a single day, and the animal is unfit for sacrifice.

⁶ If the first animal was a sacrificial animal and the second was non-sacred and both were slaughtered outside the Temple courtyard, for the first animal, one is liable to receive karet for slaughtering a sacrificial animal outside the courtyard, and the animal is unfit for sacrifice. And the second is fit for consumption; and for the slaughter of both of them one incurs forty lashes apiece: The first being a sacrificial animal slaughtered outside the courtyard and the second being the offspring of an animal slaughtered that day.

⁷ If the first animal was non-sacred and the second was a sacrificial animal and both were slaughtered inside the Temple courtyard, both of them are unfit for sacrifice. And for slaughtering the second animal, one incurs the forty lashes. If the first animal was a sacrificial animal and the second was non-sacred and both were slaughtered inside the Temple courtyard, the first is fit for sacrifice and one who slaughters it is exempt from any punishment. And for slaughtering the second animal, one incurs the forty lashes, and the animal is unfit for sacrifice, as it is non-sacred.

⁸ If both animals were non-sacred, and one slaughters them, the first outside the Temple courtyard and the second inside the Temple courtyard, the first is fit for consumption and one who slaughters it is exempt from any punishment. And for slaughtering the second animal, one incurs the forty lashes for slaughtering an animal and its offspring on a single day, and the animal is unfit for sacrifice as it is non-sacred.

⁹ If both animals were sacrificial animals, and one slaughters them, the first outside the Temple courtyard and the second inside the Temple courtyard, for slaughtering the first animal one is liable to receive karet, and for slaughtering both of them one incurs forty lashes apiece. One set of lashes is given because the first was a sacrificial animal slaughtered outside the courtyard, and the second set of lashes is given because the second animal is the offspring of an animal slaughtered that day. And both of them are unfit for sacrifice.

¹⁰ If both animals were non-sacred, and one slaughters them, the first inside the Temple courtyard and the second outside the Temple courtyard, the first is unfit for sacrifice, as it is non-sacred, and the one who slaughters it is exempt. And for the second, one incurs the forty lashes and the animal is fit for consumption. If both animals were sacrificial animals, and one slaughters them, the first inside the Temple courtyard and the second outside the Temple courtyard, the first is fit for sacrifice and one who slaughters it is exempt. And for the second animal, one incurs the forty lashes, and the animal is unfit for sacrifice because its requisite time has not yet arrived.

¹¹ GEMARA: The Sages taught in a baraita: From where is it derived that the prohibition against slaughtering an animal itself and its offspring in a single day applies to sacrificial animals? It is derived from a verse, as the verse states: “When a bull, or a sheep, or a goat, is born...but from the eighth day and forward it may be accepted for an offering...to the Lord” (Leviticus 22:27), and it is written in the following verse: “And whether it be a bull or a sheep, you shall not slaughter it and its offspring both in one day.” The juxtaposition of the verses teaches with regard to the prohibition against slaughtering an animal itself and its offspring that it applies to sacrificial animals as well.

¹² The Gemara challenges: But since this prohibition is taught in the context of other halakhot of consecrated animals, perhaps I will say: Yes, it applies to sacrificial animals, but it does not apply to non-sacred animals. The Gemara explains: The repetitive phrase “and whether it be a bull or a sheep” in the second verse, when those types of animals, i.e., bulls and sheep, were already mentioned in the first verse, interrupted the topic, clarifying that the second verse is not referring to sacrificial animals.

¹³ The Gemara challenges: But if so, I will say: Yes, the prohibition applies to non-sacred animals, but it does not apply to sacrificial animals. The Gemara explains: Since in that verse it is written: “And whether it be a bull...you shall not slaughter it and its offspring,” the conjunction “and” adds the prohibition stated in the second verse to the first matter, including sacrificial animals as well.

¹⁴ The Gemara challenges: If this prohibition also applies to sacrificial animals, perhaps just as with regard to sacrificial animals, the offspring of diverse kinds is not included, e.g., the offspring of a ewe and a goat is unfit to be an offering, so too with regard to the prohibition of: A mother and its offspring, the offspring of diverse kinds should not be included, so that in the case of the offspring of a ewe and a goat, it would be permitted to slaughter the mother and offspring on the same day. Why, then, is it taught in a baraita (see Tosefta 5:1): The prohibition of: A mother and its offspring, applies to the offspring of diverse kinds and to a koy, a kosher animal with characteristics of both domesticated and undomesticated animals?

¹⁵ And additionally, why should the prohibition of: A mother and its offspring, apply to the offspring of diverse kinds? “A sheep,” is written in the verse with regard to that prohibition, and Rava said

¹⁶ concerning the verse: “These are the animals that you may eat: An ox, a seh of sheep, and a seh of goats” (Deuteronomy 14:4), that this verse establishes a paradigm for other cases: Wherever the word seh is stated in the Torah, it serves only to exclude an animal of diverse kinds. The Hebrew word seh denotes either a sheep or a goat. The offspring of diverse kinds, which is neither a sheep nor a goat, does not qualify as a seh. The Gemara answers that with regard to a mother and its offspring, the verse states: “Whether it be a bull or a sheep” (Leviticus 22:28), and the “or” is superfluous there and serves to include the offspring of diverse kinds.

¹⁷ The Gemara challenges: This word “or” is necessary to separate the prohibitions, as it might enter your mind to say: One is not liable unless he slaughters both a bull and its offspring and a sheep and its offspring in a single day. Therefore, the word “or” teaches us that one is liable for slaughtering either type of animal with its offspring. The Gemara responds: Separating the prohibitions is derived from the use of the words “its offspring” instead of their offspring.

¹⁸ The Gemara challenges: But the word “or” is still necessary for that which is taught in a baraita: If it were stated: A bull, and a sheep, and its offspring you shall not slaughter in one day, I would say: One is not liable unless he slaughters a bull, and a sheep, and the offspring of one of them in a single day. Therefore, the verse states: “A bull or a sheep...it and its offspring” (Leviticus 22:28), to teach

that one is liable even for slaughtering either of them and its offspring. What, is it not from the word “or” that the baraita derives this halakha? The Gemara responds: No, it is derived from the word “it,” and the offspring of diverse kinds are included in the prohibition due to the word “or.”

¹⁹ The Gemara asks: This works out well according to the opinion of the Rabbis, cited further in the discussion, for whom the word “it” is superfluous and can be used for this derivation, leaving the word “or” available to include the offspring of diverse kinds; but according to the opinion of Ḥananya, for whom the word “it” is not superfluous, from where does he derive that one is to separate into two prohibitions slaughtering either a bull with its offspring or a sheep with its offspring? The Gemara answers that there is no need for a verse to separate them into two prohibitions, as Ḥananya holds in accordance with the opinion of Rabbi Yonatan.

²⁰ As it is taught in a baraita: From the verse: “A man who curses his father and his mother shall die” (Leviticus 20:9), I have derived only that one is liable if he curses both his father and his mother. From where do I derive that if one curses his father but not his mother, or his mother but not his father, he is liable? The continuation of the verse states: “His father and his mother he has cursed, his blood is upon him.” In the first part of the verse, the word “curses” is in proximity to “his father,” and in the last part of the verse, “cursed” is in proximity to “his mother.” This teaches that the verse is referring to both a case where he cursed only his father and a case where he cursed only his mother; this is the statement of Rabbi Yoshiya. Rabbi Yoshiya maintains that conjunctions are interpreted strictly unless the verse indicates otherwise.

²¹ Rabbi Yonatan says: There is no need for this derivation, because the phrase “his father and his mother” indicates that one is liable if he curses both of them together, and it also indicates that he is liable if he curses either one of them on their own, unless the verse specifies that one is liable only if he curses both together. An example of a verse where the Torah specifies that the halakha applies only to the two elements in conjunction is: “You shall not plow with an ox and a donkey together” (Deuteronomy 22:10). According to Rabbi Yonatan, had the verse stated with regard to a mother and its offspring: A bull and a sheep, and not: A bull or a sheep, one would still be liable for slaughtering each with its own offspring independently. Therefore, the word “or” is superfluous, and is utilized by Ḥananya, who agrees with the opinion of Rabbi Yonatan, to include the offspring of diverse kinds in this prohibition.

²² The Gemara asks: What is the opinion of Ḥananya, and what is the opinion of the Rabbis that were mentioned earlier? Their opinions are elucidated as it is taught in a baraita: Despite the fact that the verse is written in the masculine form, the prohibition against slaughtering itself and its offspring in a single day applies to females, i.e., to a mother and its offspring, but it does not apply to males, i.e., a male animal and its offspring. Ḥananya says: It applies both to males and to females.

²³ The Gemara asks: What is the reasoning of the Rabbis, i.e., the first tanna? Their reasoning is as it is taught in a baraita: One might have thought that the prohibition against slaughtering a mother and its offspring would apply both to males and to females. But could one not derive this by logical inference, reaching the opposite conclusion: The Torah rendered one obligated here not to slaughter an animal and its offspring in a single day, and the Torah rendered one obligated with regard to a mother bird with its chicks not to seize them together, but to dispatch the mother. Just as when it rendered one obligated with regard to a mother bird with its chicks, the obligation applies to female birds but not to males, as the verse states: “And the mother sitting on the chicks” (Deuteronomy

22:6), so too, when it rendered one obligated here, with regard to an animal and its offspring, the obligation should apply to female animals, but not to males.

²⁴ One may respond: No, if you say that this is so with regard to a mother bird with its chicks, for which the Torah did not render prepared ones equivalent to unprepared ones, as the obligation to dispatch the mother bird applies only where one happens to encounter a mother bird with its chicks spontaneously, but not to ones that he keeps in his property, shall you also say that this is so with regard to the prohibition of an animal itself and its offspring, for which the Torah rendered prepared ones equivalent to unprepared ones, prohibiting an animal and its offspring even if they are prepared? If so, the prohibition against slaughtering an animal and its offspring should apply to both males and females.

²⁵ Therefore, the verse states: “A bull or a sheep, it and its offspring” (Leviticus 22:28). The superfluous word “it” indicates that this applies to only one parent, but not to two. The baraita continues: After the verse separated the parents, rendering the prohibition applicable to only one of them, I merited returning to the logical inference mentioned earlier: The Torah rendered one obligated here not to slaughter an animal and its offspring in a single day, and the Torah rendered one obligated to dispatch the mother with regard to a mother bird with its chicks. Just as when it rendered one obligated with regard to a mother bird with its chicks, the obligation applies to females but not to males, so too, when it rendered one obligated here, the obligation applies to females but not to males.

²⁶ And if it is your wish to say that one can refute this, that refutation can be countered by the following derivation: The verse states: “It and its offspring” (Leviticus 22:28), indicating that this applies to that parent whose offspring clings to it. This serves to exclude the male parent, whose offspring does not cling to it.

²⁷ The Gemara asks: To what possible refutation is the expression: If it is your wish to say, referring? The Gemara explains that the possible refutation is: And if you would say that the word “it,” in the verse denotes a male, as it is expressed in the masculine gender in the Hebrew, the response is that the verse also states “its offspring” in that verse, indicating that this applies to that parent whose offspring clings to it. This serves to exclude the male parent, whose offspring does not cling to it.

²⁸ And according to the opinion of Ḥananya, the reason for his ruling is that it is written “it,” which indicates a male, and it is written “its offspring,” teaching that the prohibition applies to that parent whose offspring clings to it, which indicates a female. Therefore, this prohibition applies to both males and females.

²⁹ Rav Huna bar Ḥiyya says that Shmuel says: The halakha is in accordance with the opinion of Ḥananya. And Shmuel follows his line of reasoning, as we learned in a mishna (Kilayim 8:4): Rabbi Yehuda says: With regard to two animals that are born from a female horse, even if the father of one is a donkey and the father of the other is a horse, they are permitted to mate with one another. Since the mothers of both are horses, the offspring are all considered of the same species. But to mate animals that are born from a female donkey with animals that are born from a female horse, even if one animal was born from a male horse and a female donkey and the other was born from a male donkey and a female horse, is prohibited, due to the prohibition of diverse kinds.

³⁰ And, commenting on that mishna, Rav Yehuda says that Shmuel says: This is the statement of Rabbi Yehuda, who says: One need not be concerned with its paternity in determining the species of an animal, as the species is determined solely by the mother. But the Rabbis say: The species of an

animal is determined according to both its mother and its father. Therefore, all types of mules, regardless of which parent is a horse and which is a donkey, are considered a single species and may mate with each other.

³¹ Now, whose opinion is referred to as that of the Rabbis here? It is that of Ḥananya, who says: One needs to be concerned with paternity, as, in his opinion, the prohibition against slaughtering an animal and its offspring applies to a male and its offspring as well. And therefore, with regard to the prohibition of diverse kinds as well, this mule that is the offspring of a female horse and a male donkey, and that mule that is the offspring of a female donkey and a male horse are all a single species.

³² A dilemma was raised before the Sages: Is Rabbi Yehuda certain that one need not be concerned with its paternity in determining the species of the offspring, or perhaps he is uncertain whether or not one need be concerned with its paternity? The Gemara asks: What is the practical difference?

³³ The Gemara answers: The practical difference is with regard to permitting the mating of the offspring with the species of the mother, e.g., the mating of the offspring of a female horse and a male donkey together with a horse. If you say that Rabbi Yehuda is certain that one need not be concerned with its paternity, then the mating of the offspring with the species of the mother is permitted, as, in this case, they are both considered horses. But if you say that Rabbi Yehuda is uncertain, then the mating of the offspring with the species of the mother is prohibited, as one must be concerned about the species of the father.

³⁴ What, then, is the answer to the question? The Gemara suggests: Come and hear a possible resolution from the mishna cited earlier: Rabbi Yehuda says: All that are born from a female horse, even if the father of one of them is a donkey, are permitted to mate with each other. What are the circumstances here? If we say that the father of this male animal is a donkey, and the father of that female animal, with which the male is to be mated, is a donkey, does it need to be said? Since the mothers of both animals are horses, they are both of exactly the same species and may certainly mate with each other. Rather, is it not that the father of this one is a horse, and the father of that other one is a donkey?

³⁵ And yet it is taught that they are permitted to mate with each other. Evidently, Rabbi Yehuda is certain that one need not be concerned with its paternity in determining the species of the offspring. If he were uncertain, he would deem their mating prohibited, as the father of one is a horse while the father of the other is a donkey.

³⁶ The Gemara responds: No, one cannot cite proof from this, as it can be said that actually, the father of this male animal is a donkey, and the father of that female animal is also a donkey. And with regard to that which you say: Does it need to be said that these two may mate? It does need to be said, lest you say: The horse component of the male mule comes and copulates with the donkey component of the female mule, and the donkey component of the male mule copulates specifically with the horse component of the female mule, which would violate the prohibition of diverse kinds. Therefore, Rabbi Yehuda teaches us that they are both of the same species and may mate.

³⁷ The Gemara suggests: Come and hear a possible resolution from a baraita: Rabbi Yehuda says: With regard to a female mule in heat, one may not mate a horse or a donkey with her, due to the prohibition against crossbreeding diverse kinds of livestock. Rather, one mates her with one of her kind, another mule. And if you say that Rabbi Yehuda is certain that one need not be concerned with

its paternity in determining the species of the offspring, then why not mate her with the species of her mother? Evidently, Rabbi Yehuda is uncertain and therefore deems it prohibited to mate her with either a horse or a donkey. The Gemara responds: The baraita is referring to a case where we do not know what the mother's species is.

³⁸ The Gemara challenges: But the baraita teaches: Rather, one mates her with one of her kind, indicating that her species is known. The Gemara explains that this is what the baraita is saying: One may not mate the species of a horse or the species of a donkey with her, because one does not usually know the species of the mother of a mule that one encounters. The Gemara suggests: But let one check her species by her distinguishing characteristics, as Abaye says: If its voice is deep, it is the offspring of a female donkey; if its voice is shrill, it is the offspring of a female horse. And Rav Pappa says: If its ears are large and its tail is small, it is the offspring of a female donkey; if its ears are small and its tail is large, it is the offspring of a female horse. The Gemara answers: Here we are dealing with a mule who is mute, and whose ears and tail are lopped off, and whose species cannot be determined. Therefore, Rabbi Yehuda's opinion cannot be proven from this case.

³⁹ The Gemara asks: What conclusion was reached about it? Come and hear a resolution, as Rav Huna, son of Rav Yehoshua, says: All, including Rabbi Yehuda, agree with regard to mating the offspring with the species of its mother that it is prohibited. Conclude from it that Rabbi Yehuda is uncertain. If he were certain that one need not be concerned with its paternity, he would deem mating the offspring with the species of its mother permitted, since the father's species would not matter. The Gemara affirms: Conclude from it that this is so.

⁴⁰ The Gemara relates with regard to this issue that Rabbi Abba said to his servant: If you bring me mules attached to a wagon [rispak], look for those that are similar to each other in their voices and the sizes of their ears and tails, and bring those for me, in order not to violate the prohibition of diverse kinds. Evidently, Rabbi Abba holds that with regard to the offspring of diverse kinds, one need not be concerned with its paternity, since, as explained earlier, these distinguishing characteristics indicate only the species of the mother.

⁴¹ And in addition, he holds that these distinguishing characteristics apply by Torah law, such that they may be relied upon to allay concerns of violating even a prohibition that is mandated by Torah law.

⁴² § The Sages taught in a baraita (see Tosefta 5:1): The prohibition against slaughtering an animal itself and its offspring applies to the offspring of diverse kinds of animals, such as a goat and a ewe, and to the koy, even though the prohibition does not apply to undomesticated animals. Rabbi Eliezer says: With regard to a hybrid that results from the mating of a goat and a ewe, the prohibition of a mother and its offspring applies; with regard to a koy, the prohibition of a mother and its offspring does not apply. Rav H̥isda says: What is the koy about which Rabbi Eliezer and the Rabbis disagree? It is that which results from the mating of a goat and a doe.

⁴³ The Gemara asks: What are the circumstances surrounding the birth of this koy? If we say that it is the result of a goat that mates with a doe, and she gives birth, and one slaughters her and her offspring on the same day, that is difficult: But doesn't Rav H̥isda say: All concede in the case where she is a doe and her offspring is a goat, because she mated with a goat, that one who slaughters them both on the same day is exempt from lashes for violating the prohibition of a mother and its offspring? He is exempt because the Merciful One states: "And whether it be a bull or a sheep, you

shall not slaughter it and its offspring both in one day” (Leviticus 22:28), indicating that the prohibition applies to a domesticated animal and its offspring, but not to an undomesticated animal and its offspring, such as a doe and its offspring.

⁴⁴ Rather, perhaps this koy is the product of a deer that mates with a female goat, and she gives birth, and one slaughters her and her offspring on the same day. But doesn’t Rav H̥isda say: All concede that in the case where she is a goat and her offspring is a deer because she mated with a deer, that one who slaughters them both on the same day is liable? He is liable because the Merciful One states in the Torah: “A sheep...and its offspring” (Leviticus 22:28), indicating that the prohibition applies to a domesticated animal such as a sheep and its offspring of any species, even if it is an undomesticated animal.

⁴⁵ The Gemara responds: Actually, the dispute between Rabbi Eliezer and the Rabbis is in the case of a goat that mates with a doe, and she gives birth to a female offspring, a koy, and this female offspring gives birth to a male offspring, and one slaughters her and her male offspring on the same day.

⁴⁶ The Rabbis hold: One needs to be concerned with its paternity, and therefore the koy is partially a goat due to its father, and the word “sheep” in the verse means that even if it is partially a sheep, i.e., a domesticated animal, it may not be slaughtered with its offspring in a single day. And Rabbi Eliezer holds: One need not be concerned with its paternity, and the status of the koy is unaffected by the fact that its father is a goat, and therefore, in this case we do not say that the word “sheep” mentioned in the verse means that even if it is partially a sheep it may not be slaughtered with its offspring in a single day, as the father’s component is ignored.

⁴⁷ The Gemara challenges: And let them disagree with regard to any animal of mixed breed about whether one needs to be concerned with its paternity, i.e., with regard to the issue that is the subject of the dispute between H̥ananya and the Rabbis, whether the prohibition against slaughtering an animal and its offspring on the same day also applies to a father and its offspring because one needs to be concerned with an animal’s paternity.

⁴⁸ The Gemara responds: If they would disagree only about that issue, I would say: With regard to this issue of a doe mother and a goat father, even the Rabbis concede that we do not say that the word “sheep” mentioned in the verse means that even if an animal is partially a sheep, i.e., a domesticated animal, it may not be slaughtered with its offspring in a single day. Therefore, the baraita teaches us that according to the Rabbis, not only does one need to be concerned with paternity, but the word “sheep” indicates that even if it is partially a sheep, i.e., a domesticated animal, it may not be slaughtered with its offspring.

⁴⁹ The Gemara challenges: But that which we learned in a mishna (83b) appears to contradict this: One may not slaughter a koy on a Festival, because covering its blood entails the performance of prohibited labor that is permitted only if there is a definite obligation to do so. And if one slaughtered a koy on a Festival after the fact, one does not cover its blood, as the Sages prohibited transporting soil on a Festival where it is uncertain that a mitzva by Torah law exists.

⁵⁰ The Gemara explains the question: What are we dealing with? If we say that we are dealing with a goat who mates with a doe, and she gives birth, then whether according to the opinion of the Rabbis or according to the opinion of Rabbi Eliezer, let him slaughter the koy on the Festival ab initio and cover the blood, as the mother of the koy is a deer, and the koy therefore may be termed an

undomesticated animal, whose blood requires covering. This should be so even if it is partially a deer, i.e., it has an undomesticated animal component from only one parent, since all agree that the offspring's species derives from its mother.

⁵¹ Rather, we must be dealing with a case of a deer that mates with a female goat, and she gives birth. This, too, is difficult: If the mishna is in accordance with the opinion of the Rabbis that one needs to be concerned with paternity, let him slaughter this koy on the Festival *ab initio* and cover the blood, as it is partially an undomesticated animal due to its father. If the mishna holds in accordance with the opinion of Rabbi Eliezer that one need not be concerned with paternity, let him slaughter the koy on the Festival *ab initio* and not cover the blood, as it should be considered a domesticated animal, whose blood does not require covering due to its mother who is a goat.

⁵² The Gemara concludes that actually this mishna is in accordance with the opinion of the Rabbis, and it is referring to a case of a deer who mates with a female goat, and the Rabbis do not say with certainty that in determining the species of an animal one must be concerned with paternity, but rather the Rabbis are simply uncertain whether one needs to be concerned with its paternity or one need not be concerned. Therefore, they rule that one should not slaughter it on a Festival, *ab initio*, in order to avoid a possible prohibition, and if one did slaughter it, he should not cover the blood, to avoid violating a prohibition in order to perform an uncertain mitzva.

⁵³ The Gemara infers: And from the fact that the Rabbis are uncertain, and therefore they rule that the prohibition of: Itself and its offspring, applies to a koy, it can be inferred that according to the opinion of Rabbi Eliezer, who rules that the prohibition of: Itself and its offspring, does not apply to a koy, it is obvious that, with regard to a koy resulting from a deer mating with a female goat, one need not be concerned with its paternity at all.

⁵⁴ The Gemara asks: But according to this, that which is taught in a baraita (see Tosefta 9:1) presents a difficulty: The mitzva to give the foreleg, the jaw, and the maw of non-sacred animals to a priest applies both to a koy and to the offspring of diverse kinds of animals. Rabbi Eliezer says: A hybrid that results from the mating of a goat and a ewe is obligated to have gifts of the priesthood given from it; a hybrid that results from a koy is exempt from having gifts of the priesthood given from it.

⁵⁵ The Gemara analyzes the baraita: What type of koy are we dealing with? If we say that we are dealing with a goat who mates with a doe, and she gives birth, granted, this is consistent according to the opinion of Rabbi Eliezer, who deems it exempt from having gifts of the priesthood given from it. As he holds that we do not say that the word "sheep" (see Deuteronomy 18:3) means that even if it is partially a sheep one must give gifts of the priesthood from it, as paternity is ignored and this koy is considered solely the offspring of a doe, exempting it from having gifts given from it.

⁵⁶ But according to the opinion of the Rabbis, even if it is granted that they hold that the word "sheep" means that even if it is partially a sheep, or any other type of domesticated animal, one is obligated to give gifts of the priesthood from it, why should the owner of this koy be required to give the gifts to a priest? Granted, he does not give the priest half of the gifts, since half of the koy, i.e., the mother's component, is an undomesticated animal; but with regard to the other half, as well, let him say to the priest: Bring proof that one needs to be concerned with its paternity and take that half; otherwise receive nothing.

⁵⁷ Rather, we are dealing with the case of a deer who mates with a female goat and she gives birth. Granted, this is consistent according to the opinion of the Rabbis, who say that one is obligated to

give gifts of the priesthood from it, as what is meant by: Obligated? It means: It is obligated in half of the gifts, since on its mother's side the goat component is subject to the obligation to give the gifts, but with regard to the other half of the gifts he can tell the priest: Bring proof that one need not be concerned with paternity, and take it. But according to the opinion of Rabbi Eliezer, who says that one need not be concerned with paternity at all, such that this koy would be considered a domesticated animal like its mother, let the owner be obligated in all of the gifts. Why, then, does Rabbi Eliezer deem him exempt?

⁵⁸ The Gemara answers: Actually, it is referring to a deer who mates with a female goat, and she gives birth, and Rabbi Eliezer is also uncertain whether, in determining the species of an animal, one needs to be concerned with its paternity or not. The Gemara asks: But since the conclusion is that the Rabbis are uncertain and Rabbi Eliezer is uncertain, in what case do they disagree where Rabbi Eliezer deems the owner exempt from giving the gifts entirely?

⁵⁹ They disagree concerning whether the word "sheep" mentioned in the verses indicates that even if it is partially a sheep, it is considered a domesticated animal. The Rabbis hold that the word "sheep" indicates that even if it is partially a sheep it is considered a domesticated animal, and Rabbi Eliezer holds that the word "sheep" indicates that it must be descended entirely from sheep or other domesticated animals, but not partially descended from sheep.

⁶⁰ Rav Pappa says: Therefore, the cases relating to a koy must be interpreted in accordance with this understanding of the disagreement between Rabbi Eliezer and the Rabbis. With regard to the matter of covering the blood of a koy, which the mishna indicates is performed due to uncertainty as to whether a koy is an undomesticated animal, and with regard to the gifts of the priesthood, which the Rabbis require to be given from a koy as from a domesticated animal, but Rabbi Eliezer does not, you find a way to interpret the cases only if they are referring to a koy resulting from a deer who mates with a female goat.

⁶¹ This is so because, according to the aforementioned conclusions about their opinions, both according to the opinion of the Rabbis and according to the opinion of Rabbi Eliezer it is uncertain whether one needs to be concerned with paternity, and the koy is considered partially an undomesticated animal, or one need not be concerned, and it is considered entirely domesticated.

⁶² And they disagree as to whether the word "sheep" means that even if it is partially a sheep it is considered a domesticated animal. Therefore, the mishna, which requires one to cover the blood of a koy whose father is a deer due to uncertainty, is in accordance with the opinion of the Rabbis, because they, as opposed to Rabbi Eliezer, hold that if an animal has a domesticated component, it is considered a domesticated animal, and with regard to covering the blood if the animal has an undomesticated component, the animal is considered undomesticated. As for the gifts of the priesthood, the Rabbis require half of them to be given from this koy, as it has a domesticated component from its mother, while Rabbi Eliezer exempts one from giving them, as he holds that an animal's parents must both be domesticated to qualify the animal as domesticated.

⁶³ Rav Pappa continues: With regard to the matter of the prohibition against slaughtering an animal itself and its offspring on the same day, which the Rabbis hold applies to a koy but Rabbi Eliezer does not, you find such a case either with regard to a koy who is the daughter of a goat who mates with a doe, or with regard to a koy who is the daughter of a deer who mates with a female goat.

⁶⁴ Rav Pappa explains: The case may be referring to a koy who is the daughter of a goat who mates with a doe, and it relates to a prohibition, i.e., whether slaughtering it and its offspring in one day is prohibited *ab initio*, as the Rabbis hold: Perhaps one needs to be concerned with its paternity, and this koy is therefore considered part domesticated, and we say that the word “sheep” means that even if it is partially a sheep this prohibition applies, and its slaughter on the same day as its daughter is prohibited *ab initio*, although one does not receive lashes for it as it is not a definite transgression.

⁶⁵ And Rabbi Eliezer holds: Though one indeed needs to be concerned with its paternity, and this koy is considered partially domesticated, we do not say that the word “sheep” means that even if it is partially a sheep the prohibition applies. Therefore, its slaughter on the same day as its offspring is permitted.

⁶⁶ Additionally, the case under dispute may be referring to a koy who is the daughter of a deer who mates with a female goat, and it relates to whether slaughtering it and its offspring in one day renders one liable to receive lashes. The Rabbis hold: Though one indeed needs to be concerned with its paternity, and this koy is considered partially undomesticated, we say that the word “sheep” means that the prohibition applies even if it is partially a sheep, such as this koy, and one who slaughters it and its offspring on one day is flogged. And Rabbi Eliezer holds: There is a prohibition against slaughtering this koy and its offspring on the same day, but if one slaughtered them there are no lashes.

⁶⁷ The Gemara explains: There is a prohibition in the case of this koy that is itself a mother, since perhaps one need not be concerned with its paternity, and therefore this koy is a full-fledged sheep, like its mother. Due to uncertainty, there are no lashes for violating the prohibition because perhaps one needs to be concerned with its paternity, in which case this koy is only a partial sheep.

⁶⁸ And according to Rabbi Eliezer, we do not say that the word “sheep” means that even if it is partially a sheep it is subject to the prohibition. Therefore, one is not flogged for slaughtering this koy on the same day as its offspring, as lashes are administered only when the witnesses give the transgressor a definite forewarning against violating the prohibition. Since the prohibition in this case is uncertain, any forewarning would be uncertain.

⁶⁹ § Until this point, the Gemara considered the koy to be the result of interbreeding a deer and a goat. The Gemara now cites other opinions as to its identity: Rav Yehuda says: A koy is a distinct entity, and the Sages did not determine whether it is a species of domesticated animal or a species of undomesticated animal. Rav Nahman says: The koy is the wild ram.

⁷⁰ The Gemara notes that this dispute is like a dispute between *tanna'im* cited in a *baraita*: The koy is the wild ram, and there are those who say: It is that which results from the mating of a goat with a doe. Rabbi Yosei says: A koy is a distinct entity, and the Sages did not determine whether it is a species of undomesticated animal or a species of domesticated animal. Rabban Shimon ben Gamliel says: It is a species of domesticated animal, and the members of the house of Dushai would raise flocks and flocks of them, as with other domesticated animals.

⁷¹ § The Gemara cites a statement with regard to goats: Rabbi Zeira says that Rav Safra says that Rav Hamnuna says that these forest goats, i.e., wild goats, are fit to be sacrificed on the altar, as they are considered a type of goat. The Gemara comments that Rav Hamnuna holds in accordance with that which Rabbi Yitzhak says: The verse lists ten kosher animals, and no more. He is referring to the verses: “These are the animals that you may eat: An ox, a seh of sheep, and a seh of goats, a deer, and

a gazelle, and a fallow deer, and a wild goat, and an oryx, and an aurochs, and a wild sheep” (Deuteronomy 14:4–5). The first three are domesticated animals, while the other seven are undomesticated animals.

⁷² And with regard to these forest goats, since they are not reckoned among the undomesticated animals, learn from it that they are a type of goat, as they are also called goats and have a goat-like appearance. Rav Aḥa bar Yaakov objects to this: Perhaps wild goats are a different species of undomesticated animal not explicitly mentioned in the verse, as the next verse provides a more general description, and I will say that the verse: “A deer and a gazelle, etc.,” is a list of undomesticated animals, each of which is a specific detail. The next verse: “And any animal,” is a generalization.

⁷³ According to the principles for explicating verses, when there is a detail and then a generalization, the generalization was made to expand beyond the detail. Therefore, there are more species of kosher undomesticated animals than the verse lists, one of which may be forest goats.

⁷⁴ The Gemara responds: If so, why do I need all of these details? The mention of a single undomesticated animal and then the generalization should suffice for applying the principle of: A detail and a generalization. Rather, these are the only kosher undomesticated animals, and the forest goat must therefore be a type of domesticated goat. Rav Aḥa, son of Rav Ika, objects to this: But even if forest goats are not a different type of undomesticated animal from those mentioned in the verse, perhaps they are a type of wild goat, one of the undomesticated animals mentioned in the verse, rather than a type of domesticated goat.

⁷⁵ With regard to this topic, Rav Aḥa, son of Rava, said to Rav Ashi, and some say it was Rav Aḥa, son of Rav Avya, who said to Rav Ashi: Perhaps they are a type of aurochs [te’o], or a type of wild sheep, which are also undomesticated animals. Rav Ḥanan said to Rav Ashi: Differing from Rav Hamnuna’s opinion, Ameimar deems the consumption of their fat permitted, which is prohibited with regard to domesticated animals, indicating that he considers forest goats a species of undomesticated animal.

⁷⁶ Abba, son of Rav Minyamin bar Ḥiyya, inquired of Rav Huna bar Ḥiyya: What is the halakha with regard to offering these forest goats [izei devala] on the altar? Are they domesticated animals that may be sacrificed? Rav Huna bar Ḥiyya said to him: Rabbi Yosei and the Rabbis disagree only with regard to the wild ox.

⁷⁷ As we learned in a mishna (Kilayim 8:6): The wild ox is a species of domesticated animal. Rabbi Yosei says: It is a species of undomesticated animal. As the Rabbis hold that from the fact that “aurochs” (Deuteronomy 14:5) is translated into Aramaic as: Forest ox [turbala], it can be understood that the wild ox is a species of domesticated animal, and Rabbi Yosei holds: From the fact that it is reckoned among the undomesticated animals, it can be derived that it is a species of undomesticated animal. But with regard to these forest goats, which are not reckoned among the undomesticated animals, all agree that they are a type of goat and are fit to be sacrificed upon the altar.

⁷⁸ Rav Aḥa, son of Rav Ika, objects to this: But perhaps they are a type of wild goat. Similarly, Ravina said to Rav Ashi: But perhaps they are a type of aurochs, or a type of wild sheep. Additionally, Rav Naḥman said to Rav Ashi: Ameimar deems the consumption of their fat permitted, which is prohibited with regard to domesticated animals, as he considers them undomesticated animals.

⁷⁹ § The mishna teaches: How so? One who slaughters an animal itself and its offspring, etc. Rabbi Oshaya says: The entire mishna is not in accordance with the opinion of Rabbi Shimon. From where is this derived? It is derived from that which the mishna teaches: If both animals were sacrificial animals slaughtered outside the Temple courtyard, then for slaughtering the first animal, one is liable to receive karet. And both animals are disqualified for use as offerings, and for the slaughter of both of them, one incurs forty lashes. Since we have heard that Rabbi Shimon says: An act of slaughter that is unfit to permit consumption of the meat is not considered to have the halakhic status of an act of slaughter.

⁸⁰ Therefore, when one slaughters a mother and its offspring that are both sacrificial animals outside the Temple courtyard, with regard to the first, it is as if he has simply killed it without ritual slaughter, since being slaughtered outside the Temple courtyard renders it unfit. Accordingly, the second would have been fit to be accepted within the Temple, and there would have been no prohibition against slaughtering it on that day. If so, when he slaughtered it outside the courtyard, why is he liable only to receive lashes? Let him also be liable to receive karet.

⁸¹ Likewise, the same question may be asked with regard to what is taught in the mishna: If both animals were non-sacred and they were slaughtered inside the Temple courtyard, both of them are unfit for sacrifice. And for the slaughter of the second animal, one incurs the forty lashes. Since we have heard that Rabbi Shimon says: An act of slaughter that is unfit is not considered to have the halakhic status of an act of slaughter, with regard to the first animal, it is as if he has simply killed it without ritual slaughter, since a non-sacred animal slaughtered in the Temple courtyard is rendered unfit, as deriving benefit from it is prohibited. If so, why, for the slaughter of the second animal, does one incur the forty lashes?

⁸² Similarly, the mishna teaches: If both animals were sacrificial animals slaughtered inside the Temple courtyard, the first is fit for sacrifice, and one who slaughters it is exempt from any punishment. But for the slaughter of the second animal, one incurs the forty lashes for the slaughter of an animal and its offspring on a single day, and it is unfit for sacrifice.

⁸³ Since we have heard that Rabbi Shimon says: An act of slaughter that is unfit to permit consumption of the animal is not considered to have the halakhic status of an act of slaughter. One can then raise the question: An act of slaughter of sacrificial animals is also considered an act of slaughter that is unfit, because as long as one has not sprinkled the blood, the meat is not permitted to be burned on the altar or eaten. Since slaughtering the first animal is not considered slaughtering, why, for slaughtering the second animal, does one incur the forty lashes for slaughtering an animal and its offspring on a single day, and why is it unfit? Rather, conclude from this analysis that the mishna is not in accordance with the opinion of Rabbi Shimon.

⁸⁴ The Gemara asks: Isn't it obvious that this is so? There is no need for this long analysis. The Gemara answers: It was necessary for Rabbi Oshaya to mention that the mishna is not in accordance with the opinion of Rabbi Shimon due to the case of slaughtering an animal and its offspring that are sacrificial animals inside the Temple courtyard. This is because it may enter your mind to say that slaughtering sacrificial animals is considered an act of slaughtering that is fit, because if he stabbed the animal to death and sprinkled its blood, the meat is not permitted, but if he slaughtered it, the meat is permitted and it is considered slaughtering that is fit according to Rabbi Shimon. Therefore, he teaches us that it is not fit.

⁸⁵ § With regard to the ruling that one who slaughters an animal and its offspring that are sacrificial animals inside the Temple courtyard receives lashes for violating the prohibition of: Itself and its offspring, when slaughtering the second animal, the Gemara suggests: And let him be flogged also for violating the prohibition against sacrificing an animal whose time has not yet arrived, since it is forbidden to sacrifice it until the next day. As it is taught in a baraita: From where is it derived with regard to all of the disqualifications of the bull, i.e., any feature that disqualifies cattle brought as offerings, and of the lamb, i.e., sheep brought as offerings, that if one consecrates, slaughters, or burns on the altar an animal so disqualified, he violates the prohibition of: It shall not be accepted, and is flogged?

⁸⁶ It is derived from the fact that, in the middle of the passage prohibiting blemished animals from being sacrificed upon the altar, the verse states: “Either a bull or a lamb that has anything too long or too short...but for a vow it shall not be accepted” (Leviticus 22:23). Since this passage is already discussing a bull and lamb, it is unnecessary to mention them. Rather, this verse taught about all of the disqualifications of the bull and of the lamb, including that of an animal whose time has not yet arrived, that if one offers an animal with one of those disqualifications, he violates the prohibition of: It shall not be accepted.

⁸⁷ The Gemara answers: He receives lashes for violating that prohibition as well, but when the mishna lists the prohibitions violated by the actions described, it lists only prohibitions related to the prohibition of: Itself and its offspring, but it does not list unrelated prohibitions.

⁸⁸ The Gemara asks: And does the mishna not list unrelated prohibitions? But there are prohibitions with regard to sacrificial animals slaughtered outside the Temple courtyard, which are unrelated prohibitions, and it lists them. As it teaches: If both animals were sacrificial animals slaughtered outside the Temple courtyard, then for slaughtering the first animal, one is liable to receive karet. And both animals are disqualified for use as offerings, and for the slaughter of both of them one incurs forty lashes apiece.

⁸⁹ Granted, with regard to the second animal one is flogged due to the prohibition of: Itself and its offspring. But with regard to the first animal, why does he incur the forty lashes? Isn't it due to the prohibition of consecrated animals slaughtered outside the Temple courtyard? Therefore, with regard to the case of sacrificial animals slaughtered inside the Temple courtyard, the mishna should also have mentioned the unrelated prohibition of: It shall not be accepted.

⁹⁰ The Gemara answers: Wherever there is no violation of the prohibition of: Itself and its offspring, for slaughtering an animal, the mishna lists unrelated prohibitions, but wherever there is a violation of the prohibition of: Itself and its offspring, the mishna does not list unrelated prohibitions, but only the prohibition of: Itself and its offspring.

⁹¹ Rabbi Zeira said: Leave the prohibition against sacrificing an animal whose time has not yet arrived, as the verse

⁹² transmuted it from the standard prohibition of: It shall not be accepted, which is violated in the case of the other disqualifications, into a prohibition that stems from a positive mitzva. What is the reasoning by which this is derived? It is derived from that which the verse states: “From the eighth day and forward it may be accepted for an offering” (Leviticus 22:27), which teaches that from the eighth day after its birth, yes, it may be sacrificed as an offering, but initially, before the eighth day,

no, it may not be sacrificed. Therefore, this is a prohibition that stems from a positive mitzva, which is not considered a negative prohibition for which one is flogged, but rather a positive mitzva.

⁹³ The Gemara asks: But this verse is required for the statement of Rabbi Aporiki, as Rabbi Aporiki raises a contradiction: It is written: “Then it shall be seven days with its mother” (Leviticus 22:27), indicating that on the night after the seventh day it is already fit to be sacrificed. But it is also written in that verse: “From the eighth day and forward it may be accepted,” indicating that from the eighth day forward, yes, it is fit, but on the night before it is not.

⁹⁴ How can these texts be reconciled? The night after the seventh day is fit for consecration, which is permitted at that time, while the eighth day is fit for effecting acceptance, and only then may it be sacrificed on the altar. The Gemara answers that another verse is also written that specifies this positive mitzva: “So shall you do with your ox and with your sheep; seven days shall it be with its mother; on the eighth day you shall give it to Me” (Exodus 22:29).

⁹⁵ § The Gemara returns to discussing Rabbi Shimon’s opinion with regard to slaughtering an animal and its offspring on the same day. Rav Hamnuna says that Rabbi Shimon would say: The prohibition against slaughtering an animal itself and its offspring does not apply to sacrificial animals. What is the reason? The reason is that since Rabbi Shimon says that an act of slaughter that is unfit to permit consumption is not considered to have the halakhic status of an act of slaughter, the prohibition will not apply here. This case of slaughtering sacrificial animals is also considered slaughter that is unfit, in that the flesh may not be burned upon the altar or eaten until the blood has been presented.

⁹⁶ Rava raises an objection from a baraita: If one slaughtered an animal itself and its offspring and both animals were sacrificial animals slaughtered outside the Temple courtyard, Rabbi Shimon says: For slaughtering the second animal he transgresses a prohibition in slaughtering it outside the Temple, as Rabbi Shimon would say: With regard to any offering that is fit to come to the altar after a certain amount of time and is offered outside the Temple before that time, he who slaughters it transgresses a prohibition, but there is no liability to receive karet. And the Rabbis say: With regard to any offering slaughtered outside of the Temple for which there is no liability to receive karet because it is unfit to be an offering at that time, he who sacrifices it also does not transgress a prohibition.

⁹⁷ And this statement in the baraita is difficult for us: If both animals were sacrificial animals slaughtered outside the Temple courtyard, Rabbi Shimon says: For slaughtering the second animal he transgresses a prohibition for slaughtering outside the Temple. According to Rabbi Shimon, slaughter that is unfit for consumption is not considered slaughter. Therefore, with regard to the first animal, it is as if he has killed it without ritual slaughter, since its slaughter was unfit, and the second animal would be accepted inside the Temple upon the altar. Therefore, let one who slaughters it outside of the Temple be liable to receive karet as well.

⁹⁸ And Rava said, and some say it unattributed: The baraita is incomplete and this is what it is teaching: If one slaughters an animal and its offspring that are both sacrificial animals, and both of them are slaughtered outside the Temple courtyard, according to the opinion of the Rabbis, the slaughter of the first animal is punishable by karet, while the second animal is disqualified as its time has not yet arrived, and therefore, for its slaughter one is exempt from punishment for violating the prohibition of offerings slaughtered outside the Temple.

⁹⁹ According to the opinion of Rabbi Shimon, the slaughter of both of them, including the second one alone, is punishable by karet. This is because the slaughter of the first is not considered slaughter, and therefore it does not disqualify the second through the prohibition of: Itself and its offspring.

¹⁰⁰ If an animal and its offspring that are sacrificial animals are slaughtered, the first one outside the Temple courtyard, and the second one inside the Temple courtyard, according to the opinion of the Rabbis, the slaughter of the first is punishable by karet, while the second animal is disqualified as its time has not yet arrived, and its slaughterer is exempt from punishment for its slaughter outside the Temple, because he slaughtered it inside the Temple. According to the opinion of Rabbi Shimon, the second animal is fit for the altar, and it is sacrificed, as the slaughter of the first animal is not considered slaughter, and therefore the slaughter of the second does not violate the prohibition of a mother and its offspring.

¹⁰¹ If an animal and its offspring that are sacrificial animals are slaughtered, the first one inside the Temple courtyard and the second one outside the Temple courtyard, according to the opinion of the Rabbis, the first animal is fit for the altar, and one who slaughters it is exempt from any punishment, as its slaughter is perfectly legitimate. The second is unfit for the altar, as it was slaughtered outside the Temple, but its slaughterer is exempt from punishment for its slaughter outside the Temple because it is unfit for the altar, as its time has not yet arrived. According to the opinion of Rabbi Shimon, for slaughtering the second animal outside the Temple one transgresses a prohibition, as he holds that an offering whose time has not yet arrived that was slaughtered outside the Temple violates a prohibition.

¹⁰² Rava now explains his objection: And if it enters your mind that the prohibition of: Itself and its offspring, does not apply to sacrificial animals, then with regard to slaughtering the second animal outside the Temple, why does one transgress only a prohibition and nothing more? Let him be liable to receive karet as well, as since its slaughter does not violate the prohibition of: Itself and its offspring, it would be fit to be sacrificed inside the Temple. Therefore, it is clear that the prohibition of: Itself and its offspring, does apply to sacrificial animals.

¹⁰³ Rather, Rava said: This is what Rav Hamnuna is saying: Though the prohibition of: Itself and its offspring, does apply to sacrificial animals, the administering of lashes for violating the prohibition of: Itself and its offspring, does not apply to sacrificial animals.

¹⁰⁴ The reason is that since as long as one has not sprinkled the blood, the flesh is not permitted to be burned on the altar or eaten, at the time that one slaughters the second animal, when he receives a forewarning that his action violates the prohibition of: Itself and its offspring, it is an uncertain forewarning, because if the blood will not be sprinkled, the flesh will not be permitted, sparing him from violating the prohibition of: Itself and its offspring. And an uncertain forewarning is not considered a valid forewarning that renders one liable to receive lashes.

¹⁰⁵ And Rava follows his line of reasoning, as Rava says: According to Rabbi Shimon, who holds that one does not incur punishment for the prohibition of: Itself and its offspring, for a slaughtering that is unfit, if she, the mother, is non-sacred, and her offspring is a peace offering, and one slaughtered the non-sacred mother, and afterward one slaughtered her offspring that is a peace offering on the same day, he is exempt for slaughtering the offspring. This is because the forewarning for slaughtering the offspring is uncertain as its blood might not be sprinkled, rendering the slaughter unfit.

¹⁰⁶ But if one slaughtered the offspring that is a peace offering first and sprinkled its blood, and afterward he slaughtered the non-sacred mother, he is liable to receive lashes for slaughtering the mother. Once the non-sacred mother is slaughtered, the meat is fit; therefore, the forewarning is definite. And Rava says: If she, the mother, is non-sacred, and her offspring is sacrificed as a burnt offering, and both are slaughtered on the same day, it is not necessary to state that if one slaughtered the non-sacred mother, and afterward he slaughtered her offspring as a burnt offering, that he is exempt.

¹⁰⁷ But even if one slaughtered the offspring as a burnt offering and sprinkled its blood, and afterward slaughtered the non-sacred mother, he is exempt. The reason is that the slaughter of the first animal is not an act of slaughter subject to consumption, as a burnt offering is entirely burned upon the altar, and according to Rabbi Shimon, it is an act of slaughter that is improper, in that it does not render the meat fit to be eaten, is not considered slaughter.

¹⁰⁸ And Rabbi Ya'akov says that Rabbi Yoḥanan says: Consumption by the altar is considered consumption. What is the reason? The reason is that the verse states with regard to an offering that was sacrificed with the intent to consume it after its designated time [piggul]: "And if any of the flesh of the sacrifice of his peace offerings be at all eaten [he'akhol ye'akhel] on the third day, it shall not be accepted" (Leviticus 7:18).

¹⁰⁹ The repetitive expression "he'akhol ye'akhel" teaches that the verse is speaking of two types of consumption: One is human consumption, and the other one is consumption by the altar, and both are considered consumption with regard to piggul and other matters. Therefore, the slaughter of a burnt offering is considered slaughter that is fit for consumption, and the slaughter of a mother animal and its offspring, one of which is sacrificed as a burnt offering on the same day as the slaughter of the other, renders one liable to receive lashes even according to the opinion of Rabbi Shimon.

¹¹⁰ MISHNA: With regard to one who slaughters an animal and its offspring and one of them is discovered to be an animal with a wound that would have caused it to die within twelve months [tereifa] and may not be eaten, or one who slaughters one of the animals for the sake of idol worship, from which deriving benefit is prohibited, or one who slaughters the red heifer of purification, or an ox that was to have been stoned, or a heifer whose neck was to have been broken, all of which are animals from which deriving benefit is prohibited, Rabbi Shimon deems one who slaughters them exempt from lashes for the slaughter of a mother and its offspring, as in his opinion, slaughter that does not render the animal fit for consumption is not considered slaughter and does not violate the prohibition. And the Rabbis deem him liable, as the slaughter need not render the animal fit for consumption in order to violate the prohibition.

¹¹¹ All agree that one who slaughters an animal and it becomes a carcass by his hand because the slaughter was invalid, or one who stabs an animal, or one who uproots the windpipe and the gullet, is exempt with regard to the prohibition against slaughtering a mother and its offspring, as it is written: "You shall not slaughter it and its offspring both in one day" (Leviticus 22:28), and in these cases, no ritual slaughter was performed.

¹¹² GEMARA: Rabbi Shimon ben Lakish says: The Rabbis in the mishna taught that one is liable when one of the animals is slaughtered for the sake of idol worship only when he slaughtered the first animal for the sake of idol worship and the second animal for his own table. But if he slaughtered the first animal for his own table and the second animal for the sake of idol worship, he is exempt from

lashes for the second act of slaughter, as he receives only the greater punishment, that for idol worship, which is death.

¹¹³ Rabbi Yoḥanan said to him: Even schoolchildren know this halakha, that one who is liable to receive two punishments receives only the greater punishment. Rather, sometimes, even if he slaughtered the first for his own table and the second for the sake of idol worship, he is liable to receive lashes for the second act of slaughter.

¹¹⁴ This occurs, for example, where the witnesses forewarned him before the second act of slaughter with regard to the prohibition of: Itself and its offspring, but they did not forewarn him with regard to idol worship. Since he is not punished for performing idol worship, he receives lashes for the less severe transgression. And Rabbi Shimon ben Lakish says: Since, had they forewarned him with regard to idol worship he would have been exempt from lashes; therefore, even if they did not forewarn him with regard to idol worship, he is also exempt from lashes.

¹¹⁵ The Gemara notes: And they each follow their known lines of reasoning in this matter. As when Rav Dimi came to Babylonia from Eretz Yisrael he said: With regard to those who unwittingly performed a transgression for which one is liable to receive the death penalty if one performed it intentionally, or those who unwittingly performed a transgression for which one is liable to receive lashes, and that transgression also involved another matter, monetary payment, and they were forewarned with regard to the monetary penalty but not with regard to the lashes or the death penalty, Rabbi Yoḥanan says: He is liable to pay; and Reish Lakish says: He is exempt.

¹¹⁶ The Gemara clarifies the rationales for their statements. Rabbi Yoḥanan says that he is liable; since they did not forewarn him with regard to the severe transgression, he sinned unwittingly, and he remains liable only to pay the monetary payment. And Reish Lakish says that he is exempt; since had they forewarned him with regard to the severe transgression, he would have been exempt from the monetary payment, when they did not forewarn him, he is also exempt.

¹¹⁷ The Gemara notes: And it is necessary to state their disagreement with regard to both of these cases. As, if it were taught to us only about this case where one slaughters the mother for his private use and afterward slaughters its offspring for idol worship, perhaps only in this case involving the death penalty and lashes does Rabbi Shimon ben Lakish say that even if they did not forewarn the transgressor with regard to idol worship, he is still exempt from lashes for the prohibition of: Itself and its offspring, because the death penalty and lashes are similar in that they are both corporal punishments, and so the obligation of lashes does not take effect at all when the death penalty is potentially applicable. But in that case, involving the death penalty or lashes together with a monetary payment, say that he agrees with Rabbi Yoḥanan that the transgressor is liable to pay the monetary payment.

¹¹⁸ And if the disagreement was stated only with regard to that case, where one unwittingly performed a transgression involving the death penalty or lashes together with a transgression bearing a monetary payment, perhaps only in that case does Rabbi Yoḥanan say that he is liable to pay the monetary payment. But in this case, where one slaughtered an animal and its offspring, and the second animal was slaughtered for the sake of idol worship, which involves the death penalty and lashes, but without a forewarning with regard to the death penalty, say that he agrees with Rabbi Shimon ben Lakish that one is exempt from lashes. Therefore, it is necessary to state their disagreement with regard to both cases.

¹¹⁹ § The mishna teaches that Rabbi Shimon deems one who slaughters the red heifer of purification exempt from punishment for the prohibition of: Itself and its offspring, as that act of slaughter does not render the animal fit for consumption. The Gemara asks: And is the slaughter of the red heifer of purification considered an act of slaughter that is unfit for consumption? But isn't it taught in a baraita: Rabbi Shimon says: A red heifer, even if it has been slaughtered and it is therefore prohibited to derive benefit from it, is susceptible to the ritual impurity of food, since it had a time in which it was fit for consumption?

¹²⁰ And Rabbi Shimon ben Lakish says in explanation of Rabbi Shimon's statement: Rabbi Shimon would say that the red heifer can be redeemed with money even once it has been slaughtered and placed upon its pyre in preparation for being burned. Therefore, Rabbi Shimon states that there could be a time when the heifer was fit for consumption, i.e., if it was redeemed. Why, then, does he deem one who slaughters it exempt from liability for transgressing the prohibition of: Itself and its offspring? Rav Shemen bar Abba said that Rabbi Yoḥanan says: The statement with regard to the red heifer of purification is not considered part of the mishna, and Rabbi Shimon agrees that its slaughterer is liable for transgressing the prohibition of: Itself and its offspring.

¹²¹ The Gemara asks: And is the slaughter of the heifer whose neck was to have been broken not considered an act of slaughter that is fit? But didn't we learn in a mishna (Sota 47a): If a heifer was set aside to have its neck broken to atone for the murder of an individual whose murderer was not known, and then the murderer was found before the heifer's neck was broken, the heifer shall go out and graze among the flock, as it is not consecrated. Evidently, before its neck is broken, deriving benefit from it is not prohibited, and its slaughter would be one that is fit. Rabbi Shimon ben Lakish said in the name of Rabbi Yannai: The statement with regard to the heifer whose neck was to have been broken is not considered part of the mishna, and Rabbi Shimon agrees that its slaughterer is liable for violating the prohibition of: Itself and its offspring.

¹²² The Gemara asks: And does Rabbi Yannai actually say so? But doesn't Rabbi Yannai say: I heard the boundary, i.e., stage, beyond which the heifer is forbidden, but I have forgotten what it is; but the group of scholars were inclined to say that the heifer's descent to a hard valley, where its neck is broken, is the action that renders it forbidden?

¹²³ And if it is so, let him resolve the contradiction by saying: Here, where deriving benefit from the heifer is permitted, and its slaughterer is liable for transgressing the prohibition of: Itself and its offspring, it is referring to an act of slaughtering that is fit and is performed before the heifer's descent, while there, in the mishna, where Rabbi Shimon holds that there is no liability for transgressing: Itself and its offspring, it is referring to slaughtering performed after its descent. At that time, deriving benefit from the heifer is already prohibited, and the slaughter is therefore not considered fit.

¹²⁴ Rav Pineḥas, son of Rav Ami, said: We taught the statement in the name of Rabbi Shimon ben Lakish himself, not as a quote from Rabbi Yannai: The statement with regard to the heifer whose neck is broken is not considered part of the mishna. Rav Ashi said: When we were studying in the study hall of Rav Pappi, that statement was difficult for us: Did Rabbi Shimon ben Lakish actually say that it is not considered part of the mishna?

¹²⁵ But it was stated that amora'im engaged in a dispute concerning the following issue: From when is one prohibited from deriving benefit from the leper's birds? Rabbi Yoḥanan says: One is prohibited

from the moment of their slaughter; and Reish Lakish says: One is prohibited from the moment they are taken and designated to be a leper's birds. And we say: What is the reasoning of Rabbi Shimon ben Lakish?

¹²⁶ His reasoning is that he derives it via verbal analogy from the terms: "Taking [kiḥa]" (Leviticus 14:4), with regard to the birds, and: "Taking [kiḥa]" (Deuteronomy 21:3), with regard to the heifer whose neck is broken. Consequently, just as deriving benefit from the heifer whose neck is broken is prohibited from the time of its selection, so too must deriving benefit from these birds be prohibited from the time of their selection. Clearly, then, Rabbi Shimon ben Lakish holds that deriving benefit from the heifer whose neck is broken is prohibited while it is still alive. Therefore, its slaughter is one that does not render the animal fit for consumption. Accordingly, Rabbi Shimon would exempt its slaughterer from the prohibition of: Itself and its offspring, as is taught in the mishna.

¹²⁷ Rather, Rabbi Ḥiyya bar Abba said that Rabbi Yoḥanan said: The statement with regard to the heifer whose neck is broken is not considered part of the mishna, and this resolution of the difficulty was articulated by Rabbi Yoḥanan rather than Reish Lakish.

¹²⁸ MISHNA: With regard to two people who purchased a cow and its offspring, where each purchased one of the animals, whoever purchased his animal first shall slaughter it first, and the second one must wait until the next day to slaughter his animal, so as not to violate the prohibition of: It and its offspring. But if the second one preceded him and slaughtered his animal first, he benefitted, and the one who purchased the animal first may not slaughter it until the next day.

¹²⁹ GEMARA: Rav Yosef said: We learn in the mishna that the first purchaser is granted precedence only with regard to the matter of a court judgment, in case the two purchasers go to court each demanding to slaughter his animal first. But there is no prohibition against the second one slaughtering his animal first if no claim is brought to court. Likewise, a Sage taught in a baraita: If the second one preceded him and slaughtered his animal first, he is diligent and rewarded; he is diligent because he did not violate a prohibition, and he is rewarded because he eats meat already that day.

¹³⁰ MISHNA: If one slaughtered a cow and thereafter slaughtered its two offspring on the same day, he incurs eighty lashes for two separate actions violating the prohibition against slaughtering the mother and the offspring on the same day. If one slaughtered its two offspring and thereafter slaughtered the mother cow, he incurs the forty lashes, as he performed a single prohibited act. If one slaughtered the mother and its daughter, and, later that day, slaughtered its daughter's daughter, he incurs eighty lashes, as he has performed the act of slaughtering a mother and its offspring twice.

¹³¹ But if one slaughtered the mother and its daughter's daughter and thereafter slaughtered its daughter, he incurs the forty lashes, as he performed a single prohibited act. Sumakhos says in the name of Rabbi Meir: He incurs eighty lashes for slaughtering the daughter on the same day as its calf and its mother, as that act comprises two separate violations of the prohibition.

¹³² GEMARA: With regard to the statement in the mishna that if one slaughters two calves and thereafter slaughters their mother he incurs the forty lashes, the Gemara asks: Why does he receive lashes? After all, the phrase: "It and its offspring" (Leviticus 22:28), is what the Merciful One states in the Torah, and not: Its offspring and it. The Gemara answers: That thought should not enter your mind, as it is taught in a baraita: From the phrase "it and its offspring" I have derived only that the prohibition includes slaughtering the animal itself first and its offspring afterward. From where do I

derive that the prohibition also includes the case of slaughtering the offspring itself first and its mother afterward?

¹³³ It is derived in the following manner: When the verse states: “You shall not slaughter [tishḥatu] both in one day” (Leviticus 22:28), this is referring to two people who are prohibited from slaughtering on the same day, as the word “slaughter” is phrased in the plural. How so? If, during the course of a single day, there is one person who slaughters the cow and then another who slaughters that cow’s mother, and then there is another person who slaughters that cow’s offspring, the two latter people are liable, the first of them for slaughtering the mother after its offspring was slaughtered, and the second person for slaughtering the offspring after its mother was slaughtered.

¹³⁴ The Gemara challenges: That verse is necessary for the prohibition itself, and it cannot be used to teach this additional halakha. The Gemara explains: If so, that the verse teaches only the prohibition against slaughtering an animal and its offspring in one day, let the Torah write: You shall not slaughter [tishḥot], in the singular. For what reason did the Torah write: “You shall not slaughter [tishḥatu]” (Leviticus 22:28), in the plural? It is to teach that two different people are prohibited from slaughtering, as explained earlier.

¹³⁵ The Gemara challenges: But, nevertheless, the plural is necessary, as had the Merciful One written in the Torah: You shall not slaughter [tishḥot] in the singular, I would say: With regard to one person, yes, it is prohibited to slaughter an animal and its offspring in a single day, but with regard to two, it is not prohibited for one of them to slaughter the mother and the other to then slaughter the offspring on the same day.

¹³⁶ Therefore, the Merciful One writes in the Torah: “You shall not slaughter [tishḥatu],” in the plural, indicating that even two individuals may not slaughter an animal and its offspring in a single day. The Gemara answers: If so, that only this is derived from the verse, let the Torah write: They shall not be slaughtered, indicating that whether by one individual or two, the slaughter of an animal and its offspring in a single day is prohibited, but only the one who slaughters the offspring has violated the prohibition.

¹³⁷ What is meant by: “You shall not slaughter,” which indicates that two different people are prohibited from slaughtering? Conclude two conclusions from it: Conclude that the prohibition applies even if two people perform the two acts of slaughter, and that two cases are prohibited: Slaughtering the offspring after the mother, and slaughtering the mother after the offspring.

¹³⁸ § The mishna teaches: If one slaughtered the mother and its daughter’s daughter and thereafter slaughtered its daughter, he incurs the forty lashes. Sumakhos says in the name of Rabbi Meir: He incurs eighty lashes, because by slaughtering the daughter, he transgresses twice the prohibition of: Itself and its offspring. Abaye said to Rav Yosef: What is the reasoning for the opinion of Sumakhos that the transgressor incurs eighty lashes?

¹³⁹ Does Sumakhos hold, in general, that if one unwittingly ate two olive-bulks of forbidden fat during one lapse of awareness he is liable to bring two sin offerings, since he transgressed the prohibition twice? If so, then in a case where one is forewarned that if he transgresses intentionally he will receive lashes and he then violates the same prohibition twice, as is the case in the mishna, he receives two sets of lashes.

¹⁴⁰ And by right the mishna should have informed us of Sumakhos's opinion in a general case, such as that of eating two olive-bulks of forbidden fat during a single lapse of awareness, but the reason that it teaches us this dispute in this situation, where one slaughters an animal and its daughter's offspring and, later that day, slaughters its daughter, is to convey to you the far-reaching nature of the opinion of the Rabbis, that even though the two animals that caused the daughter to be forbidden are separate entities, the Rabbis still exempt the transgressor from a second set of lashes.

¹⁴¹ Or perhaps, Sumakhos holds in general that if one ate two olive-bulks of forbidden fat during one lapse of awareness, he is liable to bring only one sin offering. If so, one who transgresses intentionally after being forewarned receives only one set of lashes even if he transgresses the same prohibition twice. But here, in the mishna, this is the reason that the transgressor receives two sets of lashes: It is that the two animals that caused the daughter to be prohibited are separate entities. Rav Yosef said to Abaye: Yes, Sumakhos holds in general that if one ate two olive-bulks of forbidden fat during one lapse of awareness he is liable to bring two sin offerings.

¹⁴² The Gemara asks: From where does Rav Yosef derive this? He derives it from that which we learn in a baraita: One who sows diverse kinds, diverse kinds, i.e., he twice sows grain together with grape seeds, is flogged for violating the prohibition of diverse kinds. The Gemara asks: What is meant by: Is flogged? If we say it means that he is flogged one set of lashes, this is obvious. And additionally, if he receives only one set of lashes, what is the reason that the case of: Sowing diverse kinds twice, is mentioned, where he transgressed twice? Even if he transgressed only once, he receives lashes. Rather, it is obvious that he receives two sets of lashes.

¹⁴³ The Gemara asks: What are we dealing with? If we say that we are dealing with a case where one violates the prohibition twice, one time after the other and with two separate forewarnings, it is unnecessary for the baraita to teach this, as we already learn it in a mishna (Nazir 42a): A nazirite who was drinking wine all day is liable to receive only one set of lashes. If onlookers said to him: Do not drink, do not drink, forewarning him several times, and he drinks after each forewarning, he is liable to receive lashes for each and every drink. Rather, it is obvious that he violated the prohibition twice at the same time and with a single forewarning, i.e., after he was forewarned he sowed wheat together with a grape seed with one hand, and barley together with a grape seed with the other hand, and he receives two sets of lashes.

¹⁴⁴ The Gemara asks: In accordance with whose opinion is this baraita? If we say it is in accordance with the opinion of the Rabbis who disagree with Sumakhos in the mishna, who hold that one who slaughters an animal and its daughter's offspring and, later that day, slaughters its daughter receives only one set of lashes, that would not be reasonable: Now, if there, in the mishna, where there are animals that are separate entities, the Rabbis exempt him from a second set of lashes, since he violated a single prohibition with a single forewarning; here, in the baraita with regard to diverse kinds, where, unlike animals, seeds are not considered separate entities (see 83a), if one sows diverse kinds twice at the same time, should they not all the more so exempt him from a second set of lashes?

¹⁴⁵ Rather, is it not that the ruling of the baraita with regard to diverse kinds is in accordance with the opinion of Sumakhos and teaches that, even with a single entity, one who violates the same prohibition twice receives two sets of lashes? The Gemara responds: No, actually the baraita with regard to diverse kinds is in accordance with the opinion of the Rabbis, and he was forewarned

before each act of sowing, which is why he receives two sets of lashes. And although this statement is redundant, by repeating the phrase: Diverse kinds, it teaches us a matter in passing: That there are two categories of the prohibition of diverse kinds: Sowing wheat together with grape seed and sowing barley together with grape seed.

¹⁴⁶ And the baraita serves to exclude the opinion of Rabbi Yoshiya, as Rabbi Yoshiya says: One who sows diverse kinds is not liable by Torah law until he sows wheat, and barley, and grape seed with a single hand motion, i.e., by sowing in the vineyard he violates the prohibition of diverse kinds that applies to seeds and to the vineyard simultaneously. Therefore, it teaches us that when one sows only wheat and grape seed, or only barley and grape seed, he is liable as well. Consequently, a source clarifying Sumakhos's opinion in a case where one violates the same prohibition twice during a single lapse of awareness, or with only a single forewarning when one violated the prohibition intentionally, has not been found.

¹⁴⁷ The Gemara suggests: Come and hear a resolution from a mishna with regard to the prohibition against eating from the sciatic nerve (96a): If one ate an olive-bulk from this sciatic nerve in the right leg of an animal, and an olive-bulk from that sciatic nerve in the left leg of the same animal, he incurs eighty lashes. Rabbi Yehuda says: He incurs only forty lashes. The Gemara analyzes the mishna: What are the circumstances? If we say that he ate them one after the other and with two separate forewarnings, what is the reason for the opinion of Rabbi Yehuda? According to Rabbi Yehuda, it is an uncertain forewarning, as Rabbi Yehuda is uncertain whether the prohibition against eating from the sciatic nerve applies to the sciatic nerve of the right thigh or that of the left thigh (see 90b). And we have heard that Rabbi Yehuda says: An uncertain forewarning is not considered a forewarning.

¹⁴⁸ As it is taught in a baraita: If one is uncertain which of two men is his father, and he struck this man and then struck that man, or cursed this man and then cursed that man, or struck both of them simultaneously, or cursed both of them simultaneously, in all these cases he is liable for violating the prohibition of: "And he that strikes his father, or his mother, shall be put to death" (Exodus 21:15), or that of: "And he that curses his father, or his mother, shall be put to death" (Exodus 21:17), as one of them is certainly his father.

¹⁴⁹ Rabbi Yehuda says: Although if he struck or cursed both of them simultaneously he is liable, if he struck or cursed them one after the other, he is exempt, as each time he strikes or curses one of them he receives an uncertain forewarning, as perhaps this man is not his father, and one is liable only after receiving a definite forewarning. Consequently, if one was forewarned before eating from the sciatic nerve from the right leg, and afterward he was forewarned before eating from the sciatic nerve from the left leg, he would similarly be exempt as each of the forewarnings was uncertain. Rather, it is obvious that the case in the mishna is one where he partook of the two sciatic nerves simultaneously and with a single forewarning, and therefore, he incurs only forty lashes according to Rabbi Yehuda.

¹⁵⁰ And who is the first tanna who holds that in such a case one receives eighty lashes? If we say that it is the Rabbis who disagree with Sumakhos in the mishna about the prohibition of: Itself and its offspring, that would conflict with their opinion: Now, if there, in the case of the mishna that discusses various animals that are separate entities, the Rabbis deem him exempt from a second set of lashes, here, in the mishna that discusses the sciatic nerve, where there are no separate animals,

should they not all the more so exempt him from a second set of lashes? Rather, is the mishna not in accordance with the opinion of Sumakhos? Consequently, in his opinion one who eats the same prohibited item, such as an olive-bulk of forbidden fat, twice after a single forewarning receives two sets of lashes.

¹⁵¹ The Gemara responds: No, actually the case is one where he ate from the two sciatic nerves one after the other and received separate forewarnings, and the first opinion in that mishna is that of the Rabbis who disagree with Sumakhos with regard to: Itself and its offspring. And as for the difficulty that Rabbi Yehuda does not render one liable if the forewarning is an uncertain one, this tanna holds in accordance with the opinion of another tanna with regard to the opinion of Rabbi Yehuda.

¹⁵² As that other tanna says that Rabbi Yehuda holds: An uncertain forewarning is considered a forewarning, as it is taught in a baraita: The verse states with regard to the Paschal offering: “And you shall not leave any of it until morning; but that which remains of it until morning you shall burn with fire” (Exodus 12:10).

¹⁵³ The verse comes to provide a positive mitzva to burn the leftovers, in the second part of the verse that states: “But that which remains of it until morning you shall burn with fire.” This positive mitzva is stated after the prohibition against leaving it over was stated in the first part of the verse, to say that one is not flogged for transgressing the prohibition. This is because any prohibition that can be rectified by the performance of a positive mitzva does not carry a punishment of lashes. This is the statement of Rabbi Yehuda. If not for this reason, Rabbi Yehuda evidently would hold that he receives lashes. The forewarning given in this case is uncertain, as he must be forewarned before morning, and at that time he might still consume it.

¹⁵⁴ Rabbi Ya’akov says: This is not for that reason [hashem]. Rather, it is because it is a prohibition that does not involve an action. The transgression is simply the failure to consume all the meat during the allotted time rather than the performance of an action. And one is not flogged for the violation of any prohibition that does not involve an action.

¹⁵⁵ The Gemara suggests: Come and hear a resolution with regard to the opinion of Sumakhos from a baraita discussing the sciatic nerve: If one ate two sciatic nerves from two thighs of two different animals, he incurs the penalty of eighty lashes; Rabbi Yehuda says: He incurs only forty lashes. The Gemara asks: What are the circumstances in this case? If we say that he ate them one after the other and with two separate forewarnings, what is the reasoning of the opinion of Rabbi Yehuda, who says: The violator receives forty lashes and nothing more? After all, he violates two separate prohibitions with two separate forewarnings. Rather, it is obvious that he ate them at the same time and with a single forewarning.

¹⁵⁶ Who is the first tanna, who holds that in such a case one receives eighty lashes? If we say that it is the Rabbis who disagree with Sumakhos in the mishna about: Itself and its offspring, that would contradict their opinion: Now, if there, in that mishna in a case where there are various animals that are separate entities, the Rabbis deem him exempt from a second set of lashes, here, in the baraita about two sciatic nerves, which are not separate entities, should they not all the more so deem him exempt from a second set of lashes? Rather, is it not Sumakhos who is the first tanna? Consequently, in his opinion one who eats the same prohibited item, such as an olive-bulk of forbidden fat, twice after a single forewarning receives two sets of lashes.

¹⁵⁷ The Gemara responds: Actually, he ate the two sciatic nerves one after the other with separate forewarnings, incurring two sets of lashes even according to the Rabbis who disagree with Sumakhos in the mishna about: Itself and its offspring. And as for that which you say: What is the reason of Rabbi Yehuda who holds that the transgressor incurs only a single set of lashes? This is a case where the volume of one of the sciatic nerves is not even an olive-bulk, and Rabbi Yehuda follows his line of reasoning, as it is taught in a baraita: If one ate the entire sciatic nerve, and its volume is not even an olive-bulk, he is liable to incur forty lashes; Rabbi Yehuda says: He is not liable unless it has a volume of at least an olive-bulk.

¹⁵⁸ MISHNA: On four occasions during the year one who sells an animal to another is required to inform him: I sold the mother of this animal today for the buyer to slaughter it, or: I sold the daughter of this animal today for the buyer to slaughter it. And those four occasions are: The eve of the last day of the festival of Sukkot, the eve of the first day of the festival of Passover, and the eve of Shavuot, and the eve of Rosh HaShana. And according to the statement of Rabbi Yosei HaGelili, the eve of Yom Kippur in the Galilee is included as well.

¹⁵⁹ Rabbi Yehuda said: When must he inform the buyer on those days? He must do so at a time when the seller has no interval between the sale of the mother and the offspring, as they were both sold on that day. But if the seller has an interval between the sales, he does not need to inform the buyer, as presumably each buyer purchased the animal to slaughter it on the day he purchased it. And Rabbi Yehuda concedes that in a case where one sells the mother animal to the groom and the offspring to the bride, that even if he did not sell them on the same day, he must inform the buyer, as it is obvious that they are both planning to slaughter their animal on one day, for their wedding feast.

¹⁶⁰ On those four occasions, one compels the butcher to slaughter animals even against his will; even if there is a bull worth one thousand dinars and the buyer has only one dinar worth of meat, i.e., he already paid the butcher for one dinar's worth of meat, one compels him to slaughter the animal and give him a dinar's worth of meat. Therefore, if the bull dies before slaughter, although no act of acquisition was performed, it dies at the expense of the buyer, and he loses his dinar. But during the rest of the days of the year it is not so. On other days, until the buyer performs the act of pulling to assume ownership of the portion of the bull that he is purchasing, the bull remains in the butcher's possession. Therefore, if the bull dies before the transaction is complete, it dies at the expense of the seller, who returns the buyer's money.

¹⁶¹ GEMARA: The mishna teaches that on the four occasions mentioned it is the seller's responsibility to inform the purchaser that the mother or offspring of the animal he is purchasing was sold that day. With regard to this it is taught: Consequently, the purchaser has no obligation to clarify the situation, and if the seller did not inform him, the purchaser may go and slaughter the animal he has purchased and need not refrain from doing so.

¹⁶² The mishna teaches that Rabbi Yehuda says: When must he inform the buyer on those days? It then teaches: And Rabbi Yehuda concedes that in a case where one sold the mother animal to the groom and the offspring to the bride, even if he did not sell them on the same day, he must inform the buyer. The Gemara asks: Why do I need to teach that the butcher sold specifically the mother animal to the groom and the offspring to the bride? It could have taught: He sold one to the groom and the other to the bride. The Gemara answers: It teaches us a related matter in passing, that it is proper conduct for the groom's household to exert more effort than the bride's household in the marriage

preparations. Therefore, the groom purchases the mother, the larger animal, while the bride purchases the smaller animal, the offspring.

¹⁶³ § The mishna teaches: On those four occasions, one compels the butcher to slaughter animals even against his will, and even if there is a bull worth one thousand dinars and the buyer has paid for only one dinar's worth of meat, one compels him to slaughter the animal. Therefore, if the bull dies before slaughter, it dies at the expense of the buyer. The Gemara challenges: But the buyer did not yet pull the animal to effect acquisition; consequently, although he paid the seller, the animal is not his. Rav Huna said that Rav said: The case is where he pulled it, and thereby acquired it. The Gemara asks: If so, say the latter clause: But during the rest of the days of the year it is not so. Therefore, if the bull dies, it dies at the expense of the seller, who returns the buyer's money. But according to Rav, didn't the buyer pull the animal? If so, why is its death at the expense of the seller?

¹⁶⁴ Rabbi Shmuel bar Rav Yitzhak said: Actually, the case in the mishna is one where the buyer did not pull the animal, and it is a case where the seller transfers ownership to the customer by means of another person, i.e., by instructing another to acquire a dinar's worth of the ox's meat on the customer's behalf, without having obtained the customer's consent. Therefore, on those four occasions, where it is for the customer's benefit, as he wants meat for the Festival, the principle: One can act in a person's interest in his absence, applies. By contrast, during the rest of the days of the year, where it is to the customer's disadvantage to acquire the meat before the bull is slaughtered, as he does not want to incur avoidable expenses, one cannot act to the disadvantage of another person in his absence. Therefore, if the bull dies, it is at the expense of the seller.

¹⁶⁵ Rabbi Elazar says that Rabbi Yoḥanan says that there is a different explanation: On those four occasions the Sages based their statement on the Torah law that giving money effects acquisition, and therefore, the payment of the buyer acquires the meat for him with no need for pulling.

¹⁶⁶ As Rabbi Yoḥanan says: By Torah law, giving money effects the acquisition of movable property with no need for pulling. And what is the reason that the Sages said that pulling effects acquisition? It is a rabbinic decree lest the seller, once he receives the money, be unconcerned about the welfare of the movable property that he has sold, and, for example, not protect it from fire, so that he will say to the buyer: Your wheat was burned in the upper story of my house and I have no responsibility for it. For the benefit of rejoicing on the Festival, the Sages ordained that Torah law remains in effect on those four occasions and the buyer's money effects acquisition, and one compels the butcher to slaughter animals even against his will.

¹⁶⁷ MISHNA: With regard to the phrase "one day" that is stated with regard to the prohibition against slaughtering an animal itself and its offspring, the day follows the night. Therefore, one may slaughter an animal during the day and slaughter its offspring that night, but one may not slaughter an animal at night and slaughter its offspring the following day. Rabbi Shimon ben Zoma derived this by means of a verbal analogy. It is stated in the act of Creation: "One day" (Genesis 1:5), and it is stated with regard to the slaughter of an animal itself and its offspring: "One day" (Leviticus 22:28). Just as concerning the phrase "one day" that is stated in the act of Creation, the day follows the night, so too concerning the phrase "one day" that is stated with regard to the slaughter of an animal itself and its offspring, the day follows the night.

¹⁶⁸ GEMARA: The Sages taught in a baraita: Rabbi Shimon ben Zoma taught this explanation: Because the entire section of the Torah where the prohibition: Itself and its offspring, appears speaks

only about sacrificial animals, and with regard to sacrificial animals the night follows the day, one might have thought that even with regard to this prohibition it is so. Therefore, the following derivation is required: It is stated here, with regard to the slaughter of an animal and its offspring: “One day,” and it is stated in the act of Creation: “One day.” Just as concerning the phrase “one day” that is stated in the act of Creation, the day follows the night, so too concerning the phrase “one day” that is stated with regard to the slaughter of an animal itself and its offspring, the day follows the night.

¹⁶⁹ § Rabbi Yehuda HaNasi says: The verse: “You shall not slaughter it and its offspring both in one day” (Leviticus 22:28), is referring to a special day, and it indicates that a special day requires a proclamation to prevent buyers from slaughtering an animal together with its offspring on that day. From here is derived that which is stated in the mishna: On four occasions during the year, which are special days, one who sells an animal to another must inform him: I sold its mother for slaughter, or: I sold its offspring for slaughter.

Chapter 6

¹ MISHNA: The mitzva of covering the blood after slaughter is in effect both in Eretz Yisrael and outside of Eretz Yisrael, both in the presence, i.e., the time, of the Temple and not in the presence of the Temple. And it is in effect with regard to non-sacred animals, but it is not in effect with regard to sacrificial ones. And it is in effect with regard to the slaughter of an undomesticated animal and a bird, with regard to animals and birds that are readily available in his home, and with regard to those that are not readily available and are hunted in the wild. And it is in effect with regard to a koy, because it is uncertain whether a koy is a domesticated animal and one is exempt from the covering of its blood or whether it is an undomesticated animal and one is obligated to cover it.

² And one may not slaughter a koy on a Festival, because covering its blood entails the performance of prohibited labor that is permitted only if there is a definite obligation to cover the blood. And if one slaughtered a koy on a Festival after the fact, one does not cover its blood until after the Festival.

³ GEMARA: The Gemara asks: What is the reason one is not obligated to cover the blood of sacrificial birds? If we say it is because of the statement of Rabbi Zeira, that is difficult. As Rabbi Zeira says: One who slaughters a bird or an undomesticated animal must place earth beneath the blood and earth above it, as it is stated: “And he shall pour out its blood and cover it with earth” (Leviticus 17:13). It is not stated: Cover it with earth, but rather, “in earth,” indicating that the blood must be concealed inside the earth. The verse teaches that one who slaughters a bird or undomesticated animal must place earth beneath the blood and earth above the blood.

⁴ The Gemara continues: And here, with regard to a bird offering, whose blood is presented on the altar, it is not possible for one to cover the blood with earth from beneath it. As how should one perform the covering of the blood? If one suggests that he should place earth on the altar and nullify that earth to the altar such that it will never be removed from there, this is unfeasible, since by nullifying the earth to the altar, he is adding to the structure of the altar. And it is written with regard to the construction of the Temple: “All was in writing, from the hand of the Lord, which He gave me

to understand” (I Chronicles 28:19), indicating that the dimensions of the Temple and all the vessels within were given prophetically and are therefore not subject to change.

⁵ And if one suggests that he should not nullify the earth to the altar, this too is problematic, as the earth constitutes an interposition between the blood of the bird and the altar.

⁶ The Gemara explains why this statement of Rabbi Zeira does not sufficiently explain why one is not required to cover the blood of sacrificial birds. Granted that it is impossible to place earth beneath the blood of the bird, but it is possible to place earth above the blood of the bird. If so, let him perform a covering of the blood from above.

⁷ The Gemara explains this suggestion: Isn’t it taught in a baraita that Rabbi Yonatan ben Yosef says: If one slaughtered an undomesticated animal, whose blood requires covering, and thereafter slaughtered a domesticated animal, whose blood does not require covering, in the same location as the undomesticated animal, he is exempt from the obligation to cover the blood of the undomesticated animal, as it is covered with the blood of the domesticated animal. But if one slaughtered a domesticated animal and thereafter slaughtered an undomesticated animal he is obligated to cover the latter’s blood despite the fact that there is no earth, but rather blood of the domesticated animal, beneath it. It is evident from this baraita that the mitzva of covering the blood applies even when earth cannot be placed beneath the blood.

⁸ The Gemara responds: The exclusion of sacrificial birds from the mitzva of covering the blood, even from above, is in accordance with another statement of Rabbi Zeira, as Rabbi Zeira says with regard to meal offerings: For any measure of flour that is suitable for mixing with oil in a meal offering, the lack of mixing does not invalidate the meal offering. Even though there is a mitzva to mix the oil with the flour ab initio, the meal offering is fit for sacrifice even if the oil and the flour are not mixed together. And for any measure of flour that is not suitable for mixing with oil in a meal offering, the lack of mixing invalidates the meal offering. Similarly, if one slaughtered a domesticated animal and thereafter an undomesticated animal, since it was possible to cover the blood of the former before slaughtering the latter, which would allow the proper fulfillment of the mitzva of covering the blood, one is still obligated to cover the blood from above. By contrast, it is always impossible to properly perform the mitzva in the case of sacrificial birds.

⁹ The Gemara asks: Still, why is the mitzva of covering the blood not applicable to sacrificial birds? Let one scrape the blood off the altar and cover it elsewhere. Didn’t we learn in a mishna (87b): With regard to blood that spurts outside the pit in which the animal was slaughtered, and blood that remained on the slaughtering knife, one is obligated to cover it? Evidently, the halakha is that one may scrape off the blood and cover it in a location other than where it spilled out. Here too, let us scrape the blood of a sacrificial bird off the altar and cover it elsewhere.

¹⁰ The Gemara answers: If the ruling of the mishna was dealing with items consecrated for the altar, indeed, the blood must be scraped off and covered elsewhere. But here we are dealing with items consecrated for Temple maintenance, i.e., birds donated to the Temple in order to be sold, the profits of which would be used for repairs. Such birds may not be slaughtered, and if one transgressed and slaughtered them it is prohibited to derive any benefit from them. The tanna of the mishna holds that the mitzva of covering the blood does not apply to a slaughtered animal that is forbidden for consumption.

¹¹ The Gemara challenges: But even if the mishna is dealing with birds consecrated for Temple maintenance, let one redeem them after they were slaughtered and then cover their blood. The Gemara responds: This is not feasible, because in order to redeem a consecrated animal we require setting and valuating, i.e., the animal must be stood before a priest in order to evaluate it and only then is it redeemed (see Leviticus 27:11–12). A slaughtered bird cannot be stood before the priest; consequently, it cannot be redeemed.

¹² The Gemara asks: But if the mishna is dealing with birds consecrated for Temple maintenance, in accordance with whose opinion is the mishna? If one suggests the mishna is in accordance with the opinion of Rabbi Meir, who says: Everything, i.e., animals consecrated both for the altar and for Temple maintenance, was included in the requirement of setting and valuating, and therefore the slaughtered birds may not be redeemed, this cannot be so. Doesn't he also say that slaughter that is not fit to render the meat permitted is nevertheless considered a halakhic act of slaughter that requires the covering of the blood? If so, one should be obligated to cover the blood of the bird even if it is not redeemed.

¹³ The Gemara continues: And if one suggests the mishna is in accordance with the opinion of Rabbi Shimon, who says: Slaughter that is not fit to render the meat permitted is not considered a halakhic act of slaughter and therefore the bird would require redemption in order to cover its blood, this cannot be so. Doesn't he also say that animals consecrated for Temple maintenance were not included in the requirement of setting and valuating? If so, let one redeem the slaughtered birds and cover their blood.

¹⁴ Rav Yosef said in reconciliation of this dilemma: The mishna's ruling is in accordance with the opinion of Rabbi Yehuda HaNasi, and he formulates the mishna in accordance with the opinions of different tanna'im: With regard to the status of an act of slaughter that is not fit to render the meat permitted he holds in accordance with the opinion of Rabbi Shimon, while with regard to the requirement of setting and valuating he holds in accordance with the opinion of Rabbi Meir. Therefore, since one cannot redeem a bird that was consecrated for Temple maintenance once it has been slaughtered, there is no obligation to cover its blood, as the slaughter was not fit to render the meat permitted.

¹⁵ And if you wish, say instead that the entire mishna is in accordance with the opinion of Rabbi Shimon, who holds that birds consecrated for Temple maintenance may be redeemed even after their slaughter. And although it would seem that their slaughter is fit to render the meat permitted and that one should therefore be obligated in the mitzva of covering the blood, it is different here, as the verse states: "And he shall pour out its blood and cover it" (Leviticus 17:13). By juxtaposing "pour out" to "cover," the verse indicates that the obligation to cover the blood applies only to blood that is lacking only pouring and covering, without any intervening step. Excluded is this blood of birds consecrated for Temple maintenance, which is lacking pouring, redeeming, and covering.

¹⁶ The Gemara notes: And now that you have arrived at this explanation, you may even say that the mishna is referring to birds consecrated for the altar. As for the question asked earlier: Why not let one scrape the blood from the altar and then cover it? The verse states: "And he shall pour out its blood and cover it," indicating that the obligation to cover the blood applies only to blood that is lacking only pouring and covering, without any intervening step. Excluded is this blood of bird offerings, which is lacking pouring, scraping, and covering.

¹⁷ The Gemara cites another source for the exclusion of consecrated animals from the requirement of covering their blood: Mar bar Rav Ashi said that the verse states with regard to the mitzva of covering the blood: “An undomesticated animal or bird” (Leviticus 17:13). The juxtaposition of these two species intimates an analogy between them: Just as the undomesticated animal referred to in the verse is not consecrated, as undomesticated animals are never fit for sacrifice, so too, the bird referred to in the verse is not consecrated.

¹⁸ The Gemara asks: If it is so that the halakhot of slaughtering a bird are derived from those of an undomesticated animal, then say: Just as the verse is referring to an undomesticated animal, whose species cannot be consecrated as an offering, so too, the verse is referring only to a bird whose species cannot be consecrated as an offering. Therefore, I will exclude even non-sacred doves and pigeons, whose species can be consecrated.

¹⁹ The Gemara rejects this possibility: No, the juxtaposition indicates that the halakha with regard to the slaughter of birds is entirely like that of an undomesticated animal. Therefore, just as in the case of an undomesticated animal, you did not differentiate between its various species and all non-sacred animals are included in the mitzva, so too, with regard to the bird mentioned in the verse, you should not differentiate between its various species.

²⁰ § Concerning the halakha that covering the blood does not apply to a domesticated animal, the Gemara says that Ya’akov the heretic said to Rava: We maintain that an undomesticated animal, e.g., a deer, is included in the category of a domesticated animal with regard to the characteristics necessary to determine whether the animal is kosher, i.e., it chews its cud and has split hooves (see Deuteronomy 14:4–6). If so, I will also say that a domesticated animal is included in the category of an undomesticated animal with regard to the mitzva of covering the blood.

²¹ Rava said to him: With regard to your claim, the verse states in reference to the blood of a domesticated animal: “You may slaughter of your cattle and of your sheep...but be strong not to eat the blood...you shall pour it out on the ground, like water” (Deuteronomy 12:21–24). Accordingly, just as water does not require covering, so too, this blood of a domesticated animal does not require covering.

²² The Gemara asks: If that is so, that the verse equates the blood of a domesticated animal with water, then let one immerse ritually impure items in it to purify them, just as he can immerse them in water. The Gemara responds: The verse states: “But a spring or a cistern, or a gathering of water shall be pure” (Leviticus 11:36). The exclusionary term: “But,” indicates that only concerning these bodies of water, yes, they render pure an impure item, while something else, e.g., blood, does not.

²³ The Gemara challenges: But perhaps one can say that this matter, i.e., the exclusionary term in the verse, serves only to exclude other liquids that are not called water. But with regard to blood, which is called water, as the verse states: “You shall pour it out on the ground, like water,” one may indeed immerse ritually impure items in it.

²⁴ The Gemara responds: Two exclusions are written in the verse discussing ritually purifying waters: A spring of water, and: A cistern of water. The term “water” is understood as being attached to each of the bodies mentioned in the verse. The additional exclusion serves to exclude blood.

²⁵ The Gemara challenges: Say that both this phrase, a spring of water, and that phrase, a cistern of water, serve to exclude other liquids, and not blood, whereby one phrase is to exclude flowing liquids

that are not water from having the status of a spring, which renders an item ritually pure even when it is flowing; and one phrase serves to exclude gathered liquids that are not water from having the status of a ritual bath, which renders an item pure only when the water in the ritual bath is gathered.

²⁶ The Gemara responds: Three exclusions are written in the verse: A spring of water, to exclude flowing liquids; and: A cistern of water, to exclude gathered liquids; and: A gathering of water, to exclude blood.

²⁷ § The Sages taught in a baraita: The verse states with regard to covering the blood: “And any man of the children of Israel, or of the strangers that sojourn among them, who traps a trapping of an undomesticated animal or bird that may be eaten, he shall pour out its blood and cover it with earth” (Leviticus 17:13). I have derived only that one is obligated to cover the blood of an undomesticated animal or bird that one traps. From where is it derived that undomesticated animals or birds that are already considered trapped on their own, such as geese and chickens that do not roam freely, are also included in the mitzva of covering the blood?

²⁸ The verse states “a trapping” to indicate that in any case, one is obligated to cover the blood of an undomesticated animal. If so, what is the meaning when the verse states: “Who traps,” if it is not to be understood literally? The baraita explains: The Torah taught that it is a desired mode of behavior that a person should consume meat only with this mode of preparation. That is, just as the meat that one traps is not readily available, so too, one should not become accustomed to consuming meat.

²⁹ In a similar vein, the Sages taught in a baraita that the verse states: “When the Lord, your God, expands your boundary...according to every craving of your soul you may eat meat” (Deuteronomy 12:20). The Torah taught that it is a desired mode of behavior that a person should consume meat due only to appetite. That is, one should consume meat only when he feels a need to eat it.

³⁰ The baraita continues: One might have thought that a person may purchase meat from the marketplace and consume it. Therefore, the next verse states: “And you may slaughter of your cattle and of your flock,” indicating that one should consume the meat of animals of his own flock, not those purchased in the marketplace. One might have thought that a person may slaughter all of his cattle, i.e., his only cow, and consume the meat, or slaughter all of his flock, i.e., his only sheep, and consume the meat. Therefore, the verse states: “Of your cattle,” indicating some, but not all of, your cattle; “of your flock,” but not all of your flock.

³¹ From here, Rabbi Elazar ben Azaria said: One who has one hundred dinars should purchase a litra of vegetables for his stewpot [lefaso]; one who has one thousand dinars should purchase a litra of fish for his stewpot; one who has five thousand dinars should purchase a litra of meat for his stewpot; and if one has ten thousand dinars, his servants should place a pot of meat on the stove for him every day. The Gemara asks: And with regard to these other individuals mentioned by Rabbi Elazar ben Azaria, when, i.e., how often, should they consume meat? The Gemara responds: Every Shabbat eve.

³² Rav says: We must be concerned for the statement of the elder, i.e., Rabbi Elazar ben Azaria, and be thrifty with our expenditure on food items. Rabbi Yoḥanan says: Abba, i.e., Rav, was from a family of particularly healthy individuals, and was able to subsist on the modest diet suggested by Rabbi Elazar ben Azaria. But with regard to people such as us, who are not as healthy, one who has even one peruta in his pocket should hasten with it to the storekeeper and purchase food. Two generations later, Rav Naḥman said: With regard to people such as us, who are physically weaker

than those in previous generations, not only do we not delay the purchase of food items, we even borrow money to purchase food and eat.

³³ The Gemara continues its discussion with regard to one's livelihood: The verse states: "The lambs will be for your clothing, and goats the worth of a field. And there will be goats' milk enough for your food, for the food of your household; and sustenance for your maidens" (Proverbs 27:26–27). "The lambs will be for your clothing" indicates that your clothing should be produced from the shearings of lambs, i.e., purchase lambs from whose wool you can produce clothing. "And goats the worth of a field" indicates that a person should always seek to sell a field and purchase goats in order to benefit from their milk, wool, and offspring, and a person should not sell goats and purchase a field instead. "And there will be goats' milk enough" indicates that it is sufficient for a person that he be sustained from the milk of kids and lambs that are in his house.

³⁴ "For your food, for the food of your household" indicates that your food comes before the food of your household, i.e., one must first ensure that he has food for himself before providing for others. With regard to the phrase: "And sustenance for your maidens," Mar Zutra, son of Rav Nahman, said: The verse indicates that you must give sustenance to your youth, i.e., to your children. From here, the Torah taught that it is a desired mode of behavior that a person should not accustom his son to eat meat and drink wine; rather, he should teach his children to eat less expensive foods.

³⁵ Rabbi Yoḥanan says:

³⁶ One who wishes to become wealthy should engage in raising small domesticated animals. Rav Ḥisda said: What is the meaning of that which is written: "And the flocks [ve'ashterot] of your sheep" (Deuteronomy 7:13)? It means that sheep enrich [me'ashrot] their owners.

³⁷ The Gemara cites additional statements by Rabbi Yoḥanan providing practical advice. Rabbi Yoḥanan says: It is preferable to drink from a cup of wicks and not to drink from a cup of lukewarm water, which is extremely unhealthy. Rabbi Yoḥanan qualifies his statement: We said this only with regard to lukewarm water in metal vessels, but in earthenware vessels we have no problem with it. And even in metal vessels, we said that lukewarm water is unhealthy only in a case where one did not cast flavorings into the water, but if he cast flavorings into the water we have no problem with it. And even if one cast flavorings into the water, we said this only in a case where the water had not been boiled [tzeyatz], but if the water had been boiled we have no problem with it.

³⁸ And Rabbi Yoḥanan says: In the case of one whose father bequeathed him a great deal of money and he seeks to lose it, he should wear linen garments, and should use glass vessels, and should hire laborers and not sit with them to supervise. The Gemara elaborates: He should wear linen garments; this is stated with regard to Roman linen, which becomes tattered quickly. He should use glass vessels; this is stated with regard to expensive white glass. And he should hire laborers and not sit with them; this applies to laborers who work with oxen, whose potential for causing damage is great if they are not supervised, as they will trample the crops.

³⁹ Rav Avira interpreted the following verse homiletically, but sometimes he said the interpretation in the name of Rabbi Ami and sometimes he said it in the name of Rabbi Asi: What is the meaning of that which is written: "Good is the man who is gracious and lends, who orders his affairs with justice" (Psalms 112:5)? It means to teach that a person should always eat and drink less than what is within his means, and he should dress and cover himself in accordance with his means, and he should

honor his wife and children more than what is within his means; as they are dependent on him and he is dependent on the One Who spoke and the world was created.

⁴⁰ § The mishna teaches that one may not slaughter a koy on a Festival since he may not cover its blood, as it is unclear whether there is an obligation by Torah law to do so. But if one transgressed and slaughtered a koy, one does not cover its blood. With regard to this, Rav Eina taught at the entrance to the house of the Exilarch: One who slaughters an undomesticated animal or a bird for a critically ill person on Shabbat, for whom it is permitted to slaughter, is obligated to cover its blood. Rabba said to those present: Rav Eina is saying an astonishing statement; remove his interpreter from before him. As it is taught in a baraita that Rabbi Yosei says: One may not slaughter a koy on a Festival, but if he slaughtered it, one does not cover its blood until after the Festival.

⁴¹ Rabbi Yosei elaborates: This can be derived from an a fortiori inference: And if with regard to the mitzva of circumcision, concerning which a definite obligation overrides Shabbat, nevertheless its uncertain obligation does not override a Festival; then with regard to the mitzva of covering the blood, concerning which even a definite obligation does not override Shabbat, is it not logical that its uncertain obligation, e.g., covering the blood of a koy, would not override a Festival? Although circumcision involves an act of prohibited labor, one performs it on Shabbat for a male infant whose eighth day from birth occurs on Shabbat. But in a case where it is uncertain when the eighth day from birth occurs, it is forbidden to circumcise the child on a Festival. By contrast, covering the blood is never performed on Shabbat.

⁴² The Sages said to him in rebuttal: The sounding of the shofar in the provinces, i.e., outside the Temple, will prove that this a fortiori inference is incorrect. This is because its definite obligation does not override Shabbat and it is prohibited to sound the shofar on Rosh HaShana that falls on Shabbat; and yet its uncertain obligation overrides the Festival.

⁴³ Rabbi Elazar HaKappar the Distinguished responded with another refutation of the a fortiori inference: It cannot be inferred from circumcision that an uncertain obligation of the mitzva of covering the blood does not override a Festival. What is notable about circumcision? It is notable in that it is not in effect on Festival nights, but is performed only during the daytime. Will you then say with regard to the mitzva of covering the blood, which is in effect on Festival nights, that it does not override a Festival? Perhaps, since the mitzva of covering the blood is in effect during both day and night, its uncertain obligation overrides a Festival as well.

⁴⁴ In reference to Rabbi Elazar HaKappar's refutation, Rabbi Abba says: This a fortiori inference drawn by Rabbi Yosei is one of the matters with regard to which Rabbi Ḥiyya says: I do not have any refutation for them, and Rabbi Elazar HaKappar the Distinguished successfully responded with a refutation.

⁴⁵ Rabba concludes his refutation of the statement of Rav Eina: In any event, the baraita teaches that definite obligations with regard to the mitzva of covering the blood do not override Shabbat. Now, what is a case of a definite obligation of covering the blood that does not override Shabbat? Is it not a case where one slaughters an undomesticated animal or a bird for a critically ill person on Shabbat? The baraita nevertheless teaches that one does not cover the blood, in contradiction to the ruling of Rav Eina.

⁴⁶ The Gemara asks: But perhaps the baraita is referring to an instance where one transgressed Shabbat and slaughtered an animal for a healthy person. But in a case where one slaughtered an

animal for an ill person, since it was permitted for him to slaughter the animal, perhaps he must cover the blood as well.

⁴⁷ The Gemara responds: The baraita cannot be referring to such a case, since Rabbi Yosei compares it with circumcision. Therefore, it must be similar to the case of circumcision, in that just as the circumcision was performed with permission, as it is a mitzva to perform circumcision even if the eighth day falls on Shabbat, so too, the covering of the blood must be referring to a case where the slaughter was done with permission, i.e., for an ill person. Accordingly, the baraita poses a difficulty to the statement of Rav Eina.

⁴⁸ § The baraita states that the Sages said to Rabbi Yosei in refutation of his a fortiori inference: The sounding of the shofar in the provinces will prove that the inference is incorrect, since its definite obligation does not override Shabbat and its uncertain obligation overrides a Festival.

⁴⁹ The Gemara asks: What is its uncertain obligation that overrides a Festival? If we say that it is referring to uncertainty with regard to whether one of the two days of Rosh HaShana is a weekday or a Festival, this is unfeasible: Now that the sounding of the shofar overrides the definite Festival of Rosh HaShana, is it necessary to teach that it overrides a day with regard to which it is uncertain whether it is a Festival or a weekday? That is, if the uncertainty is with regard to the Festival itself, then this case should have no bearing on the halakha concerning the obligation to cover the blood of a koy on a Festival, since the latter occurs on a definite Festival.

⁵⁰ Rather, it must be that the uncertainty in the case of the sounding of the shofar concerns whether a particular individual is a man or a woman, e.g., a tumtum, whose sexual organs are indeterminate. Although a woman is not obligated in the mitzva of sounding the shofar, a tumtum is in fact obligated, despite the uncertainty of sex. It is therefore possible to derive from the sounding of the shofar that if one slaughters a koy, an animal whose status as a domesticated or undomesticated animal is uncertain, on a Festival, one covers its blood.

⁵¹ The Gemara notes: And Rabbi Yosei, who does not accept this refutation, conforms to his standard line of reasoning, as he says: One who is definitely a woman may also sound the shofar on Rosh HaShana. As it is taught in a baraita concerning the verse that discusses a burnt offering: “Speak to the sons of Israel...and he shall place his hands upon the head of the burnt offering” (Leviticus 1:2–4). The verse indicates that the sons of Israel place their hands upon the head of an offering, but the daughters of Israel do not place their hands.

⁵² Rabbi Yosei and Rabbi Shimon say: It is optional for women to place their hands on the head of an offering before it is slaughtered. Even though women are not obligated to place their hands, doing so is not considered to be performing labor with a sacrificial item, an act normally prohibited, despite the fact that one performs the placing of the hands by leaning with all of his weight on the animal. Similarly, Rabbi Yosei holds that although women are not obligated in the sounding of the shofar, it is optional for them to sound it, and it is not considered a desecration of the Festival.

⁵³ Ravina said: And even according to what the Sages said, that a woman may not sound the shofar on Rosh HaShana but a tumtum is nevertheless obligated due to uncertainty, there is a refutation to their claim as well. One cannot derive from this that the obligation to cover the blood of a koy overrides a Festival. What is notable about the sounding of the shofar? It is notable in that its definite obligation overrides Shabbat in the Temple, as it was sounded in the Temple even when Rosh HaShana occurred on Shabbat, and it is therefore understandable that its uncertain obligation

overrides a Festival as well. Can you say the same with regard to the mitzva of covering the blood, which does not override Shabbat in any instance?

⁵⁴ The Gemara continues its analysis of the baraita: Rabbi Elazar HaKappar the Distinguished responded with another refutation to Rabbi Yosei's a fortiori inference: One cannot infer from the mitzva of circumcision that an uncertain obligation to cover the blood of a koy does not override a Festival. What is notable about circumcision? It is notable in that it is not in effect on Festival nights. Can you say the same with regard to the mitzva of covering the blood, which is in effect on Festival nights? The Gemara asks: Does Rabbi Elazar HaKappar mean to say that the mitzva of circumcision is not in effect only on Festival nights, but it is in effect on other, non-Festival nights? Isn't circumcision always performed during the day?

⁵⁵ The Gemara responds: Rather, Rabbi Elazar HaKappar meant the following: What is notable about circumcision? It is notable in that it is not in effect at night as it is by day. Can you say a similar halakha with regard to the mitzva of covering the blood, which is in effect at night as it is by day? Rabbi Abba said: This a fortiori inference drawn by Rabbi Yosei is one of the matters with regard to which Rabbi Hiyya says that there is no refutation for them, and Rabbi Elazar HaKappar the Distinguished successfully responded with a refutation.

⁵⁶ MISHNA: In the case of one who slaughters an undomesticated animal or a bird and it is discovered to be an animal with a wound that would have caused it to die within twelve months [tereifa]; and in the case of one who slaughters an undomesticated animal or a bird for the sake of idol worship; and in the case of one who slaughters a non-sacred animal or bird inside the Temple courtyard or a sacrificial bird outside the Temple courtyard; or in the case of one who slaughters an undomesticated animal or a bird that was sentenced to be stoned, e.g., for killing a person; in all these cases, even though it is prohibited to eat any of these animals or birds, Rabbi Meir deems one obligated to cover their blood, and the Rabbis deem one exempt from doing so because, in their opinion, slaughter that is not fit to render the meat permitted for consumption is not considered an act of slaughter.

⁵⁷ One who slaughters an animal or bird and it became a carcass by his hand, i.e., the slaughter was performed incorrectly, and one who stabs the animal or bird, and one who tears loose the windpipe and the gullet, are exempt from covering the blood, as no act of slaughter took place, and one is obligated to cover blood only after a valid slaughter.

⁵⁸ GEMARA: With regard to the dispute in the mishna about whether an act of slaughter that is not fit to render the meat permitted renders one obligated to cover the blood, Rabbi Hiyya bar Abba says that Rabbi Yoḥanan says: Rabbi Yehuda HaNasi, the redactor of the Mishna, saw as correct the statement of Rabbi Meir, that ineffective slaughter is considered an act of slaughter, with regard to the prohibition against slaughtering a mother and its offspring on the same day, and taught that halakha in the mishna (81b) using the term: The Rabbis, so that it would be accepted. And he saw as correct the statement of Rabbi Shimon, that ineffective slaughter is not considered an act of slaughter with regard to the mitzva of covering the blood, and taught that halakha in the mishna here using the term: The Rabbis.

⁵⁹ The Gemara asks: What is the reason that Rabbi Meir holds that ineffective slaughter is considered an act of slaughter in the case of a mother and its offspring? Rabbi Yehoshua ben Levi said: He derives his opinion by means of a verbal analogy of the terms slaughter and slaughter, from

the case of sacrificial animals slaughtered outside the Temple. The verse states with regard to a mother and its offspring: “It and its offspring you shall not slaughter [lo tishḥatu] in one day” (Leviticus 22:28), and the verse states with regard to sacrificial animals: “Or that is slaughtered [yishḥat] outside the camp” (Leviticus 17:3).

⁶⁰ Accordingly, just as there, with regard to one who slaughters an offering outside the Temple it is a case of slaughter that is not fit to render the meat permitted, as one is prohibited from deriving any benefit from such meat, and it is nevertheless considered an act of slaughter to render one liable for slaughtering it outside the Temple, so too here, in the case of a mother and its offspring, an act of slaughter that is not fit to render the meat permitted is considered an act of slaughter, and one is liable.

⁶¹ The Gemara asks: And as for Rabbi Shimon, what is the reason he holds that an ineffective slaughter is not considered an act of slaughter? Rabbi Mani bar Pattish said: Rabbi Shimon derives his opinion from the verse: “Slaughter [tevo’ah] and prepare; for the men shall dine with me at noon” (Genesis 43:16). Just as there, the verse is referring to an act of slaughter that is fit to render the meat permitted, so too here, in the case of a mother and its offspring, only an act of slaughter that is fit to render the meat permitted is considered an act of slaughter.

⁶² The Gemara suggests: And as for Rabbi Meir as well, let him derive from “tevo’ah” that only an effective slaughter is considered an act of slaughter. The Gemara responds: According to Rabbi Meir, one derives the halakha with regard to a term of sheḥita from another instance of a term of sheḥita, and one does not derive the halakha with regard to the term of sheḥita from the term of teviḥa.

⁶³ The Gemara asks: Being that both terms refer to slaughter, what is the difference which one is used; didn’t the school of Rabbi Yishmael teach a verbal analogy with regard to leprosy of houses: The verse states: “And the priest shall return [veshav] on the seventh day” (Leviticus 14:39), and another verse with regard to the priest’s visit seven days later states: “And the priest shall come [uva] and look” (Leviticus 14:44). This returning and this coming have the same meaning and one can therefore derive by verbal analogy that the halakha that applies if the leprosy had spread at the conclusion of the first week applies if it had spread again by the end of the following week.

⁶⁴ The Gemara responds: This statement of the school of Rabbi Yishmael applies only where there are no other terms that are identical to it from which one could derive a verbal analogy. But if there is another term that is identical to it, we derive the verbal analogy from the term that is identical to it. Accordingly, Rabbi Meir derives a verbal analogy from the instance of sheḥita that appears with regard to sacrificial animals that are slaughtered outside the Temple.

⁶⁵ The Gemara suggests: And as for Rabbi Shimon as well, let him derive from the case of sacrificial animals that were slaughtered outside the Temple that ineffective slaughter is considered an act of slaughter. The Gemara responds: Rabbi Shimon holds that one derives the halakha with regard to the slaughter of non-sacred animals from another instance of the slaughter of non-sacred animals, and one does not derive the halakha with regard to the slaughter of non-sacred animals from an instance of the slaughter of sacrificial animals. The prohibition against slaughtering a mother and its offspring on the same day is stated primarily with regard to non-sacred animals (see 78a).

⁶⁶ The Gemara continues: And Rabbi Meir would respond: Is this to say that the prohibition against slaughtering a mother and its offspring on the same day does not apply to sacrificial animals? Rather, since the prohibition also applies to sacrificial animals, one can derive its halakha from the case of

sacrificial animals that were slaughtered outside the Temple. The Gemara comments: This is what Rabbi Ḥiyya was referring to when he said that Rabbi Yehuda HaNasi saw as correct the statement of Rabbi Meir with regard to the halakha of a mother and its offspring, and taught it in the mishna using the term: The Rabbis.

⁶⁷ § The Gemara resumes its discussion of the dispute in the mishna: What is the reason that Rabbi Meir holds one is obligated in the mitzva of covering the blood in a case of ineffective slaughter? Rabbi Shimon ben Lakish said: Rabbi Meir derives this from a verbal analogy between the terms pouring and pouring, from the case of a sacrificial animal that was slaughtered outside the Temple courtyard. One verse states with regard to covering the blood: “And he shall pour out its blood” (Leviticus 17:13), and one verse states with regard to sacrificial animals slaughtered outside the Temple courtyard: “He has poured blood” (Leviticus 17:4). Accordingly, just as there, with regard to offerings slaughtered outside the Temple courtyard, it is a case of slaughter that is not fit to render the meat permitted but is nevertheless considered an act of slaughter, so too here, with regard to covering the blood, an act of slaughter that is not fit to render the meat permitted is considered an act of slaughter.

⁶⁸ The Gemara continues: And Rabbi Shimon would respond: It is written with regard to covering the blood: “An undomesticated animal or bird that may be eaten” (Leviticus 17:13), indicating that the verse is referring specifically to slaughter fit to render the meat permitted for consumption. And Rabbi Meir holds: That phrase comes to exclude a ritually impure bird from the mitzva of covering the blood. And Rabbi Shimon would respond: What is the reason an impure bird is not included in the mitzva of covering the blood? It is because it is not fit for consumption. If so, a tereifa should also not be included in the mitzva of covering the blood, since it is also not fit for consumption.

⁶⁹ The Gemara comments: And this is what Rabbi Ḥiyya is saying when he said that Rabbi Yehuda HaNasi saw as correct the statement of Rabbi Shimon with regard to the halakha of covering the blood, and taught it in the mishna using the term: The Rabbis.

⁷⁰ § Rabbi Abba says:

⁷¹ Not with regard to all halakhot did Rabbi Meir say an act of slaughter that is not fit, e.g., where one slaughters a tereifa, is considered an act of slaughter, as Rabbi Meir does concede that such an act of slaughter does not render the meat of the animal permitted for consumption. And not with regard to all halakhot did Rabbi Shimon say an act of slaughter that is not fit is not considered an act of slaughter, as Rabbi Shimon does concede that such an act of slaughter renders the animal pure from having the impure status of an unslaughtered animal carcass.

⁷² The Gemara analyzes this statement: The Master said that not with regard to all halakhot did Rabbi Meir say an act of slaughter that is not fit is considered an act of slaughter, as Rabbi Meir concedes that such an act of slaughter does not render the meat of the animal permitted for consumption. The Gemara asks: Isn’t this obvious? Can a tereifa become permitted for consumption through slaughter?

⁷³ The Gemara answers: No, this statement of Rabbi Abba is necessary in a case where one slaughtered a tereifa and found a living nine-month-old fetus inside it. It might enter your mind to say: Since Rabbi Meir said an act of slaughter that is not fit to render the meat permitted is considered an act of slaughter, the slaughter of its mother should be effective to render the meat of the fetus permitted for consumption, as it normally does when the mother is not a tereifa; and the

fetus, after it is born, should not require its own slaughter. Rabbi Abba therefore teaches us that according to Rabbi Meir, slaughter that does not render the meat of the mother permitted for consumption does not render the fetus permitted either.

⁷⁴ The Gemara asks: And how can you understand that without Rabbi Abba's statement, one would have thought that according to Rabbi Meir, the fetus does not require its own slaughter? But doesn't Rabbi Meir say that a fetus removed from its mother's womb after the mother was properly slaughtered [ben pekua], requires slaughter, as the slaughter of the mother does not permit the fetus?

⁷⁵ The Gemara responds: The statement of Rabbi Abba is not necessary for the opinion of Rabbi Meir, but it is for the opinion of Rabbi Yehuda HaNasi. This is because Rabbi Yehuda HaNasi holds in accordance with the opinion of Rabbi Meir in one instance, and holds in accordance with the opinion of the Rabbis in another. In a case where one slaughtered a mother and its offspring on the same day he holds in accordance with the opinion of Rabbi Meir, who says an act of slaughter that is not fit to render the meat permitted is considered an act of slaughter. And with regard to a ben pekua, Rabbi Yehuda HaNasi holds in accordance with the opinion of the Rabbis, who say the proper slaughter of the mother renders the fetus kosher, i.e., the fetus does not require its own ritual slaughter.

⁷⁶ Therefore, since the Rabbis say the proper slaughter of the mother renders the fetus kosher, one might conclude that with regard to a tereifa as well, Rabbi Yehuda HaNasi holds the slaughter of the mother should be effective to render the meat of the fetus permitted for consumption, and it should not require its own slaughter. In light of this, Rabbi Abba teaches us that although Rabbi Yehuda HaNasi agrees with Rabbi Meir that an ineffective slaughter is considered an act of slaughter, Rabbi Yehuda HaNasi holds that in the case of a tereifa the slaughter of the mother is not effective for the fetus.

⁷⁷ The Gemara addresses the second statement of Rabbi Abba: And not with regard to all halakhot did Rabbi Shimon say an act of slaughter that is not fit is not considered an act of slaughter, as Rabbi Shimon concedes that such an act of slaughter renders the animal pure from having the impure status of an unslaughtered animal carcass. The Gemara asks: Isn't this obvious? As Rav Yehuda says that Rav says, and some say it was taught in a baraita: The verse states with regard to an animal carcass: "And if there dies of the animals...he that touches its carcass shall be unclean" (Leviticus 11:39). The word "of" indicates that some animals transmit impurity as a carcass and some animals do not transmit impurity. And which animal does not? That is a tereifa that one slaughtered.

⁷⁸ The Gemara responds: No, Rabbi Abba's statement is necessary in the case of one who slaughters a tereifa, and it is a non-sacred animal in the Temple courtyard. As it is taught in a baraita: In the case of one who slaughters a known tereifa, and likewise one who slaughters an animal and it was found to be a tereifa, and this and that were non-sacred animals slaughtered in the Temple courtyard, Rabbi Shimon permits one to derive benefit from them, as one is not considered to have transgressed the prohibition against slaughtering a non-sacred animal in the Temple courtyard. And the Rabbis prohibit one to derive benefit from them.

⁷⁹ Accordingly, it might enter your mind to say: Since Rabbi Shimon says it is permitted to derive benefit from such an animal, evidently slaughtering a tereifa is not considered slaughter at all. Therefore, say that slaughter does not have the ability to purify the tereifa from having the status of a

ritually impure animal carcass either. Rabbi Abba therefore teaches us that even according to Rabbi Shimon, the slaughter is effective to remove it from the status of a carcass.

⁸⁰ Rav Pappa said to Abaye: And does Rabbi Shimon hold that the prohibition against deriving benefit from non-sacred animals slaughtered in the Temple courtyard is by Torah law? Abaye said to Rav Pappa: Yes he does. And we learned in a mishna (Temura 33b) that Rabbi Shimon says: Non-sacred animals that were slaughtered in the Temple courtyard shall be burned in the fire. And likewise, an undomesticated animal that was slaughtered in the Temple courtyard shall be burned in the fire. Abaye continues: Granted, if you say the meat of a non-sacred domesticated animal slaughtered in the Temple courtyard is forbidden by Torah law, this is the reason why we decree that the meat of an undomesticated animal is prohibited as well, due to the Torah prohibition against deriving benefit from the meat of a domesticated animal.

⁸¹ But if you say the meat of domesticated animals is forbidden by rabbinic law then the mishna is difficult: What is the reason the meat of a non-sacred domesticated animal is forbidden? It is forbidden lest one see someone consuming this meat outside the Temple courtyard and arrive at the erroneous conclusion that it is permitted to partake of sacrificial meat outside the Temple courtyard. If so, the prohibition against deriving benefit from the meat of a non-sacred domesticated animal is itself a rabbinic decree, and will we then proceed to issue a decree prohibiting one to derive benefit from a non-sacred undomesticated animal in order to prevent the violation of a decree?

⁸² § The mishna teaches that one who stabs an undomesticated animal or bird, or who tears loose its windpipe and gullet, is exempt from covering the blood. With regard to this the Gemara relates: Moths infested the flax of Rabbi Ḥiyya. He came before Rabbi Yehuda HaNasi to ask how to get rid of the moths. Rabbi Yehuda HaNasi said to him: Take a bird and slaughter it over the tub of water in which the flax was soaked, as the moths will smell the blood and leave the flax.

⁸³ The Gemara asks: How could Rabbi Ḥiyya do this? But isn't it taught in a baraita: One who slaughters a bird or an undomesticated animal, and does so only because he needs the blood, is nevertheless obligated to cover the blood and may not use it for any other purpose? Rather, how should one who needs the blood act? He either stabs it or tears loose its windpipe and its gullet, so that it is not killed with an act of slaughter. How, then, could Rabbi Ḥiyya use the blood of the bird that he slaughtered to rid his flax of the moths?

⁸⁴ The Gemara responds: When Rav Dimi came from Eretz Yisrael, he said that Rabbi Yehuda HaNasi said to Rabbi Ḥiyya: Go out and render the bird a tereifa, and then slaughter it, as the mishna teaches that one who slaughters a tereifa is not required to cover its blood. When Ravin came from Eretz Yisrael, he said that Rabbi Yehuda HaNasi said to Rabbi Ḥiyya: Go out and tear loose the bird's windpipe and gullet.

⁸⁵ The Gemara asks: According to the one who says that Rabbi Yehuda HaNasi said to Rabbi Ḥiyya: Go out and render the bird a tereifa, what is the reason that Rabbi Yehuda HaNasi did not say: Go out and tear loose its windpipe and gullet?

⁸⁶ And if you would say the reason is because Rabbi Yehuda HaNasi holds that slaughter of a bird is not obligatory by Torah law, and consequently the tearing loose of its windpipe and gullet is considered its slaughter such that he would be required to cover the blood, this is untenable. As isn't it taught in a baraita that Rabbi Yehuda HaNasi says: The verse states: "And you shall slaughter...as I have commanded you" (Deuteronomy 12:21). This teaches that Moses was previously commanded

concerning the mitzvot of slaughter, i.e., he was taught about the gullet and the windpipe, that the cutting of these simanim constitutes slaughter, and about the requirement to cut the majority of one siman of a bird, and about the requirement to cut the majority of two simanim of an animal. If so, Rabbi Yehuda HaNasi holds that the slaughter of a bird is obligatory by Torah law.

⁸⁷ The Gemara responds: Rav Dimi is speaking utilizing the style of: It is not necessary. That is, it is not necessary to teach: Go out and tear loose, since it is obvious that this is not considered slaughter at all and one is not required to cover the blood. But with regard to the instruction: Go out and render the bird a tereifa, I would say that an act of slaughter that is not fit to render the meat permitted is nevertheless considered an act of slaughter, and the blood of this bird should require covering. Therefore, Rav Dimi teaches us in accordance with the statement of Rabbi Ḥiyya bar Abba (85a), that Rabbi Yehuda HaNasi holds with regard to the mitzva of covering the blood that an act of slaughter that is not fit to render the meat permitted is not considered an act of slaughter, and one is therefore not required to cover the blood of this bird.

⁸⁸ The Gemara asks: And according to the one who says that Rabbi Yehuda HaNasi said to Rabbi Ḥiyya: Go out and tear loose the windpipe and gullet, what is the reason Rabbi Yehuda HaNasi did not say: Go out and render the bird a tereifa? And if you would say the reason is because Rabbi Yehuda HaNasi holds that an act of slaughter that is not fit to render the meat permitted is considered an act of slaughter, and one would be required to cover the blood, this is untenable. As doesn't Rabbi Ḥiyya bar Abba say that Rabbi Yoḥanan says: Rabbi Yehuda HaNasi saw as correct the statement of Rabbi Shimon, that an ineffective slaughter is not considered an act of slaughter with regard to the mitzva of covering the blood, and taught it in the mishna here using the term: The Rabbis?

⁸⁹ The Gemara responds: Ravin is speaking utilizing the style of: It is not necessary. That is, it is not necessary to teach: Go out and render the bird a tereifa, since an act of slaughter that is not fit to render the meat permitted is not considered slaughter and one would not be required to cover the blood of the bird. But with regard to the instruction: Go out and tear loose the windpipe and gullet, I would say that the slaughter of a bird is not obligatory by Torah law to render it permitted for consumption, and consequently, the tearing loose of its windpipe and gullet is considered its slaughter and the blood of this bird should require covering. Therefore, Ravin teaches us that Rabbi Yehuda HaNasi holds that the slaughter of a bird is obligatory by Torah law, as he himself derives from the verse: "As I have commanded you" (Deuteronomy 12:21).

⁹⁰ § The Gemara questions the very occurrence of the incident involving Rabbi Ḥiyya: And could moths have infested his flax? But doesn't Ravin bar Abba say, and some say Rabbi Avin bar Sheva says: From when the people of the Exile ascended from Babylonia to Eretz Yisrael there ceased to be meteors, earthquakes, storm winds, and thunder; and their wine did not sour, and their flax was not stricken with an infestation of moths; and the Sages placed their eyes, i.e., attributed these phenomena, to the merit of Rabbi Ḥiyya and his sons, who ascended from Babylonia? If so, how was Rabbi Ḥiyya's flax affected?

⁹¹ The Gemara responds: When their merit is effective, it is effective for the rest of the world but not for themselves. And this is in accordance with the statement that Rav Yehuda says in the name of Rav, as Rav Yehuda says that Rav says: Each and every day a Divine Voice emerges and says: The entire world is sustained in the merit of Ḥanina ben Dosa, My son, and yet for Ḥanina, My son, a kav of carobs, i.e., a very small amount of inferior food, is sufficient to sustain him from one Shabbat eve

to the next Shabbat eve. Similarly, the merit of Rabbi Ḥiyya and his sons was effective for others but not for themselves.

⁹² MISHNA: In the case of a deaf-mute, an imbecile, or a minor who slaughtered an undomesticated animal or a bird, and others saw them and ensured that the slaughter was properly performed, in which case the slaughter is valid (see 2a), one who oversaw the slaughter is obligated to cover the blood. If they slaughtered the animals among themselves without supervision, one is exempt from the obligation to cover the blood.

⁹³ And likewise with regard to the matter of slaughtering a mother and its offspring on the same day, if a deaf-mute, an imbecile, or a minor slaughtered an undomesticated mother animal and others saw them, it is prohibited to slaughter its offspring after them. If they slaughtered the mother animal among themselves, Rabbi Meir deems it permitted to slaughter its offspring after them and the Rabbis deem it prohibited. And the Rabbis concede that if one slaughtered the offspring thereafter that he does not incur the forty lashes, as it is possible the mother was not properly slaughtered.

⁹⁴ GEMARA: The Gemara asks: And as for the Rabbis, what is different about the first clause of the mishna that discusses the covering of the blood, where they do not disagree with the statement that if a deaf-mute, an imbecile, or a minor slaughtered an animal without supervision one is exempt from the obligation to cover the blood, which indicates the Rabbis hold that such an act of slaughter is not considered an act of slaughter; and what is different about the latter clause of the mishna that discusses the prohibition against slaughtering a mother and its offspring on the same day, where they disagree with Rabbi Meir and hold that if a deaf-mute, an imbecile, or a minor slaughtered a mother animal without supervision one is prohibited to subsequently slaughter its offspring, indicating they hold that such an act of slaughter is in fact considered an act of slaughter?

⁹⁵ The Gemara responds: Actually, it is uncertain whether this slaughter is valid or not. With regard to the first clause, if we say one is obligated to cover the blood from an unsupervised slaughter, people might say this is because the slaughter performed by these people is proper, and they will come to eat meat from their slaughter, and it is in fact forbidden to eat from their slaughter. Therefore, the Rabbis did not require the covering of the blood.

⁹⁶ The Gemara challenges: If so, then with regard to the latter clause of the mishna as well, since the Rabbis say it is prohibited to slaughter the offspring of the mother after them, people might say this is because the slaughter performed by these people is proper, and they will come to eat meat from their slaughter.

⁹⁷ The Gemara rejects this: With regard to the latter clause, prohibiting the slaughter of the offspring will not cause people to conclude the unsupervised slaughter of the mother by disqualified people was valid. Rather, they will say: The reason the offspring is not slaughtered is because the owner does not need the meat. The Gemara asks: But with regard to the first clause as well, covering the blood will not lead one to conclude that the unsupervised slaughter was valid, as people will say: He is covering the blood because he needs to clean his courtyard of the blood. If so, let the Rabbis deem one obligated to cover the blood.

⁹⁸ The Gemara rejects this: But if a disqualified person slaughtered the animal in a garbage dump, what can be said to allow the covering of the blood? Obviously, people will not assume one covers the blood in order to clean a garbage dump. Similarly, if one comes to consult the court, what can be said? That is, if one sees from a distance that a disqualified person slaughtered an animal and the

blood is uncovered, and he comes to consult the court with regard to the obligation to cover the blood, if the court tells him to cover the blood he might conclude that this is because the unsupervised slaughter was valid. Accordingly, since there are scenarios in which one might mistakenly conclude that the unsupervised slaughter of inept people is valid, the Rabbis concede that one is exempt from covering the blood of such an act of slaughter in all cases.

⁹⁹ The Gemara asks: But according to your reasoning that the Rabbis are concerned for the aforementioned scenarios, then with regard to the latter clause as well, if one comes to consult the court with regard to the slaughter of the offspring, what can be said? That is, if one sees a disqualified person slaughter the mother, and he comes to ask the court whether he may slaughter the offspring on the same day, if the court prohibits him from slaughtering it he might conclude that this is because the slaughter of the mother was valid. Why, then, do the Rabbis prohibit one from slaughtering the offspring?

¹⁰⁰ The Gemara concludes: Rather, it must be that the Rabbis disagree concerning the entire matter, i.e., they disagree with regard to covering the blood as well, and hold that if a disqualified person slaughtered an animal while unsupervised, one must cover the blood; and the Rabbis waited for Rabbi Meir until he concluded his statement, and then they disagreed with him on both accounts.

¹⁰¹ The Gemara asks: If so, granted, the opinion of the Rabbis is understandable, as they consistently rule stringently. That is, although it is prohibited to consume the meat of an unsupervised slaughter performed by a deaf-mute, an imbecile, or a minor, the Rabbis require one to cover the blood and prohibit one to slaughter the offspring, due to concern that the person may have performed a valid slaughter. But with regard to the opinion of Rabbi Meir that one is exempt from covering the blood and that one may slaughter the offspring on the same day, what is the reason he does not rule stringently due to uncertainty?

¹⁰² Rabbi Ya'akov says that Rabbi Yoḥanan says: Rabbi Meir would deem one liable to receive lashes for eating from the slaughter of a deaf-mute, an imbecile, or a minor, due to violation of the prohibition against eating from an animal carcass. According to Rabbi Meir there is no uncertainty with regard to such slaughter, and it is not considered an act of slaughter at all. Consequently, one may become liable to receive lashes for its consumption. The Gemara asks: What is the reason? Rabbi Ami says: Since the majority of actions of a deaf-mute, imbecile, and a minor are bungled, i.e., they are performed incompetently, it can be assumed that their slaughter was performed improperly as well.

¹⁰³ Rav Pappa said to Rav Huna, son of Rav Yehoshua, and some say that Rav Huna, son of Rav Yehoshua, said to Rav Pappa: Why did Rabbi Ami specifically state that the reasoning of Rabbi Meir is based on the assumption that the majority of their actions are bungled? Even if only a minority of their actions are bungled and the majority are performed competently, Rabbi Meir would also maintain that the animal is considered a carcass, as Rabbi Meir is concerned for a minority when it can be combined with a presumptive status. If so, append the minority to the presumptive status of an animal prior to its slaughter, i.e., that it is prohibited for consumption, and the majority of competent acts of slaughter is thereby weakened.

¹⁰⁴ The Gemara proves that Rabbi Meir is concerned for the minority: As we learned in a mishna (Teharot 3:8): In the case of a ritually impure child who is found alongside ritually pure started dough, and he has risen dough in his hand that may have been removed from the larger portion of

started dough, Rabbi Meir deems the started dough pure. This is because there is no proof the child touched it; he might have been given the piece by someone else. And the Rabbis deem it impure, as they assume he touched the started dough. The child is presumed to be impure because it is the manner of a child to handle items. And we say with regard to this mishna: What is the reasoning of Rabbi Meir? He holds that a majority of children handle items, in this case the dough, that are within reach, and a minority do not handle items within reach, and the dough itself retains a presumptive status of purity since its impurity has not been definitively determined.

¹⁰⁵ One appends the minority of children who do not handle items within reach to the presumptive status of purity of the dough, and consequently the force of the majority of children who handle items within reach is weakened. Therefore, the dough is considered pure. Similarly, with regard to slaughter performed by inept people, why does Rabbi Ami state that the reason behind Rabbi Meir's opinion is due to a majority? Let even a minority of bungled acts of slaughter join with the presumptive prohibited status of the animal to render this animal a carcass.

¹⁰⁶ The Gemara responds that the two cases are not comparable: If they said one may append the minority to the presumptive status with regard to a case of uncertain ritual impurity in order to render the dough pure, will they say that one may rely on a minority in the case of an uncertain prohibition in order to permit it? In other words, without the fact that a majority of the acts of slaughter of a deaf-mute, an imbecile, or a minor are bungled, Rabbi Meir could neither deem one exempt from covering the blood nor allow one to slaughter the offspring immediately. Consequently, it is due only to the majority that Rabbi Meir deems one liable for violation of the prohibition against consuming an animal carcass when consuming meat from their slaughter.

¹⁰⁷ § With regard to the dispute in the mishna, the Gemara notes: Rabbi Yehuda HaNasi ruled in accordance with the opinion of Rabbi Meir, who held that if a deaf-mute, an imbecile, or a minor slaughtered a mother animal, one may subsequently slaughter its offspring; and Rabbi Yehuda HaNasi also ruled in accordance with the opinion of the Rabbis, who held that it is prohibited to slaughter it. The Gemara asks: Which of these two rulings is the later, definitive ruling, and which ruling is the retracted one?

¹⁰⁸ The Gemara suggests: Come and hear a proof from an incident: Rabbi Abba, son of Rabbi Ḥiyya bar Abba, and Rabbi Zeira were standing in the marketplace of Caesarea, at the entrance to the study hall. Rabbi Ami exited the study hall and found the two of them standing there. Rabbi Ami said to them: Have I not told you that at the time when the study hall is in session you should not stand outside, as perhaps there is a person inside the study hall who requires clarification of a halakha, and he will become bothered by it because you will not be inside to assist in offering the proper explanation?

¹⁰⁹ Rabbi Zeira entered the study hall, whereas Rabbi Abba did not enter. The students were sitting and raising a dilemma: Which of Rabbi Yehuda HaNasi's two rulings is the later one? Rabbi Zeira said to them: You did not let me know that this is your dilemma while I was outside, which would have allowed me to ask the elder one, i.e., Rabbi Abba, son of Rabbi Ḥiyya bar Abba, since perhaps he heard the answer from his father, Rabbi Ḥiyya bar Abba. And perhaps his father heard it from Rabbi Yoḥanan, as Rabbi Ḥiyya bar Abba would review his studies in front of Rabbi Yoḥanan every thirty days.

¹¹⁰ The Gemara asks: What conclusion was reached about it? The Gemara suggests: Come and hear a proof: Rabbi Elazar sent a message to the Jews in exile, i.e., Babylonia: Rabbi Yehuda HaNasi ruled in accordance with the opinion of Rabbi Meir. The Gemara challenges: But Rabbi Yehuda HaNasi also ruled in accordance with the opinion of the Rabbis. Why did Rabbi Elazar disregard that ruling? The Gemara concludes: Rather, isn't it correct to conclude from Rabbi Elazar's message that this ruling of Rabbi Yehuda HaNasi, which is in accordance with Rabbi Meir, is the later one? The Gemara affirms: One may in fact conclude from here that this is so.

¹¹¹ MISHNA: If one slaughtered one hundred undomesticated animals in one place, one covering of the blood suffices for all the animals and there is no obligation to cover the blood of each animal separately. Likewise, if one slaughtered one hundred birds in one place, one covering of the blood suffices for all the birds. If one slaughtered an undomesticated animal and a bird in one place, one covering for all of the blood is sufficient. Rabbi Yehuda says: If one slaughtered an undomesticated animal, he should cover its blood immediately and only thereafter he should slaughter the bird.

¹¹² GEMARA: The Sages taught in a baraita: The verse states with regard to the mitzva of covering the blood: "An undomesticated animal or bird" (Leviticus 17:13). "Undomesticated animal" is inclusive, i.e., any number of animals is included in the term undomesticated animal, whether many or few. Likewise, "bird" is inclusive, i.e., any amount is included in the term bird, whether many or few. From here the Rabbis stated: If one slaughtered one hundred undomesticated animals in one place, one covering of the blood suffices for all the animals. Likewise, if one slaughtered one hundred birds in one place, one covering of the blood suffices for all the birds. If one slaughtered an undomesticated animal and a bird in one place, one covering for all of the blood is sufficient.

¹¹³ The baraita continues: Rabbi Yehuda says: If one slaughtered an undomesticated animal, he should cover its blood immediately and only thereafter he should slaughter the bird, as it is stated: "An undomesticated animal or bird" (Leviticus 17:13). The term "or" indicates that each type must be attended to separately.

¹¹⁴ The Rabbis said to Rabbi Yehuda: But the next verse states: "For as to the life of all flesh, the blood thereof is all one with the life thereof." The Gemara asks: What are the Rabbis responding to Rabbi Yehuda with this statement? The Gemara explains: This is what the Rabbis are saying to him: This term "or" that interposes between an undomesticated animal and a bird is needed to separate them, in order to indicate that the obligation to cover the blood applies after slaughtering either an undomesticated animal or a bird. If not for the term "or" one might have thought the obligation to cover the blood takes effect only after slaughtering both an undomesticated animal and a bird. Accordingly, one cannot derive from this term that the blood of an undomesticated animal and a bird must be covered separately.

¹¹⁵ And Rabbi Yehuda responds to this: The source for separating the obligations with regard to an undomesticated animal and a bird is derived from the verse: "And he shall pour out its blood" (Leviticus 17:13). The verse makes reference to the blood of only one animal, indicating that the obligation applies after slaughtering either a bird or an undomesticated animal. And the Rabbis respond that "its blood" also indicates many, as the term: Blood, can refer to any amount of blood. This is demonstrated by that which is written: "For as to the life of all flesh, the blood thereof is all one with the life thereof" (Leviticus 17:14).

¹¹⁶ § Rabbi Ḥanina says: Although Rabbi Yehuda holds that one first covers the blood of an undomesticated animal before slaughtering the bird, Rabbi Yehuda would concede with regard to the matter of the blessing over their slaughter, i.e., that one recites only one blessing. The Gemara questions this assertion: Ravina said to Rav Aḥa, son of Rava, and some say that Rav Aḥa, son of Rava, said to Rav Ashi: In what way is this case different from the incident that occurred with the students of Rav?

¹¹⁷ As it occurred that Rav Beruna and Rav Ḥananel, the students of Rav, were sitting together at a meal, and Rav Yeiva the Elder stood over them to serve them. They said to him: Give us a cup of wine over which to recite the blessings of Grace after Meals. They then changed their mind and said to him: Give us a cup of wine to drink. Rav Yeiva the Elder said to them that this is what Rav said: Once someone at a meal says: Give me a cup over which to recite the blessings of Grace after Meals, it is prohibited for him to drink any more wine, since he has expressed his desire to conclude his meal. If he now wishes to drink more wine, he must recite a blessing before drinking it. Ravina asks: Here too, since he is required to cover the blood of the undomesticated animal before slaughtering the bird, there is an interruption between the acts of slaughter, and he has therefore become obligated to recite a new blessing before slaughtering the bird.

¹¹⁸ The Gemara rejects this: How can these cases be compared? There, in the incident involving the students of Rav, it is impossible to drink and recite a blessing simultaneously. Accordingly, by requesting a cup over which to recite the blessing of Grace after Meals, they demonstrated their desire to cease drinking. Here, when one covers the blood of the undomesticated animal before slaughtering the bird, it is possible to slaughter the bird with the one hand and cover the blood of the undomesticated animal with the other one. Accordingly, the act of covering the blood of the undomesticated animal is not considered an interruption of the acts of slaughter, since they could have been performed simultaneously.

¹¹⁹ MISHNA: If one slaughtered an undomesticated animal or bird and did not cover the blood, and another person saw the uncovered blood, the second person is obligated to cover the blood. If one covered the blood and it was then uncovered, he is exempt from covering it again. If the wind blew earth on the blood and covered it, and it was consequently uncovered, he is obligated to cover the blood.

¹²⁰ GEMARA: The Sages taught in a baraita: The verse states: “And he shall pour out its blood and cover it with earth” (Leviticus 17:13), indicating that the one who poured out its blood, i.e., slaughtered the animal, shall cover it. If one slaughtered the animal or bird and did not cover the blood, and another person saw the uncovered blood, from where is it derived that the person who saw the blood is obligated to cover it? It is derived from the following verse, as it is stated: “Therefore I said to the children of Israel” (Leviticus 17:12), which is a warning to all the children of Israel to fulfill the mitzva of covering the blood.

¹²¹ It is taught in another baraita: The verse states: “And he shall pour out its blood and cover it with earth,” indicating that with that which he poured out the blood he shall cover it, i.e., he must use his hand, and he may not cover it with his foot, so that mitzvot will not be contemptible to him. It is taught in another baraita: The verse states: “And he shall pour out its blood and cover it with earth,” indicating that the one who poured out the blood shall cover it. An incident occurred involving one who slaughtered an undomesticated animal or bird and another individual preempted him and

covered the blood, and Rabban Gamliel deemed him obligated to give ten gold coins to the one who performed the act of slaughter.

¹²² A dilemma was raised before the Sages: Are these ten gold coins compensation for the stolen mitzva or are they compensation for the stolen blessing recited over the mitzva? The Gemara elaborates: What is the practical difference? The difference is with regard to a similar case involving Grace after Meals. If you say the coins are compensation for the mitzva, then with regard to Grace after Meals, since all its blessings constitute one mitzva, one would be obligated to give only ten gold coins. But if you say they are compensation for the lost blessing, then with regard to Grace after Meals the compensation is forty gold coins, since Grace after Meals comprises four blessings. What is the conclusion?

¹²³ The Gemara suggests: Come and hear a proof from an incident in which a certain heretic said to Rabbi Yehuda HaNasi: He who created mountains did not create wind, and he who created wind did not create mountains; rather, each was created by a separate deity, as it is written: “For behold, He Who forms the mountains and He Who creates the wind” (Amos 4:13), indicating that there are two deities: One who forms the mountains and one who creates the wind. Rabbi Yehuda HaNasi said to him: Imbecile, go to the end of the verse, which states: “The Lord, the God of hosts, is His name.” The verse emphasizes that God is the One Who both forms and creates.

¹²⁴ The heretic said to Rabbi Yehuda HaNasi: Give me three days’ time and I will respond to you with a rebuttal of your claim. Rabbi Yehuda HaNasi sat and fasted three days of fasting while awaiting the heretic, in order that he would not find a rebuttal. When Rabbi Yehuda HaNasi wanted to have a meal at the conclusion of those three days, they said to him: That heretic is standing at the doorway. Rabbi Yehuda HaNasi recited the following verse about himself: “They put gall into my food, and for my thirst they gave me vinegar to drink” (Psalms 69:22), i.e., my meal is embittered with the presence of this heretic.

¹²⁵ When Rabbi Yehuda HaNasi came to the door he saw that it was in fact a different heretic, not the one who asked for three days to prepare a rebuttal. This heretic said to him: Rabbi, I am a bearer of good tidings for you: Your enemy did not find a response, and he threw himself from the roof and died. Rabbi Yehuda HaNasi said to the heretic: Since you have brought me good tidings, would you like to dine with me? The heretic said to him: Yes. After they ate and drank, Rabbi Yehuda HaNasi said to the heretic: Would you like to drink the cup of blessing, i.e., the cup of wine over which the Grace after Meals is recited, or would you like to take forty gold coins instead, and I will recite the Grace after Meals? The heretic said to him: I will drink the cup of blessing. A Divine Voice emerged and said: The cup of blessing is worth forty gold coins. Evidently, each one of the blessings in the Grace after Meals is worth ten gold coins.

¹²⁶ The Gemara adds: Rabbi Yitzḥak says: That family of the heretic who dined with Rabbi Yehuda HaNasi still exists among the prominent families of Rome, and that family is called: The family of bar Luyyanus.

¹²⁷ § The mishna teaches that if one covered the blood and it was then uncovered he is not obligated to cover it again. Rav Aḥa, son of Rava, said to Rav Ashi: What is different about this case from the mitzva of returning a lost item, where the Master said: The verse states with regard to the obligation to return a lost item: “You shall return them to your brother” (Deuteronomy 22:1), even one hundred times?

¹²⁸ Rav Ashi said to Rav Aḥa: There, in the verse discussing the obligation to return a lost item, a restriction is not written in the verse to limit the obligation. Here, in the verse discussing the obligation to cover the blood, a restriction is written, as the verse states: “And he shall cover it.” The usage of the term “it” indicates that one must cover the blood only one time.

¹²⁹ § The mishna teaches that if the wind blew earth on the blood and covered it one is obligated to cover the blood. Rabba bar bar Ḥana says that Rabbi Yoḥanan says: They taught this halakha only if the blood was again uncovered. But if the blood was not again uncovered one is exempt from the obligation to cover it. The Gemara asks: And when the blood was again uncovered, what of it? Isn’t it already rejected from the mitzva of covering since it was covered by the wind? Rav Pappa said: That is to say that there is no permanent rejection with regard to mitzvot. Although the wind covered the blood, the mitzva to cover it was not rendered null; rather, the mitzva simply could not be performed. Consequently, once the blood is again uncovered, the mitzva to cover the blood remains in place.

¹³⁰ The Gemara asks: But even if the wind covered the blood and it remained covered, why is one exempt from performing the mitzva of covering the blood? What is different about this case from that which is taught in a baraita: In a case where one slaughters an undomesticated animal or a bird and its blood is absorbed by the ground, one is obligated to cover the blood? The Gemara responds: There, the baraita is referring to a case where the impression of the blood is still recognizable, i.e., it was not entirely absorbed in the ground.

¹³¹ MISHNA: In a case of the blood of an undomesticated animal or bird that was mixed with water, if there is in the mixture the appearance of blood one is obligated to cover it. If the blood was mixed with wine one views the wine as though it is water, and if a mixture with that amount of water would have the appearance of blood one is obligated to cover it. Likewise, if the blood of an undomesticated animal or a bird was mixed with the blood of a domesticated animal, which one does not have to cover,

¹³² or with blood of the undomesticated animal that did not flow from the neck and does not require covering, one views the blood as though it is water. Rabbi Yehuda says: Blood does not nullify blood. Therefore, even if the undomesticated animal’s blood, which one must cover, is not recognizable in this mixture, he is obligated to cover the mixture nevertheless.

¹³³ With regard to blood that spurts outside the pit over which the animal was slaughtered, or onto a wall, and blood that remained on the slaughtering knife, one is obligated to cover it. Rabbi Yehuda said: When is this the halakha? When no blood remains there from the slaughter except that blood. But if blood remains there from the slaughter that is not that blood, he is exempt from covering it.

¹³⁴ GEMARA: We learned in a mishna there (Zevahim 77b): In the case of blood of an offering fit for sacrifice that was mixed with water, if the mixture has the appearance of blood it is fit for sprinkling on the altar, even though the majority of the mixture is water. If the blood was mixed with red wine, one views the wine as though it is water. If that amount of water would leave the mixture with the appearance of blood it is fit for presentation. And likewise, if the blood was mixed with the blood of a non-sacred domesticated animal or the blood of a non-sacred undomesticated animal, one considers the non-sacred blood as though it is water. Rabbi Yehuda says: Blood does not nullify blood. Therefore, the priest presents the blood of the mixture on the altar.

¹³⁵ The mishna teaches that in a case where water became mixed with the blood of an offering, if the mixture has the appearance of blood it is fit, despite the fact that there is more water than blood. Concerning this Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: They taught this halakha only in a case where the water fell into the blood. But in a case where the blood fell into the water, the first drop of blood, and then the next first drop of blood, are nullified in the water, i.e., each drop is nullified in turn. Consequently, the mixture is unfit for presentation, regardless of whether it has the appearance of blood.

¹³⁶ Rav Pappa says: But with regard to the mitzva of covering the blood of birds or undomesticated animals that are slaughtered, it is not so. In this case, even if the blood fell into water the mitzva of covering applies to it, provided the mixture has the appearance of blood. The blood is not nullified by the water because there is no permanent rejection with regard to mitzvot other than those that relate to sacrificial rites. Therefore, its nullification was merely temporary, but once there is enough blood in the water it reassumes its status of blood.

¹³⁷ § With regard to mixtures of blood and water, Rav Yehuda says that Shmuel says: All mixtures of blood and water that maintain a reddish hue are considered blood and effect atonement by being presented on the altar, and render food susceptible to contracting ritual impurity, and are included in the obligation of covering the blood provided that the blood is from the slaughter of an undomesticated animal or bird. The Gemara asks: What is Rav Yehuda teaching us? If he is teaching us that such mixtures effect atonement, we already learn this from the mishna in tractate Zevahim. And if he is teaching us that such mixtures are included in the obligation of covering the blood, we already learn this in the mishna here.

¹³⁸ Rather, it was necessary for Rav Yehuda to teach that such mixtures render food susceptible to contracting ritual impurity, as this was not taught in a mishna. The Gemara challenges: It is also unnecessary to teach that such mixtures render food susceptible to contracting ritual impurity. If the mixture has the status of blood it renders food susceptible, as does blood, and if the mixture has the status of water it renders food susceptible, as does water. The Gemara responds: No, this statement is necessary in a case where the blood was mixed with rainwater, which does not render food susceptible without the intent or desire of the owner of the food. If the mixture is considered blood it renders food susceptible.

¹³⁹ The Gemara challenges: With regard to rainwater as well, since one took it and placed it into a vessel containing blood, he has ascribed significance to the rainwater and it should be capable of rendering food susceptible. The Gemara responds: No, this statement is necessary in a case where the rainwater was mixed with the blood by itself, i.e., it was not gathered and poured purposefully.

¹⁴⁰ Rabbi Asi of Neharbil says: The statement of Rav Yehuda is referring to blood plasma, i.e., if the plasma has a reddish hue due to the blood, it has the status of blood and can render food susceptible to contracting ritual impurity. Rabbi Yirmeya of Difti said: Consumption of this plasma is punishable by karet, as is the halakha with regard to one who consumes blood (see Leviticus 17:14), provided that there is at least one olive-bulk of actual blood. It was taught in a baraita: Blood plasma that issues from a corpse that has a reddish hue imparts ritual impurity in a tent, provided that there is at least a quarter-log of actual blood, which is the amount of a corpse's blood that imparts ritual impurity.

¹⁴¹ We learned in a baraita elsewhere (Tosefta, Oholot 4:5): All liquids that issue from a corpse, e.g., tears or breastmilk, are ritually pure, except for its blood. And all liquids that issue from a corpse that contain a reddish hue of blood impart ritual impurity in a tent. The Gemara asks: But are liquids that issue from a corpse ritually pure? And raise a contradiction from a mishna (Tevul Yom 2:1): With regard to liquids that issue from one who immersed that day, liquids that issue from him have the same status as liquids that he touches.

¹⁴² And both these and those, i.e., both liquids that issue from one who immersed himself that day and liquids he touches, do not impart ritual impurity. And with regard to all other sources of impurity, whether minor sources or major sources, liquids that issue from them have the same status as liquids that touch them, and both these and those have first-degree ritual impurity, since they touched a primary source of ritual impurity upon exiting the source. This is the halakha except for a liquid that is itself a primary source of ritual impurity.

¹⁴³ The Gemara analyzes the mishna: What is the meaning of minor sources and what is the meaning of major sources? What, is it not that the term: Minor sources, is referring to a creeping animal or a zav, and that the term: Major sources, is referring to a corpse? If so, the mishna teaches that all liquids that issue from a corpse are ritually impure, in contradiction to the baraita. The Gemara responds: No, the term: Minor sources, is referring to a creeping animal, e.g., urine found inside its body, which is not considered ritually impure, and the term: Major sources, is referring to a zav, concerning whom all liquids that issue from him are ritually impure. By contrast, liquids that issue from a corpse are ritually pure with the exception of blood.

¹⁴⁴ The Gemara asks: What is different with regard to a zav, concerning whom the Sages decreed that liquids that issue from him are ritually impure, and what is different with regard to a corpse, concerning which the Sages did not decree that liquids that issue from it are ritually impure? The Gemara responds: In the case of a zav, since people do not naturally separate from him, the Sages decreed additional restrictions with regard to him in order to prevent others from contracting impurity from liquids that issue from a zav that are impure by Torah law. In the case of a corpse, since people naturally separate from it, the Sages did not decree additional restrictions with regard to it.

¹⁴⁵ § The mishna teaches that one is obligated to cover blood that spurts outside the pit over which the animal was slaughtered, or onto the wall, and blood that remained on the slaughtering knife. With regard to this halakha, the Sages taught in a baraita: The verse states: “And he shall cover it” (Leviticus 17:13), which teaches that one is obligated to cover blood that spurts and blood that remained on the slaughtering knife. Rabbi Yehuda said: When is this the halakha? When there is no blood except that blood. But if there is other blood that is not that blood, one is exempt from covering it.

¹⁴⁶ It is taught in another baraita: The term: “And he shall cover it,” teaches that one is obligated to cover all of the blood. From here the Sages stated: With regard to blood that spurts out and blood that remains on the sides of the animal’s throat where it was slaughtered, one is obligated to cover it. Rabban Shimon ben Gamliel said: In what case is this statement said? It is said in a case where one did not already cover the blood of the soul, i.e., the blood that flows from the place of slaughter as the animal dies. But if one already covered the blood of the soul, he is exempt from the obligation to

cover the blood that spurted out or the blood remaining on the sides of the animal's neck in the area of slaughter.

¹⁴⁷ The Gemara asks: With regard to what matter do they disagree? The Gemara responds: The Rabbis hold that the expression: "Its blood" (Leviticus 17:13), indicates an obligation to cover all of its blood, even the blood that spurts out. Rabbi Yehuda holds that "its blood" indicates that one may fulfill the mitzva with any part of the blood, even with a small amount of its blood. And Rabban Shimon ben Gamliel holds that "its blood" refers to the special blood, i.e., the blood of the soul.

¹⁴⁸ MISHNA: With what substances may one cover the blood and with what substances may one not cover the blood? One may cover the blood with fine granulated manure, with fine sand, with lime, with crushed potsherd, and with a brick or the lid of an earthenware barrel that one crushed. But one may not cover the blood with thick manure, nor with thick, clumped sand, nor with a brick or the lid of an earthenware barrel that one did not crush. Neither may one merely turn a vessel over the blood. Rabban Shimon ben Gamliel stated a principle: With regard to a substance in which plants grow, one may cover blood with it; and with regard to a substance in which plants do not grow, one may not cover blood with it.

¹⁴⁹ GEMARA: The mishna teaches that one may cover the blood with fine sand. The Gemara asks: What is considered fine sand? Rabba bar bar Hana says that Rabbi Yoḥanan says: It is any sand that the pottery producer does not need to crush in order to use it. The Gemara notes: And some teach this statement in reference to the latter clause of the mishna, which states: But one may not cover the blood with thick manure, nor with thick sand. The Gemara asks: What is considered thick sand? Rabba bar bar Hana says that Rabbi Yoḥanan says: It is any sand that the pottery producer must crush in order to use it.

¹⁵⁰ The Gemara asks: What is the practical difference between these two versions? The Gemara responds: There is a difference between them with regard to sand that requires some crushing and sand that does not require full crushing, i.e., that crumbles in one's hand and does not require a tool. According to the first version, as long as the sand does not require crushing it may be used to cover the blood. Therefore, sand that requires crumbling may be used since it is not considered sand that requires crushing. According to the second version, any sand that requires some crushing may not be used. Therefore, sand that requires crumbling may not be used to cover the blood.

¹⁵¹ § The Sages taught in a baraita: The verse states with regard to the mitzva of covering the blood: "And cover it" (Leviticus 17:13). One might have thought that he may cover the blood with stones or merely turn a vessel over it. Therefore, the verse states: "With earth." Based on this expression I have derived only that earth may be used. From where does one derive to include fine manure, fine sand, crushed stones, crushed potsherd, fine chaff of flax,

¹⁵² fine sawdust of carpenters, lime, crushed potsherd, and a brick or the lid of an earthenware barrel that one crushed? The verse states: "And cover it," i.e., with any substance. One might have thought that I will include even thick manure, and thick sand, filings of metal vessels, a brick or a lid that one did not crush, flour, bran, and coarse bran. Therefore, the verse states: "And cover it with earth," indicating that not all substances may be used to cover the blood.

¹⁵³ The Gemara asks: And what did you see that led you to include these substances and to exclude those? The Gemara responds: After noting that the verse included certain substances with the term: "And cover it," and excluded others with the term: "With earth," I include these substances, e.g., fine

sand, which are a type of earth in which plants grow, and I exclude those substances, e.g., thick sand, which are not a type of earth, as plants do not grow in them.

¹⁵⁴ The Gemara asks: Why must the verse be interpreted in this manner? Say that the term: “And cover it,” is a generalization, and the term: “With earth,” is a detail. Consequently, the verse constitutes a generalization and a detail, and according to the corresponding hermeneutical principle, the generalization includes only what is mentioned explicitly in the detail. Therefore, only earth may be used to cover the blood, while any other substance, even substances in which plants grow, may not be used.

¹⁵⁵ Rav Mari said in response: One should not suggest such an interpretation because the term “and cover it” is a generalization that requires a detail to clarify its nature, and any generalization that requires a detail to clarify its nature is not interpreted by the hermeneutical principle of a generalization and a detail. It is necessary for the verse to state that the blood must be covered with earth in order to clarify that the mitzva of covering the blood is such that the blood must be covered with a substance that will absorb the blood, and that it does not suffice to place a vessel over it.

¹⁵⁶ § Rav Naḥman bar Rav Ḥisda taught: One may not cover the blood of an undomesticated animal or a bird except with a substance in which seed is sown and sprouts. Rava said: This is an absurdity [burkha], as the mishna and baraita both teach that one may use substances in which seeds do not sprout.

¹⁵⁷ Rav Naḥman bar Yitzḥak said to Rava: What is the absurdity of his statement? I said this statement to Rav Naḥman bar Rav Ḥisda and I said it to him from this baraita: If one is traveling in the desert, where the earth is not arable, and wishes to slaughter an undomesticated animal or a bird, but he does not have ashes with which to cover the blood, he may grind a gold dinar into powder and cover the blood with it. If one is traveling on a ship and wants to slaughter an undomesticated animal or a bird but he does not have earth with which to cover the blood, he may burn his garment and cover the blood with the ashes. It is evident from the first clause of the baraita that desert sand, which does not allow for the sprouting of seeds, may not be used to cover the blood of an undomesticated animal or a bird.

¹⁵⁸ The Gemara analyzes the baraita: Granted, it is understood that one may burn his garment and cover the blood with the ashes, since we found a source for the fact that ashes are called earth [afar], as the Gemara will soon prove; accordingly, the use of ashes is in accordance with the verse: “And cover it with earth.” But with regard to a gold dinar, from where do we derive that one may grind it into powder and use it to cover the blood? Rabbi Zeira said: The verse states: “And it has dust of [afrot] gold” (Job 28:6), indicating that gold is referred to as dust.

¹⁵⁹ The Gemara cites a related baraita in which the Sages taught: One may not cover the blood of an undomesticated animal or a bird except with earth; this is the statement of Beit Shammai. And Beit Hillel say: We find that ashes are called dust [afar], as it is stated with regard to the red heifer: “And for the impure they shall take from the ashes [me’afar] of the burning of the purification from sin” (Numbers 19:17). And Beit Shammai respond: Ashes are called dust of the burning [afar sereifa], but they are not called ordinary dust [afar].

¹⁶⁰ The Gemara notes: It is taught that the Sages added the following to the list of substances in the mishna with which one may cover the blood: Coal dust, stibium [keḥol], and shavings from chiseling. And some say they included even arsenic [zarnikh].

¹⁶¹ § The Gemara cites aggadic accounts relating to the mitzva of covering the blood: Rava says: As reward for that which our Patriarch Abraham said: “And I am but dust [afar] and ashes” (Genesis 18:27), his children merited two mitzvot: The ashes of the red heifer (see Numbers, chapter 19) and the dust of the sota, i.e., dirt taken from the ground of the Tabernacle that is mixed into the water that examines whether or not a woman committed adultery (see Numbers 5:17).

¹⁶² The Gemara challenges: But let Rava also consider the earth used in the mitzva of covering the blood. The Gemara responds: There, the earth does serve as an accessory to the mitzva of covering the blood, but there is no benefit imparted by it. It occurs after the animal has been slaughtered and does not itself render the meat fit for consumption. By contrast, the ashes of the red heifer and the dust of the sota provide benefit, as the former purifies one who became ritually impure and the latter leads to peace between husband and wife when drinking the water proves that she did not commit adultery.

¹⁶³ And Rava says: As reward for that which our Patriarch Abraham said to the king of Sodom:

¹⁶⁴ “That I will not take a thread nor a shoe strap nor anything that is yours” (Genesis 14:23), distancing himself from anything not rightfully his, his children merited two mitzvot: The thread of sky-blue wool worn on ritual fringes and the strap of phylacteries.

¹⁶⁵ The Gemara asks: Granted, the strap of the phylacteries imparts benefit, as it is written: “And all the peoples of the earth shall see that the name of the Lord is called upon you; and they shall be afraid of you” (Deuteronomy 28:10). And it is taught in a baraita that Rabbi Eliezer the Great says: This is a reference to the phylacteries of the head, upon which the name of God is written. Phylacteries therefore impart the splendor and grandeur of God and are a fit reward. But what is the benefit imparted by the thread of sky-blue wool?

¹⁶⁶ The Gemara answers: As it is taught in a baraita that Rabbi Meir would say: What is different about sky-blue from all other colors such that it was specified for the mitzva of ritual fringes? It is because sky-blue dye is similar in its color to the sea, and the sea is similar to the sky, and the sky is similar to the sapphire stone, and the sapphire stone is similar to the Throne of Glory, as it is stated: “And they saw the God of Israel; and there was under His feet the like of a paved work of sapphire stone, and the like of the very heaven for clearness” (Exodus 24:10). This verse shows that the heavens are similar to sapphire, and it is written: “And above the firmament that was over their heads was the likeness of a throne, as the appearance of a sapphire stone” (Ezekiel 1:26). Therefore, the throne is similar to the heavens. The color of sky blue dye acts as an indication of the bond between the Jewish people and the Divine Presence.

¹⁶⁷ The Gemara above mentioned that Abraham refused to accept property that did not belong to him. With regard to this, Rabbi Abba says: Difficult is the return of theft that has been consumed, as even the perfectly righteous are unable to return it, as it is stated: “That I will not take a thread nor a shoe strap nor anything that is yours...except only that which the young men have eaten with me” (Genesis 14:23–24). Even the righteous Abraham was unable to return that which the young men had already consumed.

¹⁶⁸ § Rabbi Yoḥanan says in the name of Rabbi Elazar, son of Rabbi Shimon: Any place where you find the statements of Rabbi Eliezer, son of Rabbi Yosei HaGelili, in reference to aggada, make your ears like a funnel [ka’afarkeset], i.e., be receptive to his words. As Rabbi Eliezer interpreted the verse: “Not because you are more in number than any people did the Lord desire you and choose

you, for you were the fewest of all peoples” (Deuteronomy 7:7), as follows: The Holy One, Blessed be He, said to the Jewish people: I desire you, since even at a time that I bestow greatness upon you, you diminish, i.e., humble, yourselves before Me.

¹⁶⁹ I granted greatness to Abraham, yet he said before Me: “And I am but dust and ashes” (Genesis 18:27). I granted greatness to Moses and Aaron, yet Moses said of the two of them: “And what are we” (Exodus 16:7). I granted greatness to David, yet he said: “But I am a worm, and no man” (Psalms 22:7).

¹⁷⁰ But the gentile nations of the world are not so. I granted greatness to Nimrod, yet he said: “Come, let us build a city and a tower, with its top in heaven, and let us make for ourselves a name” (Genesis 11:4). I granted greatness to Pharaoh, yet he said: “Who is the Lord” (Exodus 5:2). I granted greatness to Sennacherib, yet he said: “Who are they among all the gods of the countries that have delivered their country out of my hand, that the Lord should deliver Jerusalem out of my hand” (II Kings 18:35). I granted greatness to Nebuchadnezzar, yet he said: “I will ascend above the heights of the clouds” (Isaiah 14:14). I granted greatness to Hiram, king of Tyre, yet he said: “I sit in the seat of God, in the heart of the seas” (Ezekiel 28:2).

¹⁷¹ The Gemara relates: Rava says, and some say Rabbi Yoḥanan says: Greater is that which is stated with regard to Moses and Aaron than that which is stated with regard to Abraham. As with regard to Abraham it is written: “And I am but dust and ashes,” while with regard to Moses and Aaron it is written: “And what are we,” i.e., we are not even dust and ashes. And Rava says, and some say Rabbi Yoḥanan says: The world endures only in the merit of Moses and Aaron. It is written here: “And what are we,” and it written elsewhere: “He hangs the earth upon nothing” (Job 26:7). That is, the earth endures in the merit of those who said of themselves that they are nothing, i.e., Moses and Aaron.

¹⁷² With regard to that verse, Rabbi Ile’a says: The world endures only in the merit of one who restrains [shebolem] himself during a quarrel, as it is stated: “He hangs the earth upon nothing [belima]. Rabbi Abbahu says: The world endures only in the merit of one who renders himself as if he were non-existent, as it is stated: “And underneath are the everlasting arms” (Deuteronomy 33:27), i.e., one who considers himself to be underneath everything else is the everlasting arm that upholds the world.

¹⁷³ Rabbi Yitzḥak says: What is the meaning of that which is written: “Do you indeed [ha’umnam] speak as a righteous company [elem]? Do you judge with equity [meisharim] the sons of men” (Psalms 58:2)? The verse is interpreted as follows: What should be a person’s occupation [umanut] in this world? He should render himself silent as a mute [ilem]. If so, one might have thought that he should render himself as a mute even with regard to words of Torah. Therefore, the verse states: “Speak as a righteous company,” indicating that one should speak the righteous words of Torah. If so, he might have thought that one who speaks words of Torah has the right to become arrogant. Therefore, the verse states: “Judge with equity [meisharim] the sons of men.” Even a learned judge must take extra care to judge with equity, and not assume that he will immediately arrive at the correct understanding.

¹⁷⁴ § The Gemara returns to discuss the mitzva of covering the blood: Rabbi Zeira says, and some say Rabba bar Yirmeya says: One may cover the blood of an undomesticated animal or a bird with the dust of an idolatrous city. The Torah states that the city and anything contained therein must be

burned (see Deuteronomy 13:17). The Gemara, assuming the statement of Rabbi Zeira refers to the ashes of a burned idolatrous city, asks: But why may one use these ashes to cover the blood? These ashes are items from which deriving benefit is prohibited, as the verse states: “And there shall cleave none of the banned property to your hand” (Deuteronomy 13:18).

¹⁷⁵ Ze’eiri said: Rabbi Zeira is not referring to the ashes of the burned city, which may not be used. Rather, his statement is necessary only concerning the dust of its dust, i.e., the dust of the ground of the idolatrous city, from which deriving benefit is not prohibited, as it is written: “And you shall gather all its spoil into the midst of the broad place thereof, and shall burn with fire the city” (Deuteronomy 13:17). Accordingly, items lacking only the acts of gathering and burning must be burned. This serves to exclude this dust of the ground, which lacks the acts of removal from the ground, gathering, and burning. The dust must also be removed from the ground before it can be gathered and burned.

¹⁷⁶ And Rava says: One can even use the ashes from the idolatrous city to cover the blood, despite the fact that it is prohibited to derive any benefit from them. This is because mitzvot were not given for benefit, that is, the fulfillment of a mitzva is not considered deriving benefit, but the fulfillment of a divine decree.

¹⁷⁷ The Gemara relates that Ravina was sitting and saying this halakha, that one may use the ashes of an idolatrous city to cover the blood. Rav Reḥumi raised an objection to Ravina from a baraita: With regard to a shofar of idol worship, from which it is prohibited to derive benefit, one may not blow with it. What, is it not that the baraita means to say that if one blew with it he has not fulfilled his obligation? The Gemara responds: No, the baraita means that one should not use such a shofar ab initio, but if one blew with it he has fulfilled his obligation.

¹⁷⁸ Rav Reḥumi persists: It is taught in another baraita that with regard to a lulav of idol worship, one may not take it to perform the mitzva. What, is it not that the baraita means to say that if one took such a lulav he has not fulfilled his obligation? The Gemara responds: No, the baraita means that one should not use such a lulav ab initio, but if one took it he has fulfilled his obligation. The Gemara asks: But isn’t it taught in a baraita that if one blew a shofar of idolatry he has not fulfilled his obligation? And isn’t it taught in another baraita that if one took a lulav of idolatry to perform the mitzva he has not fulfilled his obligation?

¹⁷⁹ Rav Ashi said in response: How can these cases be compared to the case of covering the blood? There, with regard to a shofar and lulav of idol worship, although the use of such items for a mitzva does not constitute benefit, one cannot fulfill his obligation with them, because

¹⁸⁰ we require a minimum measure in order to fulfill these mitzvot. A shofar must be large enough that, when grasped, part of it protrudes from both sides of one’s hand, and a lulav must be at least four handbreadths long. And since an object of idol worship and its effects must be burned, its size as required for the mitzva is seen by halakha as crushed into powder. Since a shofar or lulav of idol worship is destined for burning, it is considered as if it is already burned, and it therefore lacks the requisite measurement for fulfilling the mitzva. By contrast, here, with regard to the ashes used to perform the mitzva of covering the blood, no minimum measure is required to fulfill the mitzva; in fact, the more the ash is crushed, the better it is for the mitzva of covering the blood.

Chapter 7

¹ MISHNA: The prohibition of eating the sciatic nerve applies both in Eretz Yisrael and outside of Eretz Yisrael, in the presence of, i.e., the time of, the Temple and not in the presence of the Temple, and with regard to non-sacred animals and with regard to sacrificial animals. And it applies to domesticated animals and to undomesticated animals, to the thigh of the right leg and to the thigh of the left leg. But it does not apply to a bird, due to the fact that the verse makes reference to the sciatic nerve as being “upon the spoon of the thigh” (Genesis 32:33), and a bird has no spoon of the thigh.

² And the prohibition applies to a late-term animal fetus [shalil] in the womb. Rabbi Yehuda says: It does not apply to a fetus; and similarly, its fat is permitted.

³ And butchers are not deemed credible to say that the sciatic nerve was removed; this is the statement of Rabbi Meir. And the Rabbis say: They are deemed credible about the sciatic nerve and about the forbidden fat.

⁴ GEMARA: The mishna teaches that the prohibition of eating the sciatic nerve applies to both non-sacred animals and sacrificial animals. The Gemara asks: Is it not obvious that the prohibition applies to sacrificial animals? Would it be reasonable to suggest that because one consecrated it, he has abrogated the prohibition of eating the sciatic nerve from it?

⁵ And if you would say that sciatic nerves have the ability to impart flavor, i.e., they possess flavor, and the mishna is teaching that the prohibition of eating meat of sacrificial animals comes and takes effect upon the sciatic nerve despite the fact that it is already subject to the prohibition of eating the sciatic nerve, the mishna should have stated: The prohibition of eating meat of sacrificial animals applies to the sciatic nerve. The Gemara suggests: Rather, the tanna of the mishna holds that the sciatic nerve does not have the ability to impart flavor, and the mishna is teaching that with regard to sacrificial animals there is a prohibition of eating the sciatic nerve but there is no additional prohibition of eating the meat of a sacrificial animal.

⁶ The Gemara challenges this explanation: And does the tanna of our mishna hold that the sciatic nerve does not have the ability to impart flavor? But didn't we learn in a mishna (96b): In the case of a thigh that was cooked with the sciatic nerve in it, if there is enough of the sciatic nerve in the thigh to impart its flavor to the meat, the entire thigh is forbidden? Consequently, it is clear that the tanna of the mishna holds that the sciatic nerve does possess flavor.

⁷ Rather, in the mishna here we are dealing with offspring of sacrificial animals. And the tanna holds that the prohibition of eating the sciatic nerve applies with regard to a fetus, and he also holds that the offspring of sacrificial animals are consecrated even while they are in the womb of their mother. Consequently, the prohibition of eating the sciatic nerve and the prohibition of eating sacrificial animals come into effect at the same time, and therefore both prohibitions apply and one does not say that a prohibition does not take effect where another prohibition already exists.

⁸ The Gemara challenges this explanation: Can you interpret this clause of the mishna as referring to a fetus? From the fact that the latter clause teaches: It applies to a late-term fetus, and Rabbi Yehuda holds that it does not apply to a late-term fetus, it may be inferred that in the first clause we are not dealing with a fetus. The Gemara explains: This is what the tanna of the mishna is saying: This matter that was taught in the first clause is a matter of dispute between Rabbi Yehuda and the Rabbis.

⁹ The Gemara again challenges the explanation that the first clause of the mishna is referring to a fetus: And how can you say that both prohibitions come into effect at the same time? But didn't we learn in a mishna (Nazir 49b): A nazirite shaves for having become impure from these sources of ritual impurity: For impurity imparted by a corpse and for impurity imparted by an olive-bulk of a corpse.

¹⁰ And the clause: For impurity imparted by a corpse, is difficult for us, as it seems unnecessary; if a nazirite must shave for impurity imparted by an olive-bulk of a corpse, is it not all the more so true that he must shave for impurity imparted by an entire corpse? And Rabbi Yoḥanan says: It is necessary only for a miscarried human fetus whose limbs had not yet become joined to its sinews. Since the spine is complete the fetus is considered a full corpse, but as the limbs have not yet joined to the sinews it does not contain an olive-bulk of flesh.

¹¹ Evidently, the limbs of the body are formed before the nerves and sinews, and therefore the prohibition of eating sacrificial animals precedes the prohibition of eating the sciatic nerve.

¹² The Gemara answers: Even though the prohibition of eating sacrificial animals precedes the prohibition of eating the sciatic nerve, the prohibition of eating the sciatic nerve comes and takes effect upon the offspring of consecrated animals, because the prohibition of eating the sciatic nerve adds an extra stringency in that it applies also to descendants of Noah. The prohibition of eating the sciatic nerve was in effect from the time Jacob wrestled with the angel (see Genesis 32:25–33), before the Torah was given. At that time, Jacob and his sons had the status of descendants of Noah, i.e., gentiles. Therefore, the prohibition of eating the sciatic nerve is broader than the prohibition of eating meat of sacrificial animals, which took effect only when the Torah was given.

¹³ The Gemara challenges this answer: Whom did you hear holds in accordance with this reasoning? It is Rabbi Yehuda, cited in a later mishna (100b). But the mishna here is not in accordance with the opinion of Rabbi Yehuda, as it teaches that the prohibition of eating the sciatic nerve applies to domesticated animals and to undomesticated animals, to the thigh of the right leg and to the thigh of the left leg. By contrast, Rabbi Yehuda holds that the prohibition applies only with regard to the sciatic nerve in the thigh of one leg (see 90b).

¹⁴ The Gemara explains: The tanna of this mishna holds in accordance with the opinion of Rabbi Yehuda with regard to one halakha, i.e., that the prohibition of eating the sciatic nerve applies to the descendants of Noah, and disagrees with his opinion with regard to one halakha and holds that the prohibition applies to the sciatic nerves of both legs.

¹⁵ The Gemara challenges: Say that you heard that Rabbi Yehuda rules that the prohibition of eating the sciatic nerve takes effect in addition to the prohibition with regard to a non-kosher animal, which is a prohibition punishable by lashes. Since the prohibition of the sciatic nerve is broader in that it applies to the descendants of Noah, it takes effect even though the animal is already prohibited as being not kosher. But in the case of sacrificial animals, whose consumption by an impure person is a prohibition punishable by karet, did you hear that Rabbi Yehuda considers the prohibition of eating the sciatic nerve more stringent, such that it takes effect even though the animal is already prohibited? Therefore, this answer is rejected.

¹⁶ The Gemara offers an alternative answer: Rather, here in the mishna we are dealing with a non-sacred animal giving birth to its firstborn, which becomes sanctified as it leaves the womb. The mishna teaches that although the prohibition of eating the sciatic nerve does not apply to the

offspring of sacrificial animals, because their sacrificial status renders them prohibited for consumption before the prohibition of the sciatic nerve takes effect, that is not the case with regard to a firstborn. The sanctified status of a firstborn takes effect only as it leaves the womb, which is after the prohibition of the sciatic nerve takes effect.

¹⁷ And if you wish, say instead that the mishna is dealing with the offspring of all sacrificial animals, and this tanna holds that such animals are sanctified only when they come into being as independent creatures, i.e., at birth. Consequently, the prohibition of the sciatic nerve takes effect before the animal becomes prohibited at the time of its birth; or, according to the opinion that the sciatic nerve is permitted in a fetus, the two prohibitions take effect simultaneously.

¹⁸ § Having addressed the need for the mishna to state that the prohibition of eating the sciatic nerve applies with regard to sacrificial animals, the Gemara discusses which types of sacrificial animals are included in this prohibition. Rabbi Ḥiyya bar Yosef says: The Sages taught that the prohibition of the sciatic nerve applies only with regard to sacrificial animals that are eaten, e.g., sin offerings, guilt offerings and peace offerings; but with regard to sacrificial animals that are not eaten, e.g., burnt offerings, the prohibition of the sciatic nerve does not apply. And Rabbi Yoḥanan says: The prohibition of the sciatic nerve applies both with regard to sacrificial animals that are eaten and with regard to sacrificial animals that are not eaten.

¹⁹ Rav Pappa said: Rabbi Ḥiyya bar Yosef and Rabbi Yoḥanan do not disagree; they are merely referring to different cases. Here, Rabbi Yoḥanan says that the prohibition of the sciatic nerve applies with regard to flogging one who eats it. There, Rabbi Ḥiyya bar Yosef says that the prohibition of the sciatic nerve does not apply with regard to bringing the meat of the animal up to the altar, i.e., offerings that are burned on the altar are brought up with the sciatic nerve. Burning the sciatic nerve on the altar is not comparable to eating it and is not prohibited.

²⁰ There are those who say that Rav Pappa said as follows: Rabbi Ḥiyya bar Yosef and Rabbi Yoḥanan do not disagree; they are merely referring to different cases. Here, Rabbi Ḥiyya bar Yosef says that the prohibition of the sciatic nerve does not apply to burnt offerings, in that one is not required to remove it before burning the offering on the altar. There, Rabbi Yoḥanan says that the prohibition does apply, in that if one did remove the sciatic nerve, it is prohibited to bring it up onto the altar independently.

²¹ Rav Naḥman bar Yitzḥak disagreed with Rav Pappa and said: Rabbi Ḥiyya bar Yosef and Rabbi Yoḥanan disagree with regard to whether it is permitted to bring up the sciatic nerve to the altar even when it remains in the thigh. As it is taught in a baraita: In the verse: “And the priest shall make it all smoke on the altar” (Leviticus 1:9), the term “it all” serves to include the bones, and the sinews, and the horns, and the hooves among those items burned on the altar.

²² One might have thought that even if they became detached from the flesh of the burnt offering they are burned upon the altar. Therefore, the verse states: “And you shall offer your burnt offerings, the flesh and the blood, upon the altar of the Lord your God” (Deuteronomy 12:27), indicating that only the flesh and the blood are offered upon the altar.

²³ The baraita continues: If it is only the flesh and the blood that are offered on the altar, one might have thought that a priest must first remove the sinews and bones from an offering and only then may he bring up the flesh to be burned upon the altar. Therefore, the verse states: “And the priest shall make it all smoke on the altar,” including the sinews and bones. How can these texts be reconciled?

If the sinews and bones are attached to the flesh, they shall ascend. If they became detached from the flesh, then even if they are already at the top of the altar, they shall descend.

²⁴ The Gemara comments: And who is the tanna that you heard, who said if they became detached from the flesh, they shall descend? It is Rabbi Yehuda HaNasi, as it is taught in a baraita: In the verse that states: “And the priest shall make it all smoke on the altar,” the term “it all” serves to include the bones, and the sinews, and the horns, and the hooves among those items burned on the altar, and that is the halakha even if they became detached from the flesh of the offering.

²⁵ The baraita continues: But if so, how do I realize the meaning of the verse: “And you shall offer your burnt offerings, the flesh and the blood, upon the altar of the Lord your God” (Deuteronomy 12:27), which indicates that only the flesh and blood of an offering are offered on the altar? It is referring to parts of the offering that become dislodged from the fire. How so? If the partially consumed flesh of a burnt offering is dislodged from the altar, you return it to the fire, but you do not return the partially consumed sinews and bones that become dislodged.

²⁶ The baraita continues: Rabbi Yehuda HaNasi says that one verse states: “And the priest shall make it all smoke on the altar,” which included sinews and bones. And one verse states: “And you shall offer your burnt offerings, the flesh and the blood,” which excluded any part other than the flesh and the blood. How can these texts be reconciled? If the sinews and bones were attached to the flesh, they shall ascend. If they became detached from the flesh, then even if they are already on top of the altar, they shall descend.

²⁷ The Gemara explains their dispute: And the Rabbis hold that with regard to sinews and bones that are attached to the flesh it was not necessary for a verse to include the obligation to bring them up to the altar. It is clear that they must be brought up, just as it is the halakha that the head of a burnt offering, which contains many bones, is brought up, as stated explicitly in the verse: “And Aaron’s sons, the priests, shall lay the pieces, and the head, and the fat, in order upon the wood that is on the fire that is upon the altar” (Leviticus 1:8). When a verse was necessary it was for the case where the sinews and bones became detached from the flesh. Consequently, when the verse uses the inclusive phrase “it all,” it is to include sinews and bones that became detached.

²⁸ But Rabbi Yehuda HaNasi holds that with regard to sinews and bones that are attached to the flesh and that are permitted to be eaten,

²⁹ it was not necessary for the verse to include them. When a verse was necessary it was for the sciatic nerve that is still attached to the flesh. The term “it all” teaches that if the sciatic nerve is attached to the flesh it is brought up to the altar.

³⁰ And the Rabbis would explain their opinion based upon the verse: “And one lamb of the flock, out of two hundred, from the well-watered pastures [mimashke] of Israel; for a meal offering, and for a burnt offering, and for peace offerings, to make atonement for them, says the Lord God” (Ezekiel 45:15). Since the term mashke also means beverage, which is consumed, the verse is interpreted to mean that offerings may be sacrificed only from that which is permitted to the Jewish people for consumption. Since the sciatic nerve is not permitted for consumption, it may not be sacrificed on the altar. Consequently, the term “it all” is understood to include sinews and bones even if they have become detached from the flesh.

³¹ And Rabbi Yehuda HaNasi would respond that a sciatic nerve that is attached to the flesh may be brought up to the altar, just as it is permitted to sacrifice forbidden fat and blood upon the altar even though they are forbidden for consumption. And the Rabbis would say that forbidden fat and blood are different, because the Torah explicitly states that their mitzva is to be offered on the altar in this way, whereas the Torah never mandates the sacrifice of the sciatic nerve upon the altar. According to Rav Nahman bar Yitzhak, Rabbi Hiyya bar Yosef agrees with Rabbi Yehuda HaNasi that the sciatic nerve is offered upon the altar together with the rest of the animal, whereas Rabbi Yoḥanan holds in accordance with the opinion of the Rabbis that the sciatic nerve is not offered upon the altar.

³² § The Gemara cites another discussion with regard to the sciatic nerve of a burnt offering. Rav Huna says: The sciatic nerve of a burnt offering is not placed upon the altar with the rest of the animal. Rather, one removes it and places it on the circular mound of ashes in the center of the altar. Rav Hisda said: Master of this [mari dikhi] ruling! Is it written in the Torah: Therefore the altar does not consume the sciatic nerve? This would indicate that it is prohibited to sacrifice the sciatic nerve on the altar. Rather, it is written: “Therefore the children of Israel eat not the sciatic nerve” (Genesis 32:33).

³³ And Rav Huna holds that the phrase: “From the well-watered pastures of Israel,” indicates that offerings may be sacrificed only from that which is permitted to the Jewish people. Since the sciatic nerve is not permitted for consumption, it may not be sacrificed upon the altar.

³⁴ The Gemara raises an objection to Rav Huna’s opinion. It is taught in a baraita: What should one do with the sciatic nerve of a peace offering, since the meat of the offering must be eaten but the sciatic nerve is forbidden? One sweeps it to the Temple courtyard drain. And in the case of the sciatic nerve of a burnt offering, one brings it up to the altar. The Gemara comments: What, is it not that the baraita means that he brings it up to the altar and burns it with the rest of the animal, which contradicts the statement of Rav Huna?

³⁵ The Gemara responds: No, the baraita means that he brings it up to the altar and removes it from the thigh before placing the thigh on the fire. The Gemara asks: But since he removes it from the thigh, why does he bring it up to the altar? The Gemara answers that one cannot bring the thigh up to the altar after the sciatic nerve has been removed because it is stated with regard to one who sacrifices offerings that are damaged or unattractive: “Present it now unto your governor; will he be pleased with you, or will he accept your person? says the Lord of hosts” (Malachi 1:8). Consequently, the leg of the animal must be brought up to the altar while it is whole, and the sciatic nerve must be removed on top of the altar.

³⁶ It is taught in a baraita in accordance with the opinion of Rav Huna: With regard to the sciatic nerve of a peace offering, one sweeps it into the Temple courtyard drain; and with regard to the sciatic nerve of a burnt offering, one removes it and places it on the circular mound of ashes in the center of the altar.

³⁷ We learned in a mishna there (Tamid 28b): There was a circular mound of ashes in the center of the altar, and sometimes there was as much as three hundred kor of ashes upon it. Rava said: This description is an exaggeration [guzma]; the tanna means merely that there was a significant quantity of ashes.

³⁸ Similarly, it is taught in a mishna (Tamid 30a) that before slaughtering the daily offering the priests gave the lamb selected for the daily offering water to drink in a golden cup, in order to render

the animal easier to flay after slaughter. With regard to this mishna, Rava said: It is an exaggeration, as the priests did not actually let the animal drink from a golden vessel.

³⁹ The Gemara provides other examples of statements not meant literally. Rabbi Ami says: In some instances, the Torah spoke employing exaggerated [havai] language, the Prophets spoke employing exaggerated language, and the Sages spoke employing exaggerated language. The fact that the Sages spoke employing exaggerated language is evident from that which we stated above, concerning the mound of ashes and the lamb of the daily offering.

⁴⁰ The Torah spoke employing exaggerated language, as it is written: “Hear, Israel: You are passing over the Jordan this day, to go in to dispossess nations greater and mightier than you, cities great and fortified up to heaven” (Deuteronomy 9:1), whereas the fortifications obviously did not actually reach up to heaven. The Prophets spoke employing exaggerated language, as it is written with regard to the coronation of King Solomon: “And all the people came up after him, and the people piped with pipes, and rejoiced with great joy, so that the earth rent with the sound of them” (I Kings 1:40), where the verse means merely that the sound was very loud.

⁴¹ Rabbi Yitzhak bar Nahmani says that Shmuel says: In three places the Sages spoke in exaggerated language, and they are with regard to the circular mound of ashes on the altar; the vine; and the Curtain separating the Sanctuary and Holy of Holies. The case of the circular mound of ashes is that which we said.

⁴² The case of the vine is as we learned in a mishna (Middot 36a): A golden ornament in the form of a vine was standing at the entrance to the Sanctuary, and it was hung upon poles. And whoever would donate an ornamental golden leaf, grape, or cluster of grapes to the Temple would bring it to the Temple and hang it upon the vine. Rabbi Elazar, son of Rabbi Tzadok, said: There was once an incident, and three hundred priests were enlisted to move the vine because of its immense weight. According to Shmuel, this description is also an exaggeration.

⁴³ The case of the Curtain is as we learned in a mishna (Shekalim 8:2): Rabban Shimon ben Gamliel says in the name of Rabbi Shimon, the deputy High Priest: The Curtain is the thickness of a handbreadth [tefah]. It is woven from seventy-two strands [nirim] of yarn, and each and every strand [nima] of those seventy-two is made from twenty-four threads consisting of six threads each of sky-blue wool, purple wool, scarlet wool, and fine linen. Its length is forty cubits, the height of the Sanctuary, and its width is twenty cubits, the width of the entrance. And it is made from eighty-two ten-thousands, i.e., 820,000 dinars. And the overseers of the Temple make two new Curtains every year. And the Curtain was so heavy that when it was immersed, three hundred priests would immerse it.

⁴⁴ § The mishna teaches that the prohibition of the sciatic nerve applies to the thigh of the right leg and to the thigh of the left leg. The Gemara says: The mishna is not in accordance with the opinion of Rabbi Yehuda, as it is taught in a baraita that Rabbi Yehuda says: The prohibition of the sciatic nerve applies only to the sciatic nerve in one of the animal’s thighs, and logic dictates that it is the right thigh.

⁴⁵ A dilemma was raised before the Sages: Is it obvious to Rabbi Yehuda that the prohibition applies only to the sciatic nerve in the right thigh, and accordingly, what does he mean when he says that logic dictates? He means the logic of the Torah. Or perhaps he is uncertain as to whether it applies

only to the right thigh or only to the left, and accordingly, what does he mean when he says that logic dictates? He means that logic inclines one to believe that the prohibition applies to the right thigh.

⁴⁶ The Gemara suggests: Come and hear a resolution based upon the following mishna (Pesahim 83a): The bones of the Paschal offering that contain edible marrow but cannot be eaten because it is prohibited to break the bones of the Paschal offering; and the sinews; and the leftover meat should all be burned on the sixteenth of Nisan, not on the fifteenth, the first day of Passover. And we discussed it: What are the circumstances in which these sinews must be burned? If we say they are sinews of meat, let one eat them. Why are they burned? And if they are sinews that were left over and not eaten, that is the case of leftover meat; why does the mishna list sinews separately? Rather, the mishna is referring to sinews of the neck, which are different from other sinews and are therefore mentioned separately. But if they are not meat, why do they require burning? Let one simply discard them like other waste.

⁴⁷ And Rav H̥isda said: The mishna's mention of sinews is necessary only in order to teach the halakha of the sciatic nerve, and in accordance with the opinion of Rabbi Yehuda, who said: The prohibition of the sciatic nerve applies only to the sciatic nerve in one of the animal's thighs, and not to both.

⁴⁸ The Gemara explains how this resolves the dilemma: Granted if you say that Rabbi Yehuda is uncertain as to whether it is the sciatic nerve of the right or the left thigh, it works out well. Since it is uncertain which thigh may be eaten, one may not eat either of them, and one must burn each of them on the sixteenth due to the possibility that it was the permitted one and now has the status of leftover meat. But if you say that it is obvious to Rabbi Yehuda that the sciatic nerve of only the right thigh is forbidden, let him eat the sciatic nerve of the permitted left thigh, and let him throw away only the sciatic nerve of the forbidden right thigh. Neither one should be burned.

⁴⁹ The Gemara responds: Rav Ika bar H̥anina said: Actually I could say to you that it is obvious to Rabbi Yehuda that the sciatic nerve of only the right thigh is forbidden. Nevertheless, here we are dealing with a case where the sciatic nerves were identified and removed, but ultimately the sciatic nerves became intermingled and one cannot tell which is from the right thigh and which is from the left thigh. Consequently, they must both be left over until the next day and then burned.

⁵⁰ Rav Ashi said: The mishna's ruling that the sinews must be burned is necessary only with regard to the fat around the sciatic nerve, as it is taught in a baraita: The fat around the sciatic nerve is permitted by Torah law, but the Jewish people are holy and treated it as forbidden. Since it is permitted by Torah law, it has the status of sacrificial meat and may not be simply discarded. Nevertheless, since the Jewish people treat it as forbidden, they do not eat it even from the Paschal offering, despite the mitzva to eat that offering in its entirety. Therefore, it is left until after the time when the meat may be eaten and it is burned as leftover sacrificial meat.

⁵¹ Ravina said: The mishna's statement is necessary only with regard to the outer nerve, and it is in accordance with that which Rav Yehuda said that Shmuel said. As Rav Yehuda said that Shmuel said: There are two nerves included in the prohibition of the sciatic nerve. The inner nerve that is next to the bone is forbidden by Torah law, and one is liable to be flogged for eating it. The outer nerve that is next to the flesh is forbidden by rabbinic law, and therefore one is not liable to be flogged for eating it. In the case of a Paschal offering, since the outer nerve is permitted by Torah law, it assumes the status of leftover sacrificial meat when it is not eaten.

⁵² The Gemara suggests: Come and hear another resolution to the dilemma about Rabbi Yehuda's statement, from a mishna (96a): If one ate an olive-bulk from this sciatic nerve of the right leg and an olive-bulk from that sciatic nerve of the left leg, he incurs eighty lashes. Rabbi Yehuda says: He incurs only forty lashes.

⁵³ Granted, if you say it is obvious to Rabbi Yehuda that the sciatic nerve of the right thigh is the one forbidden by Torah law, it is well. But if you say he is uncertain, why would he hold that one incurs any lashes? When the individual is forewarned not to partake of each sciatic nerve, which is necessary in order to be liable for incurring lashes, it is an uncertain forewarning, and we have heard about Rabbi Yehuda that he said: An uncertain forewarning is not characterized as forewarning.

⁵⁴ As it is taught in a baraita: If one is uncertain which of two men is his father and he struck this one and then struck that one, or cursed this one and then cursed that one, or struck both of them simultaneously, or cursed both of them simultaneously, he is liable to receive the death penalty, as he certainly struck or cursed his father. Rabbi Yehuda says: If he struck or cursed both of them simultaneously he is liable, provided he was forewarned that his action will certainly render him liable to receive the death penalty. But if he struck or cursed them one after the other he is exempt. Apparently, Rabbi Yehuda is of the opinion that one is not punished after uncertain forewarning; since in this case it is impossible to determine which of them is the father, inevitably each forewarning is uncertain. Similarly, if Rabbi Yehuda is uncertain which sciatic nerve is forbidden by Torah law, he should hold that since the forewarning before eating either sciatic nerve is uncertain, one who consumes both should be exempt.

⁵⁵ The Gemara answers: This tanna of that mishna, on 96a, holds in accordance with the opinion of another tanna with regard to the opinion of Rabbi Yehuda, who said that Rabbi Yehuda holds that an uncertain forewarning is characterized as forewarning.

⁵⁶ As it is taught in a baraita: The verse states with regard to the Paschal offering: "And you shall not leave any of it until morning; but that which remains of it until morning you shall burn with fire" (Exodus 12:10). The verse comes to provide a positive mitzva to burn the leftover meat after it has taught a prohibition against leaving it over, to say that one is not flogged for violation of the prohibition; this is the statement of Rabbi Yehuda. Rabbi Yehuda holds that one is not flogged for any transgression that can be rectified by the performance of a positive mitzva.

⁵⁷ Rabbi Ya'akov says: This, the halakha that one is not flogged, is not for that reason. Rather, it is because leaving over sacrificial meat is a prohibition that does not involve an action, as one violates the prohibition through failure to take action, and concerning any prohibition that does not involve an action, one is not flogged for its violation. The forewarning one could receive for this transgression is an uncertain one, because witnesses who forewarn the individual cannot be certain until daybreak that he will leave it over. Nevertheless, this baraita indicates that if not for the fact that leaving over sacrificial meat can be rectified by a positive mitzva, Rabbi Yehuda would hold that one is flogged for leaving over sacrificial meat.

⁵⁸ The Gemara suggests: Come and hear a resolution of the uncertainty with regard to the opinion of Rabbi Yehuda from a baraita: If one ate two sciatic nerves from two thighs of two different animals, he incurs eighty lashes. Rabbi Yehuda says: He incurs only forty lashes.

⁵⁹ The Gemara comments: From the fact that the first tanna said that he was referring to two thighs of two different animals, it is obvious that he meant they were both from the right thigh, because if

one were from the right thigh and one were from the left thigh it would not matter if they were from two different animals or from the same animal. Consequently, both sciatic nerves are definitely forbidden by Torah law, and according to the first tanna one incurs eighty lashes for eating them. And it was necessary to teach that according to Rabbi Yehuda one incurs only forty lashes, as will be explained. Conclude from this baraita that it is obvious to Rabbi Yehuda that it is the sciatic nerve of the right thigh that is forbidden by Torah law. The Gemara affirms: Conclude from it that this is Rabbi Yehuda's opinion.

⁶⁰ The Gemara seeks to clarify the baraita: But if it is obvious to Rabbi Yehuda that the sciatic nerve from the right thigh is prohibited by Torah law, why does he incur forty lashes and nothing more? Let him be flogged eighty times. The Gemara answers: Here we are dealing with a case where the volume of one of the sciatic nerves is not an olive-bulk, and Rabbi Yehuda holds that in such a case one is not flogged for its consumption. As it is taught in a baraita: If one ate the entire sciatic nerve and its volume is not an olive-bulk, he is nevertheless liable to be flogged, because he ate a complete, natural unit of forbidden food. Rabbi Yehuda says: He is not liable unless it has a volume of at least an olive-bulk.

⁶¹ The Gemara asks: And what is the reason that Rabbi Yehuda holds that only the sciatic nerve of the right thigh is forbidden by Torah law? Rava said that it is because the verse states: "Therefore the children of Israel eat not the sciatic nerve that is upon the spoon of the thigh" (Genesis 32:33). The definite article indicates that this is referring to the most important thigh.

⁶² And the Rabbis, who hold that the sciatic nerves of both the right and left thighs are forbidden by Torah law, explain the definite article as teaching that the prohibition applies to the one whose prohibition spreads through the entire thigh, i.e., the inner nerve. This serves to exclude the outer nerve, which is not prohibited by Torah law.

⁶³ And Rabbi Yehoshua ben Levi said that Rabbi Yehuda holds that the sciatic nerve of the right thigh is forbidden because the verse states: "And when he saw that he could not prevail against him, he touched the spoon of his thigh; and the spoon of Jacob's thigh was strained, as he wrestled with him" (Genesis 32:26). The angel grappled with Jacob like a man who hugs another in order to throw him to the ground, and his hand reaches to the spoon of the right thigh of the other.

⁶⁴ Rabbi Shmuel bar Nahmani says: The angel appeared to him as a gentile, as the Master said: A Jew who is joined by a gentile on the road and continues his travels with him should position the gentile to his right, close to one's dominant hand. This allows the Jew to defend himself against any potential attack. Since Jacob followed this practice, it was therefore Jacob's right thigh that the angel touched.

⁶⁵ Rav Shmuel bar Aḥa said before Rav Pappa in the name of Rava bar Ulla that the angel appeared to Jacob as a Torah scholar, and therefore Jacob positioned the angel on his right side, as the Master said: One who walks to the right of his teacher is an ignoramus, in that he does not know how to act with good manners. Consequently, it was Jacob's right thigh that the angel touched.

⁶⁶ And the Rabbis, who hold that the sciatic nerves of both thighs are forbidden, understand that the angel came from behind Jacob and hit him on both thighs.

⁶⁷ The Gemara asks: And the Rabbis, what do they derive from this phrase: "As he wrestled with him" (Genesis 32:26)? The Gemara answers: They require it for the other interpretation of Rabbi

Yehoshua ben Levi, as Rabbi Yehoshua ben Levi said: This teaches that the dust [avak] from their feet ascended to the throne of glory. It is written here: “As he wrestled [behe’avko] with him,” and it is written there in a description of how God will punish the wicked: “The Lord, in the whirlwind and in the storm is His way, and the clouds are the dust of His feet” (Nahum 1:3).

⁶⁸ § The Gemara cites another statement of Rabbi Yehoshua ben Levi concerning the sciatic nerve: And Rabbi Yehoshua ben Levi says: Why is its name called sciatic nerve [gid hanashe]? It is because the sciatic nerve left [nasha] its place and rose. And similarly the verse says: “The mighty men of Babylon have ceased to fight, they remain in their strongholds; their might has left [nashata], they are become as women” (Jeremiah 51:30).

⁶⁹ The Gemara continues with other expositions pertaining to the sciatic nerve. Rabbi Yosei, son of Rabbi Ḥanina, said: What is the meaning of that which is written: “The Lord sent a word to Jacob, and it has fallen upon Israel” (Isaiah 9:7)? “He sent a word to Jacob”; this is a reference to the sciatic nerve. “And it has fallen upon Israel”; this teaches that its prohibition has been extended to the entire Jewish people.

⁷⁰ And Rabbi Yosei, son of Rabbi Ḥanina, also said: What is the meaning of that which is written: “And when Joseph saw Benjamin with them, he said to the steward of his house: Bring the men into the house, and slaughter the animals, and prepare the meat; for the men shall dine with me at noon” (Genesis 43:16)? Joseph commanded his steward: Expose the place of the slaughter on the neck of the animal to them so that the brothers will know that it is being slaughtered correctly. “And prepare” teaches that Joseph instructed the steward to remove the sciatic nerve in their presence so that the brothers would know that it had been fully removed. The Gemara comments that this opinion is according to the one who said that the sciatic nerve was forbidden to the children of Jacob even before the Torah was given, when they still had the status of descendants of Noah.

⁷¹ The Gemara returns to the verse of Jacob wrestling with the angel. The verse states: “And Jacob was left alone; and a man wrestled with him until the breaking of the day” (Genesis 32:25). Rabbi Elazar says: The reason Jacob remained alone was that he remained to collect some small pitchers that had been left behind. From here it is derived that the possessions of the righteous are dearer to them than their bodies. And why do they care so much about their possessions? It is because they do not stretch out their hands to partake of stolen property.

⁷² The verse states: “And a man wrestled with him until the breaking of the day.” Rabbi Yitzḥak says: From here it is derived that a Torah scholar should not go out of his house alone at night, as Jacob went out alone at night and was injured. Rabbi Abba bar Kahana said that the source for this instruction is from here:

⁷³ “And now is there not Boaz our kinsman, whose maidens you were with? Behold, he winnows barley tonight in the threshing floor...and it shall be, when he lies down, that you shall mark the place where he shall lie” (Ruth 3:2–3). This teaches that the reason Boaz did not return home from the threshing floor was that a Torah scholar should not go out alone at night.

⁷⁴ Rabbi Abbahu said that the source is from here: “And Abraham rose early in the morning, and saddled his donkey, and took two of his young men with him and Isaac his son; and he split the wood for the burnt offering, and rose up, and went to the place that God had told him” (Genesis 22:3). The fact that Abraham waited until morning and did not set off at night, even though others were

traveling with him, indicates that a Torah scholar should not go out at night at all, and certainly not alone.

⁷⁵ And the Rabbis say that the source is from here, the verse that describes when Jacob sent Joseph to his brothers: “And he said to him: Go now, see whether it is well with you brothers and well with the flock; and bring me back word. So he sent him out of the valley of Hebron, and he came to Shechem” (Genesis 37:14). The verse indicates that Jacob sent Joseph at a time when he could see his brothers, i.e., during the day. This shows that a Torah scholar should not go out alone at night.

⁷⁶ Rav said that the source is from here: “And the sun rose for him as he passed over Peniel, and he limped upon his thigh” (Genesis 32:32). This indicates that Jacob remained where he was all night and left in the morning, because a Torah scholar should not go out alone at night.

⁷⁷ The Gemara cites an incident involving the final verse cited above. Rabbi Akiva says: I asked the following question of Rabban Gamliel and Rabbi Yehoshua in the meat market [be’itliz] of the town Emmaus, where they went to purchase an animal for the wedding feast of Rabban Gamliel’s son: It is written in the verse: “And the sun shone for him when he passed Peniel, and he limped upon his thigh” (Genesis 32:32). But did the sun shine only for him? Didn’t it shine for the entire world?

⁷⁸ Rabbi Yitzhak says: The verse means that the sun, which set early exclusively for him, also shone early exclusively for him in order to rectify the disparity created by the premature sunset. The Gemara explains when the sun set early for him: As it is written: “And Jacob went out from Beersheba and went toward Haran” (Genesis 28:10). And it is written thereafter: “And he encountered the place, and he slept there, because the sun had set” (Genesis 28:11). When Jacob arrived at Haran, he said: Is it possible that I passed a place where my fathers prayed and I did not pray there? When he set his mind to return, the land contracted for him. Immediately the verse states: “And he encountered the place,” indicating that he arrived there miraculously.

⁷⁹ When he had finished praying and he wanted to return to Haran, the Holy One, Blessed be He, said: This righteous man came to my lodging place and he will depart without remaining overnight? Immediately, the sun set before its proper time so that Jacob would stay overnight in that place.

⁸⁰ The Gemara cites another exposition of Rabbi Yitzhak to explain an apparent contradiction between two verses pertaining to this incident. It is written: “And he took of the stones of the place, and placed them under his head, and lay down in that place to sleep” (Genesis 28:11). And it is written: “And Jacob rose up early in the morning, and he took the stone that he had placed under his head, and set it up for a pillar, and poured oil upon the top of it” (Genesis 28:18). The first verse indicates that Jacob took several stones, whereas the latter verse indicates that he took only one stone. Rabbi Yitzhak says: This teaches that all those stones gathered to one place and each one said: Let this righteous man place his head upon me. And it was taught: And all of them were absorbed into one large rock.

⁸¹ The Gemara expounds other verses pertaining to the same incident. The verse states: “And he dreamed, and behold a ladder set up on the earth, and the top of it reached to heaven; and behold the angels of God ascending and descending on it” (Genesis 28:12). It was taught: How wide was the ladder? It was eight thousand parasangs [parsaot], as it is written: “And behold the angels of God ascending and descending on it.” The word “ascending [olim],” written in plural, indicates that there were two angels ascending simultaneously. Likewise, the term “and descending [veyordim],” also in the plural, indicates that two angels were descending simultaneously. And when they met one another

they were a total of four in one place, so the ladder must have been wide enough to accommodate four angels.

⁸² And it is written in a verse with regard to an angel: “His body was like Tarshish” (Daniel 10:6). And it is learned as a tradition that the city of Tarshish was two thousand parasangs. Consequently, in order to accommodate four angels, the ladder must have been eight thousand parasangs wide.

⁸³ It was taught that the angels were ascending and gazing at the image of [bidyokeno] Jacob above, engraved on the Throne of Glory, and descending and gazing at his image below. The angels subsequently became jealous of Jacob, and wanted to endanger his life. Immediately Jacob received divine protection, as the verse states: “And behold, the Lord stood over him” (Genesis 28:13). Rabbi Shimon ben Lakish says: Were it not written in a verse it would be impossible to utter it, in deference to God, since it describes God as standing over Jacob to protect him from the angels like a man who waves a fan over his son to cool him down.

⁸⁴ The Gemara explains another verse from Jacob’s dream. “And behold, the Lord stood over him and said: I am the Lord, the God of Abraham your father and the God of Isaac. The land upon which you lie, to you will I give it, and to your seed” (Genesis 28:13). The Gemara asks: What is the greatness of this promise, i.e., why is it expressed in this way despite the fact that in a literal sense Jacob was lying on a very small amount of land? Rabbi Yitzḥak says: This teaches that the Holy One, Blessed be He, folded up the entirety of Eretz Yisrael and placed it under Jacob, our patriarch, so that it would be easy for his children to conquer.

⁸⁵ The Gemara returns to the verses that describe Jacob wrestling with the angel. “And he said: Let me go, for the dawn has risen. And he said: I will not let you go until you bless me” (Genesis 32:27). Jacob said to the angel: Are you a thief, or are you a gambler [kuveyustus], who is afraid of dawn? The angel said to him: I am an angel, and from the day I was created my time to recite a song before God has not arrived, until now. Now I must ascend so that I can sing songs of praise to God.

⁸⁶ The Gemara comments: This supports the opinion of Rav Ḥananel when he related what Rav said. As Rav Ḥananel said that Rav said: Three groups of ministering angels recite a song every day from the verse “Holy, holy, holy is the Lord”; one says: “Holy,” and another one says: “Holy,” and another one says: “Holy is the Lord of hosts; the whole earth is full of His glory” (Isaiah 6:3).

⁸⁷ The Gemara raises an objection from the following baraita: The Jewish people are more dear to the Holy One, Blessed be He, than the ministering angels, as the Jewish people may recite a song of praise to God at any time, but ministering angels recite a song of praise only one time per day. And some say that the ministering angels recite a song of praise one time per week. And some say that they recite a song of praise one time per month. And some say that they recite a song of praise one time per year. And some say that they recite a song of praise one time in every seven years. And some say that they recite a song of praise one time per Jubilee. And some say that they recite a song of praise one time in the entire history of the world.

⁸⁸ And furthermore, the Jewish people mention the name of God after two words, as it is stated: “Hear, Israel: The Lord our God, the Lord is one” (Deuteronomy 6:4). But the ministering angels mention the name of God only after three words, as it is written: “And one called unto another, and said: “Holy, holy, holy is the Lord of hosts; the whole earth is full of His glory” (Isaiah 6:3).

⁸⁹ And the ministering angels do not recite their song above until the Jewish people recite their song below, on earth, as it is stated: “When the morning stars sang together” (Job 38:7), referring to the Jewish people, who are compared to stars; and only then does the verse state: “And all the sons of God shouted for joy,” which is a reference to the angels. This baraita teaches that the angels mention the name of God only after three words, i.e., after saying the word “holy” three times, whereas according to what Rav Ḥananel stated that Rav said, the third group of angels says the word “holy” once and then immediately mentions the name of God.

⁹⁰ The Gemara emends Rav Ḥananel’s statement citing Rav: Rather, Rav said that one group of ministering angels says: “Holy,” and another one says: “Holy, holy,” and another one says: “Holy, holy, holy is the Lord of hosts.” The Gemara challenges the statement of the baraita that the angels mention the name of God only after three words: But there is the verse: “Then a spirit lifted me up, and I heard behind me the voice of a great rushing: Blessed be the glory of the Lord from His place” (Ezekiel 3:12). In this praise, “Blessed be the glory of the Lord,” the word “Lord” appears as the third Hebrew word, apparently uttered by the ministering angels.

⁹¹ The Gemara answers that it is the ofanim who say the verse: “Blessed be the glory of the Lord from His place,” as the next verse mentions “the noise of the ofanim” (Ezekiel 3:13), and Rav Ḥanina’s statement citing Rav was referring not to ofanim but to ministering angels. And if you wish, say that once permission has been given to them to mention the name of God after three words when they say: “Holy, holy, holy,” permission is also given to them to mention the name of God again while praising Him even after fewer than three words.

⁹² The Gemara continues to discuss Jacob wrestling with the angel. The prophet states: “So he strove [vayyasar] with an angel, and prevailed; he wept, and made supplication to him; at Beth El he would find him, and there he would speak with us” (Hosea 12:5). From this verse I do not know who became master [sar], i.e., was victorious, over whom. When another verse states: “And he said: Your name shall no longer be called Jacob, but Israel; for you have striven with angels and with men, and have prevailed” (Genesis 32:29), you must say that Jacob became master over the angel.

⁹³ The verse in Hosea states: “He wept, and made supplication to him.” From this verse I do not know who cried to whom. When another verse states: “And he said: Let me go, for the dawn has risen” (Genesis 32:27), you must say that the angel cried to Jacob.

⁹⁴ The verse states: “And he said: Your name shall no longer be called Jacob, but Israel; for you have striven with angels [elohim] and with men, and have prevailed” (Genesis 32:29). Rabba says: The angel intimated to Jacob that in the future two princes would emerge from him: They are the Exilarch who is in Babylonia and the Nasi who is in Eretz Yisrael. And from here he also intimated to Jacob that there would be an exile.

⁹⁵ Similarly, with regard to the dream of Pharaoh’s butler, the verse states: “And in the vine were three branches [sarigim]; and as it was budding, its blossoms shot forth, and its clusters brought forth ripe grapes” (Genesis 40:10). Rav Ḥiyya bar Abba says that Rav says: These three branches refer to the three proud princes [sarei ge’im] who emerge from the Jewish people in each and every generation. There are times when two are here in Babylonia and one is in Eretz Yisrael, and there are times when two are in Eretz Yisrael and one is here in Babylonia. When this was stated in the study hall, the Sages present turned their eyes toward Rabbana Ukva and Rabbana Neḥemya, the sons of

the daughter of Rav, who were from the family of the Exilarch and were two leaders of the generation who resided in Babylonia.

⁹⁶ Rava says a different explanation of the verse: These three branches [sarigim] are the three ministering angels appointed to oversee the gentiles [sarei goyim], who plead in favor of the Jewish people in each and every generation.

⁹⁷ It is taught in a baraita: Rabbi Eliezer says an alternate interpretation of the verse. “Vine”; this is a reference to the world. “Three branches”; this is a reference to Abraham, Isaac, and Jacob. “And as it was budding, its blossoms shot forth”; these are the matriarchs. “And its clusters brought forth ripe grapes”; these are the twelve tribes, i.e., the twelve sons of Jacob.

⁹⁸ Rabbi Yehoshua said to him: But is a person shown in a dream what was in the past? Isn’t it true that one is shown only what will be in the future? Since the patriarchs, matriarchs, and sons of Jacob were all born prior to this dream, the dream was not alluding to them. Rather, the verse should be interpreted as follows: “Vine”; this is a reference to the Torah. “Three branches”; these are Moses, Aaron, and Miriam. “And as it was budding, its blossoms shot forth”; these are the members of the Sanhedrin. “And its clusters brought forth ripe grapes”; these are the righteous people who live in each and every generation.

⁹⁹ Rabban Gamliel said: In order to understand this verse (Genesis 40:10) we still need the explanation of Rabbi Elazar HaModa’i, who is an expert in matters of aggada, as he interprets all of the phrases in the verse as referring to one location. Rabbi Elazar HaModa’i says: “Vine”; this is a reference to Jerusalem. “Three branches”; this is a reference to the Temple, the king and the High Priest. “And as it was budding [poraḥat], its blossoms shot forth”; these are the young priests [pirḥei kkehunna]. “And its clusters brought forth ripe grapes”; these are the wine libations.

¹⁰⁰ Rabbi Yehoshua ben Levi interprets it with reference to the gifts that God gave the Jewish people, as Rabbi Yehoshua ben Levi said: “Vine”; this is a reference to the Torah. “Three branches”; this is a reference to the miraculous items that accompanied the Jewish people in the wilderness and sustained and protected them: The well, the pillar of cloud, and the manna. “And as it was budding, its blossoms shot forth”; these are the first fruits that are brought to the Temple. “And its clusters brought forth ripe grapes”; these are the wine libations.

¹⁰¹ Rabbi Yirmeya bar Abba says: “Vine”; this is a reference to the Jewish people, and similarly another verse states: “You plucked up a vine out of Egypt; You drove out the nations and planted it” (Psalms 80:9). “Three branches”; these are the three pilgrimage Festivals, on which the Jewish people ascend to Jerusalem every year. “And as it was budding, its blossoms shot forth,” means that the time has arrived for the Jewish people to be fruitful and multiply, and similarly another verse states: “And the children of Israel were fruitful, and increased abundantly, and multiplied, and became exceeding mighty; and the land was filled with them” (Exodus 1:7).

¹⁰² “Its blossoms [nitzah] shot forth” means that the time has arrived for the Jewish people to be redeemed. And similarly another verse states: “And their eternity [nitzḥam] is dashed against My garments, and I have redeemed all My raiment” (Isaiah 63:3). “And its clusters brought forth ripe grapes” means that the time has arrived for Egypt to drink the cup of fury, i.e., to receive its punishment.

¹⁰³ And this is as Rava said: Why are there three cups stated with regard to Egypt in the dream of Pharaoh's butler (see Genesis 40:11)? They are an allusion to three cups of misfortune that would later befall Egypt: One that Egypt drank in the days of Moses during the ten plagues and the Exodus; one that Egypt drank in the days of Pharaoh Nekho, the king of Egypt defeated by Nebuchadnezzar; and one that Egypt will drink in the future with all the other nations, when they are punished in the time of the Messiah.

¹⁰⁴ Rabbi Abba said to Rabbi Yirmeya bar Abba: When Rav interpreted these verses homiletically he interpreted them according to the way in which you have interpreted them, and not according to any of the other opinions cited above.

¹⁰⁵ Similar to Rabbi Yirmeya bar Abba's interpretation of the word vine as an allusion to the Jewish people, Rabbi Shimon ben Lakish says: This nation is likened to a vine. The branches of the vine support the clusters of grapes, the leaves, and the tendrils; these are represented among the Jewish people by the homeowners, who provide financial support for the entire nation. The clusters of grapes on the vine, these are the Torah scholars. The leaves on the vine, which protect the grapes, these are the ignoramuses, who protect the Torah scholars. The tendrils of the vine, which do not directly serve the grapes themselves, these are the empty ones of the Jewish people.

¹⁰⁶ And this is the meaning of the instruction that they sent from there, i.e., from Eretz Yisrael: Let the clusters of grapes pray for the leaves, as were it not for the leaves, the clusters of grapes would not survive.

¹⁰⁷ § The Gemara cites homiletical interpretations of other verses that pertain to the leaders of the Jewish people in Eretz Yisrael and Babylonia. The verse states: "So I bought her [va'ekkerha] to me for fifteen pieces of silver, and a homer of barley, and a half-homer of barley" (Hosea 3:2). Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yehotzadak: The term kira, which forms the basis of the verb va'ekkerha, is nothing other than language referring to a sale [mekhira], as it is stated that Joseph said: "My father made me swear, saying: Lo, I die; in my grave that I have acquired [kariti] for me in the land of Canaan, there shall you bury me" (Genesis 50:5).

¹⁰⁸ Rabbi Yoḥanan continues: "For fifteen pieces of silver"; this is a reference to the fifteenth of Nisan, the date on which the Jewish people were redeemed from Egypt. "Silver"; these are the righteous people. And similarly, another verse states: "He has taken the bag of silver with him" (Proverbs 7:20), a reference to God taking the righteous away prior to the destruction of the First Temple (see Sanhedrin 96b).

¹⁰⁹ The verse states: "A homer of barley, and a half-homer of barley." A homer equals thirty se'a, and a half-homer equals fifteen se'a, totaling forty-five se'a; these are the forty-five righteous individuals in whose merit the world continues to exist. And although the verse alludes to the fact that thirty of these righteous individuals are in one place and fifteen are elsewhere, I do not know if thirty are here in Babylonia and fifteen are in Eretz Yisrael, or if thirty are in Eretz Yisrael and fifteen are here in Babylonia. When it says in a different verse: "And I took the thirty pieces of silver and cast them into the treasury, in the house of the Lord" (Zechariah 11:13), you must say that thirty of the righteous individuals are in Eretz Yisrael and fifteen are here in Babylonia.

¹¹⁰ Abaye said: And most of the fifteen righteous individuals in Babylonia are found in the synagogue under the upper room. And this is the meaning of that which is written: "And I said to

them: If it is good in your eyes, give me my hire; and if not, refrain. And they weighed for my hire thirty pieces of silver” (Zechariah 11:12).

¹¹¹ Rabbi Yehuda says: These are the thirty righteous individuals among the nations of the world, in whose merit the nations of the world continue to exist. Ulla says: These are the thirty mitzvot that the descendants of Noah initially accepted upon themselves; but they fulfill only three of them. One of these three mitzvot is

¹¹² that they do not write a marriage contract for a wedding between two males; although they violate the prohibition against engaging in homosexuality, they are not so brazen as to write a marriage contract as for a regular marriage. And one of the three mitzvot is that although they are suspected of eating human beings, they do not weigh the flesh of the dead in butcher shops [bemakkulin] and sell it publicly; and one is that they honor the Torah.

¹¹³ § The mishna teaches (89b) that the prohibition of eating the sciatic nerve does not apply to a bird due to the fact that the verse is referring to the sciatic nerve as being “upon the spoon of the thigh” (Genesis 32:33), and a bird has no spoon of the thigh. The Gemara challenges: But we see that it does have a protrusion of flesh on its thigh. The Gemara answers: It has a protrusion, but that protrusion is not rounded.

¹¹⁴ Rabbi Yirmeya raises a dilemma: If a bird has a protrusion on its thigh bone and it is rounded, or an animal has a protrusion on its thigh bone but it is not rounded, what is the halakha? Do we follow it, i.e., does the status of the sciatic nerve depend upon the physical properties of each particular animal, or do we follow its species, so that the sciatic nerve of an animal is always forbidden and that of a bird is always permitted? The Gemara responds: The question shall stand unresolved.

¹¹⁵ § The mishna states that the prohibition of the sciatic nerve applies to a late-term animal fetus in the womb. Rabbi Yehuda says: It does not apply to a fetus; and its fat is permitted. Shmuel says: When the mishna states: And its fat is permitted, that is according to everyone.

¹¹⁶ The Gemara asks: The fat of what? If we say that it is referring to the fat of a fetus, don’t the tanna’im disagree about it, as it is taught in a baraita: The prohibition of the sciatic nerve applies to a late-term fetus, and its fat is prohibited; this is the statement of Rabbi Meir. Rabbi Yehuda says that the prohibition of the sciatic nerve does not apply to a late-term fetus, and its fat is permitted.

¹¹⁷ And Rabbi Elazar says that Rabbi Oshaya says in explanation of the baraita: This dispute applies to a nine-month-old, i.e., a full-term, fetus that remains alive after its mother has been slaughtered. And Rabbi Meir followed his general opinion in this regard (see 74a), that this fetus is considered a live animal independent of its mother. Consequently, it must undergo ritual slaughter in order for its meat to be permitted for consumption, and its fats and sciatic nerve are forbidden like those of any other animal. And Rabbi Yehuda followed his general opinion that such a fetus is not considered a live animal but rather part of its mother. Consequently, it does not require ritual slaughter, and its fats and sciatic nerve are permitted.

¹¹⁸ But rather, perhaps Shmuel’s statement was said with regard to the fat of the sciatic nerve. But the tanna’im disagree about this case as well, as it is taught in a baraita: With regard to the sciatic nerve, one scrapes around it to remove it entirely in any place that it is found in the thigh, and one cuts out its fat from its source, i.e., even the fat that is embedded in the flesh; this is the statement of Rabbi Meir. Rabbi Yehuda says: One cuts out the nerve and fat so that they are level with the flesh

[hashufi] of the thigh, but there is no need to scrape out the parts embedded in the flesh. Consequently, there is a dispute about the fat surrounding the sciatic nerve as well.

¹¹⁹ The Gemara answers: Actually, Shmuel was referring to the fat of the sciatic nerve, and Shmuel concedes that according to the opinion of Rabbi Meir the fat surrounding the sciatic nerve is forbidden by rabbinic law but permitted by Torah law. As it is taught in a baraita: Its fat is permitted by Torah law, but the Jewish people are holy and treated it as forbidden. The Gemara infers: What, is it not that this baraita is in accordance with the opinion of Rabbi Meir, who said that the fat is permitted by Torah law but forbidden by rabbinic law?

¹²⁰ The Gemara challenges this: From where can it be proven that this baraita is in accordance with the opinion of Rabbi Meir? Perhaps it is in accordance with the opinion of Rabbi Yehuda, but according to the opinion of Rabbi Meir it is even forbidden by Torah law.

¹²¹ The Gemara rejects this challenge: It would not enter your mind that this baraita is in accordance with the opinion of Rabbi Yehuda, as it is taught in a baraita: With regard to the sciatic nerve, one scrapes around it to remove it entirely from any place that it is found in the thigh, and its fat is permitted. The Gemara explains: Whom have you heard who holds that scraping is required? It is Rabbi Meir. And the baraita states that its fat is permitted. Consequently, Rabbi Meir must hold that the fat surrounding the sciatic nerve is permitted by Torah law and forbidden by rabbinic law.

¹²² § With regard to the sciatic nerve Rav Yitzḥak bar Shmuel bar Marta says that Rav says: The Torah prohibited only its thin, tendril-like nerve fibers [kenokanot] that branch off and run alongside the sciatic nerve, under the flesh. By contrast, the sciatic nerve itself, which is inedible and has no flavor, is therefore considered like wood rather than food, and is not forbidden. Conversely, Ulla says: The sciatic nerve is inedible and has no flavor, like wood, but nevertheless the Torah rendered one liable for eating it.

¹²³ Abaye said: It stands to reason that the halakha is in accordance with the opinion of Ulla, because Rav Sheshet said that Rav Asi said: The strands of veins that are in the forbidden fat are forbidden, but one is not liable for eating them. Apparently, when the Merciful One states in the Torah that it is prohibited to eat fat, the prohibition applies only to the fat itself but not to the strands of veins. Here also, the Merciful One states in the Torah that it is prohibited to eat the sciatic nerve, but that does not include the tendril-like nerve fibers.

¹²⁴ § The Gemara now returns to the matter itself cited in the discussion above: Rav Sheshet said that Rav Asi said: The strands of veins that are in the forbidden fat are forbidden, but one is not liable for eating them. The strands of veins that are in the kidney are forbidden, but one is not liable for eating them. With regard to the white fat of the kidney, there is a dispute between Rabbi Yehuda HaNasi and Rabbi Ḥiyya: One of them prohibits its consumption, because it is similar to the fats that are prohibited by the Torah; and one of them permits eating it.

¹²⁵ The Gemara relates that Rabba would scrape every remnant of white fat away from the kidney. Similarly, Rabbi Yoḥanan would scrape it away from the kidney. By contrast, Rabbi Asi would cut it from the surface of the kidney but would not scrape out the rest of it. Abaye said: It stands to reason that the halakha is in accordance with the opinion of Rabbi Asi, because Rabbi Abba said that Rav Yehuda said that Shmuel said:

¹²⁶ The fat that is covered by the flesh is permitted. Apparently, when the Merciful One states in the Torah that the fat that is upon the loins is prohibited (see Leviticus 3:4), it is referring only to the fat above the loins but not the fat that is inside the loins. Here also, the Merciful One states in the Torah that the fat that is upon the kidneys is prohibited (see Leviticus 3:4), but this does not include the fat that is inside the kidneys.

¹²⁷ § The Gemara addresses the matter itself cited in the discussion above: Rabbi Abba said that Rav Yehuda said that Shmuel said: The fat that is covered by the flesh is permitted. The Gemara asks: Is that so? But didn't Rabbi Abba say that Rav Yehuda said that Shmuel said: This fat that is under the loins is forbidden, even though it is covered by flesh?

¹²⁸ The Gemara answers that Abaye said: When an animal is alive its limbs separate at the joints as it walks, so that the fat under the loins is not covered by flesh. Therefore, even after it has been slaughtered this fat is forbidden and does not have the status of fat that is covered by flesh. Rabbi Yoḥanan said: I am not a butcher and I am not the son of a butcher, i.e., I am not expert in the anatomy of animals, but I remember that this is what they would say in the study hall: When an animal is alive its limbs separate at the joints as it walks, so that the fat under the loins is exposed.

¹²⁹ § Rabbi Abba said that Rav Yehuda said that Shmuel said: The fat that is on the omasum and the reticulum is forbidden, and its consumption is punishable by karet. And this is the fat that is referred to in the Torah as being upon the innards (see Leviticus 3:3). Rabbi Abba said that Rav Yehuda said that Shmuel said: This fat of the coccygeal bone is forbidden, and its consumption is punishable by karet. And this is the fat that is referred to in the Torah as being upon the loins (see Leviticus 3:4).

¹³⁰ And Rabbi Abba said that Rav Yehuda said that Shmuel said: The veins that are in the foreleg of an animal are forbidden. Rav Safrā said to Rabbi Abba: Moses! Did the Merciful One say in the Torah: Do not eat meat? The veins of the foreleg are part of the meat and are not forbidden. Rava said: Moses! Did the Merciful One say in the Torah: Eat blood? The reason that these veins are forbidden is that they are filled with blood. Therefore, if one cuts the foreleg open and salts it to remove the blood, it is permitted even to cook it in a pot; and it is certainly permitted to roast it over a fire, which also draws out the blood.

¹³¹ Rav Yehuda said that Shmuel said: The fat on the top cubit of the small intestine requires scraping, i.e., it is forbidden and must be removed. And this is the fat referred to by the Sages (see 49b) as the fat that is on the small intestine.

¹³² And Rav Yehuda says: The sinews that are in the tailbone are forbidden for consumption, because they contain forbidden fat. There are five sinews in the tail: Three on the right and two on the left. The three on the right each split into two, and the two on the left each split into three. The practical difference, i.e., the reason the Gemara describes this in detail, is that if one draws them out while they are still warm soon after slaughter they are drawn out easily, but if not, he is required to scrape around them, i.e., dig into the flesh to remove them. It is important to know how many there are to ensure that one removes them all.

¹³³ Abaye said, and some say that Rav Yehuda said: There are five strands that are forbidden for consumption; three of them are forbidden because they contain forbidden fat, and two are forbidden because they contain blood. The ligaments of the spleen and of the tail and of the kidneys are forbidden because they contain forbidden fat. And the veins of the foreleg and of the pharynx, i.e., the carotid artery, are forbidden because they contain blood.

¹³⁴ The Gemara asks: What difference is there whether they are forbidden due to fat or due to blood? The Gemara answers: With regard to these veins and arteries that are forbidden because they contain blood, if one cuts them open and then salts them to remove the blood they are permitted. But those strands that contain forbidden fat have no rectification and can never be eaten.

¹³⁵ Rav Kahana said, and some say that it was Rav Yehuda who said: There are five membranes that are forbidden for consumption; three of them are forbidden because they contain forbidden fat, and two are forbidden because they contain blood. The membranes of the spleen and of the tail and of the kidneys are forbidden because they contain forbidden fat. And the membranes of the testicles and of the brain are forbidden because they contain blood.

¹³⁶ The Gemara relates that Rav Yehuda bar Oshaya was peeling the membranes from a spleen for Levi, son of Rav Huna bar Ḥiyya. He was cutting them only from the upper surface of the spleen. Levi said to Rav Yehuda: Go down further, i.e., remove the fat that is lower down as well. Levi's father, Rav Huna bar Ḥiyya, came and found him as Levi was saying this to Rav Yehuda. Rav Huna bar Ḥiyya said to him: This is what your mother's father said in the name of Rav; and who was Levi's mother's father? It was Rav Yirmeya bar Abba. He said: The Torah prohibits only the membranes that are on the thick, upper surface of the spleen.

¹³⁷ Levi asked: Is that so? But didn't Rav Hamnuna say that it was taught in a baraita that the membrane that is on the spleen is forbidden, but one is not liable to receive the punishment of karet for eating it? Levi clarifies: What are the circumstances referred to in the baraita? If we say that it is referring to the membranes that are on the thick, upper surface of the spleen, why is one not liable to the punishment of karet for eating it? Rather, it must be referring to the membranes on all sides of the spleen, even the underside. Rav Huna bar Ḥiyya said to his son, Levi: If this baraita is taught, it is taught, and I cannot take issue with it.

¹³⁸ § The Gemara returns to discuss the matter itself mentioned above: Rav Hamnuna said that it was taught in a baraita: The membrane that is on the spleen is forbidden, but one is not liable to receive karet for eating it. The membrane that is on the kidney is forbidden, but one is not liable to receive karet for eating it. The Gemara challenges this statement: But isn't it taught in a baraita that one is liable to receive karet for eating the membrane on the spleen or the kidney?

¹³⁹ The Gemara answers: The apparent contradiction between the baraita that states that one is not liable to receive karet for eating the membrane on the spleen and the baraita that states that one is liable to receive karet for eating the membrane on the spleen is not difficult: This baraita that states that one is liable is referring to the membrane on the thick, upper part of the spleen, whereas that baraita that states that one is not liable is referring to the membrane that is not on the thick part of the spleen.

¹⁴⁰ Likewise, the apparent contradiction between the baraita that states that one is not liable to receive karet for eating the membrane on the kidney and the baraita that states that one is liable to receive karet for eating the membrane on the kidney is not difficult: This baraita that states that one is liable is referring to the membrane on the upper part of the kidney, whereas that baraita that states that one is not liable is referring to the membrane on the lower part of the kidney.

¹⁴¹ § With regard to testicles that were crushed while the animal was alive but were still attached to their cords in the scrotum, there is a dispute between Rav Ami and Rav Asi. One of them prohibits

eating the testicles after the animal is slaughtered and one of them permits eating them. The Gemara clarifies: The one who prohibits them holds that

¹⁴² since these testicles do not heal, they are considered a limb severed from a living animal even though they are still attached to the animal. Consequently, they are forbidden even after the animal is slaughtered. And the one who permits eating crushed testicles holds that since they do not rot, there is vitality in them, and they are not considered to have been detached from the animal.

¹⁴³ And the other opinion, which holds that crushed testicles are forbidden, holds that the reason the testicles do not rot is not because they have vitality but rather because air does not penetrate the scrotum, and it is contact with air that would cause them to rot. And the other opinion, which holds that crushed testicles are permitted, holds that the fact that they do not heal is because they have been struck with weakness, but not because they are entirely devoid of vitality. Consequently, they should not be considered detached from the body.

¹⁴⁴ Rabbi Yoḥanan said to Rav Shemen bar Abba: These crushed testicles are permitted for consumption, but you should not eat them due to the dictum: “And do not forsake the Torah of your mother” (Proverbs 1:8). Since Rav Shemen bar Abba was from Babylonia, where it was customary to be stringent, it was prohibited for him to eat crushed testicles even when he was in Eretz Yisrael.

¹⁴⁵ § The Gemara cites other halakhot related to testicles. Mar bar Rav Ashi said: With regard to these testicles of goats, from the time the goat is born until the goat is thirty days old, its testicles are permitted without peeling off the membrane that encloses them, because they are presumed not to contain blood. From this point forward, if they contain semen they are forbidden, but if they do not contain semen they are permitted. The Gemara asks: How can we know whether or not they contain semen? The Gemara answers: If they have red streaks in them they are forbidden. If they do not have red streaks in them they are permitted.

¹⁴⁶ The Gemara quotes a related discussion pertaining to three cases: With regard to raw meat that is eaten without being salted, testicles of an animal, and the large veins of the neck, Rav Aḥa and Ravina disagree about the halakha. The Gemara points out: In all of their disputes with regard to other realms of the Torah where it is not clear which of them holds which opinion, the opinion of Ravina is lenient, and the opinion of Rav Aḥa is stringent, and the halakha is in accordance with the opinion of Ravina to be lenient. This applies to all their disputes except for these three, in which Rav Aḥa is lenient and Ravina is stringent, and the halakha is in accordance with the opinion of Rav Aḥa to be lenient.

¹⁴⁷ The Gemara explains: With regard to raw meat that became red from the blood inside it, if one cut it and salted it, it is permitted even to cook it in a pot, because the salt removes blood from meat. It is also permitted if one hung it on a spit in order to roast it, because the blood is drawn out by the heat of the fire. With regard to a case where one placed it on coals, Rav Aḥa and Ravina disagree about the halakha: One says that the coals draw out the blood from the meat, and one says that the coals cause the meat to shrivel and harden, trapping the blood inside. And similarly Ravina and Rav Aḥa disagree with regard to testicles placed on coals, and similarly with regard to the large veins of the neck that were placed on coals.

¹⁴⁸ § Apropos raw meat placed on coals, the Gemara discusses a related topic. In a case where one wants to remove the hair from the head of an animal by placing it in hot ashes, if one placed it with the neck down so that the location of the slaughter is in the ashes, the blood is drawn out by the heat

and the meat is permitted. But if one placed the head in the ashes on one of its sides, the blood congeals inside the head and cannot flow out, and therefore the head is forbidden for consumption. In a case where one placed the head down on its nostrils, if he inserted something into the nostrils to keep them open and allow the blood to flow out, the meat is permitted, but if he did not do so it is forbidden.

¹⁴⁹ There are those who say: If the head was placed on its nostrils or on the location of the slaughter, the blood is drawn out and the meat is permitted. If he placed it on one of its sides, then if he inserted something into it in order to allow the blood to flow out, it is permitted, and if not it is forbidden.

¹⁵⁰ § The Gemara returns to the prohibition of eating the sciatic nerve. Rav Yehuda says that Shmuel says: There are two nerves included in the prohibition of the sciatic nerve. The inner nerve, which is next to the bone, is forbidden by Torah law, and one is liable to be flogged for eating it. The outer nerve, which is next to the flesh, is forbidden by rabbinic law, and therefore one is not liable to be flogged for eating it.

¹⁵¹ The Gemara asks: But isn't it taught in a baraita that the inner nerve, which is forbidden by Torah law, is next to the flesh? The Gemara answers: Rav Aḥa said that Rav Kahana said: The inner nerve is next to the bone, but it bores into the flesh as well.

¹⁵² The Gemara challenges: But isn't it taught in a baraita: The outer nerve is next to the bone? The Gemara answers: Rav Yehuda said: This is referring to the spot where the butchers cut the leg open and reveal the nerve, and at that point in the leg the outer nerve is closest to the bone.

¹⁵³ § It was stated: With regard to a butcher who removed the forbidden fats of the animal, and yet forbidden fat was found after he completed his work, Rav Yehuda says that the butcher is held liable if there is forbidden fat remaining that is the size of a barley grain. Rabbi Yoḥanan says that the butcher is held liable only if there is forbidden fat remaining that is the size of an olive-bulk.

¹⁵⁴ Rav Pappa said: Rav Yehuda and Rabbi Yoḥanan are referring to two different levels of liability, and they do not disagree. Here, when Rabbi Yoḥanan said he is liable only if there is an olive-bulk of forbidden fat remaining, he was referring to flogging him. There, when Rav Yehuda said he is liable even if he leaves forbidden fat the size of a barley grain, he was referring to removing him from his position as a butcher.

¹⁵⁵ Mar Zutra said an alternative explanation: If the butcher left forbidden fat the size of a barley grain in one place he is liable, and if he left forbidden fat the size of an olive-bulk, he is liable even if it is spread out in two or three places. The Gemara concludes: And the halakha is that with regard to flogging him, the butcher is liable only if he left forbidden fat the size of an olive-bulk. With regard to removing him, the butcher is liable even if he left forbidden fat the size of a barley grain.

¹⁵⁶ § The mishna stated (89b): Butchers are not deemed credible to say that the sciatic nerve was removed; this is the statement of Rabbi Meir. And the Rabbis say: They are deemed credible about the sciatic nerve. Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: The Rabbis initially held that butchers are not deemed credible about the sciatic nerve, and subsequently they retracted and said that butchers are deemed credible in this regard.

¹⁵⁷ Rav Naḥman said to him: Have the later generations improved such that butchers are more reliable than they were in earlier generations? The Gemara answers: Initially, when the Rabbis held in accordance with the opinion of Rabbi Meir that one must scrape around the flesh in order to

remove the roots of the sciatic nerve, butchers were not deemed credible, due to the exertion involved in this process. But later the Rabbis held in accordance with the opinion of Rabbi Yehuda that it is unnecessary to scrape around the flesh. Consequently, removing the sciatic nerve is not especially arduous, and butchers are deemed credible to say that they removed it.

¹⁵⁸ There are those who teach this discussion with regard to the latter clause of the mishna, as follows: And the Rabbis say: They are deemed credible about the sciatic nerve and about the forbidden fat. Rabbi Ḥiyya bar Abba said that Rabbi Yoḥanan said: They subsequently retracted this opinion and said that butchers are not deemed credible. Rav Naḥman says: Today the butchers are deemed credible.

¹⁵⁹ The Gemara asks: Have the later generations improved such that butchers are more reliable than they were in earlier generations? The Gemara answers: Initially they held that the halakha is in accordance with the opinion of Rabbi Yehuda that one is not required to scrape around the flesh to remove the roots of the sciatic nerve, and therefore butchers were deemed credible to say that they removed it. The Rabbis then reversed their opinion and held that the halakha is in accordance with the opinion of Rabbi Meir that one is required to scrape around the flesh.

¹⁶⁰ As long as the butchers remembered the opinion of Rabbi Yehuda and did not scrape around the flesh to remove the roots of the sciatic nerve, they were not deemed credible to say that they removed it; but now that they have forgotten the opinion of Rabbi Yehuda and have grown accustomed to scraping around the flesh to remove the roots of the sciatic nerve, they are deemed credible.

¹⁶¹ § The mishna teaches that the Rabbis maintain that butchers are deemed credible about the sciatic nerve and about the forbidden fat. The Gemara asks: Who mentioned anything about forbidden fat? The topic of discussion in the mishna until this point is the sciatic nerve, not forbidden fat; why do the Rabbis mention forbidden fat? The Gemara answers: This is what the mishna is saying: The butchers are not deemed credible about the sciatic nerve or about the forbidden fat; this is the statement of Rabbi Meir. But the Rabbis say: The butchers are deemed credible about the sciatic nerve and about the forbidden fat.

¹⁶² MISHNA: Although it is prohibited for Jews to eat the sciatic nerve, a Jewish person may send the thigh of an animal to a gentile with the sciatic nerve in it, without concern that the gentile will then sell the thigh to a Jew and the Jew will eat the sciatic nerve. This leniency is due to the fact that the place of the sciatic nerve is conspicuous in the thigh.

¹⁶³ GEMARA: The mishna's statement that a Jew may send a thigh to a gentile indicates that if it is whole, yes, a Jew may send it to a gentile, but if the thigh has been cut, a Jew may not send it to a gentile. The Gemara asks: What are we dealing with? If we say that the mishna is referring to a place where all the butchers are Jewish but they do not announce publicly when they have sold to a gentile an animal that turns out to have a wound that will cause it to die within twelve months [tereifa], then it is prohibited for Jews to purchase any meat from gentiles, due to the possibility that it was from an animal that was a tereifa.

¹⁶⁴ Consequently, it should also be permitted to send to a gentile a thigh that has been cut, because Jews will not come to purchase it from him. Rather, if the mishna is referring to a place where all the butchers are Jewish, and they announce every time they sell a tereifa to a gentile, in which case Jews may purchase meat from the local gentiles when such an announcement is not made, one should not

be permitted to send even a whole thigh to a gentile, due to the concern that he might cut it up and sell it to Jews who would not realize that it still contains the sciatic nerve.

¹⁶⁵ The Gemara offers two answers: If you wish, say that the mishna is referring to a place where they announce every time they sell a tereifa; and if you wish, say that the mishna is referring to a place where they do not announce every time they sell a tereifa.

¹⁶⁶ The Gemara explains: If you wish, say that the mishna is referring to a place where they announce every time they sell a tereifa, and nevertheless it is permitted to send a whole thigh of meat to a gentile. There is no concern that the gentile will sell the thigh to a Jew, because the Jew would know that it is non-kosher by the manner of cutting of the gentile. Jewish butchers would cut the meat in a distinctive manner that would not be replicated by a gentile who cut the meat.

¹⁶⁷ And if you wish, say that the mishna is referring to a place where they do not announce every time they sell a tereifa, and nevertheless it is prohibited to give the gentile a thigh that has been cut up. The Sages issued a decree against doing so, lest he give it to the gentile in the presence of another Jew, who will think that it is kosher and purchase it from the gentile.

¹⁶⁸ And if you wish, say that there is an entirely different reason why one may not send a gentile a cut-up thigh without removing the sciatic nerve: Because he thereby deceives the gentile. The gentile will think that the Jew has exerted himself to cut up the leg and remove the sciatic nerve and that although the Jew could have eaten the meat himself he decided to send it to the gentile. The gentile will therefore be more appreciative of the gift than he would be if he realized that the sciatic nerve had not been removed. This is as Shmuel said: It is prohibited to deceive people, and even to deceive a gentile.

¹⁶⁹ And the Gemara points out that this ruling of Shmuel was not stated explicitly; rather, it was stated by inference, i.e., it was inferred based upon the following incident: Shmuel was once crossing a river in a ferry [mavra]. He said to his attendant: Compensate the ferryman with an appropriate gift. The attendant compensated him, but Shmuel became angry with his attendant.

¹⁷⁰ The Gemara asks: What is the reason that Shmuel became angry? Abaye said: The compensation that the attendant gave the ferryman was a chicken that was a tereifa, and he gave it to him as though it were a slaughtered, kosher chicken. Rava said: Shmuel told him to give the ferryman wine for drinking in an anpaka, i.e., a utensil that holds a quarter-log and which was generally used for undiluted wine, but he gave him diluted wine for drinking. According to both Abaye and Rava, Shmuel was upset that his attendant deceived the gentile ferryman.

¹⁷¹ The Gemara asks: And if Shmuel's opinion was derived by inference, what of it? The story clearly demonstrates that according to Shmuel it is prohibited to deceive a gentile. The Gemara answers that it cannot be ascertained with certainty that this is the reason Shmuel became angry. According to the one who said it was a chicken that was a tereifa that was given as compensation, perhaps Shmuel became angry and said to his attendant: Why did you retain in your possession an animal that is forbidden for consumption? This could have led to a Jew accidentally eating it.

¹⁷² Similarly, according to the one who said that Shmuel told him to give the ferryman wine to drink in an anpaka, since anpaka indicates undiluted wine and the attendant gave the ferryman diluted wine, perhaps Shmuel became angry simply because his attendant disobeyed his instruction.

¹⁷³ § Apropos the prohibition against acting deceitfully, the Gemara cites other statements on this topic. It is taught in a baraita that Rabbi Meir would say: A person may not importune [yesarhev] another to eat with him, making it seem as though he genuinely wants his company, but in reality he entreats him only because he knows that the other will not eat with him, i.e., will not accept the invitation. And similarly, one may not send another person many gifts merely because he knows that the other will not accept them.

¹⁷⁴ And one may not open barrels of wine for a guest if they have already been sold to a storekeeper, unless he notifies the guest beforehand that the barrel had been sold. And he may not say to another: Anoint yourself with oil, and place an empty jug before him with the knowledge that he will not attempt to anoint himself. But if he does so for the guest's honor, to show that he holds his guest in high esteem, rather than to deceive the guest so that he will feel indebted to him, it is permitted.

¹⁷⁵ The Gemara asks: Is that so? But didn't Ulla happen to come to the house of Rav Yehuda, and Rav Yehuda opened barrels of wine for Ulla that had already been sold to a storekeeper? The Gemara answers: Rav Yehuda notified Ulla that he was not opening the barrels especially for him. And if you wish, say that Ulla is different from an ordinary guest because he was very dear to Rav Yehuda, so that even without this, i.e., even if he had not already sold the barrels to a storekeeper, Rav Yehuda would have opened the barrels for him.

¹⁷⁶ The Sages taught in a baraita: A person may not go to a house of mourning with a wine jug [lugin] in his hand that is mostly empty and where the small amount of wine rattles about, because the mourner will think that his visitor is bringing him a full jug of wine. And he may not fill up that jug of wine with water, because he thereby misleads the mourner into thinking he has brought him a full jug of undiluted wine. But if there is a crowd of people [hever ir] and the guest wants to honor the mourner in their presence, it is permitted.

¹⁷⁷ The Sages taught in a baraita: A person may not sell to another a sandal made from the hide of an animal that died of natural causes as though it were a sandal made from the hide of a healthy animal that was slaughtered. This is prohibited due to two factors: One, because he misleads the customer into thinking that the leather is of higher quality than it really is; and another, because of the danger involved, as it is possible that the animal died from a snakebite and the poison seeped into the part of the animal's hide from which the sandal is made.

¹⁷⁸ And furthermore a person may not send a barrel of wine to another with oil floating at its mouth, such that the recipient thinks that it is a barrel of oil. There was an incident involving a certain individual who sent a barrel of wine to another with oil floating at its mouth, and that recipient, thinking it was a barrel of oil, went and invited guests to share it with him, and the guests arrived. When the host went to bring them oil, he found that it was a barrel of wine rather than oil, and in his shame at not having oil for them, he hanged himself and died.

¹⁷⁹ The baraita continues: And guests are not permitted to give some of the food that is placed before them to the son or to the daughter of the host unless they first receive permission from the host.

¹⁸⁰ And there was an incident involving a certain individual who invited three guests during years of famine, and he had enough to place only three eggs before them. The son of the host came, and one of the guests took his portion and gave it to the son. And similarly the second guest gave his portion to the son, and similarly the third guest. The father of the child came and found that his son was holding one egg in his mouth and two in his hand. The father became so angry with his son for taking

all the food that he hit the son to the ground, and the son died. When his mother saw what had happened, she ascended to the roof and fell down to the ground and died. And when the father saw that both his son and his wife were dead he also ascended to the roof and fell down to the ground and died.

¹⁸¹ Rabbi Eliezer ben Yaakov said: For this matter of giving food to the child of the host, three Jewish souls were killed. The Gemara asks: What does this statement teach us? It is obvious from the incident that three people were killed. The Gemara answers: It teaches that the entire baraita is taught by Rabbi Eliezer ben Yaakov.

¹⁸² § The Sages taught in a baraita: In the case of one who sends a whole thigh of an animal to another, he is not required to first remove the sciatic nerve from it. This is because the recipient can see that it has not yet been removed and will not eat it until he removes the sciatic nerve himself. But if one sends a thigh that has been cut up, he is required to first remove the sciatic nerve from it so that the recipient does not eat it unwittingly. And in the case of one who sends a thigh to a gentile, regardless of whether it is cut or whole he is not required to remove the sciatic nerve from it.

¹⁸³ And it was due to two factors that the Sages said that one may not sell meat from unslaughtered animal carcasses or tereifot to a gentile: One, because it misleads him, as he thinks that it is kosher meat, which is more desirable; and another factor is the concern lest the gentile then sell the meat to another Jew, who will think it is kosher since it originally was sold by a Jew.

¹⁸⁴ And similarly, a person may not say to a gentile: Purchase meat for me from a Jewish butcher with this dinar, due to two factors:

¹⁸⁵ One factor is because of the oppressors, i.e., the concern that perhaps the gentile will keep the money for himself and force the merchant to give him the meat without payment. And another factor is lest the merchant sell him meat from unslaughtered carcasses or tereifot without realizing that the gentile is purchasing the meat on behalf of a Jew.

¹⁸⁶ The Master said in the baraita: And in the case of one who sends a thigh to a gentile, regardless of whether it is cut or whole he is not required to remove the sciatic nerve from it. The Gemara asks: What are we dealing with? If we say that it is referring to a place where all the butchers are Jewish and they announce every time they sell non-kosher meat to a gentile, then in the case of a thigh that has been cut, why is one not required to remove the sciatic nerve? Since it was not announced that they sold non-kosher meat, a Jew might come to purchase it from a gentile without realizing that it still contains the sciatic nerve.

¹⁸⁷ Rather, it is obvious that it is referring to a place where they do not announce every time they sell non-kosher meat, and in such a place a Jew would not purchase meat from a gentile. But say the middle clause of the baraita: And it was due to two factors that the Sages said that one may not sell meat from unslaughtered animal carcasses or tereifot to a gentile: One is because it misleads him; and another is the concern lest the gentile then sell the meat to another Jew, who will think it is kosher since it originally was sold by a Jew.

¹⁸⁸ But if the baraita is referring to a place where they do not announce every time they sell non-kosher meat to a gentile, a Jew will not come to purchase the meat from the gentile. Rather, it is obvious that the baraita is referring to a place where they announce every time they sell non-kosher meat.

¹⁸⁹ But say the latter clause: And similarly, a person may not say to a gentile: Purchase meat for me with this dinar, due to two factors. One factor is because of the oppressors, and another factor is lest the merchant sell him meat from unslaughtered carcasses or tereifot without realizing that the gentile is purchasing the meat on behalf of a Jew. But if it is referring to a place where they announce every time non-kosher meat is sold, if it would happen that it was a tereifa the butchers would have announced the fact, and the Jew would know not to eat that meat.

¹⁹⁰ Rather, it is obvious that the baraita is referring to a place where they do not announce every time non-kosher meat is sold. But is it possible that the first clause and the latter clause of the baraita are referring to a place where they do not announce every time non-kosher meat is sold but the middle clause is referring to a place where they do announce every time non-kosher meat is sold?

¹⁹¹ Abaye said: Yes, the first clause and the latter clause of the baraita are referring to a place where they do not announce every time non-kosher meat is sold, and the middle clause is referring to a place where they do announce every time non-kosher meat is sold.

¹⁹² Rava said: The entire baraita is referring to a place where they announce every time non-kosher meat is sold. The first clause and the latter clause are referring to days when they announced that non-kosher meat had been sold, and the middle clause is referring to a day when they did not announce that non-kosher meat had been sold.

¹⁹³ Rav Ashi said: The entire baraita is referring to a place where they do not announce every time non-kosher meat is sold. And the reason that the middle clause teaches that it is prohibited to sell meat from unslaughtered carcasses or tereifot to a gentile is due to a rabbinic decree lest the Jew sell it to the gentile in the presence of another Jew, who will think that this particular piece of meat is kosher.

¹⁹⁴ § The Gemara noted that there were places where they would announce whenever non-kosher meat was sold to a gentile. The Gemara asks: How do we announce that non-kosher meat has been sold? The Gemara answers that Rav Yitzḥak bar Yosef said: Meat has fallen into our possession for the soldiers, i.e., the gentiles.

¹⁹⁵ The Gemara objects: But let them say: A tereifa has fallen into our possession for the soldiers. The Gemara answers that if a butcher would publicize the fact that it is a tereifa, the gentiles would not purchase it from him because they would not want an animal rejected by the Jews.

¹⁹⁶ The Gemara asks: But if the announcement is made in a way that obscures from the gentiles the fact that the animal is a tereifa, doesn't this deceive them? The Gemara answers: It is they who deceive themselves, because the seller does not specify which kind of meat he is selling.

¹⁹⁷ The Gemara cites proof that it is permitted to allow others to mislead themselves. It is like this incident when Mar Zutra, son of Rav Naḥman, was going from the city of Sikhra to the city of Bei Meḥoza, and at the same time Rava and Rav Safra were going to Sikhra. They met each other, and Mar Zutra thought they were coming out to greet him. He said to them: Why did the Rabbis exert themselves and come all this way to greet me? Rav Safra said to him: We did not know that the Master was coming; if we would have known we would have exerted ourselves more.

¹⁹⁸ Rava said to Rav Safra: What is the reason that you said this to Mar Zutra? By telling him that we were not coming to greet him you upset him. Rav Safra said to Rava: But if I would not have said so

we would have misled him. Rava responded: Mar Zutra misled himself, since we never said we were coming to greet him.

¹⁹⁹ § The Gemara returns to the topic of selling non-kosher meat to a gentile. There was a certain Jewish butcher who said to another individual:

²⁰⁰ If you would have made peace with me yesterday, wouldn't I have given you a cut from the fattened bull that I prepared yesterday? The other individual said to him: Nevertheless I ate from the finest of the fine of that bull that you prepared. The butcher said to him: From where did you get a piece? The other said to him: So-and-so the gentile bought it and fed it to me. The butcher said to him: I prepared two bulls yesterday. One was kosher, but that one you ate was a tereifa, which is why I sold it to a gentile.

²⁰¹ Rabbi Yehuda HaNasi said when he heard of this incident: Because of this imbecile who acted improperly and sold non-kosher meat to the gentile butcher without publicizing that he did so, should we forbid all of the meat from gentile butcher shops in the city?

²⁰² The Gemara notes that Rabbi Yehuda HaNasi conforms to his standard line of reasoning, as Rabbi Yehuda HaNasi said: If there are butcher shops in a city and Jewish butchers prepare the meat, any meat found in the possession of a gentile, i.e., in a gentile's butcher shop, is permitted. There is no concern that the meat is from an animal that was a tereifa, because the Jewish butcher would not have sold it to a gentile to sell in his butcher shop.

²⁰³ The Gemara presents an alternate version of Rabbi Yehuda HaNasi's reaction to the incident cited above: There are those who say that Rabbi Yehuda HaNasi said: Because of this imbecile, who intended only to cause distress to his fellow, should we forbid all of the meat from gentile butcher shops? That butcher was presumably lying about the meat having been from a tereifa.

²⁰⁴ The Gemara notes that the reason Rabbi Yehuda HaNasi considers the meat to be kosher is that the butcher intended only to cause distress to his fellow. This indicates that if that were not so, all the meat in the gentile butcher shops would be forbidden. But isn't it taught in a baraita that Rabbi Yehuda HaNasi said: If there are butcher shops in a city and Jewish butchers prepare the meat, any meat found in the possession of a gentile is permitted? The Gemara answers: It is different here because it has been established that there is forbidden meat being sold in the butcher shops. Since it is known that a Jewish butcher sold non-kosher meat to a gentile proprietor of a butcher shop, one must be concerned that this was not an isolated incident.

²⁰⁵ § Apropos meat in the possession of a gentile, the Gemara cites a related discussion. Rav says: Once meat is obscured from sight and unsupervised, it is forbidden, as one must be concerned that it was exchanged for non-kosher meat. The Gemara raises an objection based on a baraita: Rabbi Yehuda HaNasi said: If there are butcher shops in a city and Jewish butchers prepare the meat, any meat found in the possession of a gentile is permitted. The Gemara answers: Meat found in the possession of a gentile is different, because the meat was not left unsupervised.

²⁰⁶ The Gemara raises another objection to the statement of Rav. Come and hear the following baraita: With regard to nine stores in a city, all of which sell kosher meat from a slaughtered animal, and one other store that sells meat from unslaughtered animal carcasses, and an individual purchased meat from one of the stores and he does not know from which store he purchased the meat, in this case of uncertainty, the meat is forbidden. But in the case of meat found outside, follow the majority.

Consequently, since most of the stores sell kosher meat, it may be assumed that the meat found outside is kosher, which contradicts Rav's statement that meat that was left unsupervised is forbidden. The Gemara answers: Here also the baraita is referring to a case where the meat was not unsupervised but rather was found in the possession of a gentile.

²⁰⁷ The Gemara cites another challenge to the opinion of Rav: Come and hear the following mishna (Makhshirin 2:9): If one found meat in a city inhabited by both Jews and gentiles, if the meat is raw, follow the majority of butchers, so that if the majority of the butchers are Jewish, the meat is presumed to be kosher. And if the meat is cooked, follow the majority of meat eaters, because even if the majority of the butchers are Jewish, if the meat was cooked by a gentile it is forbidden. This mishna indicates that there are circumstances when the meat is permitted even though it was obscured from sight.

²⁰⁸ And if you would say that here also it is referring to a case where the meat is found in the possession of a gentile, why does the baraita state that if the meat is cooked, one should follow the majority of meat eaters? Let us see whether a gentile is holding it or a Jew is holding it. The Gemara answers: Here we are dealing with a case where the meat was on the ground but someone was standing and watching it from the time it was dropped on the ground, so that it was never left unsupervised. Yet, the person watching does not know whether it was dropped by a Jew or a gentile, and therefore a determination must be made based upon the majority of the people in the city.

²⁰⁹ The Gemara cites another challenge to the opinion of Rav from a mishna (Shekalim 19a). Come and hear: With regard to meat found in the outlying areas, outside of Jerusalem, if it is found as whole limbs, the meat presumably comes from carcasses of animals that were not properly slaughtered, as carcasses were generally cut up into full limbs and fed to dogs or sold to gentiles. But if it is in small pieces, it is presumably kosher and permitted to be eaten, as kosher meat was ordinarily cut up into small pieces. This mishna indicates that even though the meat was obscured from sight, it remains permitted. And if you would say that here also it is referring to a case where someone was standing and watching it, why is it assumed to be from a carcass if it is cut into whole limbs?

²¹⁰ The Gemara answers: This mishna requires explanation only according to Rav, but wasn't it stated with regard to that mishna: Rav says that the correct version of the mishna is that the small pieces of meat are permitted, in that they are not considered impure and that one who eats them is not liable to be flogged, as would be the case if it were meat from a carcass. But it is not actually permitted to eat the meat, due to the fact that it was obscured from sight. And Levi says: The mishna means to say that the small pieces of meat are even permitted to be eaten.

²¹¹ The Gemara comments: And this statement of Rav, that meat that was obscured from sight is forbidden, was not stated explicitly by Rav. Rather, it was stated that he held this opinion based on an inference from a different statement of Rav. As, Rav was once sitting on the ford of the Ishtetiv River. He saw a certain man who was

²¹² cleaning the head of an animal in the river. The head fell from him. He went and brought a basket, cast the basket into the river, and pulled out two animal heads. Rav said to him: Does it commonly happen this way that one loses one item and finds two? Just as one of the animal heads is not the one you dropped, it is possible that neither of them is the one you dropped. Therefore, Rav rendered both of them forbidden to him.

²¹³ Rav Kahana and Rav Asi said to Rav: Is forbidden meat common but permitted meat not common? Most of the meat in this general location is kosher, so why did you forbid the two animal heads? He said to them: Forbidden meat is more common. From this incident the Sages derived that according to Rav, meat that has been obscured from sight becomes forbidden due to the possibility that the meat one finds now was actually deposited by ravens, who transported it from a location where the majority of the meat is forbidden.

²¹⁴ The Gemara asks: And what does it matter if this opinion of Rav is known by inference based on this incident, rather than by an explicit statement made by Rav? The Gemara answers: There is room to say that this incident cannot serve as a precedent for a general policy, because that location was a port of gentiles, where most of the meat was non-kosher. Know that this is the case, as Rav said to Rav Kahana and Rav Asi: Forbidden meat is more common. Consequently, it is possible that Rav would not have prohibited the meat in a location where the majority of the meat is kosher.

²¹⁵ The Gemara asks: But how did Rav ever eat meat if he holds that meat becomes forbidden if it is unsupervised for even a short time? The Gemara answers: Rav ate meat only in its time, i.e., shortly after it was slaughtered, when it had not been obscured from his sight from the time of the slaughter until he ate it. Alternatively, if you wish, say that Rav ate meat that was tied and sealed in a way that proved it had not been swapped for non-kosher meat. Or alternatively, he ate meat that could be recognized by a distinguishing mark, like that practice of Rabba bar Rav Huna, who would cut meat into pieces with three corners, i.e., triangles, before he would send it to his family members.

²¹⁶ The Gemara relates that Rav was going to the home of Rav Ḥanan, his son-in-law. He saw that the ferry was coming toward him just when he arrived at the riverbank. He said: The ferry is coming toward me even though I did not arrange for it to come now; this is a sign that a good day, i.e., a festive meal, awaits me in the place where I am going.

²¹⁷ After crossing the river on the ferry, Rav went and stood at the gate of Rav Ḥanan's home. He looked through a crack in the door and saw an animal that was hanging and ready to be cooked. He knocked on the gate, and everyone went out to greet him, and the butchers also came out to greet him. Rav did not remove his eyes from the meat that the butchers were preparing. He said to them: If you had eaten the meat based upon the supervision you provided now, you would have fed forbidden meat to the sons of my daughter because no one apart from me was watching the meat when you all came out to greet me. And despite the fact that he had kept the meat in his sight Rav did not eat from that meat.

²¹⁸ The Gemara asks: What is the reason that Rav did not eat the meat? If one suggests that he was concerned because it had been obscured from sight, that cannot be the reason, as Rav kept watching it so that it was not obscured from sight. Rather, Rav did not eat because he divined, i.e., he saw the arrival of the ferry as a good omen. This is prohibited, and therefore Rav penalized himself and abstained from the meat.

²¹⁹ The Gemara asks: But doesn't Rav say that any divination that is not like the divination of Eliezer, the servant of Abraham, when he went to seek a bride for Isaac (see Genesis 24:14), or like the divination of Jonathan, son of Saul, who sought an omen as to whether he and his arms bearer would defeat the Philistines (see I Samuel 14:8–12), is not divination? Since Rav did not rely on the omen in his decision making, he did not violate the prohibition against divination, and there was no reason for him to penalize himself. The Gemara answers: Rather, the reason Rav did not eat the meat

is that it was an optional feast, rather than a feast associated with a mitzva, and Rav would not derive pleasure from an optional feast.

²²⁰ Having mentioned Rav's reaction to the ferry in the incident cited above, the Gemara states that Rav would check whether to travel based upon the ferry; if it came quickly he would take the ferry, but otherwise he would not. And Shmuel would check what would happen to him by opening a scroll and reading from wherever it was open to. Rabbi Yoḥanan would check what was in store for him by asking a child to recite the verse he was learning.

²²¹ The Gemara relates an incident when Rabbi Yoḥanan checked his luck based on a child's verse. During all the years when Rav lived in Babylonia, Rabbi Yoḥanan, who lived in Eretz Yisrael, would write to him and begin with the greeting: To our Master who is in Babylonia. When Rav died, Rabbi Yoḥanan would write to Shmuel and begin with the greeting: To our colleague who is in Babylonia. Shmuel said: Does Rabbi Yoḥanan not know any matter in which I am his master? Shmuel wrote and sent to Rabbi Yoḥanan the calculation of the leap years for the next sixty years. Rabbi Yoḥanan was not impressed by this and said: Now he has merely demonstrated that he knows mathematics, which does not make him my master.

²²² Shmuel then wrote and sent to Rabbi Yoḥanan explications of uncertainties pertaining to tereifot that had to be transported on thirteen camels. Rabbi Yoḥanan was impressed by this and said: I have a Master in Babylonia; I will go and see him. Before departing on his journey, Rabbi Yoḥanan said to a child: Recite to me your verse that you studied today. The child recited the following verse to Rabbi Yoḥanan: "Now Samuel was dead" (I Samuel 28:3). Rabbi Yoḥanan said to himself: Learn from this that Shmuel has died. Therefore, Rabbi Yoḥanan did not go to see Shmuel.

²²³ The Gemara comments: But it was not so; Shmuel had not died. Rather, the reason Rabbi Yoḥanan was given this sign was so that Rabbi Yoḥanan would not trouble himself to embark on the long and arduous journey from Eretz Yisrael to Babylonia.

²²⁴ It is taught in a baraita: Rabbi Shimon ben Elazar says: With regard to one who is successful with his first business transaction after he has built a home, after the birth of a child, or after he marries a woman, even though he may not use this as a means of divination to decide upon future courses of action, it is an auspicious sign that he will continue to be successful. Conversely, if his first transaction is not successful he may take that as an inauspicious sign.

²²⁵ Rabbi Elazar said: But this is provided that the sign has been established by repeating itself three times. This is based on a verse, as it is written: "And Jacob their father said to them: Me you have bereaved of my children: Joseph is not, and Simeon is not, and you will take Benjamin away; upon me are all these things come" (Genesis 42:36). If calamity were to befall Benjamin, that would establish a pattern of three tragedies.

²²⁶ § The Gemara returns to discuss distinguishing marks that prevent meat from being prohibited despite its having been obscured from sight. Rav Huna inquired of Rav: If pieces of meat were strung together and then were obscured from sight, what is the halakha? Rav said to him: Do not be an imbecile; of course if the meat is strung together it is considered to be a distinguishing mark, and the meat is permitted. There are those who say this halakha as follows: Rav Huna said that Rav said: If pieces of meat are strung together it is a distinguishing mark, and the meat remains permitted even if it is obscured from sight.

²²⁷ The Gemara relates that Rav Naḥman of Neharde'a arrived at the home of Rav Kahana in Pum Nahara on the eve of Yom Kippur, which is a day when people commonly eat meat. Ravens came and dropped livers and kidneys. Rav Kahana said to Rav Naḥman: Take these livers and kidneys and eat them, as they are not forbidden, even though they were obscured from sight. This is because at this time permitted meat is more common than forbidden meat, since Jews slaughter many animals on this day.

²²⁸ Rav Ḥiyya bar Avin lost a cut of meat from an animal intestine among the barrels of wine in his wine cellar. When he found it, he came before Rav Huna to ask whether the meat was now prohibited because it had been obscured from sight. Rav Huna said to him: Do you have a distinguishing mark on it so that you can identify it? Rav Ḥiyya bar Avin said to him: No. Rav Huna asked him: Do you have visual recognition of it? Rav Ḥiyya bar Avin said to him: Yes. Rav Huna said: If so, go and take it and eat it.

²²⁹ Rav Ḥanina Ḥoza'a lost a side of meat. When he found it, he came before Rav Naḥman and asked him whether the meat was now prohibited because it had been obscured from sight. Rav Naḥman said to him: Do you have a distinguishing mark on it so that you can identify it? Rav Ḥanina Ḥoza'a said to him: No. Rav Naḥman asked him: Do you have visual recognition of it? Rav Ḥanina Ḥoza'a said to him: Yes. Rav Naḥman said: If so, go and take it and eat it.

²³⁰ Rav Natan bar Abaye lost a skein of sky-blue wool prepared for use in ritual fringes. He searched for it and found it. He came before Rav Ḥisda to ask whether the wool was now prohibited because it had been obscured from sight and may have become confused with other blue wool that is not valid for ritual fringes. Rav Ḥisda said to him: Do you have a distinguishing mark in it so that you can identify it? Rav Natan bar Abaye said to him: No. Rav Ḥisda asked him: Do you have visual recognition of it? Rav Natan bar Abaye said to him: Yes. Rav Ḥisda said: If so, go and take it, and you may use it for ritual fringes.

²³¹ Rava said: At first I would say that a distinguishing mark is preferable to visual recognition, because we return a lost item to its owner based on a distinguishing mark,

²³² but we do not return a lost item to one who claims to be its owner based solely on visual recognition. But now that I have heard these statements pertaining to meat or sky-blue wool that were obscured from sight and then permitted based upon visual recognition, I say that visual recognition is preferable to a distinguishing mark.

²³³ Furthermore, one must hold that sensory recognition is reliable even without identifying marks, for if you do not say so, how is it that a blind man is permitted to engage in sexual intercourse with his wife despite the fact that he cannot identify her by means of her identifying marks? And similarly, how are any men permitted to engage in intercourse with their wives at night, when it is dark and they cannot see their wives' identifying marks? Rather, one must say that they identify their wives based on voice recognition. Here too, in these cases of lost meat and sky-blue wool, they remain permitted based on visual recognition.

²³⁴ Rav Yitzḥak, son of Rav Mesharshiyya, said: You can know that visual recognition is preferable to a distinguishing mark, because if two witnesses come to court and say: So-and-so, who has this distinguishing mark and that distinguishing mark, killed a person, we would not kill him based on this testimony. But if the two witnesses say: We have visual recognition of him, and they confirm that the accused individual committed murder, we kill him based on their testimony.

²³⁵ Rav Ashi said: You can know that visual recognition is preferable to a distinguishing mark, because if a man says to his agent: Call so-and-so, who has this distinguishing mark and that distinguishing mark, it is uncertain whether the agent will recognize him and know whom to call or whether he will not know him. But if he has visual recognition of him, when he sees him he will know it is him.

²³⁶ MISHNA: One who removes the sciatic nerve must scrape away the flesh in the area surrounding the nerve to ensure that he will remove all of it. Rabbi Yehuda says: Scraping is not required; it is sufficient to excise it from the area above the rounded protrusion in order to thereby fulfill the mitzva of removal of the sciatic nerve.

²³⁷ One who eats an olive-bulk of the sciatic nerve incurs forty lashes. If one eats an entire sciatic nerve and it does not constitute an olive-bulk, he is nevertheless liable to receive lashes, because a complete sciatic nerve is a complete entity. If one ate an olive-bulk from this sciatic nerve in the right leg, and an olive-bulk from that sciatic nerve in the left leg, he incurs [sofeg] eighty lashes. Rabbi Yehuda says: He incurs only forty lashes, for eating the olive-bulk from the right leg, and he is exempt for eating the olive-bulk from the left leg.

²³⁸ GEMARA: A man known as bar Peyoli was standing before Shmuel and was removing the sciatic nerve from the leg of an animal. He was cutting out the nerve without scraping away the surrounding flesh, in accordance with the opinion of Rabbi Yehuda. Shmuel said to him: Go down further and scrape away the flesh in order to remove the entire nerve. Now, if I would not have seen you and instructed you in the process of removing the sciatic nerve, you would have fed me forbidden meat.

²³⁹ Bar Peyoli became afraid due to Shmuel's rebuke and the knife fell from his hand. Shmuel said to him: Do not be afraid. I do not think that you are an ignoramus or a wicked person. You are removing the sciatic nerve as you were taught; the person who taught you must hold in accordance with the opinion of Rabbi Yehuda, and this is how he taught you to remove the sciatic nerve. But I hold that the entire sciatic nerve must be removed, in accordance with the opinion of the first tanna.

²⁴⁰ Rav Sheshet said in explanation of this incident: That which bar Peyoli removed was the section of the sciatic nerve one is required to remove by Torah law according to the opinion of Rabbi Yehuda. The Gemara asks: Based upon this statement, one can derive by inference that he left behind the section of the sciatic nerve one is required to remove by rabbinic law according to the opinion of Rabbi Yehuda. But if so, in accordance with whose opinion did the person who taught him how to remove the sciatic nerve teach him? Even according to Rabbi Yehuda he would have transgressed a rabbinic prohibition.

²⁴¹ Rather, Rav Sheshet said: That which bar Peyoli removed was the section of the sciatic nerve that is forbidden by Torah law. And that which he left over is forbidden by rabbinic law according to the opinion of Rabbi Meir, as explained above (92b) in a baraita; as if one were to follow the opinion of Rabbi Yehuda, the section that bar Peyoli left over is permitted even by rabbinic law.

²⁴² § The mishna teaches: One who eats an olive-bulk of the sciatic nerve incurs forty lashes. Shmuel says: The Torah prohibits only the part of the sciatic nerve that is on the rounded protrusion of flesh shaped like a spoon that is near the end of the femur. This is as it is stated in the verse: "Therefore the children of Israel eat not the sciatic nerve that is upon the spoon of the thigh" (Genesis 32:33).

²⁴³ Rav Pappa says: This statement of Shmuel is subject to a dispute between tanna'im, as it is taught in a baraita: If one ate the entire sciatic nerve and it did not contain an olive-bulk, he is nevertheless liable to be flogged. Rabbi Yehuda says: He is not liable unless it has a volume of at least an olive-bulk.

²⁴⁴ Rav Pappa explains how this relates to Shmuel's statement. What is the reason for the opinion of the Rabbis, who disagree with Rabbi Yehuda? They hold that the sciatic nerve is a distinct entity. Therefore, even if one eats less than an olive-bulk it is a significant act of eating, and one is liable.

²⁴⁵ And what does Rabbi Yehuda hold? He holds that since the term: Eating, is written with regard to the sciatic nerve, and a significant act of eating is generally defined as eating an olive-bulk, one is liable only if he eats an olive-bulk. And what do the Rabbis derive from this term? That usage of the term eating indicates that in a case where the sciatic nerve contains four or five olive-bulks and one ate only one olive-bulk, he is liable. Nevertheless, if one eats the entire sciatic nerve, he is liable even if it contains less than an olive-bulk.

²⁴⁶ And according to Rabbi Yehuda, from where is it derived that one is liable for eating one olive-bulk of a larger sciatic nerve? He holds that it is derived from the phrase "that is upon the spoon of the thigh," which indicates that even if one eats only the part of the sciatic nerve that is upon the spoon of the thigh, rather than the entire sciatic nerve, he is liable.

²⁴⁷ And how do the Rabbis interpret that phrase? That phrase is necessary to teach the halakha stated by Shmuel, as Shmuel said: The Torah prohibits only the part of the sciatic nerve that is on the rounded protrusion of flesh shaped like a spoon. And what does Rabbi Yehuda hold with regard to the halakha stated by Shmuel? He derives from the fact that it is written: "The spoon of the thigh," that the sciatic nerve of the entire thigh is forbidden, not just the part that is on the rounded protrusion of flesh shaped like a spoon.

²⁴⁸ And how do the Rabbis interpret "the spoon of the thigh"? According to the Rabbis, this expression indicates that the prohibition of the sciatic nerve applies to the nerve that extends throughout the entire thigh, i.e., the inner nerve, which serves to exclude the outer nerve, which is not forbidden by Torah law; but in fact, only the part of the inner nerve that is on the protrusion of flesh shaped like a spoon is forbidden, not the entire inner nerve.

²⁴⁹ The Gemara objects: But this term "spoon" is required to exclude the sciatic nerve of a bird, which does not have a rounded protrusion on its thigh bone that can be described as the spoon of the thigh, as taught in the mishna (89b). The Gemara explains: There are two usages of the term "spoon" written in the verse, and therefore two separate halakhot can be derived from this term.

²⁵⁰ MISHNA: In the case of a thigh that was cooked with the sciatic nerve in it, if there is enough of the sciatic nerve in it to impart its flavor to the thigh, the entire thigh is forbidden for consumption. How does one measure whether there is enough sciatic nerve to impart flavor to the meat of the entire thigh? One relates to it as though the sciatic nerve were meat imparting flavor to a turnip. If meat the volume of the sciatic nerve would impart flavor to a turnip the volume of the thigh when they were cooked together, then the entire thigh is forbidden.

²⁵¹ With regard to a sciatic nerve that was cooked with other sinews, when one identifies the sciatic nerve and removes it, the other sinews are forbidden if the sciatic nerve was large enough to impart

flavor. And if he does not identify it, all the sinews are forbidden because each one could be the sciatic nerve; but the broth is forbidden only if the sciatic nerve imparts flavor to the broth.

²⁵² And similarly, in the case of a piece of an animal carcass or a piece of non-kosher fish that was cooked with similar pieces of kosher meat or fish, when one identifies the forbidden piece and removes it, the rest of the meat or fish is forbidden only if the forbidden piece was large enough to impart flavor to the entire mixture. And if he does not identify and remove the forbidden piece, all the pieces are forbidden, due to the possibility that each piece one selects might be the forbidden piece; but the broth is forbidden only if the forbidden piece imparts flavor to the broth.

²⁵³ GEMARA: The mishna teaches that a thigh that was cooked with the sciatic nerve is forbidden if the nerve imparts flavor to the thigh. Shmuel says: The Sages taught that the thigh is entirely forbidden only when it was cooked with the sciatic nerve inside it. But if the sciatic nerve was roasted inside the thigh, one may peel away the meat and eat it until he reaches the sciatic nerve, and then he removes the nerve.

²⁵⁴ The Gemara challenges: Is that so? But doesn't Rav Huna say: With regard to a kid that was roasted with its forbidden fat, it is prohibited to eat any part of the animal, even from the top of its ear? This proves that roasting, like cooking, spreads the flavor of the forbidden fat throughout the entire animal.

²⁵⁵ The Gemara answers: Forbidden fat is different from the sciatic nerve, because its flavor permeates throughout the animal, unlike that of the sciatic nerve.

²⁵⁶ The Gemara challenges Rav Huna's statement: And in the case of a kid roasted with its forbidden fat, is the meat forbidden? But didn't Rabba bar bar Ḥana say: There was an incident that came before Rabbi Yoḥanan in the synagogue of the town of Maon, where a young goat was roasted with its fat, and the people came and asked Rabbi Yoḥanan about the status of the meat, and he said: Peel away the meat and eat it until you reach the forbidden fat? This indicates that the flavor of the fat does not permeate the entire animal in which it is roasted. The Gemara answers: That kid was lean and had so little fat that its flavor did not permeate throughout the animal.

²⁵⁷ Rav Huna bar Yehuda said: That was a case of a kidney of a young goat roasted with its forbidden fat, and Rabbi Yoḥanan permitted it to be eaten because there is a membrane that separates the fat from the kidney and prevents the fat from penetrating the kidney. Ravin bar Rav Adda said: That was a case of a small, non-kosher fish known as kilkhit, which fell into a stewpot [ilpas], and they came to ask Rabbi Yoḥanan about its status. And he said to them: Let a gentile cook [kapeila] taste it in order to determine whether the flavor of the non-kosher fish has permeated the entire mixture.

²⁵⁸ Rava said: Initially that which is taught in the following baraita posed a difficulty for me: With regard to a pot in which one cooked meat, one may not cook milk in it; and if he did cook milk in it, the meat absorbed by the pot renders the milk forbidden if it imparts flavor to the milk. Similarly, if one cooked teruma in a pot, one may not cook non-sacred food in it; and if one did cook non-sacred food in it, the absorbed teruma renders the food in the pot sacred if it imparts flavor to it.

²⁵⁹ Rava explains: Granted, in the case of a pot used for teruma, a priest, who is permitted to partake of teruma, can taste the non-sacred food subsequently cooked in the pot in order to determine whether the teruma imparted flavor to the non-sacred food. But in a case where it is not known

whether meat imparted flavor into milk, who can taste it? If the meat did impart flavor to the milk, it would be forbidden for any Jew to consume the milk. But now that Rabbi Yoḥanan said: We rely on a gentile cook in the case of the kilkhit, here also we rely on a gentile cook to taste it and say whether the meat has imparted flavor to the milk.

²⁶⁰ The Gemara summarizes the guidelines that determine when an item cooked with another item affects the status of the mixture. Rava said: The Sages said that there are cases where one relies on a Jew tasting the food, and the Sages said that there are some cases where one relies on a gentile cook to taste the food,

²⁶¹ and the Sages said that there are cases where the mixture is permitted if there is sixty times as much permitted food as forbidden food. Therefore, in a case where the mixture is a type of food mixed with food not of its own type, so that there is a difference in taste between the two components, when there are Jews for whom the mixture is permitted, one relies on a Jew tasting the mixture. This is the halakha when teruma is cooked with non-sacred food. When the mixture is potentially forbidden, e.g., in the case of meat cooked with milk, one relies on a gentile cook to taste it.

²⁶² And if the mixture is composed of a type of food mixed with food of its own type, where one cannot ascertain whether the forbidden component has imparted flavor; or if it is composed of a type of food mixed with food not of its own type when the mixture may be forbidden and it is a case where there is no gentile cook available to taste it, the mixture is permitted if there is sixty times as much permitted food as forbidden food.

²⁶³ § The Gemara (96b) cited Shmuel's opinion with regard to the thigh of an animal that was roasted or cooked with the sciatic nerve still inside. The Gemara relates the following incident: There were those animal thighs that were salted in the home of the Exilarch with the sciatic nerve still inside; Ravina ruled that they were forbidden, whereas Rav Aḥa bar Rav Ashi ruled that they were permitted. They came and asked Mar bar Rav Ashi to render a decision. He said to them: My father permitted the meat in such circumstances.

²⁶⁴ Rav Aḥa bar Rav said to Ravina: What is your reasoning in prohibiting the meat? Is it because of what Shmuel said: A salted food item is considered like a boiling hot food item, and a food item marinated in vinegar, brine, or the like is considered like a cooked food item? Perhaps based on this statement of Shmuel you consider the salted thighs as though they have been cooked with their sciatic nerves, in which case they are forbidden.

²⁶⁵ But didn't Shmuel also say (96b): They taught that the thigh is entirely forbidden only when it was cooked with the sciatic nerve inside it. But if the sciatic nerve was roasted inside the thigh, one may peel away the meat and eat it until he reaches the sciatic nerve, and then he removes the nerve.

²⁶⁶ And if you would say: What is the meaning of the phrase: Like a boiling hot food item, that Shmuel said? It is like boiling hot food that was cooked rather than hot food that was roasted, and therefore if the thigh was salted with its sciatic nerve the entire thigh becomes forbidden. This is not a convincing claim, because from the fact that Shmuel said: A food item marinated in vinegar, brine, or the like is considered like a cooked food item, it may be understood by inference that when he said that salted food is like boiling hot food he was saying that it is like boiling hot food that is roasted. The Gemara concludes: This poses a difficulty to the opinion of Ravina.

²⁶⁷ § The Gemara elaborates on the statement that if permitted and forbidden foods are cooked together and there is sixty times as much permitted food as forbidden food, the mixture is permitted. Rabbi Ḥanina says: When they assess whether or not there is sixty times as much permitted food, they assess the volume of the broth, the deposits [kifa], the pieces of permitted food cooked in the pot, and the pot itself. The Gemara explains this last point: There are those who say this means that one includes the volume of the material of the pot itself, and there are those who say it means that one includes the volume of that which the pot has absorbed from the permitted food. When meat cooks its volume decreases, and some of the meat that constitutes that discrepancy is absorbed into the sides of the pot.

²⁶⁸ The Gemara continues its discussion of nullification. Rabbi Abbahu says that Rabbi Yoḥanan says: With regard to all forbidden foods that are prohibited in the Torah, if they are cooked with permitted food and one cannot tell whether they have imparted flavor to the permitted food, we assess the mixture as though the forbidden food were onion or leek [kaflot]. If that amount of onions or leeks would impart flavor to the permitted food, one must assume that the mixture is forbidden.

²⁶⁹ Rabbi Abba said to Abaye: But let one assess the mixture as though the forbidden food were pepper or other spices, which are even more pungent, in which case they would not be nullified even if they were mixed with a thousand times as much permitted food. Abaye said to him: The Sages ascertained that with regard to forbidden foods, there is nothing that imparts more flavor to a mixture than onion and leek.

²⁷⁰ § The Gemara continues to discuss the nullification of forbidden foods. Rav Naḥman says: A sciatic nerve that was cooked with kosher food is nullified if the mixture contains permitted food that is sixty times the nerve's volume, and the sciatic nerve itself is not counted in that number, because it cannot nullify itself. If an udder, which is meat but also contains milk, is cooked with other meat, the milk is nullified if the meat is sixty times its volume, and the udder itself is counted with the rest of the meat. If the egg of a non-kosher bird is cooked with kosher food, it is nullified if the permitted food is sixty times its volume, and the egg itself is not counted in that number, as it cannot nullify itself.

²⁷¹ Rabbi Yitzḥak, son of Rav Mesharshiyya, says: In the case of an udder cooked with meat, even if the meat is sixty times the volume of the milk, so that the meat is permitted, the udder itself is forbidden, because the meat imparts flavor to the milk contained within the udder, which then renders the udder forbidden. And if the udder subsequently falls into another pot, it also renders the contents of that pot forbidden unless they are sixty times the volume of the udder.

²⁷² Rav Ashi said: When we were in the study hall of Rav Kahana, a dilemma was raised before us: When we assess whether the contents of the pot are sufficient to nullify the udder, do we assess whether the pot contains sixty times as much permitted food as the entire volume of the meat of the udder itself, or do we assess only that milk which came out from the udder, since the udder itself has been removed from the mixture?

²⁷³ The Gemara responds: It is obvious that we assess the entire volume of the meat of the udder itself, as if we were to attempt to assess only that which came out of it, how would we know how much came out? The Gemara objects: If that is so, then if the udder falls into another pot, it should not render the food in that second pot forbidden, because it has been assumed that all the milk in the udder has been released into the first pot.

²⁷⁴ The Gemara explains: Since Rav Yitzḥak, son of Rav Mesharshiyya, says that even if there is sixty times as much meat in the pot as there is milk in the udder, the udder itself is forbidden, clearly the Sages equated the udder with a piece of non-kosher meat. Consequently, the reason the udder renders the contents of the second pot forbidden is that the udder is intrinsically forbidden, not because of the milk that is released into the pot while it is being cooked.

²⁷⁵ § The Gemara addresses Rav Naḥman's statement that if the egg of a non-kosher bird is cooked with kosher food, it is nullified if the permitted food is sixty times its volume, and the egg itself is not counted in that number, as it cannot nullify itself. Rav Idi bar Avin said to Abaye: Is this to say that the forbidden egg imparts flavor to the food with which it is cooked? But isn't it true that when people want to indicate that food is tasteless, they say: This is like mere egg-water? This indicates that an egg does not impart flavor.

²⁷⁶ Abaye said to him: Here we are dealing with

²⁷⁷ an egg that contains a chick, as the chick imparts flavor to the food in which the egg is cooked. But with regard to an egg that does not contain a chick but is from a non-kosher bird, it does not impart flavor to the food with which it is cooked.

²⁷⁸ Rav Idi bar Avin raised an objection to this answer based on a baraita (Tosefta, Terumot 9:5): With regard to kosher eggs that one boiled with non-kosher eggs, if they have a ratio that allows the non-kosher eggs to impart flavor to the kosher eggs, they are all forbidden. This indicates that eggs from non-kosher birds do have flavor. Abaye answered: Here, too it is referring to an egg from a kosher bird that contains a chick. And why does the baraita call this a non-kosher egg, indicating that it is an egg from a non-kosher species? Since it has a chick inside, which causes the egg to be forbidden, the baraita calls it non-kosher.

²⁷⁹ The Gemara objects: But from the fact that the latter clause teaches: With regard to eggs that one boiled and a chick was found in one of them, if they have a ratio that allows the chick to impart flavor to them, they are all forbidden, it may be inferred that in the first clause we are dealing with an egg that does not have a chick inside.

²⁸⁰ The Gemara explains that this is an incorrect inference, as the latter clause is explaining the first clause, so that the baraita should be read as follows: With regard to kosher eggs that one boiled with non-kosher eggs, if they have a ratio that allows the non-kosher eggs to impart flavor to the kosher eggs, they are all forbidden. How so? It can be referring to a case where one boiled them and a chick was found in one of them.

²⁸¹ The Gemara adds: So too it is reasonable to explain the baraita in this manner, as if it would enter your mind to say that the first clause is referring to a case where there is no chick in the egg, the latter clause is redundant: Now that the tanna has taught that in a case where there is no chick inside, the non-kosher egg imparts flavor to the kosher eggs and renders them forbidden, is it necessary for the tanna to teach that an egg that has a chick inside imparts flavor to the kosher eggs?

²⁸² The Gemara rejects this argument: If it is due to that reason, there is no conclusive argument, i.e., the proof of the argument is inconclusive. The reason is that one can say that the tanna taught the latter clause to reveal the meaning of the first clause. The latter clause was stated so that you would not mistakenly say that the first clause is referring only to a case where the egg has a chick inside, but if there is no chick inside the kosher eggs would be permitted. Therefore, the tanna teaches the

latter clause and specifies that it is referring to an egg that has a chick inside. By inference the first clause is referring to a case of an egg that does not have a chick inside, and even so it renders all of the other eggs forbidden.

²⁸³ § The Gemara continues discussing the nullification of forbidden foods. There was once a certain olive-bulk of forbidden fat that fell into a pot of kosher meat. Rav Asi thought to measure the volume of the kosher meat together with that which the pot had absorbed. The Rabbis said to Rav Ashi: Is that to say that the pot absorbed the permitted meat but did not absorb the forbidden fat?

²⁸⁴ The Gemara relates a similar incident: There was once a certain half-olive-bulk of forbidden fat that fell into a pot of kosher meat. Mar bar Rav Ashi thought to measure the amount of kosher meat needed to nullify the forbidden fat as thirty half-olive-bulks, rather than sixty. His father, Rav Ashi, said to him: Have I not told you: Do not treat measures lightly even with regard to rabbinic prohibitions? And furthermore, didn't Rabbi Yohanan say: A half-measure is prohibited by Torah law? Consequently, the half-olive-bulk of forbidden fat is nullified only in sixty times its volume of permitted meat.

²⁸⁵ § The Gemara continues its discussion of nullifying forbidden foods. Rav Shemen bar Abba says that Rav Idi bar Idi bar Gershom says that Levi bar Perata says that Rabbi Naḥum says that Rabbi Biryam says in the name of a certain elder, and his name was Rabbi Ya'akov, that the Sages in the house of the Nasi said: If a non-kosher egg is mixed with kosher eggs, if there are sixty eggs they are all forbidden, but if there are sixty-one eggs they are all permitted.

²⁸⁶ Rabbi Zeira said to Rav Shemen bar Abba: See, one can infer from your words that you fix a limit to permit the eggs if there is a total of sixty-one eggs, including the non-kosher egg. This is a revelation, because the two most eminent Sages of the generation did not clarify this matter. These two eminent Sages were Rabbi Ya'akov bar Idi and Rabbi Shmuel bar Naḥmani, and both of them said in the name of Rabbi Yehoshua ben Levi: In a case where a non-kosher egg is mixed with kosher eggs, if there are sixty eggs they are all forbidden, but if there are sixty-one eggs they are all permitted.

²⁸⁷ And a dilemma was raised before these Sages: When Rabbi Yehoshua ben Levi said they are permitted if there are sixty-one eggs, does that mean there are sixty-one eggs altogether, with the non-kosher egg, or does it perhaps mean that there must be sixty-one kosher eggs aside from the non-kosher egg? And they did not resolve this dilemma. And yet, it appears as though the Master, Rav Shemen, has resolved the dilemma, because you implied that the mixture is kosher if there are a total of sixty-one eggs including the non-kosher egg.

²⁸⁸ The Gemara continues: It was stated that Rabbi Ḥelbo says that Rav Huna says: If a non-kosher egg becomes mixed with kosher eggs, if there are sixty kosher eggs in addition to that non-kosher egg, the entire mixture is forbidden. But if there are sixty-one kosher eggs in addition to that one non-kosher egg, the mixture is permitted.

²⁸⁹ § There was a certain person who came before Rabban Gamliel bar Rabbi Yehuda HaNasi with a half-olive-bulk of non-kosher food that had been mixed with a larger amount of kosher food. Rabban Gamliel said to him: A similar case came before my father, and even though he did not measure the kosher food as being sixty times the volume of the non-kosher food, he nevertheless permitted the mixture due to the fact that there was forty-seven times as much kosher food as non-kosher food.

And similarly, I will permit the mixture because I measure that the kosher food is forty-five times the volume of the non-kosher food.

²⁹⁰ Similarly there was a certain person who came before Rabbi Shimon bar Rabbi Yehuda HaNasi with a mixture of kosher and non-kosher food. Rabbi Shimon said to him: A similar case came before my father, and even though he did not measure the kosher food as being sixty times the volume of the non-kosher food, he nevertheless permitted the mixture due to the fact that there was forty-five times as much kosher food as non-kosher food. And similarly, I will permit the mixture because I measure that the kosher food is forty-three times the volume of the non-kosher food.

²⁹¹ There was a certain man who came before Rabbi Ḥiyya with a mixture of kosher and non-kosher food. Rabbi Ḥiyya said to him: Is there even thirty times the volume of permitted food as forbidden food? Clearly, the mixture is forbidden.

²⁹² The Gemara seeks to clarify: This indicates that the reason that he prohibited the mixture is that there was not thirty times as much kosher food as non-kosher food. But it may then be inferred that if there is thirty times as much kosher food as non-kosher food, one may assess, i.e., permit, the mixture. And this contradicts the halakha that non-kosher food is nullified only in a mixture containing sixty times as much kosher food as non-kosher food. Rabbi Ḥanina said: Rabbi Ḥiyya did not make this statement to set a halakhic principle, but merely as an exaggeration. There was not even thirty times the volume of kosher food, so it was obvious that the mixture was forbidden.

²⁹³ § Rabbi Ḥiyya bar Abba says that Rabbi Yehoshua ben Levi says in the name of bar Kappara: All the forbidden foods in the Torah are nullified when they are mixed with kosher food that is sixty times their volume. Rabbi Shmuel bar Rav Yitzḥak said before Rabbi Ḥiyya bar Abba: My teacher, you say this citing Rabbi Yehoshua ben Levi, who said that bar Kappara said it. But this is what Rav Asi says that Rabbi Yehoshua ben Levi says in the name of bar Kappara: All the forbidden foods in the Torah are nullified when they are mixed with kosher food that is one hundred times their volume.

²⁹⁴ The Gemara adds: And both of them learned their principles of nullification only from the term: “Cooked foreleg,” as it is written with regard to the nazirite’s ram: “And the priest shall take the cooked foreleg of the ram” (Numbers 6:19). And it is taught in a baraita: The verse states: “Cooked,”

²⁹⁵ and the term “cooked” indicates that the verse is referring only to a foreleg that is whole. Rabbi Shimon ben Yoḥai disagrees and says: The term “cooked” indicates that the verse is referring only to a foreleg that is cooked with the entire ram.

²⁹⁶ The Gemara clarifies their dispute: Everyone agrees that one cooks the foreleg with the rest of the ram. But one Sage holds that one first cuts the foreleg off the animal and then cooks it along with the rest of the animal. And one Sage, Rabbi Shimon bar Yoḥai, holds that one first cooks the entire ram and then cuts off the foreleg.

²⁹⁷ And if you wish, say that everyone agrees that one first cuts off the foreleg and then cooks it. But one Sage, Rabbi Shimon bar Yoḥai, holds that one cooks the foreleg with the rest of the ram, and one Sage holds that he cooks the foreleg in another pot, separate from the rest of the ram.

²⁹⁸ The foreleg of the nazirite’s ram is permitted to be eaten only by a priest, whereas the rest of the ram is eaten by the nazirite even if he is not a priest. Consequently, according to the first formulation, all agree that the principle of nullification may be derived from here, since all agree that the foreleg is cooked together with the rest of the ram, and yet it does not cause the rest of the ram to be

forbidden to a non-priest. According to the latter formulation, the principle of nullification may be derived from here in accordance with the opinion of Rabbi Shimon ben Yoḥai, who says that the foreleg is cooked together with the rest of the ram. But according to the latter formulation the first tanna holds that the foreleg is not cooked with the rest of the ram, in which case the principle of nullification cannot be derived from here.

²⁹⁹ The Gemara now returns to the dispute about whether non-kosher food is nullified in sixty or one hundred times its volume of kosher food, and explains how each opinion is derived from the halakha of the foreleg of the nazirite's ram. The one who said that non-kosher food is nullified in sixty times its volume of kosher food holds that we assess the ratio of meat and bones of the foreleg to the meat and bones of the rest of the ram, and this is a ratio of one to sixty. The one who said that non-kosher food is nullified in one hundred times its volume of kosher food holds that we assess only the volume of the meat of the foreleg to the meat of the rest of the ram, and this is a ratio of one to one hundred.

³⁰⁰ The Gemara asks: And do we derive the principles of nullification from the case of the nazirite's ram? But isn't it taught in a baraita with regard to the nazirite's ram, which absorbs the flavor of the foreleg with which it was cooked: This is a case of permitted meat that comes from the category of forbidden food, i.e., it is permitted despite the fact that it was cooked with forbidden food. The Gemara infers: What does the expression: This is, in the baraita serve to exclude? Does it not serve to exclude all the other forbidden foods that are in the Torah? This indicates that only the cooked foreleg of the nazirite's ram is nullified in sixty or one hundred times its volume of permitted food, but other prohibited foods are not subject to the principle of nullification.

³⁰¹ The Gemara answers that Abaye said: This emphasis is necessary only according to the opinion of Rabbi Yehuda, who said that in general, a type of food mixed with food of its own type is not nullified. Therefore the baraita teaches us that here, the flavor imparted by the foreleg to the rest of the nazirite's ram is nullified.

³⁰² The Gemara objects: Let Rabbi Yehuda learn from this case that all forbidden food can be nullified when it is mixed with permitted food of its own type. The Gemara explains: The Merciful One revealed in the Torah: "And he shall take of the blood of the bull and of the blood of the goat and put it upon the corners of the altar round about" (Leviticus 16:18). Both of these two bloods are mixed with each other, and although a bull has more blood than a goat has, the verse makes reference to the blood of the goat, indicating that it maintains its own identity and is not nullified.

³⁰³ The Gemara asks: And according to Rabbi Yehuda, what did you see that caused you to derive a principle from that verse with regard to the blood of the bull and the blood of the goat? Derive a principle from this verse about the foreleg of the nazirite's ram. The Gemara answers: The case of the nazirite's ram is a novelty, because even when nullification does apply one may not nullify a forbidden food *ab initio*, whereas here one is supposed to cook the foreleg together with the rest of the ram; and we do not learn principles from a novelty.

³⁰⁴ The Gemara challenges: If so, if Rabbi Yehuda does not consider the case of the nazirite's ram a viable precedent for general halakhic principles, then let him also not learn from that case that when forbidden food is mixed with permitted food of a different type, it is nullified in either one hundred or sixty times its own volume. As discussed above, the two opinions in this regard are each based on the case of the nazirite's ram.

³⁰⁵ The Gemara explains: Is that to say that we learn that forbidden food is nullified in sixty or one hundred times its volume of permitted food as a leniency? We learn it only as a stringency, as if it were not for this derivation, we would say that by Torah law forbidden food is nullified in a mixture in which there is a simple majority of permitted food.

³⁰⁶ Rava stated an alternative explanation of the term: This is, which appears in the baraita with regard to the nazirite's ram: This limitation is necessary only for the principle that the halakhic status of the flavor of forbidden food is like that of its substance. If the flavor of sacrificial food is absorbed into another food, it renders that food forbidden, i.e., it is not nullified. Therefore, the baraita teaches us that here, in the case of the nazirite's ram, the rest of the ram is permitted even to non-priests.

³⁰⁷ The Gemara objects: Let us learn from the case of the nazirite's ram that the flavor of sacrificial food can be nullified. The Gemara explains: The Merciful One revealed in the Torah with regard to the sin offering: "Whatever shall touch its flesh shall be holy" (Leviticus 6:20). This teaches that the halakhic status of any food that touches and absorbs flavor from a sin offering becomes like it, so that if the sin offering is disqualified, this food shall also be disqualified, and if the sin offering is valid, this food may be eaten in accordance with the stringencies that apply to a sin offering.

³⁰⁸ The Gemara asks: And what did you see to indicate that we learn the principle of nullification concerning sacrificial food from that verse of the sin offering? Derive it instead from this verse concerning the foreleg of the nazirite's ram. The Gemara answers: This case of the nazirite's ram is a novelty, and we do not learn principles from a novelty.

³⁰⁹ The Gemara objects: If so, if the case of the nazirite's ram is not a viable precedent for general halakhic principles, then one should also not learn from that case that when forbidden food is mixed with permitted food of a different type, it is nullified in either one hundred or sixty times its own volume. As discussed above, the two opinions in this regard are both based on the case of the nazirite's ram. The Gemara responds: Is that to say that we learn that forbidden food is nullified in sixty or one hundred times its volume of permitted food as a leniency? We learn it only as a stringency, as if it were not for this derivation, one would say that by Torah law forbidden food is nullified in a mixture in which there is a simple majority of permitted food.

³¹⁰ Ravina said an alternative explanation of the term: This is, that appears in the baraita with regard to the nazirite's ram. This limitation is necessary only for the place where the foreleg is cut from the body of the ram, as it was said that in a case where permitted and forbidden foods were attached and one cut the forbidden section from the permitted section, the place of the cut on the permitted part is generally forbidden. But here, in the case of the nazirite's ram, it is permitted.

³¹¹ § The Gemara returns to discussing the statement of Rabbi Shmuel bar Rav Yitzḥak (98a) that forbidden food is nullified in a mixture only if there is one hundred times its volume of permitted food. Rav Dimi sat and said this halakha.

³¹² Abaye said to him: And is it true that all the forbidden foods in the Torah that are mixed with permitted foods are nullified only in a mixture containing one hundred times their volume of permitted food? But didn't we learn in a mishna (Orla 2:6): Why did the Sages say that with regard to anyone who leavens non-sacred food with a leavening agent that is teruma or flavors it with spices of teruma or mixes teruma into non-sacred food, thereby making the food forbidden for non-priests, the halakha is to be stringent if he mixed one type of food that is teruma with non-sacred food of the

same type. But the halakha is to be lenient and to be stringent if he mixed one type of teruma with non-sacred food of a different type.

³¹³ And it is taught in the latter clause, i.e., in the following mishna (Orla 2:7): When it is stated that the halakha is to be lenient and to be stringent if he mixed one type of teruma with non-sacred food not of its type, how is this accomplished? For example, in a case of split beans of teruma that were cooked with non-sacred lentils, if there are enough split beans relative to the lentils to impart flavor to the lentils, then regardless of whether there are enough lentils to neutralize the split beans in one hundred and one times their volume, i.e., the volume of the lentils is one hundred and one times the volume of the split beans, or whether there are not enough lentils to neutralize the split beans in one hundred and one times their volume, the entire mixture is forbidden to a non-priest.

³¹⁴ Conversely, if there are not enough split beans of teruma to impart flavor to the lentils, then regardless of whether there are enough lentils to neutralize the split beans in one hundred and one times their volume, or whether there are not enough lentils to neutralize the split beans in one hundred and one times their volume, the mixture is permitted even to a non-priest.

³¹⁵ Abaye commented: When the mishna says that there are not enough lentils to neutralize the split beans in one hundred and one times their volume, and nevertheless if the split beans did not impart flavor to the lentils, the mixture is permitted, in what amount of lentils are the split beans nullified? Is it not that the split beans are permitted because they are mixed with sixty times their volume of non-sacred lentils? This contradicts the opinion of Rabbi Shmuel bar Rav Yitzhak.

³¹⁶ Rav Dimi answered Abaye: No, the mishna means that although there is not one hundred and one times as much non-sacred food as teruma, the teruma is nullified because there is one hundred times its volume of non-sacred food.

³¹⁷ Abaye responded: But since the first clause states that it is nullified in one hundred times its volume, it must be that the latter clause is referring to a case where there is sixty times its volume. As the mishna (Orla 2:6) teaches in the first clause: When it is stated that the halakha is to be stringent if one type of teruma is mixed with non-sacred food of its type, how is this accomplished? For example, in a case of leaven of teruma wheat that fell into dough made of non-sacred wheat, and there is enough teruma to cause the non-sacred wheat to become leavened, whether there is enough non-sacred wheat to neutralize the teruma in one hundred and one times its volume, or whether there is not enough non-sacred wheat to neutralize the teruma in one hundred and one times its volume, the entire dough is forbidden to a non-priest.

³¹⁸ But if there is not enough non-sacred wheat to neutralize the teruma in one hundred and one times its volume, then whether there is enough teruma to cause the non-sacred wheat to become leavened or whether there is not enough teruma to cause the non-sacred wheat to become leavened, the entire dough is forbidden to a non-priest. Would you suggest that both the first clause and the latter clause are stating that the teruma is nullified in one hundred times its volume?

³¹⁹ Rav Dimi answered: No. The first clause is referring to a case where the teruma is mixed with one hundred and one times its volume of non-sacred food, and the latter clause is referring to a case where the teruma is mixed with one hundred times its volume of non-sacred food.

³²⁰ Abaye asked Rav Dimi: If so, when the mishna states that if there is enough teruma to cause the non-sacred wheat to become leavened the entire mixture is forbidden to non-priests, why is that the

case? If leaven is mixed with one hundred and one times its volume of non-sacred wheat it will have no leavening effect, so why is it not nullified? Rav Dimi did not have an answer and was silent.

³²¹ Abaye said to him: Perhaps leaven is different, because its leavening properties are potent, and there are some forms of leaven that can have an effect on such a large quantity of dough. Rav Dimi said to him: You reminded me of a matter that Rabbi Yosei, son of Rabbi Ḥanina, said: Not all the measures are equal, because the measure required in order to nullify non-kosher fish brine is close to two hundred times its volume. As we learned in a mishna (Terumot 10:8): The brine of a non-kosher fish is forbidden. Rabbi Yehuda says: A quarter-log of non-kosher fish brine renders kosher food forbidden even if it is mixed with two se'a of permitted food, which is one hundred ninety-two times as much as a quarter-log.

³²² The Gemara asks: How can Rabbi Yehuda say that fish brine is nullified at all? Doesn't Rabbi Yehuda say that a type of food mixed with food of its own type is not nullified? The Gemara answers: Brine is different because it is merely sweat, i.e., it does not have the halakhic status of the fish itself.

³²³ § The mishna (96b) teaches: How does one measure whether there is enough sciatic nerve to impart flavor to the meat of the entire thigh? One relates to it as though the sciatic nerve were meat and the thigh were a turnip. If the meat would impart flavor to the turnip when they were cooked together, then the entire thigh is forbidden. The Gemara states that Rav Huna says: The mishna means that it is measured like meat cooked in a pot with turnip heads. The Gemara notes that the mishna is not in accordance with the opinion of this tanna, as it is taught in a baraita: Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, says: Sciatic nerves do not impart flavor at all.

³²⁴ There was a certain man who came before Rabbi Ḥanina to ask about the status of a thigh of an animal that was cooked with its sciatic nerve, and Rabbi Yehuda bar Zevina was sitting at the gate. When the man left, Rabbi Yehuda bar Zevina said to him: What did Rabbi Ḥanina say to you? The man said to him: He permitted me to eat the thigh.

³²⁵ Rabbi Yehuda bar Zevina said to him: Bring the animal before him again; perhaps he did not fully understand the question. When the man returned to Rabbi Ḥanina, Rabbi Ḥanina said: Who is this person who is bothering me? Go and say to the individual who is sitting at the gate, i.e., Rabbi Yehuda bar Zevina: Sciatic nerves do not impart flavor. Consequently, he can remove the sciatic nerve and the rest of the meat is permitted.

³²⁶ When people would come before Rabbi Ami to ask about the halakha of a thigh that was cooked with the sciatic nerve inside, he would send them before Rabbi Yitzḥak ben Ḥalov, who would rule leniently about this issue and say that it was permitted, in the name of Rabbi Yehoshua ben Levi. Rabbi Ami himself did not hold accordingly, but he did not wish to rule stringently for others. And the halakha is that sciatic nerves do not impart flavor at all.

³²⁷ § The mishna states (96b): With regard to a sciatic nerve that was cooked with other sinews, when one identifies the sciatic nerve and removes it, the other sinews are forbidden if the sciatic nerve was large enough to impart flavor. And if he does not identify it, all the sinews are forbidden because each one could be the sciatic nerve. The Gemara challenges: Let the sciatic nerve be nullified by a simple majority.

³²⁸ The Gemara answers that the sciatic nerve is a distinct entity, and therefore it is different in that it is not subject to nullification.

³²⁹ § The mishna states: And similarly, in the case of a piece of an animal carcass or a piece of non-kosher fish that was cooked with similar pieces of kosher meat or fish, when one identifies the forbidden piece and removes it, the rest of the meat or fish is forbidden only if the forbidden piece was large enough to impart flavor to the entire mixture. And if he does not identify and remove the forbidden piece, all the pieces are forbidden, due to the possibility that each piece one selects might be the forbidden piece. The Gemara challenges: Even if the piece of an animal carcass was not removed, let it be nullified by a simple majority, as the majority of the pieces are kosher.

³³⁰ The Gemara clarifies its challenge. This ruling works out well according to the one who said that we learned: Any item whose manner is to be counted, i.e., that is sometimes sold by unit rather than by weight or volume, is considered significant and therefore is not subject to nullification. But according to the one who said that we learned: It is only an item whose manner is exclusively to be counted, i.e., that is always sold by unit, that is considered significant, and is therefore not subject to nullification, what can be said? Since pieces of meat or fish are not always sold by unit, they should be subject to nullification. The Gemara answers: A piece of meat or fish is different, since it is suitable to give honor with it by placing it before guests. Therefore, due to its significance it is not subject to nullification.

³³¹ The Gemara adds: And it was necessary for the mishna to teach both the halakha that the sciatic nerve is not nullified and the halakha that a piece of non-kosher meat or fish is not nullified, as if the mishna had taught us only the case of a sciatic nerve, one might think that it is not nullified because it is a distinct entity, but in the case of a piece of non-kosher meat, say it is not significant, and it is subject to nullification.

³³² And if the mishna had taught us the halakha only in the case of a piece of non-kosher meat or fish, one might think that it is not nullified since it is suitable to give honor with it by placing it before the guests. But in the case of a sciatic nerve, say it is not significant, and it is subject to nullification. Therefore it was necessary for the mishna to teach both cases.

³³³ § Rabba bar bar Ḥana taught: A piece of meat of an unslaughtered carcass or of a non-kosher species of fish that fell into a pot of kosher food does not render the contents of the pot forbidden unless it imparts flavor to the broth and to the deposits of food remaining in the pot and to the other pieces of food in the pot.

³³⁴ Rav disagreed with Rabba bar bar Ḥana and appointed a disseminator to stand before him and teach his statement to a wider audience, and he taught: Once the non-kosher meat or fish has imparted flavor to another piece in the pot, that second piece itself becomes non-kosher. And this second piece renders all the pieces of meat or fish in the pot forbidden, because they are of the same type; therefore, nullification does not apply.

³³⁵ Rav Safra said to Abaye: Now, in accordance with whose opinion did Rav say his statement? It is in accordance with the opinion of Rabbi Yehuda, who says that a type of food mixed with food of its own type is not nullified. But if so, why does Rav state specifically that the non-kosher meat renders all the pieces forbidden only when it has imparted flavor to another piece? Even if it did not impart flavor to another piece it should render all the contents of the pot forbidden. Abaye said to him: Here we are dealing with a case where he cooked the non-kosher piece with one kosher piece and first

removed the non-kosher piece before adding the other pieces. Consequently, the remaining pieces are forbidden only if the non-kosher piece imparted flavor to the piece it was cooked with.

³³⁶ Rava said an alternate answer to Rav Safra's challenge of Rav's statement:

³³⁷ You may even say that it is referring to a case where he did not first remove the piece of non-kosher meat or fish. Nevertheless, this is a case of a mixture of one type of food with its own type of food and with something else, i.e., the spices and broth in the pot.

³³⁸ And in any case of a type of forbidden food mixed with its own type of food and with something else, disregard the food that is its own type, as though it is not present in the mixture, and if the amount of permitted food that is not its own type is sixty times greater than the forbidden food, the permitted food nullifies it. Rav's ruling applies to a case where the forbidden piece of meat or fish imparts flavor to another piece before the spices and broth are added, and there is a total volume sixty times greater than the original non-kosher piece. Consequently, even if the amount of spices and broth is eventually sixty times greater than the original non-kosher piece of meat or fish, the entire mixture is forbidden, as the spices and broth are not sixty times greater than the two pieces of meat or fish which are now non-kosher.

³³⁹ MISHNA: The prohibition of eating the sciatic nerve applies to a kosher animal and does not apply to a non-kosher animal. Rabbi Yehuda says: It applies even to a non-kosher animal. Rabbi Yehuda said in explanation: Wasn't the sciatic nerve forbidden for the children of Jacob, as it is written: "Therefore the children of Israel eat not the sciatic nerve" (Genesis 32:33), yet the meat of a non-kosher animal was still permitted to them? Since the sciatic nerve of non-kosher animals became forbidden at that time, it remains forbidden now. The Rabbis said to Rabbi Yehuda: The prohibition was stated in Sinai, but it was written in its place, in the battle of Jacob and the angel despite the fact that the prohibition did not take effect then.

³⁴⁰ GEMARA: The Gemara asks: And does Rabbi Yehuda hold that a prohibition takes effect where another prohibition already exists? But isn't it taught in a baraita: Rabbi Yehuda says: One might have thought that the carcass of a non-kosher bird renders the garments of one who swallows it ritually impure when it is in the throat, similar to the carcass of a kosher bird.

³⁴¹ Therefore the verse states concerning the impurity of carcasses of birds: "A carcass, or that which is torn of animals, he shall not eat to defile himself with it" (Leviticus 22:8). The verse indicates that only those birds that are forbidden specifically due to the prohibition: You shall not eat of a carcass, i.e., kosher birds that died without ritual slaughter, cause impurity in this manner. This serves to exclude any bird that is not forbidden due to the prohibition: You shall not eat of a carcass, but rather due to the prohibition: You shall not eat a non-kosher bird. This indicates that according to Rabbi Yehuda, the prohibition of eating a carcass does not take effect with regard to a non-kosher bird, because it is already subject to a different prohibition.

³⁴² The Gemara continues with its question: And if you would say that Rabbi Yehuda holds that sciatic nerves do not impart flavor, i.e., they do not have flavor and therefore are not classified as food, and even with regard to a non-kosher animal it is prohibited to eat the sciatic nerve because the general prohibition of eating a sciatic nerve applies, whereas the prohibition of eating non-kosher animals does not apply because the sciatic nerve is not considered food, this is untenable.

³⁴³ The Gemara explains: And does Rabbi Yehuda hold that sciatic nerves do not impart flavor? But isn't it taught in a baraita: With regard to one who eats the sciatic nerve of a non-kosher animal, Rabbi Yehuda deems him liable to receive two sets of lashes, one for eating the sciatic nerve and one for eating the meat of a non-kosher animal, and Rabbi Shimon exempts him entirely from lashes. This indicates that Rabbi Yehuda holds that the sciatic nerve does have flavor.

³⁴⁴ The Gemara answers: Actually Rabbi Yehuda holds that sciatic nerves do impart flavor, and he also holds that the prohibition of eating the sciatic nerve applies to the sciatic nerve of an animal fetus. Consequently, although Rabbi Yehuda holds that a prohibition does not take effect where another already exists, one who eats the sciatic nerve of a non-kosher animal is flogged twice, because the prohibition of eating a sciatic nerve and the prohibition of eating meat from a non-kosher animal come into effect at the same time.

³⁴⁵ The Gemara challenges this answer: And can you say that Rabbi Yehuda holds that the prohibition of eating a sciatic nerve applies to the sciatic nerve of a fetus? But didn't we learn in a mishna (89b): The prohibition applies to a late-term fetus in the womb. Rabbi Yehuda says: It does not apply to a fetus, and similarly the fat of a fetus is permitted?

³⁴⁶ The Gemara answers: This statement, that the prohibition of eating the sciatic nerve does not apply to a fetus, is with regard to a kosher species of animal, because the Merciful One stated in the Torah: "And every animal that divides the hoof, and has the hoof wholly cloven in two, and chews the cud, among the animals [babeHEMA], that you may eat" (Deuteronomy 14:6). The term babeHEMA may also be translated as: Inside the animals, indicating that anything inside a kosher animal when it is slaughtered is permitted for consumption, including all parts of a fetus. But with regard to a non-kosher species of animal the prohibition applies.

³⁴⁷ The Gemara challenges the assertion that the prohibitions of eating the sciatic nerve and of eating non-kosher meat take effect at the same time. And can you say that they both come into effect at the same time? But didn't we learn in a mishna (Nazir 49b): A nazirite shaves for having become impure from these following sources of ritual impurity: For having become impure with impurity imparted by a corpse; and for impurity imparted by an olive-bulk of a corpse.

³⁴⁸ And this poses a difficulty for us: If a nazirite shaves for becoming impure from an olive-bulk of a corpse, is it not obvious that all the more so he must shave for becoming impure from an entire corpse? And Rabbi Yoḥanan said: It is necessary only with regard to a miscarried fetus whose limbs have not yet become joined to its sinews. Although the fetus does not yet contain an olive-bulk of flesh, since it is a complete entity, it transmits impurity to anything under the same roof. Evidently, the limbs of the body are formed before the nerves and sinews, and therefore the prohibition of eating non-kosher meat takes effect prior to the prohibition of the sciatic nerve.

³⁴⁹ The Gemara answers: Even though the prohibition of eating non-kosher meat takes effect prior to the prohibition of eating the sciatic nerve, the prohibition of the sciatic nerve also comes and takes effect upon a non-kosher animal because this prohibition applies to descendants of Noah, i.e., to gentiles. Since the prohibition of eating the sciatic nerve adds an additional stringency that did not exist with regard to non-kosher meat, it takes effect even though there was an already existing prohibition.

³⁵⁰ According to this answer, the language of the mishna is also precise, as it teaches: Rabbi Yehuda said: Wasn't the sciatic nerve forbidden for the children of Jacob, as it is written: "Therefore the

children of Israel eat not the sciatic nerve” (Genesis 32:33), yet the meat of a non-kosher animal was still permitted to them? This indicates that the basis of Rabbi Yehuda’s opinion is the fact that the sciatic nerve was forbidden to the children of Jacob, who had the status of descendants of Noah.

³⁵¹ § The Gemara returns to the matter itself cited above. With regard to one who eats the sciatic nerve of a non-kosher animal, Rabbi Yehuda deems him liable to receive two sets of lashes: One for eating the sciatic nerve and one for eating the meat of a non-kosher animal;

³⁵² and Rabbi Shimon exempts him entirely.

³⁵³ The Gemara objects: But according to Rabbi Shimon, whichever way you look at it, it is difficult. If a prohibition takes effect where another prohibition already exists, let Rabbi Shimon deem one liable for eating non-kosher meat and also due to the prohibition of eating the sciatic nerve. Conversely, if a prohibition does not take effect where another prohibition already exists, let Rabbi Shimon deem one liable due to the prohibition of eating meat from a non-kosher species, which preceded the prohibition of the sciatic nerve. And if Rabbi Shimon holds that sciatic nerves do not impart flavor, and therefore the prohibition of eating non-kosher meat does not apply, let him deem one liable due to the prohibition of eating the sciatic nerve.

³⁵⁴ Rava said in response: Actually Rabbi Shimon holds that sciatic nerves do not impart flavor, and therefore they are not subject to the prohibition of eating non-kosher meat. And the reason the prohibition of eating the sciatic nerves does not apply to non-kosher animals is that it is different there, because the verse states: “Therefore the children of Israel eat not the sciatic nerve” (Genesis 32:33). This teaches that the prohibition applies only to a species whose sciatic nerve is forbidden but whose meat is permitted, and excludes this case of a non-kosher animal, whose sciatic nerve would be forbidden and whose meat would also be forbidden.

³⁵⁵ § Having discussed the status of the sciatic nerve of a non-kosher animal, the Gemara addresses the status of the sciatic nerve of a kosher animal that did not undergo a proper ritual slaughter. Rav Yehuda says that Rav says: With regard to one who eats the sciatic nerve of an unslaughtered carcass, Rabbi Meir deems him liable to receive two sets of lashes, and the Rabbis say: He is liable to receive only one set of lashes.

³⁵⁶ And the Rabbis concede to Rabbi Meir in a case where one eats the sciatic nerve of a burnt offering or of an ox that is stoned that he is liable to receive two sets of lashes. The prohibitions concerning a burnt offering and an ox that is stoned are more severe than that of the sciatic nerve, in that it is forbidden to derive any benefit from them, whereas the sciatic nerve is merely forbidden for consumption. Consequently, these prohibitions take effect even with regard to the sciatic nerve, despite the fact that the sciatic nerve was already forbidden before the animal was consecrated or before it gored a person and became liable to be stoned.

³⁵⁷ The Gemara challenges: And who is this tanna who does not hold that in the case of a more inclusive prohibition, the prohibition takes effect where another prohibition already exists, and consequently, according to his opinion the prohibition of eating an unslaughtered animal, which applies to the entire animal, does not take effect with regard to the sciatic nerve. Yet, he does hold that where the second prohibition is both a more inclusive prohibition and a more stringent prohibition, it does take effect, and therefore the prohibition of eating a burnt offering or an ox that is stoned does take effect with regard to the sciatic nerve.

³⁵⁸ Rava said: It is Rabbi Yosei HaGelili who holds that a more inclusive prohibition does not take effect where there is an already existing prohibition. As we learned in a mishna (Zevahim 106a): One who is ritually impure who ate sacrificial food, whether it was ritually impure sacrificial food or ritually pure sacrificial food, is liable to receive karet if he did so intentionally and to bring a sliding-scale offering if he did so unwittingly.

³⁵⁹ Rabbi Yosei HaGelili says: An impure individual who ate pure sacrificial food is liable. But an impure individual who ate impure sacrificial food is exempt, as he merely ate an impure item, and the prohibition of eating sacrificial food while one is impure does not apply to impure sacrificial food.

³⁶⁰ The Rabbis said to him: According to your logic, this halakha would apply even in a case of an impure individual who ate what had been pure sacrificial food, because once he has touched it, he has thereby rendered it impure. Yet, in such a case, he is certainly liable for eating it. So too, an impure individual who ate impure sacrificial food is liable.

³⁶¹ The Gemara asks: The Rabbis are saying well to Rabbi Yosei HaGelili; why does Rabbi Yosei HaGelili disagree? And Rava said in elaboration of the dispute: In a case where the person's body became impure and then afterward the sacrificial meat became impure, everyone agrees that he is liable if he eats the meat, as the prohibition of eating sacrificial meat while impure, which carries the punishment of karet, preceded the prohibition of eating impure sacrificial meat.

³⁶² They disagree when the meat became impure and then afterward the person's body became impure. The Rabbis hold that a more inclusive prohibition takes effect even where there is an already existing prohibition. Consequently, since the prohibition for an impure person to eat sacrificial meat is more inclusive than the prohibition for a pure person to eat impure sacrificial meat, as an impure person is liable for eating even pure pieces of sacrificial meat that are permitted to the rest of the world, he is also liable for this prohibition when he eats an impure piece of sacrificial meat.

³⁶³ And Rabbi Yosei HaGelili does not accept the principle that a more inclusive prohibition takes effect even where there is an already existing prohibition, as he holds that we do not say that since it applies to cases that were not yet prohibited it applies to all cases.

³⁶⁴ The Gemara objects: But even according to Rabbi Yosei HaGelili, granted that he does not hold that a more inclusive prohibition always takes effect where there is an already existing prohibition. But in the case of an already existing lenient prohibition, a more stringent prohibition should come and take effect on the more lenient prohibition. And what is the more stringent prohibition? The prohibition due to the impurity of a person's body, as one who eats sacrificial food when he has impurity of the body is liable to karet, whereas a pure person who eats impure sacrificial food is merely liable to be flogged. Consequently, the prohibition of eating sacrificial food while impure should apply even though the meat became impure before the person became impure.

³⁶⁵ Rav Ashi said: Who can say to us that the prohibition due to the impurity of a person's body is more stringent? Perhaps the prohibition due to the impurity of the meat is more stringent, as impure meat does not have the possibility of restoring its state of purity via immersion in a ritual bath, whereas a ritually impure person can become pure in this manner.

³⁶⁶ The Gemara asks: And does Rabbi Yosei HaGelili not hold that a more inclusive prohibition takes effect where there is an already existing prohibition?

³⁶⁷ But isn't it taught in a baraita: When Shabbat and Yom Kippur occur on the same day, if one acted unwittingly and performed prohibited labor, from where is it derived that he is liable for this by itself and for that by itself, i.e., he is liable to bring two sin offerings, for having transgressed both Shabbat and Yom Kippur? The verse states: "You shall do no manner of work; it is a Shabbat for the Lord in all your dwellings" (Leviticus 23:3), and another verse states: "It is Yom Kippur" (Leviticus 23:27). The term "it is" in each verse teaches that each of these days is considered independently even when it occurs together with another holy day. This is the statement of Rabbi Yosei HaGelili. Rabbi Akiva says: He is liable to bring only one sin offering because a prohibition does not take effect where another prohibition already exists.

³⁶⁸ The Gemara answers that on this topic Ravin sent a letter citing a statement in the name of Rabbi Yosei, son of Rabbi Ḥanina: This is the correct presentation of this teaching [hatza'a shel mishna], i.e., the opinions in this baraita are accurate, but one must reverse the attributions of each opinion so that the first opinion is that of Rabbi Akiva and the second opinion is that of Rabbi Yosei HaGelili. Consequently, Rabbi Yosei HaGelili holds that two prohibitions do not take effect at the same time even if one is more inclusive or stringent than the other.

³⁶⁹ The Gemara continues to discuss the opinion of Rabbi Yosei HaGelili. Rav Yitzḥak bar Ya'akov bar Giyorei sent a letter citing a statement in the name of Rabbi Yoḥanan: According to the statement of Rabbi Yosei HaGelili, as stated in the baraita once the attributions have been reversed, if one unwittingly performed a forbidden labor on a Yom Kippur that occurred on Shabbat, he is obligated to bring one sin offering. If he acted unwittingly with regard to the fact that it was Shabbat, i.e., he forgot that it was Shabbat, but acted intentionally with regard to Yom Kippur, he is obligated to bring a sin offering. But if he acted intentionally with regard to Shabbat but unwittingly with regard to Yom Kippur, he is exempt from bringing any offering.

³⁷⁰ The Gemara asks: What is the reason for Rabbi Yoḥanan's statement? Abaye said: Shabbat is established and permanent, i.e., it always occurs on the seventh day of the week, whereas in the case of Yom Kippur, it is the court that establishes it, as the Sages determine the New Moon. Consequently, Shabbat is considered to have preceded Yom Kippur, and the prohibition to perform labor on Yom Kippur does not apply, due to the fact that labor is already prohibited because it is Shabbat. Since one brings a sin offering only due to unwitting transgression, he is obligated to bring a sin offering only if he performed labor without realizing it was Shabbat.

³⁷¹ Rava said to Abaye: Ultimately both of them, i.e., Shabbat and Yom Kippur, come into effect at the same time. Since both take effect at the beginning of the calendar day, it cannot be said that Shabbat precedes Yom Kippur. Rather Rava said a different explanation. It was a time of religious persecution, and they sent from there, i.e., from Eretz Yisrael, a directive stating that Yom Kippur of this year will not be observed on its proper day but rather on Shabbat. Rabbi Yoḥanan was merely stating that on that particular year one who would unwittingly transgress Yom Kippur would be exempt from bringing a sin offering. And similarly, when Ravin and all those who descended from Eretz Yisrael came to Babylonia, they said that the true explanation is in accordance with the opinion of Rava.

³⁷² § The mishna teaches: Rabbi Yehuda said in explanation: Wasn't the sciatic nerve forbidden for the children of Jacob, as it is written: "Therefore the children of Israel eat not the sciatic nerve"

(Genesis 32:33), yet the meat of a non-kosher animal was still permitted to them? Since the sciatic nerve of non-kosher animals became forbidden at that time, it remains forbidden now.

³⁷³ It is taught in a baraita that the Rabbis said to Rabbi Yehuda: But is it stated in the verse: Therefore the children of Jacob do not eat the sciatic nerve? Isn't it true that it is stated only that: "Therefore the children of Israel do not eat the sciatic nerve?" And the Jewish people were not called "the children of Israel" until they received the Torah at Mount Sinai. Rather, this terminology indicates that the prohibition of eating the sciatic nerve was stated to the Jewish people at Sinai, but was written in its place, after the incident of Jacob wrestling with the angel, to allow the Jewish people to know the reason the sciatic nerve was forbidden to them. Since the prohibition came into effect only at Sinai, there is no proof that it ever applied with regard to non-kosher animals.

³⁷⁴ Rava raises an objection to this baraita: The verse states: "And Jacob rose up from Beersheba; and the children of Israel carried Jacob their father, and their little ones, and their wives in the wagons that Pharaoh had sent to carry him" (Genesis 46:5). This occurred before the Torah was given at Sinai, and therefore proves that the title "the children of Israel" was in use before the Torah was given. The Gemara answers: Nevertheless, this occurred after the incident, i.e., after Jacob wrestled with the angel and after the prophetic vision in which God changed Jacob's name to Israel (Genesis 35:10).

³⁷⁵ Rav Aḥa, son of Rava, said to Rav Ashi: In that case, the sciatic nerve should be understood as having become forbidden to them from that time when they were first called the children of Israel. Since this was before the giving of the Torah, this would be in accordance with the opinion of Rabbi Yehuda and not that of the Rabbis.

³⁷⁶ Rav Ashi said to him: Was the Torah given piecemeal, on numerous different occasions? It was given at Sinai. Rather, that time when the title "children of Israel" was first used was not the time when the incident of Jacob wrestling with the angel occurred and also was not the time of the giving of the Torah at Mount Sinai. Therefore, there is no reason to assume that the prohibition took effect at that time.

³⁷⁷ § The mishna taught a dispute between Rabbi Yehuda and the Rabbis with regard to the prohibition of eating the sciatic nerve. The Gemara now cites a similar dispute between them with regard to eating a limb from a living animal. The Sages taught in a baraita: The prohibition of eating a limb from a living animal applies whether the limb comes from a domesticated animal, an undomesticated animal, or a bird, and whether it is from a non-kosher species or from a kosher species; this is the statement of Rabbi Yehuda and Rabbi Elazar. But the Rabbis say: The prohibition of eating a limb from a living animal applies only to a limb from a kosher species.

³⁷⁸ Rabbi Yoḥanan says: And both of them, i.e., the Rabbis as well as Rabbi Yehuda and Rabbi Elazar, derived their opinions from one verse: "Only be steadfast in not eating the blood, for the blood is the life;

³⁷⁹ and you shall not eat the life with the flesh" (Deuteronomy 12:23). Rabbi Yehuda and Rabbi Elazar hold that with regard to any animal whose blood you are commanded not to eat, you are commanded with regard to its limbs, i.e., you are prohibited from eating its limbs that were severed while it was still alive. Consequently, with regard to these non-kosher species also, since you are commanded not to eat their blood, you are commanded with regard to their limbs.

³⁸⁰ And the Rabbis hold that the verse indicates: “And you shall not eat the life with the flesh” (Deuteronomy 12:23), but rather you shall eat the flesh alone, i.e., when the animal is no longer alive. Consequently, with regard to any animal whose flesh is permitted when it is slaughtered, you are commanded with regard to its limbs, i.e., you are prohibited from eating its limbs that were severed while it was still alive. But with regard to any animal whose flesh is not permitted when it is slaughtered, you are not commanded with regard to its limbs, i.e., the prohibition of eating limbs that were severed while it was still alive does not apply.

³⁸¹ The Gemara asks: But according to Rabbi Yehuda, who holds that a prohibition takes effect upon an already existing, less stringent prohibition, why does he need to derive this from a verse? Let the prohibition of eating a limb from a living animal come and take effect on the prohibition of eating meat from a non-kosher animal, as it is more stringent since its prohibition applies also to descendants of Noah, i.e., gentiles.

³⁸² The Gemara responds: Yes, that is indeed so. Rabbi Yehuda does not need to derive this halakha from a verse, and the verse was necessary only according to the opinion of Rabbi Elazar, who holds that a prohibition does not take effect where there is an already existing prohibition, even if the second prohibition is more stringent.

³⁸³ This fact that it is Rabbi Elazar who derives this halakha from the verse, as opposed to Rabbi Yehuda, is also taught in a baraita: The prohibition of eating a limb from a living animal applies with regard to a limb from a domesticated animal, an undomesticated animal, or a bird, and whether it is from a non-kosher species or a kosher species, as it is stated: “Only be steadfast in not eating the blood, for the blood is the life; and you shall not eat the life with the flesh” (Deuteronomy 12:23).

³⁸⁴ This verse indicates that with regard to any species whose blood you are commanded not to eat, you are commanded with regard to its limbs, i.e., you are prohibited from eating its limbs that were severed while it was still alive. And any species about whose blood you are not commanded, i.e., with regard to which the prohibition of eating blood does not apply, you are not commanded with regard to their limbs. Since the prohibition of eating blood applies even with regard to non-kosher species, the prohibition of eating limbs severed from a living animal also applies; this is the statement of Rabbi Elazar.

³⁸⁵ And the Rabbis say: The prohibition of eating a limb from a living animal applies only to kosher species, as it is stated in the verse: “And you shall not eat the life with the flesh” (Deuteronomy 12:23), but rather you shall eat the flesh alone, i.e., when the animal is no longer alive. Consequently, with regard to any animal whose flesh is permitted when it is slaughtered, you are commanded with regard to its limbs, i.e., you are prohibited from eating its limbs that were severed while it was still alive. But with regard to any animal whose flesh is not permitted when it is slaughtered, you are not commanded with regard to its limbs, i.e., the prohibition of eating limbs that were severed while it was still alive does not apply.

³⁸⁶ Rabbi Meir says that the prohibition of eating a limb from a living animal applies only with regard to a kosher species of domesticated animal, but not with regard to undomesticated animals or fowl, even if they are kosher.

³⁸⁷ The Gemara provides a mnemonic for the different opinions with regard to the name of one of the Sages cited in the upcoming discussion: Shmuel, Sheila, Shimi.

³⁸⁸ Rabba bar Shmuel said that Rav Ḥisda said, and some say that it was Rav Yosef who said the following statement. And some say the attributions as follows: Rabba bar Sheila said that Rav Ḥisda said, and some say that it was Rav Yosef who said; and some say the attributions as follows: Rabba bar Shimi said that Rav Ḥisda said, and some say that it was Rav Yosef who said: What is the reason for the opinion of Rabbi Meir that the prohibition of eating a limb from a living animal applies only with regard to a kosher species of domesticated animal?

³⁸⁹ It is that the verse states: “Then you shall slaughter of your cattle and of your sheep” (Deuteronomy 12:21). This verse is closely followed by the verse that serves as the source of the prohibition to eat a limb severed from a living animal (Deuteronomy 12:23), indicating that the prohibition applies only to kosher domesticated animals.

³⁹⁰ Rav Giddel says that Rav says: The dispute between the Rabbis and Rabbi Yehuda and Rabbi Eliezer about whether the prohibition of eating a limb severed from a living animal applies with regard to non-kosher species is only with regard to Jews. But with regard to descendants of Noah, i.e., gentiles, everyone agrees that they are prohibited from eating a limb from a living non-kosher species of animal just like they are prohibited from eating a limb from a living kosher species.

³⁹¹ The Gemara comments that this is also taught in a baraita: A descendant of Noah is prohibited from eating a limb from a living animal from non-kosher species just as from kosher species. But a Jew is prohibited from eating a limb from a living animal of kosher species only.

³⁹² There are those who say that the correct wording of the baraita is that a Jew is prohibited from eating a limb from a living kosher species, in singular, and it is in accordance with the opinion of Rabbi Meir, who holds that the prohibition is limited to kosher domestic animals. And there are those who say that the correct wording of the baraita is that a Jew is prohibited from eating a limb from living kosher species, in plural, and it is in accordance with the opinion of the Rabbis, who hold that the prohibition also applies to a limb from a living bird or a living undomesticated animal of kosher species.

³⁹³ Rav Sheizvi said: We learn in the mishna as well that a gentile is prohibited from eating a limb from a living being even with regard to non-kosher species (Teharot 1:3): If one ate a limb severed from a living non-kosher bird, he does not incur forty lashes, and slaughter does not purify it, i.e., cause it to become permitted for consumption.

³⁹⁴ Rav Sheizvi clarifies: With regard to what case does the mishna issue this ruling? If we say that it is referring to a Jew who ate the limb, it is obvious that slaughter does not purify it, because it is a non-kosher species and cannot be made kosher. Rather is it not referring to descendants of Noah and teaching that even after the bird is slaughtered the limb severed while it was alive remains forbidden? By inference, it is clear from the mishna that it is prohibited for a gentile to eat a limb severed from a living being even from a non-kosher species.

³⁹⁵ Rabbi Mani bar Pattish raises a contradiction between the first clause of that mishna, which states that one does not receive lashes for eating a limb severed from a living non-kosher bird, and the latter clause of the mishna, which states that a limb severed from a living non-kosher bird remains forbidden after the bird is slaughtered. The first clause indicates that the prohibition of eating a limb severed from a living creature applies only to kosher species, while the latter clause indicates that it applies also to non-kosher species. And he answers this contradiction by explaining that the first clause is referring to a Jew and the latter clause is referring to a descendant of Noah.

³⁹⁶ § The Gemara continues discussing the prohibition of eating a limb severed from a living creature. Rav says: A limb severed from a living animal requires an olive-bulk in order to render one who eats it liable to receive lashes. What is the reason for this? It is because the term: Eating, is written with regard to the prohibition of a limb severed from a living animal, and the definition of eating is the consumption of at least one olive-bulk.

³⁹⁷ Rav Amram raises an objection from the mishna cited above (Teharot 1:3): If one ate a limb severed from a living non-kosher bird, he does not incur the forty lashes, and slaughter does not purify it, i.e., cause it to become permitted. But if it enters your mind that we require an olive-bulk in order for one to receive lashes for eating a limb severed from a living creature, that mishna must be referring to such a case; therefore, it should emerge that he is liable to receive lashes because he ate an olive-bulk of a non-kosher bird.

³⁹⁸ The Gemara answers: This can be explained as Rav Nahman said with regard to another issue, that it is referring to a case of eating a small amount of meat together with sinews and bones and the total volume is an olive-bulk. Here also, the mishna is referring to a case of eating a small amount of meat together with sinews and bones.

³⁹⁹ The Gemara raises another challenge to Rav's statement that one receives lashes for eating a limb severed from a living animal only if he eats an olive-bulk: Come and hear a proof in this regard, as Rav said:

⁴⁰⁰ If one ate a kosher bird alive, one is punished with lashes for any amount, i.e., even if he ate less than an olive-bulk. If the bird was dead and was not ritually slaughtered, one is punished with lashes only if he ate an olive-bulk. And if one ate a whole bird of a non-kosher species, whether he ate it when it was alive or dead, he is punished with lashes for any amount, i.e., even if the bird contained less than an olive-bulk of meat. The Gemara answers: Here also explain that Rav's statement is referring to a case of eating a small amount of meat along with sinews and bones, and the total volume is an olive-bulk.

⁴⁰¹ Come and hear another challenge based upon a baraita: With regard to one who took a live bird of a kosher species that did not have a volume of an olive-bulk and ate it, Rabbi Yehuda HaNasi exempts him from lashes and Rabbi Elazar bar Rabbi Shimon deems him liable for lashes. Rabbi Elazar, son of Rabbi Shimon, said: He should be liable based upon an a fortiori inference: If one is liable to receive lashes for eating a limb of a living animal, all the more so is it not clear that one is liable to receive lashes for eating all of it? The baraita concludes: With regard to one who strangled the bird and ate it, everyone agrees that he is liable to receive lashes only if it had the volume of an olive-bulk.

⁴⁰² The Gemara analyzes the baraita: Rabbi Yehuda HaNasi and Rabbi Elazar, son of Rabbi Shimon, disagree only with regard to one who ate an entire live bird, as one Sage, Rabbi Elazar, son of Rabbi Shimon, holds that even during its life all creatures stand to be divided into limbs, i.e., they will ultimately be cut into pieces. Consequently, each of its limbs is considered a separate entity, and even if one eats a limb without first separating it from the rest of the body, one violates the prohibition of eating a limb from a living being. And one Sage, Rabbi Yehuda HaNasi, holds that during its life it does not stand to be divided into limbs. Therefore, one does not violate the prohibition of eating a limb from a living being unless he severs a limb from the body.

⁴⁰³ But in any event, everyone agrees that we do not require one to eat an olive-bulk of meat in order to be liable for lashes for eating a limb from a living being, which is the basis of the a fortiori inference of Rabbi Elazar, son of Rabbi Shimon. Rav Nahman says in response: Explain that the baraita is referring to a case where one ate a small amount of meat together with sinews and bones, making a total of an olive-bulk.

⁴⁰⁴ The Gemara challenges this answer: But is there any bird that does not have an olive-bulk of meat in its whole body, but in one limb it has an olive-bulk of the combination of a small amount of meat together with sinews and bones? Rav Sherevyia said: Yes, this is the case with regard to the *kelanita*, a bird that is very small and scrawny.

⁴⁰⁵ The Gemara challenges this answer that the baraita is referring to a *kelanita*. Say the latter clause: With regard to one who strangled the bird and ate it, everyone agrees that he is liable to receive lashes only if it had the volume of an olive-bulk. But a *kelanita* is a non-kosher bird, and Rav says: If one eats a whole non-kosher bird, whether he eats it when it is alive or dead, he is punished with lashes for eating any amount. The Gemara answers: The baraita is not referring to an actual *kelanita*, but rather to a kosher species of bird similar to a *kelanita* in that it is small and scrawny.

⁴⁰⁶ § The Gemara above cited a dispute between Rabbi Yehuda HaNasi and Rabbi Elazar, son of Rabbi Shimon, with regard to one who eats an entire live kosher bird that is less than an olive-bulk. With regard to the opinion of Rabbi Yehuda HaNasi, who holds that an entire bird is not considered to be a limb and is therefore not included in the prohibition of eating a limb from a living animal, Rava said: If you say that Rabbi Yehuda HaNasi holds that thought with regard to food is considered thought, i.e., one's thoughts have halakhic significance in determining a food's status, then in a case where one thought to eat the bird limb by limb, and instead ate it all at once, Rabbi Yehuda HaNasi would hold that he is liable for transgressing the prohibition of eating a limb from a living animal.

⁴⁰⁷ Abaye said to Rava: But is there anything with regard to which if another person ate it he would not be liable, but if this person ate it he is liable? Rava said to Abaye: There can be different outcomes for different people who perform the same act, as this individual's action is judged according to his thought and that individual's action is judged according to his thought.

⁴⁰⁸ And Rava also said: If you say that Rabbi Elazar bar Rabbi Shimon holds that thought with regard to food is considered thought, then in a case where one at first intended to eat the entire bird after it had died, but ultimately he ate it alive, Rabbi Elazar bar Rabbi Shimon would hold that he is exempt from lashes, as according to his thought it does not stand to be divided into limbs while alive.

⁴⁰⁹ Abaye said to Rava: But is there anything that if another person ate it he would be liable, but if this person ate it he is exempt? Rava said to Abaye: This individual's action is judged according to his thought and that individual's action is judged according to his thought.

⁴¹⁰ § The Gemara discusses the source of the prohibition of eating a limb from a living animal. Rabbi Yoḥanan says: "You shall not eat the life with the flesh" (Deuteronomy 12:23); this is the source for the prohibition of eating a limb from a living animal. And the verse: "And you shall not eat any flesh that is torn in the field" (Exodus 22:30); this is the source for the prohibition of eating flesh severed from the living and flesh severed from a *tereifa*, even if it is not an entire limb.

⁴¹¹ And Rabbi Shimon ben Lakish says: "You shall not eat the life with the flesh" (Deuteronomy 12:23); this is the source for the prohibitions of eating a limb from a living animal and of eating flesh

severed from the living. And the verse: “And you shall not eat any flesh that is torn in the field” (Exodus 22:30); this is the source for the prohibition of eating flesh severed from a tereifa.

⁴¹² The Gemara clarifies the difference between these two opinions. If one ate a limb from a living animal and flesh severed from the living, then according to the opinion of Rabbi Yoḥanan he is liable to receive two sets of lashes but according to the opinion of Rabbi Shimon ben Lakish he is liable to receive only one set of lashes. Conversely, if one ate flesh severed from the living and flesh severed from a tereifa, then according to the opinion of Rabbi Shimon ben Lakish he is liable to receive two sets of lashes but according to the opinion of Rabbi Yoḥanan he is liable to receive only one set of lashes. If one ate a limb from a living animal and flesh severed from a tereifa, everyone agrees that he is liable to receive two sets of lashes.

⁴¹³ And the Gemara raises a contradiction to the claim that everyone agrees that one who eats both a limb from a living animal and flesh severed from a tereifa is liable to receive two sets of lashes, based upon the following statement:

⁴¹⁴ With regard to one who ate a limb from a living animal that is a tereifa, Rabbi Yoḥanan says: He is liable to receive two sets of lashes, and Rabbi Shimon ben Lakish says: He is liable to receive only one set of lashes.

⁴¹⁵ The Gemara comments: Granted, according to the opinion of Rabbi Yoḥanan, this works out well because the prohibitions of eating a limb from a living animal and of eating flesh severed from a tereifa are derived from two different verses. But according to the opinion of Rabbi Shimon ben Lakish, it is difficult; why does he hold that the individual receives only one set of lashes?

⁴¹⁶ Rav Yosef said: This is not difficult. Here it is referring to one animal, but there it is referring to two animals. Rav Yosef clarifies: In a case of two animals, e.g., where one ate a limb from a living animal and flesh severed from a different animal that was a tereifa, everyone agrees that he is liable to receive two sets of lashes. But in a case where he ate from one animal, e.g., he ate a limb severed from a live tereifa animal, Rabbi Yoḥanan and Rabbi Shimon ben Lakish disagree.

⁴¹⁷ The Gemara asks: With regard to the case of one animal, in what case do they disagree? Abaye said: They disagree, for example, in a case where the animal became a tereifa as the majority of it emerged from its mother’s womb. One Sage, Rabbi Yoḥanan, holds that an animal, even during its life, stands to be divided into limbs, and therefore each of its limbs is considered a separate entity; and here the prohibition of eating a tereifa and the prohibition of eating a limb from a living animal come into effect at the same time. Consequently, both prohibitions apply.

⁴¹⁸ And one Sage, Rabbi Shimon ben Lakish, holds that during its life an animal does not stand to be divided into limbs. Consequently, although the prohibition of eating a tereifa comes into effect when it is born, the prohibition of eating a limb from a living animal does not take effect until the limb is actually severed from the animal, and at that point the prohibition of a limb from a living animal does not come and take effect upon the already existing prohibition of a tereifa.

⁴¹⁹ And if you wish, say instead that everyone agrees that during its life an animal does not stand to be divided into limbs, and they disagree with regard to whether the prohibition of a limb from a living animal comes and takes effect upon the already existing prohibition of a tereifa. One Sage, Rabbi Yoḥanan, holds that the prohibition of eating a limb from a living animal, which applies to gentiles as well as to Jews, comes and takes effect upon the already existing prohibition of eating a

tereifa. And one Sage, Rabbi Shimon ben Lakish, holds that the prohibition of eating a limb from a living animal does not come and take effect upon the already existing prohibition of eating a tereifa.

⁴²⁰ And if you wish, say instead that everyone agrees that an animal, even during its life, stands to be divided into limbs, and the dispute is about a case where the animal became a tereifa afterward, i.e., after it was born, and they disagree with regard to whether the prohibition of a tereifa comes and takes effect upon the already existing prohibition of a limb from a living animal.

⁴²¹ One Sage, Rabbi Yoḥanan, holds that the prohibition of eating a tereifa comes and takes effect in addition to the already existing prohibition of eating a limb from a living animal. And one Sage, Rabbi Shimon ben Lakish, holds that the prohibition of eating a tereifa does not come and take effect in addition to the already existing prohibition of eating a limb from a living animal.

⁴²² Rava says an alternative explanation: This is referring to a case where he severed a limb from the animal and thereby rendered the animal a tereifa. One Sage, Rabbi Yoḥanan, holds that during its life, an animal does not stand to be divided into limbs. Consequently, the prohibition of a limb from a living animal and the prohibition of a tereifa come into effect at the same time.

⁴²³ And one Sage, Rabbi Shimon ben Lakish, holds that even during its life, an animal stands to be divided into limbs, and therefore the prohibition of eating a limb from a living animal takes effect when the animal is born. Consequently, the prohibition of a tereifa does not come and take effect upon the already existing prohibition of a limb from a living animal.

⁴²⁴ § Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: If one ate forbidden fat from a living animal that is a tereifa he is liable to receive two sets of lashes. Rabbi Ami said to him: But let the Master say that he is liable to three sets of lashes, because I say that the correct version of Rabbi Yoḥanan's statement is that he is liable to three sets of lashes. It was also stated: Rabbi Abbahu says that Rabbi Yoḥanan says: If one ate forbidden fat from a living animal that is a tereifa he is liable to three sets of lashes.

⁴²⁵ The Gemara asks: With regard to what principle do Rabbi Ḥiyya bar Abba and Rabbi Ami disagree? They disagree in a case where the animal became a tereifa as the majority of it emerged from its mother's womb; the one who said that he is liable to three sets of lashes holds that even during its life an animal stands to be divided into limbs, and each of its limbs is considered as a separate entity, so that the prohibition of eating forbidden fat, the prohibition of eating a limb from a living animal, and the prohibition of eating a tereifa come into effect at the same time.

⁴²⁶ And the one who said that he is liable to two sets of lashes holds that during its life, an animal does not stand to be divided into limbs, i.e., its limbs are not considered separate entities while the animal is alive. Consequently, the prohibition of eating forbidden fat and the prohibition of eating a tereifa animal apply, as they came into effect at the same time, when the animal was born. By contrast, the prohibition of eating a limb from a living animal does not come and take effect, due to the fact that other prohibitions already apply.

⁴²⁷ And if you wish, say instead that everyone agrees that during its life an animal does not stand to be divided into limbs, and each of its limbs is not considered as a separate entity. But they disagree with regard to whether the prohibition of eating a limb from a living animal comes and takes effect upon the already existing prohibition of eating forbidden fat and the already existing prohibition of

eating a tereifa. One Sage, Rabbi Ami, holds that it does come and take effect, and one Sage, Rabbi Ḥiyya bar Abba, holds that it does not come and take effect.

⁴²⁸ And if you wish, say instead that everyone agrees that during its life an animal stands to be divided into limbs, and it is a case where the animal became a tereifa afterward, i.e., after it was born; and they disagree with regard to whether the prohibition of eating a tereifa comes and takes effect upon the already existing prohibition of eating a limb from a living animal.

⁴²⁹ One Sage, Rabbi Ami, holds that it does come and take effect, just as is the halakha with forbidden fat. As the Master said that in the verse: “And the fat of a carcass, and the fat of a tereifa may be used for any other service; but you shall in no way eat of it” (Leviticus 7:24), the Torah said: Let the prohibition of eating a carcass come and take effect upon the prohibition of eating forbidden fat, despite the fact that the prohibition of forbidden fat came into effect first. And similarly, the word “tereifa” teaches: Let the prohibition of eating a tereifa come and take effect upon the prohibition of eating forbidden fat. Consequently, one who eats forbidden fat from a tereifa is liable to receive two sets of lashes. Rabbi Ami holds that just as the prohibition of eating a tereifa takes effect in addition to the prohibition of eating forbidden fat, it also takes effect in addition to the prohibition of eating a limb from a living animal.

⁴³⁰ And the other Sage, Rabbi Ḥiyya bar Abba, holds that it is only the prohibition of eating forbidden fat for which he is liable in addition to being liable for the prohibition of eating a tereifa. The prohibition of eating a tereifa takes effect in addition to the prohibition of eating forbidden fat because with regard to the latter, there are permitted circumstances that serve as exceptions

⁴³¹ to its general prohibition, as the fat of an undomesticated animal is permitted. But with regard to a limb from a living animal, where there are no permitted circumstances to its general prohibition, the prohibition of consuming a tereifa does not take effect.

⁴³² § The Gemara continues its discussion of the prohibition against eating a limb from a living animal. When Rav Dimi came from Eretz Yisrael to Babylonia, he said: Rabbi Shimon ben Lakish inquired of Rabbi Yoḥanan: If one took from a living animal a limb that was an olive-bulk and divided it into two pieces when it was outside his mouth and ate each piece separately, what is the halakha? Rabbi Yoḥanan said to him: He is exempt.

⁴³³ Reish Lakish then asked Rabbi Yoḥanan: If he placed an olive-bulk of a limb from a living animal inside his mouth and then divided it and swallowed the two parts separately, what is the halakha? Rabbi Yoḥanan said to him: He is liable to receive lashes.

⁴³⁴ When Ravin came from Eretz Yisrael to Babylonia he said an alternative version of this discussion. If one took from a living animal a limb that was an olive-bulk and divided it into two pieces when it was outside his mouth, and he then ate each piece separately, he is exempt. If he divided the limb into two parts inside his mouth, Rabbi Yoḥanan says that he is liable, and Reish Lakish says that he is exempt.

⁴³⁵ Rabbi Yoḥanan says he is liable because his throat derives pleasure from an olive-bulk of a limb from a living animal. And Reish Lakish says that he is exempt because in order to be liable we require an act of eating that contains the requisite amount, i.e., an olive-bulk, when it enters his stomach, and in this case there is not a full olive-bulk that enters his stomach at one time.

⁴³⁶ The Gemara asks: According to the opinion of Rabbi Yoḥanan it is clear how one can be liable for eating an olive-bulk of a limb from a living animal. But according to Rabbi Shimon ben Lakish, how can you find a case where one will be liable for eating a limb from a living animal, since the food is generally broken up before he swallows it? Rav Kahana said: One would be liable in a case where he eats a small bone that contains an olive-bulk of meat, bone and sinew all together, and that he can swallow whole.

⁴³⁷ As quoted above, Rabbi Yoḥanan and Reish Lakish agree that if one divides a limb from a living animal before placing it in his mouth, he is not liable for eating it. The Gemara adds: But Rabbi Elazar says: Even if one divided the limb outside his mouth he is liable. This is because the fact that the two pieces are lacking in proximity to each other as they are placed in one's mouth is not comparable to lacking an action, i.e., it is not comparable to a case where he ate only half an olive-bulk. Since he ate an entire olive-bulk, he is liable.

⁴³⁸ § The Gemara cites another dispute between Rabbi Yoḥanan and Reish Lakish pertaining to the measure of an olive-bulk with regard to prohibitions involving eating. Rabbi Shimon ben Lakish says: The olive-bulk of which the Sages spoke with regard to prohibitions involving eating is measured by the food one actually swallows, aside from the food that remains stuck between the teeth. And Rabbi Yoḥanan says that it includes even the food that remains stuck between the teeth.

⁴³⁹ In explanation of this dispute, Rav Pappa says: With regard to food that remains stuck between the teeth, everyone agrees that it is not included in measuring an olive-bulk that would render one liable to receive lashes. When they disagree it is with regard to food that remains on the palate, which one tastes but does not swallow. One Sage, Rabbi Yoḥanan, holds that since his throat derives pleasure from an olive-bulk, i.e., he tastes the full olive-bulk, he is liable. And one Sage, Reish Lakish, holds that in order to be liable, we require an act of eating that contains the requisite amount, i.e., an olive-bulk, when it enters his stomach.

⁴⁴⁰ § The Gemara quotes another related ruling of Rabbi Yoḥanan: Rabbi Asi says that Rabbi Yoḥanan says: If one ate half an olive-bulk of a forbidden food and vomited it, and then ate another half an olive-bulk, he is liable. What is the reason? It is because his throat derives pleasure from an olive-bulk of the forbidden food, even though the full olive-bulk did not actually enter his stomach.

⁴⁴¹ Rabbi Elazar raised a dilemma before Rabbi Asi: If one ate half an olive-bulk of forbidden food and vomited it, and then ate it again, what is the halakha? The Gemara clarifies: What is the dilemma he is raising? If it is about whether the half-olive-bulk that he ate and vomited up is considered to have been digested, in which case it is no longer considered food, or whether it is not considered to have been digested, let him raise the dilemma with regard to an entire olive-bulk. If one eats an entire olive-bulk and vomits it and then eats it again, if the food is considered not to have been digested the first time, he is liable to be flogged twice.

⁴⁴² Rather, his dilemma must be about whether we follow the throat or whether we follow the stomach in measuring how much forbidden food one has swallowed. That being the case, let him resolve the dilemma from that which Rabbi Asi said that Rabbi Yoḥanan said, which indicates that we follow the throat.

⁴⁴³ The Gemara explains that Rabbi Elazar knew the answer to his question, but Rabbi Asi forgot the statement that he had learned from Rabbi Yoḥanan, and Rabbi Elazar came to remind him of what he had known previously. And this is what Rabbi Elazar was saying to him: Why do I need the case

where he swallows another half an olive-bulk? Let the Master teach this ruling in a case where he swallows the same half-olive-bulk he had swallowed previously and vomited, as two principles can be derived from the ruling in that case: We can learn from it that the food was not considered to have been digested the first time he swallowed it, and we can learn from it that since his throat derives pleasure from a full olive-bulk, he is liable.

⁴⁴⁴ Rabbi Asi was silent and did not say anything. Rabbi Elazar said to him: Wonder of the generation, did you not say this case many times before Rabbi Yoḥanan, and he said to you: This person is liable because his throat derives pleasure from a full olive-bulk?

Chapter 8

¹ MISHNA: It is prohibited to cook any meat of domesticated and undomesticated animals and birds in milk, except for the meat of fish and grasshoppers, whose halakhic status is not that of meat. And likewise, the Sages issued a decree that it is prohibited to place any meat together with milk products, e.g., cheese, on one table. The reason for this prohibition is that one might come to eat them after they absorb substances from each other. This prohibition applies to all types of meat, except for the meat of fish and grasshoppers.

² And one who takes a vow that meat is prohibited to him is permitted to eat the meat of fish and grasshoppers.

³ GEMARA: Since the mishna does not distinguish between the meat of animals and that of birds, it may consequently be inferred that the meat of birds cooked in milk is prohibited by Torah law, just like the meat of animals. In accordance with whose opinion is this ruling? It is not in accordance with the opinion of Rabbi Akiva, as, if you say it is in accordance with the opinion of Rabbi Akiva, didn't he say that the prohibition of the meat of undomesticated animals and birds cooked in milk is not by Torah law?

⁴ The Gemara continues: But say the latter clause of the mishna: One who takes a vow that meat is forbidden to him is permitted to eat the meat of fish and grasshoppers. It may consequently be inferred that it is prohibited for him to eat birds. If so, here we arrive at the opinion of Rabbi Akiva, who said: Anything about which an agent sent to purchase a given item would inquire, being unsure whether it qualifies as that type of item, is considered its type.

⁵ As it is taught in a mishna (Nedarim 54a): One who takes a vow that vegetables are forbidden to him is permitted to eat gourds, as people do not typically consider gourds a type of vegetable, but Rabbi Akiva deems it prohibited for him to eat gourds. The Rabbis said to Rabbi Akiva: But it is a common occurrence that a person says to his agent: Purchase vegetables for us, and the agent, after failing to find vegetables, returns and says: I found only gourds. This indicates that gourds are not considered vegetables.

⁶ Rabbi Akiva said to them: The matter is so, and that proves that my opinion is correct. Does the agent return and say: I found only legumes? Rather, it is evident that gourds are included in the category of vegetables, although they differ from other vegetables, and therefore, the agent explains that he found only gourds, and asks whether he should purchase them. But legumes are not included in the category of vegetables, and that is why an agent would not even ask about them. Therefore,

Rabbi Akiva should also hold that one who takes a vow that meat is forbidden to him is prohibited from eating birds. And if so, the first clause of the mishna is in accordance with the opinion of the Rabbis, who disagree with Rabbi Akiva, and the latter clause is in accordance with the opinion of Rabbi Akiva.

⁷ Rav Yosef said: That is not difficult. The entire mishna is in accordance with the opinion of Rabbi Yehuda HaNasi, and he formulates the mishna according to the opinions of different tanna'im. In the latter clause, with regard to vows, he holds in accordance with the opinion of Rabbi Akiva, whereas in the first clause, with regard to meat cooked in milk, he holds in accordance with the opinion of the Rabbis.

⁸ Rav Ashi said a different explanation: The entire mishna is in accordance with the opinion of Rabbi Akiva, as indicated by the latter clause, concerning vows. And as for the first part of the mishna, this is what it is saying: It is prohibited to cook any meat in milk, some types of meat by Torah law, i.e., that of domesticated animals, and some types of meat by rabbinic law, i.e., that of undomesticated animals and birds. This prohibition applies to all types of meat except for the meat of fish and grasshoppers, which are not prohibited, neither by Torah law nor by rabbinic law.

⁹ § The mishna teaches further: And it is prohibited to place any meat with cheese on one table. Rav Yosef said: Conclude from this clause that eating the meat of birds cooked in milk is prohibited by Torah law. As, if it enters your mind that the prohibition against eating it applies merely by rabbinic law, this would be because the consumption of the meat of birds cooked in milk is itself a rabbinic decree, lest one come to eat the meat of an animal in milk. And would we decree against placing birds together with cheese on one table due to the possibility of consumption, which is itself a decree? The Sages do not enact one decree to prevent the violation of another decree.

¹⁰ The Gemara asks: And from where do you say that we do not issue one rabbinic decree to prevent violation of another rabbinic decree? The source is as we learned in a mishna (Halla 4:8): Halla from outside of Eretz Yisrael, which must be eaten by a priest,

¹¹ may be eaten with a non-priest present at the same table. The Sages did not issue a decree prohibiting this lest the non-priest partake of the halla, as the separation of halla outside of Eretz Yisrael is itself a rabbinic decree. This proves that the Sages do not issue one decree to prevent violation of another decree. And similarly, halla from outside of Eretz Yisrael may be given to any priest that one wishes, even an uneducated priest who would not guard its state of ritual purity. This is in contrast to halla from Eretz Yisrael, which may be given only to priests who observe the halakhot of ritual purity.

¹² Abaye said to Rav Yosef: Granted, your inference would be valid if the mishna in tractate Halla had taught us this with regard to halla from outside of Eretz Yisrael that had been brought into Eretz Yisrael. As in that case, there could be reason to decree against eating it while a non-priest is at the same table, despite the fact that the non-priest eating it is prohibited only by rabbinic law, due to the concern that one might come to eat halla from Eretz Yisrael, which is prohibited to the non-priest by Torah law, at the same table as a non-priest; and yet we do not decree against this practice. If so, there would be grounds to learn from this mishna that the Sages do not issue one decree to prevent violation of another decree.

¹³ But the mishna actually teaches this halakha with regard to halla from outside of Eretz Yisrael that remains there. It therefore proves nothing about compound decrees, as it can be claimed that the

practice is permitted only because there is no reason to decree. Since by Torah law the obligation of ḥalla does not apply outside of Eretz Yisrael, there is no chance that such behavior will lead to transgression of Torah law. But here, if you permit one to place the meat of birds and cheese on the same table, some might come to place the meat of domesticated animals and cheese on a single table and to eat this meat cooked in milk, thereby transgressing a prohibition by Torah law.

¹⁴ Rav Sheshet objects to the premise of Rav Yosef's inference: Even if one were to posit that the meat of birds in milk is prohibited by Torah law, ultimately this is still a decree issued due to another decree, as it is a case of cold food in another cold food, consumption of which is itself prohibited by rabbinic law. Abaye said: It is a rabbinic decree, lest one place the meat with cheese in a boiling stewpot, which is a manner of cooking and therefore prohibited by Torah law.

¹⁵ The Gemara counters: Ultimately, even a stewpot is only a secondary vessel, i.e., not the vessel that was on the fire, and as a rule, a secondary vessel does not cook. Rather, one must say that it is a rabbinic decree, lest one place the meat with cheese in a stewpot that is a primary vessel, i.e., that was on the fire. This is certainly cooking meat in milk, and it is prohibited by Torah law.

¹⁶ MISHNA: The meat of birds may be placed with cheese on one table but may not be eaten together with it; this is the statement of Beit Shammai. And Beit Hillel say: It may neither be placed on one table nor be eaten with cheese. Rabbi Yosei said: This is one of the disputes involving leniencies of Beit Shammai and stringencies of Beit Hillel.

¹⁷ The mishna elaborates: With regard to which table are these halakhot stated? It is with regard to a table upon which one eats. But on a table upon which one prepares the cooked food, one may place this meat alongside that cheese or vice versa, and need not be concerned that perhaps they will be mixed and one will come to eat them together.

¹⁸ GEMARA: The Gemara challenges: The opinion of Rabbi Yosei is identical to that of the first tanna. And if you would say that there is a difference between them with regard to the permissibility of eating itself, as the first tanna says that Beit Shammai and Beit Hillel disagree with regard to placing meat of birds with cheese on one table, which indicates that with regard to eating they do not disagree, and Rabbi Yosei said in response to this that they also disagree with regard to the permissibility of eating meat of birds in milk, and this is itself one of the disputes involving leniencies of Beit Shammai and stringencies of Beit Hillel, one can refute this claim.

¹⁹ The refutation is as follows: Isn't it taught in a baraita that Rabbi Yosei says that six matters are included as the disputes involving leniencies of Beit Shammai and stringencies of Beit Hillel, and this is one of them: The meat of birds is placed with cheese on one table, but it may not be eaten together with it; this is the statement of Beit Shammai. And Beit Hillel say: It may neither be placed on one table nor be eaten with cheese. Evidently, Rabbi Yosei agrees that even according to Beit Shammai the meat of birds may not be eaten with cheese.

²⁰ Rather, this is what the mishna teaches us: Who is the first tanna? It is Rabbi Yosei. The identification is important, since whoever reports a statement in the name of the one who said it brings redemption to the world. As it is stated with respect to the incident of Bigthan and Teresh: "And Esther reported it to the king in the name of Mordecai" (Esther 2:22), and Mordecai was later rewarded for saving the king's life, paving the way for the miraculous salvation.

²¹ § The Gemara continues discussing the consumption of poultry cooked in milk. The Sage Agra, the father-in-law of Rabbi Abba, taught: The meat of birds and cheese may be eaten freely [apikoren], i.e., there is no need to be strict in this matter. The Gemara notes: He, Agra, teaches it and he says it, i.e., explains his statement: The meat of birds and cheese may be eaten without washing one's hands and without wiping the mouth between the consumption of each.

²² The Gemara relates: Rav Yitzhak, son of Rav Mesharshiyya, happened to come to the house of Rav Ashi. They brought him cheese, and he ate it. Next they brought him meat, and he ate it without first washing his hands. The members of Rav Ashi's household said to him: But didn't Agra, the father-in-law of Rabbi Abba, teach only that the meat of birds and cheese may be eaten freely? One can infer that with regard to the meat of birds and cheese, yes, one may eat them without washing one's hands in between, but with regard to the meat of domesticated animals and cheese, no, one may not.

²³ Rav Yitzhak said to them: This statement of Agra applies only if one eats them at night, as one cannot see whether some of the food of the previous dish still remains on his hands, and he must therefore wash them. But if one eats by day, I can see that no food remains on his hands, and consequently there is no need to wash them.

²⁴ It is taught in a baraita: Beit Shammai say: Between the consumption of meat and milk one must wipe out his mouth, and Beit Hillel say that he must rinse his mouth. The Gemara asks: What is the meaning of the word: Wipe [mekane'aḥ], and what is the meaning of the word: Rinse [mediaḥ]?

²⁵ If we say that Beit Shammai say that one wipes out his mouth with solid food and does not need to rinse his mouth with water, since they maintain that wiping is more effective than rinsing, and Beit Hillel say that he rinses his mouth in water and does not need to wipe his mouth, as rinsing is more effective, one can respond: But as for that which Rabbi Zeira said: Wiping of the mouth can be performed only with bread, in accordance with whose opinion is it? It is apparently in accordance with the opinion of Beit Shammai, since Beit Hillel do not require wiping. Yet, it is unlikely that Rabbi Zeira would rule in accordance with the opinion of Beit Shammai rather than Beit Hillel.

²⁶ Rather, one must explain the dispute as follows: Beit Shammai say that one wipes his mouth after eating meat and does not need to rinse his mouth as well, and Beit Hillel say that in addition to wiping one must also rinse. This interpretation is difficult as well, since if so, this constitutes one of the disputes between them that involve leniencies of Beit Shammai and stringencies of Beit Hillel, and consequently, let the tanna of tractate Eduyyot teach it alongside the other disputes listed there that involve leniencies of Beit Shammai and stringencies of Beit Hillel.

²⁷ Rather, one must interpret their statements as follows: Beit Shammai say that one wipes his mouth after eating meat, and the same is true of rinsing, i.e., one must rinse his mouth as well. And Beit Hillel say that one rinses his mouth, and the same is true of wiping. And one Sage said one statement and one Sage said another statement, and they do not disagree.

²⁸ § After citing Rabbi Zeira's statement tangentially, the Gemara discusses the matter itself. Rabbi Zeira says: Wiping of the mouth can be performed only with bread. The Gemara explains: And this statement applies only to bread prepared from wheat flour. But with regard to bread prepared from barley flour, one may not use it for wiping, as barley bread crumbles in the mouth and does not wipe thoroughly.

²⁹ The Gemara adds: And even in the case of bread prepared from wheat flour, we said the halakha only with regard to cold bread, but as for warm bread, it is ineffective for wiping even if made of wheat, as it softens and sticks to the palate, and it does not wipe the mouth properly. And furthermore, even if the bread is cold, this statement applies only with regard to soft bread, but one may not wipe with hard bread, as it also does not clean effectively. The Gemara concludes: And the halakha is that the use of all items constitutes effective wiping, except for flour, dates, and vegetables.

³⁰ § Rav Asi posed a dilemma to Rabbi Yoḥanan: How much time should one wait between eating meat and eating cheese? Rabbi Yoḥanan said to him: No time at all. The Gemara asks: Is that so? But doesn't Rav Ḥisda say: If one ate meat, it is prohibited for him to eat cheese immediately, but if he ate cheese it is permitted for him to eat meat without delay? Rather, Rav Asi actually asked Rabbi Yoḥanan the following question: How much time should one wait between eating cheese and eating meat? In response to this question, Rabbi Yoḥanan said to him: No time at all.

³¹ After tangentially citing a statement of Rav Ḥisda, the Gemara discusses the matter itself. Rav Ḥisda says: If one ate meat, it is prohibited for him to eat cheese immediately, as the meat contains fatty substances that stick to one's mouth and preserve the flavor of meat. But if he ate cheese it is permitted for him to eat meat without delay. Rav Aḥa bar Yosef said to Rav Ḥisda: In the case of meat that is between the teeth, what is the halakha? Are these remnants considered meat to the extent that one may not eat cheese as long as they are in his mouth?

³² In response, Rav Ḥisda read about him the following verse: "While the meat was yet between their teeth" (Numbers 11:33). This verse indicates that even when the meat is between one's teeth it is still considered meat, and therefore one may not partake of cheese until that meat has been removed.

³³ Mar Ukva said: I am, with regard to this matter, like vinegar, son of wine, with respect to Father, i.e., my practice is inferior to that of my father. As Father, if he were to eat meat at this time, would not eat cheese until tomorrow at this time. But as for me, only at this meal, during which I ate meat, do I not eat cheese; at a different meal on the same day I will eat cheese.

³⁴ Similarly, Shmuel said: I am, with regard to this other matter, like vinegar, son of wine, with respect to Father. As Father would patrol his property to examine it twice daily, but I patrol it only once a day. The Gemara notes: In this regard Shmuel conforms to his line of reasoning, as Shmuel said: One who patrols his property every day will find an *asteira* coin.

³⁵ The Gemara relates that Abaye would patrol his property each and every day. One day he encountered his sharecropper carrying a load of wood that the sharecropper intended to take for himself. Abaye said to him: To where are you taking these logs of wood? The sharecropper said to him: To the Master's house. Abaye, who knew that the sharecropper had intended to take the wood for himself, said to him: The Sages already preempted you when they said that one should patrol his property regularly, and they thereby prevented you from stealing the wood.

³⁶ The Gemara likewise relates that Rav Asi would patrol his property every day. He said: Where are all these *asteira* coins mentioned by Mar Shmuel? This patrol is not reaping me any benefit. One day he saw a water channel that overflowed, causing water to flood onto his land. He took off his cloak, wrapped it, and placed it inside the pipe to block the flow of water. He then raised his voice, and

people came and sealed the hole. He said: I have just found all the asteira coins mentioned by Mar Shmuel, as I would have suffered a great loss had I not patrolled my fields.

³⁷ § Having mentioned the manner of washing hands during a meal, the Gemara discusses another matter concerning washing hands. Rav Idi bar Avin says that Rav Yitzḥak bar Ashyan says: The first waters, i.e., washing of the hands before eating bread, are a mitzva by rabbinic law, but the final waters, washing of the hands upon conclusion of the meal and before reciting Grace after Meals, are an obligation, a more stringent requirement.

³⁸ The Gemara raises an objection to this ruling from a baraita: The first waters and the final waters are an obligation, whereas the middle waters, between courses during the meal, are optional. Apparently, the first waters are also an obligation, not a mitzva. The Gemara responds: Although the first waters are in fact a mitzva, the tanna calls a mitzva an obligation when compared to an optional requirement.

³⁹ The Gemara analyzes the matter itself. The full text of the baraita is as follows: First waters and final waters are an obligation, whereas middle waters are optional. For first waters, one may wash either by spilling the water into a vessel or onto the ground. But for final waters, one washes only by pouring the water into a vessel. And some say a slightly different version of the baraita: For final waters, one may not wash by pouring the water onto the ground.

⁴⁰ The Gemara interjects: What is the difference between these two versions? The Gemara answers: There is a practical difference between them with regard to pouring the water on thin wood slivers on the ground. According to the first version, which requires that the water be poured into a vessel, one may not use such slivers for this purpose, whereas according to the second version, which merely prohibits pouring the water onto the ground, one may use wood slivers.

⁴¹ The baraita continues: With regard to first waters, one may wash either with hot water or with cold water. But for final waters, one may wash only with cold water, because hot water softens the hands and does not remove the dirt from them. The Gemara analyzes the statement that for first waters one may wash either with hot water or with cold water: Rav Yitzḥak bar Yosef says that Rabbi Yannai says: They taught this halakha only in a case where the hand does not

⁴² recoil [soledet] from the water's heat. But if the hand recoils from it, one may not wash with it.

⁴³ And there are those who teach a version of this statement with regard to the latter clause of the baraita: For final waters, one may wash only with cold water, but one may not wash with hot water. Rav Yitzḥak bar Yosef says that Rabbi Yannai says: They taught that one may not use hot water only in a case where the water is so hot that the hand recoils from it, but if the hand does not recoil from it, one may wash with it. The Gemara comments: One can learn by inference from this version of the statement that in the case of first waters, even if the water is so hot that the hand recoils from it, it is permitted to use it for washing.

⁴⁴ § The baraita states that middle waters are optional. Rav Naḥman says: They taught this only with regard to washing the hands between one cooked dish and another cooked dish served at a meal. But between a cooked dish and cheese there is an obligation to wash one's hands.

⁴⁵ § The baraita further teaches that final waters are an obligation. Rav Yehuda, son of Rabbi Ḥiyya, says: For what reason did the Sages say that final waters are an obligation? It is because Sodomite salt is sometimes present, a small amount of which blinds the eyes. Since Sodomite salt could remain

on one's hands, one must wash them after eating. Abaye said: And this type of dangerous salt is present in the proportion of a pinch [korta] in an entire kor of regular salt. Rav Aḥa, son of Rava, said to Rav Ashi: If one measured salt between meals, what is the halakha? Must he wash his hands afterward? He said to him: It is not necessary to say this; he is certainly obligated to do so.

⁴⁶ § Abaye said: At first I would say that this halakha that one may not wash his hands with final waters over the ground is due to messiness. But the Master, Rabba, said to me that it is because an evil spirit rests upon the water and passersby are liable to be afflicted.

⁴⁷ And Abaye also said: At first I would say that the reason for this statement of the Sages that one should not take anything from the table when a person is holding a cup to drink, is lest a mishap occur at the meal, i.e., the one holding the cup might have wanted the item that was taken, and since he is unable to speak he will choke in his anger. But the Master subsequently said to me that it is because it is bad for one's health, causing a spirit of pain in half his head, i.e., a migraine.

⁴⁸ And we said that this practice is prohibited only if one takes an item from the table and does not put it back. But as for taking and putting back, we have no problem with it. And likewise, we said it is prohibited only if one takes the item beyond four cubits of the table. But if one leaves it within four cubits, we have no problem with it. And furthermore, we said this halakha only with regard to an item that is necessary for the meal. But in the case of an item that is not necessary for the meal, we have no problem with it.

⁴⁹ The Gemara relates that Mar bar Rav Ashi was particular not to remove any object from the table when someone was holding his cup in hand, even with regard to a mortar [asita] and pestle [bukhna] for spices, like all items that are necessary for the meal.

⁵⁰ And Abaye further said: At first I would say that this practice that people collect the crumbs of bread after a meal is due to cleanliness. But the Master subsequently said to me that it is because leaving them is bad for, i.e., it can increase, a person's vulnerability to poverty.

⁵¹ The Gemara relates: There was a certain man who was pursued by the ministering angel of poverty, but the angel was unable to impoverish him, as he was exceptionally careful with regard to crumbs. One day that man broke his bread over grass, and some crumbs fell among the blades of grass. The angel said: Now he will certainly fall into my hands, as he cannot collect all the crumbs. After the man ate, he brought a hoe, uprooted the grass, and threw it into the river. He subsequently heard the ministering angel of poverty say: Woe is me, as that man has removed me from my house, i.e., my position of comfort.

⁵² And Abaye said: At first I would say that this practice that people do not drink the foam from the top of a beverage is followed because it is repulsive. But the Master said to me that it is followed because it is bad for one's vulnerability to catarrh. The Gemara comments: Drinking it is bad for catarrh, while blowing off the foam from the drink is bad for head pains, and removing it with one's hand is bad for poverty. If so, what is its remedy? How may one drink? He should sink the foam inside the beverage and then drink it.

⁵³ The Gemara notes: The treatment for catarrh caused by the foam of wine is beer; the treatment for catarrh caused by the foam of beer is water; and for catarrh caused by the foam of water there is no remedy. And this is in accordance with the adage that people say: Poverty follows the poor. Not only

does a pauper have nothing to drink other than water, but there also is no treatment for the disease caused by his beverage.

⁵⁴ And Abaye said: At first I would say that the reason for this practice that people do not eat vegetables from a bundle tied by the gardener is because it has the appearance of gluttony, as he does not wait to untie the bundle to eat. But the Master said to me that it is because it is bad for one's vulnerability to witchcraft.

⁵⁵ The Gemara relates: Rav Ḥisda and Rabba bar Rav Huna were traveling on a boat. A certain matron said to them: Seat me together with you on the boat, but they did not seat her alongside them. She said something, an incantation, and thereby tied the boat to its spot so that it could not move. They too said something and thereby released it. That matron said to them: What can I do to you? Witchcraft has no power over you, as after attending to your bodily functions, you do not wipe yourselves with an earthenware shard, and you do not kill a louse that you find on your garments, and you do not eat vegetables from a bundle tied by the gardener.

⁵⁶ And Abaye said: At first I would say as follows: The reason for this practice that people do not eat vegetables that fell on the table is because it is repulsive. But the Master said to me that it is because it is bad for halitosis. And Abaye said: At first I would say that the reason for this practice that people do not sit under a gutter is because of the waste water that pours out of it. But the Master said to me that it is because demons are commonly found there.

⁵⁷ The Gemara relates: There were certain porters who were carrying a barrel of wine. When they wanted to rest, they placed it under a gutter and the barrel burst. They came before Mar bar Rav Ashi, who brought out horns and had them blown as he excommunicated the demon of that place. The demon came before Mar bar Rav Ashi, and the Sage said to it: Why did you do this? The demon said to him: How else should I act, when these men place a barrel on my ear?

⁵⁸ Mar bar Rav Ashi said to it: What are you doing in a place where many people are found? You are the one who deviated from the norm; go and pay them the value of the barrel of wine. The demon said to him: Let the Master now set a time for me, so that I can find the money, and I will pay. Mar bar Rav Ashi set a time for his payment. When that time arrived, the demon delayed in coming to pay. When the demon eventually came, Mar bar Rav Ashi said to it: Why did you not come at the time set for you? The demon said to him: With regard to any item that is tied up, or sealed, or measured, or counted, we have no authority to take it. We are unable to obtain money until we find an ownerless item. For this reason, it took him a long time to find enough money to pay for the barrel.

⁵⁹ And Abaye said: At first I would say that this practice that people pour out a little water from the mouth of a pitcher before drinking from it is followed because of twigs it might contain. But the Master said to me that it is followed because there are foul waters in the pitcher.

⁶⁰ The Gemara relates: There was a certain son of a demon that was in Rav Pappa's house as a servant. It went to bring water from the river, and it delayed in returning. When it came, the members of Rav Pappa's household said to it: Why did you delay? It said to them: I waited until the foul waters passed. In the meantime,

⁶¹ the demon saw the members of Rav Pappa's household pouring water from the mouth of the pitcher before drinking from it. The demon said to them: If I had known that you regularly do this, I

would not have delayed. I would have brought the water straight from the river, knowing you would pour out the foul waters.

⁶² § When Rav Dimi came from Eretz Yisrael he said: Due to the failure to wash with the first waters, they ultimately fed a Jew pig meat. This case involved a storekeeper who would sell different meat to his Jewish and gentile customers. When a Jew who came to eat with him neglected to wash before eating, the storekeeper assumed he was a gentile and fed him pig meat.

⁶³ And due to the failure to wash with final waters a woman was ultimately divorced from her husband. In this incident, a host who had stolen his guests' money had lentils on his mustache from a previous meal because he had not washed his hands and mouth after eating. Realizing he had eaten lentils that day, his victims approached the man's wife and said that her husband had instructed them to tell her to return their money. They then claimed that the man told them to tell her that he had eaten lentils that day as proof that they were telling the truth. They thereby fooled his wife into thinking he wanted her to give their money back. Out of anger, the host divorced his wife.

⁶⁴ When Ravin came from Eretz Yisrael he said the statement slightly differently: Due to the failure to wash with first waters, they fed a Jew meat from an animal carcass, and the failure to wash with final waters killed a person, as in the second incident the host was so angry with his wife that he killed her. Rav Naḥman bar Yitzḥak said: And your mnemonic to remember which Sage said which version is: Rav Dimi came and divorced her from her husband, i.e., according to his version she was divorced, and Ravin came and killed her, since in his version the husband killed his wife.

⁶⁵ Rabbi Abba would teach one of these versions involving first waters and one of them with regard to final waters, and in both cases he taught the more severe version, i.e., he specified the meat of a pig and that the husband killed his wife.

⁶⁶ A disagreement was stated with regard to water heated by fire: Ḥizkiyya says that one may not wash his hands with such water, and Rabbi Yoḥanan says that one may wash his hands with it. Rabbi Yoḥanan said: I asked Rabban Gamliel, son of Rabbi Yehuda HaNasi, about this halakha, and he was one who would eat only in a state of ritual purity and was therefore careful about washing his hands; and he said to me that all the great men of the Galilee would do so, i.e., wash their hands in heated water.

⁶⁷ Likewise, with regard to the hot springs of Tiberias, Ḥizkiyya says that one may not wash his hands with water from them before eating, but if there are forty se'a, the requisite size of a ritual bath, then one may immerse the hands directly in them, and this is effective for the ritual of washing the hands before a meal. And Rabbi Yoḥanan says that an impure person may immerse his entire body in such water to become pure, but one may still not use it for the immersion of part of his body, such as his face, hands, and feet, as this immersion is not considered equivalent to washing the hands.

⁶⁸ The Gemara asks: Now that it has been said that one may immerse his entire body in the hot springs of Tiberias, is it not all the more so permitted for his face, hands, and feet? Rav Pappa said: When the water in the hot springs stands in place, everyone, both Ḥizkiyya and Rabbi Yoḥanan, agrees that it is permitted to immerse one's hands in it. Likewise, everyone agrees that to take from these waters in a vessel and wash one's hands from it is prohibited. They disagree when one draws the waters through a ditch. One Sage, Rabbi Yoḥanan, holds that we decree against the use of ditch

water due to the concern that one might come to use water in a vessel, and one Sage, Hizkiyya, holds that we do not decree against it.

⁶⁹ The Gemara comments: This dispute is like a dispute between tanna'im, as it was taught: When water that has ceased to be fit for drinking even by an animal is in vessels, it is unfit for washing the hands, but when it is in the ground it is fit for immersion, like a ritual bath. Rabbi Shimon ben Elazar says: Even when the water is in the ground, one may immerse his entire body in it, but he may not immerse his face, hands, and feet.

⁷⁰ As above, one might ask: Now that one may immerse his entire body in the water, is it not all the more so the case that one may immerse his hands and feet in it? Rather, must it not be referring to a case when one draws the waters through a ditch? And if so, they disagree about this: One Sage, Rabbi Shimon ben Elazar, holds that we decree against the use of ditch water due to concern that one may come to use a vessel, and one Sage, the first tanna of that baraita, holds that we do not decree against it.

⁷¹ § Rav Idi bar Avin says that Rav Yitzḥak bar Ashiyan says: The obligation of washing hands before eating non-sacred food is due to an ancillary decree on account of teruma, the portion of produce designated for the priest, which must be consumed in a state of ritual purity. By rabbinic decree, one's hands are considered impure with second-degree ritual impurity, as they may have touched impure items. Therefore, they render teruma impure. Consequently, priests who partake of teruma are obligated to wash their hands first. The Sages therefore decreed that all must wash their hands even before eating non-sacred food, so that people not become accustomed to eating without washing their hands, which would in turn lead the priests to partake of teruma without washing their hands.

⁷² And the obligation is further due to its being a mitzva. The Gemara asks: What mitzva does it involve? Abaye says: It is a mitzva to listen to and obey the statements of the Sages, who instituted this washing of the hands. Rava says: It is a mitzva to listen to the statement of Rabbi Elazar ben Arakh, as it is written with regard to a man who experiences a gonorrhea-like discharge [zav]: "And whomever he that has the issue touches, without having rinsed his hands in water," he contracts ritual impurity (Leviticus 15:11), and Rabbi Elazar ben Arakh says: From here the Sages based washing of the hands upon a verse from the Torah.

⁷³ Rava said to Rav Naḥman: From where is this inferred? How can this verse, which concerns a zav, be interpreted as referring to washing the hands before a meal? Rava explains: As it is written: "Without having rinsed his hands in water." Consequently, one could infer that if he rinsed his hands the zav becomes ritually pure. But this cannot be correct, as verses elsewhere prove that a zav requires the immersion of his entire body. Rather, this is what the verse is saying: And there is another type of person who, if he has not rinsed his hands in water, is considered like one who is impure. The verse thereby serves as the basis for washing the hands.

⁷⁴ Rabbi Elazar says that Rabbi Oshaya says: The Sages said that washing of the hands before eating fruit is mandatory only due to cleanliness. The Gemara comments: They understood from this statement that there is no true obligation to wash the hands before eating fruit, but there is a mitzva to do so. Rava said to them: This practice is not an obligation nor a mitzva, but merely optional. And the Gemara notes that Rava disagrees with Rav Naḥman in this regard, as Rav Naḥman said: One

who washes his hands before eating fruit is nothing other than one of the arrogant, i.e., it is actually prohibited to do so.

⁷⁵ Rabba bar bar Ḥana said: I was standing before Rabbi Ami and Rabbi Asi when attendants brought a basket of fruit before them, and they ate and did not wash their hands. And they did not give me anything to eat, to enable me to join the zimmun, the quorum required for communal Grace after Meals, and they each recited a blessing after eating, separately. One may learn three halakhot from this incident. Learn from it that there is no washing of the hands before fruit. And learn from it that one does not issue a zimmun on fruit, i.e., the halakha that when three people eat together, one leads the Grace after Meals does not apply when they ate fruit. And finally, learn from it that if only two people ate, it is a mitzva for them to separate, i.e., each should recite the blessing after eating for himself.

⁷⁶ The Gemara notes: This halakha is also taught in a baraita: If only two individuals ate, it is a mitzva for them to separate. In what case is this statement said? It is said when they were both scribes, i.e., Torah scholars, who know how to recite Grace after Meals properly. But if one of them was a scribe and one was an ignoramus, the scribe recites Grace after Meals and the ignoramus fulfills his obligation by listening to the scribe.

⁷⁷ The Sages taught in a baraita: In washing of the hands for consumption of non-sacred food, one must pour the water on the area that extends until the joint of the fingers. In washing hands for consumption of teruma,

⁷⁸ he must pour on the area extending until the joint. In sanctifying the hands and feet in the Temple before the service, he must pour the water until another joint, where the palm meets the wrist. And any item that is considered to interpose between one's skin and the water with regard to immersion of the body in a ritual bath, disqualifying the immersion, likewise interposes with regard to washing the hands for eating non-sacred food and with regard to sanctification of the hands and feet in the Temple.

⁷⁹ Rav said this halakha to his students while indicating with his hand the joints to which the baraita is referring: One washes until here, the second joint of the fingers, for non-sacred food, and until there, the third joint, where the fingers join the palm, for teruma. And Shmuel disagreed and said: One washes until here both for eating non-sacred food and for teruma, indicating the more stringent location, the third joint where the fingers join the palm. And Rav Sheshet said: Until here both for the consumption of non-sacred food and for teruma, indicating the more lenient location, the second joint.

⁸⁰ Bar Hedyā said: I was standing before Rabbi Ami, and he said: One washes until here both for non-sacred food and for teruma, indicating the more stringent location, the third joint. And do not say that Rabbi Ami acted this way only because he is a priest and acted stringently to avoid confusing teruma and non-sacred food. This cannot be, as Rabbi Meyasha, son of the son of Rabbi Yehoshua ben Levi, is a Levite, and yet he too said: Until here both for non-sacred food and for teruma, indicating the more stringent location.

⁸¹ § Rav says: A person may wash both of his hands in the morning and stipulate with regard to them that he may eat on the basis of that washing throughout the entire day, provided he guards his hands from dirt and ritual impurity. It is likewise related that Rabbi Avina said to the inhabitants of

⁸² the valley of Aravot [pakta da'aravot], where there was a shortage of water: People such as you, for whom water is scarce, should wash your hands in the morning and stipulate with regard to them for the entire day. Some say that Rabbi Avina maintains that in exigent circumstances, yes, one should act in this manner, but when one is not in exigent circumstances, he should not do so. And according to this explanation, Rabbi Avina disagrees with the opinion of Rav, who permitted this practice to all. And some say that Rabbi Avina ruled that one may do so even when not in exigent circumstances, and Rabbi Avina's opinion is identical to that of Rav.

⁸³ Rav Pappa said: With regard to this irrigation channel [arita dedalla'ei], into which water is poured from a river using buckets, and which then transports the water to the fields, one may not wash his hands in it. The reason is that this water does not come from a person's force, i.e., it is not poured on the hands by a direct act, as it moves by force of the current in the channel. But if one draws his hands near the bucket itself, in such a manner that the water poured on his hands comes from a person's force before it begins to flow in the channel, then one may wash his hands with it.

⁸⁴ And if the bucket in which the water is drawn from the river is perforated with a hole large enough to enable liquid to enter the vessel when it is placed in the river, the presence of this hole connects the water in the channel to the water in the river, as they touch through that hole. And therefore, one may immerse his hands in that channel as he would in the river itself. Yet the perforated bucket is invalid for the washing of the hands by pouring, since it is no longer considered a vessel. As Rava says: With regard to a vessel that is perforated with a hole large enough to enable liquid to enter, one may not wash his hands with it.

⁸⁵ And Rava says: With regard to a vessel that does not have a quarter-log of water in it, one may not wash his hands with it. The Gemara asks: Is that so? But doesn't Rava say: With regard to a vessel that cannot contain a quarter-log of water, one may not wash his hands with it. It may be consequently inferred that as long as the vessel can contain a quarter-log, one may use it even if it does not currently have a quarter-log in it.

⁸⁶ The Gemara answers: This is not difficult; this former statement, requiring a quarter-log of actual water, is referring to washing for one person, whereas that latter statement, requiring only that the vessel have a capacity of a quarter-log, is referring to washing for two people. If a vessel originally contained a quarter-log of water, then even if less than that amount remains after one person has washed his hands, a second individual may use the remainder, which is considered fit based on the water's original volume. As it is taught in a baraita: With a quarter-log of water, one may wash the hands of one individual, and even those of two.

⁸⁷ Rav Sheshet said to Ameimar: Are you particular about the vessel used for washing hands, that it be wholly intact? Ameimar said to him: Yes. Rav Sheshet further inquired: Are you also particular about the appearance of the water, that it be normal? Ameimar again said to him: Yes. Rav Sheshet further asked: Are you particular about the measure of water, that it be no less than one quarter-log? Ameimar said to him: Yes.

⁸⁸ Some say that this is what Ameimar said to him: We are particular about the wholeness of the vessel and about the water's appearance, but we are not particular about the water's measure, as it is taught in a baraita: With a quarter-log of water one may wash the hands of one individual, and even those of two. The baraita indicates that there is no need for a quarter-log for each individual.

⁸⁹ The Gemara notes: And it is not so, i.e., one cannot derive from the baraita that the measure of water is immaterial. It is different there because there the water comes from the remainder of a measure initially sufficient for purity. If there was not initially a quarter-log, the water is unfit for even one person.

⁹⁰ The Gemara relates: Rav Ya'akov from Nehar Pekod prepared a glass vessel that could contain a quarter-log of water for washing his hands. Rav Ashi in Huzal likewise prepared an earthenware vessel that could contain a quarter-log.

⁹¹ And Rava says: If one prepared the stopper of a barrel for use as a vessel by hollowing it out until it contained a quarter-log, one may wash his hands with it, even though it was not originally designated for this function. This ruling is also taught in a baraita: If one prepared the stopper of a barrel for this purpose, one may wash his hands with it. Likewise, with regard to a *hemet* and a *kefisha*, types of leather wineskins, that one prepared for this purpose, one may wash his hands with them, as they were initially designed to hold liquids. But with regard to a sack and a basket, even if they can contain water, one may not wash his hands with them, as no sack or basket is designed to hold water, and most cannot.

⁹² A dilemma was raised before the Sages: What is the halakha with regard to eating with a cloth [mappa] on one's hands, rather than washing them to purify them? Are we concerned that perhaps he will touch the food with his hands, or not?

⁹³ The Gemara suggests: Come and hear proof from a mishna (Sukka 26b): And when they gave Rabbi Tzadok on the festival of Sukkot less than an egg-bulk of food, he took the food in a cloth, and he ate it outside the sukkah, as he held one is not obligated to eat food of this amount in a sukkah. And he did not recite a blessing after eating it, since less than an egg-bulk does not satisfy the verse: "And you shall eat and be satisfied and bless the Lord your God" (Deuteronomy 8:10). What, is it not to be inferred that consequently, if one eats an egg-bulk, it requires washing of the hands, even if one uses a cloth?

⁹⁴ The Gemara rejects this: Perhaps one can conclude from that mishna only that consequently, if one eats an egg-bulk he needs to do so in a sukkah and needs to recite a blessing after eating; but he can still use a cloth instead of washing his hands.

⁹⁵ The Gemara suggests: Come and hear proof from an incident where Shmuel found Rav eating with a cloth rather than washing his hands, and Shmuel said to him:

⁹⁶ Do we act in this manner? Rav said to Shmuel: I did wash my hands, but as I am delicate I do not wish to hold food in my bare hands; therefore I covered them with a cloth.

⁹⁷ The Gemara further relates: When Rabbi Zeira left Babylonia for Eretz Yisrael, he found Rabbi Ami and Rabbi Asi eating bread while covering their hands with worn pieces of wineskins, rather than washing them. Rabbi Zeira said to them: Could two great men such as yourselves err with regard to the incident of Rav and Shmuel related above? After all, Rav said to Shmuel: I am using a cloth because I am delicate; he did wash his hands beforehand.

⁹⁸ The Gemara notes: It escaped Rabbi Zeira's mind that Rav Taḥlisa bar Avimi said that Shmuel said: The Sages permitted the consumption of bread while the hands are wrapped with a cloth rather than washed, specifically to priests who partake of teruma, as they are careful not to touch the bread with their hands. But they did not permit the use of a cloth in this manner to non-priests, even those

who are particular to eat non-sacred food in a state of ritual purity, as they do not maintain the same level of diligence as priests. And since Rabbi Ami and Rabbi Asi were priests, it was permitted for them to eat with a cloth.

⁹⁹ A dilemma was raised before the Sages: If one eats by means of another feeding him, without himself touching the food, does he need to wash hands before eating or not? The Gemara suggests: Come and hear proof from the following incident where Rav Huna bar Sehora was standing before Rav Hamnuna and serving him. Rav Huna bar Sehora cut a slice of meat for Rav Hamnuna and placed it in his mouth, and he ate it. Rav Huna bar Sehora said to Rav Hamnuna: Were you not Rav Hamnuna, I would not feed you in this fashion.

¹⁰⁰ The Gemara infers from this episode: What is the reason that it was permitted for Rav Hamnuna to eat in such a manner? Is it not because he was careful not to touch the food with his hands? This indicates that someone may be fed even without washing his hands. The Gemara rejects this: No, one can say that he was vigilant and went ahead and washed his hands at the outset.

¹⁰¹ The Gemara suggests: Come and hear proof from that which Rabbi Zeira said that Rav said: A person may not place a slice of bread into the mouth of the attendant serving at a meal unless he knows that he has washed his hands. And it was also stated that the attendant recites a blessing over each and every cup of wine presented to him at a meal. This is because he never knows if he will receive another cup, and he cannot intend that his initial blessing apply to a cup he does not know he will receive. But he does not recite a blessing over each and every slice of bread given to him. And Rabbi Yoḥanan says that he must recite a blessing over each and every slice he receives.

¹⁰² Rav Pappa said: Granted, the apparent contradiction between the opinions of Rav and Rabbi Yoḥanan is not difficult; one can resolve it by saying that this statement of Rav, that the attendant need not recite a blessing for every slice of bread, is referring to a case where there is an important person at the meal. Since the attendant is confident that the important person will ensure the attendant receives enough to eat, his initial blessing applies to each slice he receives. And that statement of Rabbi Yoḥanan is referring to a meal where there is no important person. Since the attendant is not confident that he will receive another slice, he must recite a new blessing whenever he does receive one.

¹⁰³ In any case, Rav first says that one should not place a slice into the attendant's mouth unless he knows that he has washed his hands. This indicates that one who is fed by another must wash his hands. The Gemara responds: The case of an attendant is different, as he is occupied with his duties and may touch the food inadvertently. Therefore, he specifically may not eat without washing his hands.

¹⁰⁴ § The Sages taught in a baraita: A person who is a guest may not give a slice of bread from the meal in front of him to the attendant serving, whether a cup is in the attendant's hand or a cup is in the host's hand, lest a mishap occur at the meal. The host might become angry or distracted by the concern that there will not remain enough food for his guests, and the cup will fall from his hand. If the cup is in the attendant's hand, he might drop it while accepting food from the guest. And with regard to an attendant who has not washed his hands, it is prohibited to place a slice of bread into his mouth.

¹⁰⁵ § A dilemma was raised before the Sages: Does one who feeds another need to wash his hands, since his hands are touching the food? Or perhaps he does not need to wash his hands, as he himself is not eating.

¹⁰⁶ The Gemara suggests: Come and hear a resolution to the dilemma from that which the school of Menashe taught that Rabban Shimon ben Gamliel says: A woman may rinse one hand in water on Yom Kippur, so that she does not touch food before she has washed her hands in the morning, and give bread to her minor son, without concern about violating the prohibition against bathing on Yom Kippur. They said about Shammai the Elder that he did not want to feed his children with even one hand on Yom Kippur, to avoid having to wash it. But due to concerns about the health and well-being of his children, they decreed that he must feed them with two hands, forcing him to wash both. Apparently one who feeds another must wash his hands, even though he himself is not eating.

¹⁰⁷ Abaye said: The reason for the washing there is not on account of the food specifically. Rather, it is due to an evil spirit named Shivta, who contaminates hands that have not been washed in the morning. As long as one washes his hands in the morning, perhaps he need not wash them again to feed another.

¹⁰⁸ The Gemara further suggests: Come and hear a resolution to the dilemma from the following incident, as Shmuel's father found the young Shmuel crying, and said to him: Why are you crying? Shmuel replied: Because my teacher struck me. His father asked: Why did he strike you? Shmuel responded: My teacher said to me: You are feeding my son, but you did not wash your hands. His father asked: And why did you not wash your hands? Shmuel said to him: Only he, the teacher's son, is eating, and I must wash my hands?

¹⁰⁹ Shmuel's father said to him: Is it not enough that your teacher did not learn the halakha properly, that he even strikes you on account of his error? One who feeds another need not wash his hands if he himself is not eating. The Gemara concludes: And the halakha is that one who eats by means of another feeding him needs to wash his hands, even though he does not touch the food. But one who feeds another does not need to wash his hands.

¹¹⁰ MISHNA: A person may bind meat and cheese in one cloth, provided that they do not come into contact with each other. Rabban Shimon ben Gamliel says: Two unacquainted guests [akhsena'in] may eat together on one table, this one eating meat and that one eating cheese, and they need not be concerned lest they come to violate the prohibition of eating meat and milk by partaking of the food of the other.

¹¹¹ GEMARA: The mishna teaches that one may bind meat and cheese together in one cloth, provided that they do not come into contact with each other. The Gemara asks: And if they come into contact with each other, what of it? It is a case of one cold food in contact with another cold food, and they would not absorb substances from one another. Abaye said: Granted that cold foods do not require the peeling of the place where they came into contact, as they do not absorb substances from one another. Nevertheless, don't they require rinsing in water? The Sages therefore decreed against the contact of even cold meat and cheese, lest one come to eat them without rinsing them first.

¹¹² § The mishna teaches that Rabban Shimon ben Gamliel says: Two guests may eat together on one table, this one eating meat and that one eating cheese. Rav Hanan bar Ami says that Shmuel says: They taught this halakha only in a case where the guests do not know each other, as they will not eat

of each other's food. But in a situation where they know each other, it is prohibited for them to eat together at the same table.

¹¹³ That opinion is also taught in a baraita: Rabban Shimon ben Gamliel says: If two guests roomed in one inn, this one coming from the north and that one coming from the south, this one coming with his piece of meat and that one coming with his cheese, they may eat together on one table, this one eating meat and that one cheese, and they need not be concerned.

¹¹⁴ The baraita adds: And the Sages prohibited this practice only if they both eat from one parcel. The Gemara adds: Can it enter your mind that the baraita is actually referring to a case where they eat from one parcel? This is obviously prohibited. Rather, it prohibits eating even in a manner as though they were eating from one parcel, i.e., when the diners are somewhat acquainted with each other, since neither would mind if the other ate from his food.

¹¹⁵ § It was stated above that if two diners are acquainted with each other they may not eat meat and cheese on the same table. Rav Yeimar bar Shelemya said to Abaye: If these diners are two brothers, but they are each particular not to let one another eat of his food, what is the halakha? May they eat separate dishes of meat and cheese at a single table?

¹¹⁶ Abaye said to him: Your question evokes that of Baitos ben Zunin. The Sages prohibited the baking of elaborately decorated Syrian cakes for Passover, lest people tarry in their preparation and the cakes become leavened. Baitos wished to prepare the cakes in a way that would not lead to a violation of any prohibition, and yet the Sages prohibited it, because people will say: All the decorated Syrian cakes are forbidden, but the Syrian cakes of Baitos are permitted? Here too, to avoid confusion, we will not allow exceptions to the rule.

¹¹⁷ Rav Yeimar responded: But according to your reasoning, one may refute that which Rabbi Asi said that Rabbi Yoḥanan said: Although the Sages prohibited laundering on the intermediate days of a Festival, one who has only one shirt is permitted to launder it on the intermediate days of a Festival. Here too, one can claim: People will say metaphorically:

¹¹⁸ All the Syrian cakes are prohibited, but the Syrian cakes of Baitos are permitted? The Gemara responds: With regard to the case there, Mar, son of Rav Ashi, said: His belt is proof for him, as in those days people commonly had one belt, which was worn over the shirt. If a person had more than one shirt, then whenever he laundered one he would remove the belt and wear it over the second. If one saw a shirt being washed with its belt, he would know that the owner had only one shirt.

¹¹⁹ MISHNA: In the case of a drop of milk that fell on a piece of meat, if the drop contains enough milk to impart flavor to that piece of meat, i.e., the meat is less than sixty times the size of the drop, the meat is forbidden. If one stirred the contents of the pot and the piece was submerged in the gravy before it absorbed the milk, if the drop contains enough milk to impart flavor to the contents of that entire pot, the contents of the entire pot are forbidden.

¹²⁰ GEMARA: Abaye said: The principle that the flavor of a forbidden food renders prohibited the substance in which it is absorbed, and it is not necessary for there to be actual forbidden substance, applies by Torah law in general, and not just to the prohibition of meat cooked in milk.

¹²¹ As, if it enters your mind that the principle applies to other prohibited foods by rabbinic law, one can claim: What is the reason that we do not learn that it applies by Torah law from the analogous case of meat cooked in milk? It must be because the prohibition of meat cooked in milk is a novelty

that is not derived through logical reasoning, as each substance is separately permitted, and they are prohibited only when cooked together. No analogies can be drawn to a novelty. But if the prohibition is a novelty, then even if there is not enough milk to impart flavor, the meat and milk should also be prohibited. Since the measure of the prohibition follows the standard principles of mixtures, the prohibition itself is apparently not a novelty. One may therefore draw an analogy to other mixtures, inferring that this measure applies to them by Torah law as well.

¹²² Rava said to Abaye: This is not a valid proof. The prohibition of meat cooked in milk is in fact a novelty and differs from other prohibited mixtures. Nevertheless, its measure is the imparting of flavor only because the action the Torah prohibited is in the manner of cooking, and cooking involves the imparting of flavor.

¹²³ § The mishna teaches that if the piece of meat acquires the flavor of milk, it is forbidden. Rav says: Once the milk imparts flavor to the piece of meat, the piece itself becomes non-kosher meat in its own right. And therefore, if one did not immediately remove the piece from the pot, it renders all the pieces of meat in the pot forbidden, even if they are together more than sixty times the size of that forbidden piece. This is because they are the same type as the forbidden piece, and as a rule, a substance in contact with the same type of substance cannot be nullified.

¹²⁴ Mar Zutra, son of Rav Mari, said to Ravina: Now consider, in accordance with whose opinion did Rav say his halakha? It is in accordance with the opinion of Rabbi Yehuda, who said that a type of food mixed with food of its own type is not nullified. If so, shall we say that Rav disagrees with Rava's interpretation of Rabbi Yehuda's opinion?

¹²⁵ As Rava said: Rabbi Yehuda holds with regard to any tripartite mixture consisting of a forbidden type of food, a permitted food of the same type, and another food item that is permitted, one disregards the permitted food that is its own type as though it were not there, and if the permitted food that is not of its own type is more than the forbidden food, the permitted food nullifies the forbidden food. In the case Rav describes, although the other pieces of meat are of the same type as the piece that has become forbidden, the gravy in the pot is not of the same type, and it should nullify the forbidden piece. Since Rav does not mention this principle, he apparently disagrees with it.

¹²⁶ Ravina said to him: If the forbidden substance fell into thin gravy, Rav would concede that the gravy would indeed nullify the piece of meat, since the two substances are of different types. But here we are dealing with a case where it fell into thick gravy, which is composed of meat residue. Since the gravy is of the same substance as the meat, the forbidden piece is not nullified.

¹²⁷ The Gemara returns to Rav's statement that the piece of meat upon which the milk fell is considered a non-kosher item in its own right. And what does Rav maintain in this regard? If he maintains that an item that can be wrung to remove the forbidden substance it contains becomes permitted again after wringing, then it follows that only the absorbed substance is truly forbidden. If so, why should this piece of meat itself become non-kosher? Once it has been mixed into the stew, the milk it has absorbed should be evenly distributed throughout the pot and be nullified. Rather, Rav must maintain that even an item that can be wrung to remove the forbidden substance is forbidden.

¹²⁸ The Gemara elaborates: As it was stated: Rav and Rabbi Ḥanina and Rabbi Yoḥanan say that even an item that can be wrung to remove the forbidden substance is forbidden, whereas Shmuel, and Rabbi Shimon, son of Rabbi Yehuda HaNasi, and Reish Lakish say: An item that can be wrung to remove the forbidden substance is permitted.

¹²⁹ The Gemara asks: And does Rav really maintain that an item that can be wrung to remove the forbidden substance is forbidden? But wasn't it stated: If an olive-bulk of meat fell into a pot of milk so large that the meat did not impart flavor to it, Rav says: The meat is forbidden, as it absorbed the taste of the milk, but the milk is permitted, since it did not absorb the taste of the meat. But if it enters your mind that according to Rav an item that can be wrung is forbidden,

¹³⁰ why is the milk permitted? All the milk that the meat absorbed is rendered non-kosher milk in and of itself. When it seeps back out of the meat, it cannot be nullified by the rest of the milk, which is the same substance, as Rav holds in accordance with Rabbi Yehuda that a type of food mixed with food of its own type is not nullified. Therefore, the whole pot of milk should be prohibited.

¹³¹ The Gemara answers: Rav actually maintains that an item that can be wrung to remove the forbidden substance is prohibited, and there, the pot of milk mentioned above is different, as the verse states: "You shall not cook a kid in its mother's milk" (Deuteronomy 14:21). The verse teaches that the Torah prohibits only the kid, i.e., the meat, that was cooked in milk, but not the milk that was cooked in meat. The milk is not itself rendered non-kosher.

¹³² The Gemara challenges: And does Rav really maintain that the Torah prohibits only the kid but not the milk cooked with it? But isn't it stated: If half an olive-bulk of meat and half an olive-bulk of milk were cooked together, Rav says: One is flogged for consuming the combined olive-bulk, as he has eaten a whole olive-bulk of forbidden food. But he is not flogged for cooking the two half olive-bulks, as he did not cook items of the minimum size. And if it should enter your mind that Rav holds that the Torah prohibits only the kid but not the milk, why is this individual flogged for consuming only half an olive-bulk of meat? It is only half the prohibited measure.

¹³³ Rather, Rav actually maintains that milk cooked in meat is also prohibited, and the reason Rav permits the pot of milk mentioned above is that here we are dealing with a case where the olive-bulk of meat fell into a boiling pot of milk. In such a case the meat absorbs milk, but it does not expel it, and therefore the prohibited milk does not mix with the rest.

¹³⁴ The Gemara challenges: Ultimately, when the pot cools from boiling, the meat then expels the prohibited milk. The Gemara answers: It is referring to a case where he first removed the meat before the pot cooled.

¹³⁵ The Gemara turns to the matter itself mentioned above: If half an olive-bulk of meat and half an olive-bulk of milk were cooked together, Rav says: One is flogged for consuming the mixture, but he is not flogged for cooking it. The Gemara objects: Whichever way you look at it, this ruling is problematic. If these two halves of olive-bulks combine to form the requisite measure, then let him be flogged for cooking them as well. And if they do not combine, then let him not be flogged for their consumption either.

¹³⁶ The Gemara answers: Actually, half an olive-bulk of meat and half an olive-bulk of milk do not combine to form the requisite measure, and when Rav says that one is flogged for consuming them, he is referring to a case where they come from a large pot, in which a sizable amount of meat and cheese had been cooked. The mixture is now considered a single prohibited entity, such that half an olive-bulk of the cheese and the meat can combine to constitute the requisite measure to be held liable for consumption.

¹³⁷ And Levi disagrees with Rav on this matter, and says: Half an olive-bulk of meat and half an olive-bulk of milk can combine to form the requisite measure, and therefore one is also flogged for cooking the mixture. And so Levi teaches in his collection of baraitot: Just as one is flogged for consuming it, so too he is flogged for cooking it. And for what degree of cooking did they say that one is liable to be flogged? It is for a degree of cooking that produces food that others, gentiles, would eat due to its cooking, i.e., cooking that renders it fit for consumption.

¹³⁸ § The Gemara returns to the issue previously discussed: And the case of an item that can be wrung to remove an absorbed prohibited substance is itself the subject of a dispute between tanna'im, as it is taught in a baraita: If a drop of milk fell onto a piece of meat, once it imparts flavor to the piece, the piece itself is rendered non-kosher in its own right. And it therefore renders all the other pieces of meat in the pot prohibited, even if they combine to more than sixty times its size; this is because they are of the same type, and a type of food mixed with food of its own type is not nullified. This is the statement of Rabbi Yehuda.

¹³⁹ And the Rabbis say that even the original piece of meat is not prohibited unless there is enough milk to impart flavor even to the gravy and to the spices and to the other pieces of meat in the pot, since the milk is assumed to diffuse from the first piece until it is evenly distributed throughout the pot.

¹⁴⁰ With regard to this dispute, Rabbi Yehuda HaNasi said: The statement of Rabbi Yehuda appears to be correct in a case where one did not stir the contents of the pot and where he did not cover it, both of which would promote the diffusion of the milk throughout the pot. And the statement of the Rabbis appears to be correct in a case where one stirred the contents of the pot and covered it.

¹⁴¹ The Gemara asks: What is the meaning of the clause: Where one did not stir the pot and did not cover it? If we say that he did not stir the contents of the pot at all and did not cover it at all, in this case the piece of meat onto which the milk fell absorbs the drop of milk but does not expel it. Therefore, even according to the opinion of Rabbi Yehuda there is no reason to prohibit the other pieces of meat.

¹⁴² And if you say rather that he did not stir the contents of the pot at the beginning, immediately after the milk fell in, but stirred at the end, afterward, and likewise he did not cover the pot at the beginning but at the end, one must ask: Why are all the pieces in the pot prohibited? The same milk that the piece absorbs it subsequently expels, and once the milk diffuses throughout the pot it should be nullified.

¹⁴³ The Gemara responds: Evidently, Rabbi Yehuda HaNasi maintains that an item that can be wrung remains prohibited. Once the first piece of meat absorbs the milk, it is considered non-kosher in its own right, and even after the milk itself is nullified, the flavor of the forbidden meat renders the rest of the pieces prohibited. The flavor of the meat cannot be nullified by the other meat in the pot, since a substance in contact with the same type of substance is not nullified, according to the opinion of Rabbi Yehuda.

¹⁴⁴ The Gemara objects: From Rabbi Yehuda HaNasi's acceptance of Rabbi Yehuda's opinion only when one did not stir or cover the pot, one can conclude by inference that Rabbi Yehuda himself maintains that even when one stirred the contents of the pot continuously from beginning to end, i.e., before and after the drop of milk was absorbed, or covered the pot continuously from beginning to end, all the contents of the pot are prohibited. But why should this be so? The first piece of meat did

not absorb any more milk than the others. Since the milk definitely diffused evenly through the pot immediately, it should be nullified, assuming that the pot's contents amount to more than sixty times the milk.

¹⁴⁵ The Gemara responds: Say that Rabbi Yehuda is stringent because one might not have stirred thoroughly, or he might not have covered the pot thoroughly, and therefore initially the milk might have been absorbed only by the first piece, rendering it prohibited. Afterward, when he does stir thoroughly, that piece of meat renders the other pieces prohibited. Rabbi Yehuda HaNasi does not share this concern.

¹⁴⁶ § The Gemara returns to Rabbi Yehuda HaNasi's statement: The Master said above: And the statement of the Rabbis appears correct in a case where one stirred the pot and covered it. The Gemara asks: What is the meaning of the term: Stirred, and what is the meaning of the term: Covered? If we say that he stirred at the end, after the first piece absorbed the milk, and did not stir at the beginning, beforehand, and likewise he covered at the end and did not cover at the beginning, one may respond: Didn't you already say on the previous amud that the statement of Rabbi Yehuda appears to be correct in this case? Rather, it must be a case where he stirred continuously from beginning to end or covered the pot continuously from beginning to end.

¹⁴⁷ If so, one can conclude by inference from Rabbi Yehuda HaNasi's qualified acceptance of the Rabbis' opinion that the Rabbis themselves maintain that even when one stirred only at the end and did not stir at the beginning, and similarly if he covered the pot only at the end and did not cover at the beginning, all the contents of the pot are permitted. Even the first piece is permitted, as they hold that the milk it absorbed diffused out of it and throughout the pot.

¹⁴⁸ Evidently, the Rabbis maintain that an item that can be wrung to remove the forbidden substance is permitted. This illustrates that tanna'im dispute this issue, as according to Rabbi Yehuda and Rabbi Yehuda HaNasi, an item that can be wrung to remove the forbidden substance is prohibited.

¹⁴⁹ Rav Aḥa of Difti said to Ravina: From where is it derived that Rabbi Yehuda and the Rabbis disagree with regard to an item that can be wrung? Perhaps even if an item can be wrung, everyone agrees that it remains prohibited, and here they disagree with regard to whether a type of food mixed with food of its own type can be nullified. And Rabbi Yehuda conforms to his standard line of reasoning, as he said that a type of food mixed with food of its own type cannot be nullified. And likewise, the Rabbis conform to their standard line of reasoning, as they said that a type of food mixed with food of its own type can be nullified. This is why they maintain that all the meat in the pot is permitted.

¹⁵⁰ Ravina responded: What is this reasoning? Granted, if you say that the Rabbis here hold in accordance with the opinion of Rabbi Yehuda with regard to the issue of a type of food mixed with food of its own type, and they disagree with regard to an item that can be wrung, that is why Rabbi Yehuda HaNasi says: The statement of Rabbi Yehuda appears to be correct in this case, when one did not initially stir or cover the pot, and the statement of the Rabbis appears to be correct in that case, when one did initially stir or cover it, since the issue of when one stirred or covered the pot is relevant to the dispute, as explained above.

¹⁵¹ But if you say: Everyone agrees that an item that can be wrung is prohibited, and here they disagree only with regard to a type of food mixed with food of its own type, Rabbi Yehuda HaNasi should not phrase his statement as a qualified acceptance of both opinions, which seems arbitrary.

Rather, he should have said this: I accept that a type of food is not nullified by a food of its own type. Therefore, the statement of Rabbi Yehuda appears correct where one did not stir initially, as the flavor of the prohibited first piece cannot be nullified; but it does not appear correct where one stirred immediately, since in that case, even the first piece is not prohibited, and I do not share Rabbi Yehuda's concern that perhaps one did not stir thoroughly. And nothing more need be said.

¹⁵² MISHNA: One who wants to eat the udder of a slaughtered animal tears it and removes its milk, and only then is it permitted to cook it. If he did not tear the udder before cooking it, he does not violate the prohibition against cooking and eating meat and milk and does not receive lashes for it, as the halakhic status of the milk in the udder is not that of milk. One who wants to eat the heart of a slaughtered animal tears it and removes its blood, and only then may he cook and eat it. If he did not tear the heart before cooking and eating it, he does not violate the prohibition against consuming blood and is not liable to receive karet for it.

¹⁵³ GEMARA: The mishna teaches that if one did not tear the udder of a slaughtered animal before cooking it he does not violate the biblical prohibition against eating meat and milk. Rabbi Zeira says that Rav says: He does not violate the prohibition, and it is altogether permitted to eat the cooked product ab initio. The Gemara objects: But didn't we learn in the mishna: He does not violate the prohibition, i.e., he is not held liable after the fact. One can infer from here as follows: He does not violate a prohibition by Torah law, but there is nevertheless a prohibition ab initio by rabbinic law.

¹⁵⁴ The Gemara explains: By right the mishna should have taught that there is no prohibition here by rabbinic law either. But the tanna of the mishna uses this language since he wants to teach in the latter clause: One who wants to eat the heart of a slaughtered animal tears it and removes its blood, but if he did not tear the heart before cooking and eating it, he does not violate the prohibition. There it is true that although he does not violate a prohibition by Torah law there is a prohibition by rabbinic law. To preserve linguistic symmetry, he teaches the first clause in this manner as well, stating: He does not violate the prohibition.

¹⁵⁵ The Gemara suggests: Let us say that the following baraita supports this opinion: One who wants to eat the udder of a slaughtered animal tears it and removes its milk. If he did not tear the udder before cooking it, he does not violate the prohibition against cooking and eating meat and milk and does not receive lashes for it. One who wants to eat the heart of a slaughtered animal tears it and removes its blood. If he did not tear the heart before cooking and eating it, he tears it after its cooking, and it is permitted. One can infer from the baraita that it is only the heart that requires tearing after cooking if it was not torn beforehand. But the udder does not require tearing after being cooked unlawfully. Evidently, it is permitted as is.

¹⁵⁶ The Gemara rejects this: Perhaps one should infer the opposite, that tearing after cooking is sufficient only to render the heart permitted, as the heart does not absorb blood through cooking. But tearing after cooking is not sufficient to render the udder permitted, as the meat of the udder absorbs the milk through cooking, and tearing will not remove the absorbed milk.

¹⁵⁷ And some say a different version of the above exchange, based on a different version of Rav's statement: Rabbi Zeira says that Rav says: If one does not tear the udder of a slaughtered animal before cooking it, he does not violate the Torah prohibition, but it is prohibited to eat the cooked product by rabbinic law. The Gemara suggests: Let us say that the mishna supports this opinion, as it

states: He does not violate the prohibition, indicating that although he does not violate a Torah prohibition and is not flogged, there is nevertheless a prohibition by rabbinic law.

¹⁵⁸ The Gemara responds: By right the mishna should have taught that there is not even a prohibition by rabbinic law. But the tanna of the mishna uses this language since he wants to teach the latter clause: One who wants to eat the heart of a slaughtered animal tears it and removes its blood, but if he did not tear the heart before cooking and eating it, he does not violate the prohibition for it. There, it is true that although he does not violate a Torah prohibition there is a prohibition by rabbinic law. He therefore teaches in the first clause in this manner as well, stating: He does not violate the prohibition for it.

¹⁵⁹ The Gemara suggests: Come and hear a proof from a baraita: One who wants to eat the udder of a slaughtered animal tears it and removes its milk. If he did not tear the udder before cooking it, he does not violate the prohibition for it. One who wants to eat the heart of a slaughtered animal tears it and removes its blood. If he did not tear the heart before cooking and eating it, he tears it after its cooking, and it is permitted. One can infer from the baraita that it is only the heart that requires tearing after cooking if it was not torn beforehand, but the udder does not require tearing after being cooked unlawfully. Evidently, it is permitted as is.

¹⁶⁰ The Gemara rejects this: Perhaps one should infer the opposite, that tearing after cooking is sufficient only to render the heart permitted, as the heart does not absorb blood through cooking. But tearing it after cooking is not sufficient to render the udder permitted, as the meat of the udder absorbs the milk through cooking, and tearing will not remove the absorbed milk. This concludes the second version of the Gemara's discussion.

¹⁶¹ The Gemara comments: It is taught in a baraita in accordance with the first version of Rav's statement: An udder that one cooked, i.e., roasted, in its milk is permitted. By contrast, the stomach of a suckling lamb or calf that one cooked, i.e., roasted, together with the milk it contains is prohibited for consumption.

¹⁶² The baraita explains: And what is the distinction between this stomach and that udder? The milk this calf suckled was considered milk the moment it left the mother's teat, and it was merely collected in the calf's innards. But that milk in the udder is not defined as milk, since it was never collected in the animal's innards from outside but is found in the flesh. Consequently, this meat of the udder is not prohibited if it is roasted with the milk it contains, although one should still tear it by rabbinic law *ab initio*.

¹⁶³ § The Gemara inquires: How must one tear an udder before cooking it? Rav Yehuda says: One tears it lengthwise and widthwise [*sheti va'erev*] and smears it against a wall to remove all the milk. The Gemara relates: Rabbi Elazar said to his attendant: Tear an udder for me before you roast it, and I will eat it. The Gemara asks: What is this episode teaching us? It is explicitly stated in the mishna that one must do this. The Gemara answers: This story teaches us that according to Rabbi Elazar we do not require one to tear it lengthwise and widthwise and smear it against a wall. Rather, it is enough simply to tear it once, either lengthwise or widthwise.

¹⁶⁴ § Yalta said to her husband Rav Naḥman: Now as a rule, for any item that the Merciful One prohibited to us, He permitted to us a similar item. He prohibited to us the consumption of blood, yet He permitted to us the consumption of liver, which is filled with blood and retains the taste of blood. Likewise, God prohibited sexual intercourse with a menstruating woman, but permitted sexual

intercourse with one's wife while she discharges the blood of purity. During a particular period after giving birth, even if she experiences a flow of blood she is not rendered ritually impure and remains permitted to her husband by Torah law.

¹⁶⁵ Furthermore, the Torah prohibits the consumption of the forbidden fat of a domesticated animal, but permitted the fat of an undomesticated animal, which has the same flavor. It is prohibited to eat pork, but one may eat the brain of a shibuta fish, which has a similar taste. One may not eat giruta, a non-kosher fish, but one may eat the tongue of a fish, which tastes similar.

¹⁶⁶ Likewise, the Torah prohibits sexual intercourse with the wife of another man but permitted one to marry a divorced woman in her previous husband's lifetime. The Torah prohibits sexual intercourse with one's brother's wife, and yet it permits one to marry his yevama, i.e., his brother's widow when the brother dies childless. Finally, the Torah prohibits sexual intercourse with a gentile woman but permitted one to marry a beautiful woman who is a prisoner of war (see Deuteronomy 21:10–14). Yalta concluded: The Torah prohibits the consumption of meat cooked in milk; I wish to eat a dish that tastes like meat cooked in milk.

¹⁶⁷ Upon hearing this, Rav Naḥman said to his cooks: Roast udders on a spit for her. The Gemara asks: But didn't we learn in the mishna that one must tear the udder first? Rav Naḥman did not tell his cooks to tear the udders. The Gemara answers: That requirement was stated only with regard to cooking in a pot, not roasting.

¹⁶⁸ The Gemara asks: But isn't it taught in the baraita cited above: An udder that one cooked in its milk is permitted? This indicates that after the fact, yes, it is permitted, but one may not roast it ab initio without tearing it. The Gemara answers: The same is true even of roasting ab initio, i.e., it is permitted, and the tanna of the baraita uses this language since he wants to teach in the latter clause: A stomach

¹⁶⁹ of a suckling lamb or calf that one cooked together with the milk it contains is prohibited. There, even if one roasted it he may not eat it after the fact. To preserve symmetry, the tanna of the baraita taught in the first clause in this manner as well, stating: An udder that one cooked in its milk is permitted.

¹⁷⁰ § The Gemara above cited a second version of Rav's opinion, according to which an udder that was roasted without being torn is prohibited for consumption. The Gemara relates: When Rabbi Elazar ascended from Babylonia to Eretz Yisrael he found Ze'eiri and said to him: Is there a tanna who taught Rav that an udder roasted without first being torn is prohibited? Ze'eiri showed him Rav Yitzḥak bar Avudimi. Rav Yitzḥak bar Avudimi said to Rabbi Elazar: I did not teach Rav that an udder is prohibited at all; rather, Rav found an unguarded valley and fenced it in. Rav taught this stringent ruling as an additional safeguard in Babylonia, where Jews were not careful about the prohibition of meat cooked in milk.

¹⁷¹ The Gemara elaborates: As when Rav arrived in Tatlafush, he heard a certain woman saying to another: How much milk does it require to cook a quarter weight of meat? Rav said: Evidently, these people are not learned enough in halakha to know that meat cooked in milk is prohibited. Rav tarried in that place, and prohibited even udders to them, so that they would not come to violate the prohibition of meat cooked in milk.

¹⁷² Rav Kahana teaches that Rav Yitzḥak bar Avudimi replied to Rabbi Elazar in that manner described above. By contrast, Rabbi Yosei bar Abba teaches that Rav Yitzḥak bar Avudimi said: I taught Rav only that the udder of an animal nursing offspring is prohibited, as its udder contains much milk. And due to the sharp mind of Rav Ḥiyya, Rav's teacher, he assumed that Rav too would understand this without his saying so explicitly. Therefore, he taught this halakha to Rav with regard to an unspecified udder. Rav mistakenly thought that the ruling applies to all animals.

¹⁷³ The Gemara relates that Ravin and Rav Yitzḥak bar Yosef arrived at the house of Rav Pappi. The servants brought before them a dish made of udder. Rav Yitzḥak bar Yosef ate of it, but Ravin did not eat. Abaye said: Bereaved Ravin, why do you not eat? After all, Rav Pappi's wife is the daughter of Rabbi Yitzḥak Nappaḥa, and Rabbi Yitzḥak Nappaḥa was a master of good deeds, who was meticulous in his performance of mitzvot. Had Rav Pappi's wife not heard in her father's house that such a dish is permitted, she would not have made it.

¹⁷⁴ The Gemara relates: In Sura they would not eat udders at all, even torn and roasted. But in Pumbedita they would eat udders. Rami bar Tamrei, who is also called Rami bar Dikulei, from Pumbedita, arrived in Sura on the eve of Yom Kippur. Since it is a mitzva to eat and drink then, large quantities of meat were cooked, and everyone brought out their udders from the animals they had slaughtered and threw them away. Rami bar Tamrei went and gathered the udders, roasted them, and ate them, in accordance with his custom.

¹⁷⁵ The residents of Sura brought Rami bar Tamrei before Rav Ḥisda, who said to him: Why did you do this? Rami bar Tamrei said to Rav Ḥisda: I am from the place of Rav Yehuda, who eats udders, and this is the accepted custom in Pumbedita. Rav Ḥisda said to him: And do you not hold by the principle that the Sages impose upon a traveler the stringencies of the place that he left and also the stringencies of the place to which he went? You should have accepted the stringency of Sura and not eaten the udders. Rami bar Tamrei said to Rav Ḥisda: That principle applies only to one who remains in the place he is visiting, but I ate the udders outside the boundaries of Sura.

¹⁷⁶ Rav Ḥisda further asked Rami bar Tamrei: And with what did you roast the udders? Rami bar Tamrei said to him: I roasted them with grape seeds [purtzenei] I found in the vines there. Rav Ḥisda objected: But how could you roast the udders with grape seeds, as perhaps they were from wine used for a libation to idolatry, from which it is prohibited to derive benefit. Rami bar Tamrei said to him: These were old seeds that still lay there after twelve months had passed since the grapes were used, and any prohibition had expired, as by that point they are assumed to have lost any prohibited liquid that previously remained inside (see Avoda Zara 34a).

¹⁷⁷ Rav Ḥisda further objected: But perhaps these seeds were from stolen property, i.e., they belonged to someone and it was prohibited for you to take them. Rami bar Tamrei said to him: Even so, in this case there was certainly despair of the owners of recovering them, as grass was growing among them. Since the owners had allowed them to lie there for so long, they had clearly given up all hope of retrieving them.

¹⁷⁸ Rav Ḥisda saw that Rami bar Tamrei had not donned phylacteries, and said to him: What is the reason that you have not donned phylacteries? Rami bar Tamrei said to him: He, i.e., I, am suffering from intestinal illness, and Rav Yehuda said that one who has intestinal illness is exempt from the mitzva of phylacteries, which require a clean body, because he would have to remove them constantly to defecate.

¹⁷⁹ Rav Ḥisda further saw that Rami bar Tamrei had not placed the threads of ritual fringes on his garment and said to him: What is the reason that you do not have the threads of ritual fringes? Rami bar Tamrei said to him: It is a borrowed robe, and Rav Yehuda said:

¹⁸⁰ With regard to a borrowed robe, during all of the first thirty days that one borrows it, one is exempt from performing the mitzva of ritual fringes with it.

¹⁸¹ Meanwhile, as Rav Ḥisda and Rami bar Tamrei were talking, the attendants brought in a certain man to Rav Ḥisda's court who would not honor his father and mother, and they tied him to a pillar in order to flog him.

¹⁸² Rami bar Tamrei said to them: Leave him alone, as it is taught in a baraita: With regard to any positive mitzva whose reward is stated alongside it in the Torah, the earthly court below is not warned to enforce it through punishments such as flogging. And it is stated after the mitzva of honoring one's father and mother: "That your days may be long, and that it go well with you" (Deuteronomy 5:16). Rav Ḥisda said to Rami bar Tamrei: I see that you are very sharp. Rami bar Tamrei said to Rav Ḥisda: If you were in the place where Rav Yehuda resides, I would be able to show you my sharpness of mind far better than here.

¹⁸³ § Pursuant to the discussion of different local customs, Abaye said to Rav Safra: When you ascend there, to Eretz Yisrael, ask the Sages there: With regard to liver, how do you treat it? When Rav Safra ascended to Eretz Yisrael he found Rav Zerika and asked him this question. Rav Zerika said to him: I cooked liver for Rabbi Ami and he ate it.

¹⁸⁴ When Rav Safra returned to Babylonia and came before Abaye and reported what Rav Zerika had said, Abaye said to him: I do not raise the dilemma as to whether liver renders itself prohibited if cooked alone. It is clear to me that the blood that diffuses out of the liver is not absorbed again while it cooks. When I raise the dilemma, it is with regard to whether liver renders prohibited another piece of meat cooked with it. Rav Zerika's statement therefore has no bearing on my question.

¹⁸⁵ Rav Safra asked Abaye: What is different about the issue of the liver rendering itself prohibited, that you did not raise the dilemma with regard to this case? It is presumably because the answer is obvious to you, as we learned in a mishna (Terumot 10:11) that liver is not rendered prohibited by its own cooking. But if so, you should not raise the dilemma with regard to whether it renders the other piece of meat prohibited either, as we learned in that same mishna: Liver renders food cooked with it in the same pot prohibited but is not prohibited itself, because while it does expel blood as it cooks, it does not absorb this blood again, since the blood diffuses only outward. Abaye said to Rav Safra: That mishna does not answer my question, as perhaps there it is referring specifically to forbidden liver, e.g., the liver of a non-kosher animal.

¹⁸⁶ And the other food is not forbidden due to the liver's blood, but rather due to the fat of the liver it absorbed. But if permitted liver is cooked with another piece of meat, and the concern is only that the meat might be prohibited due to the meat absorbing excess blood from the liver, what is the halakha? Perhaps blood is absorbed less easily than fat.

¹⁸⁷ When Rav Safra again ascended to Eretz Yisrael, he found Rabbi Zerika once more and asked him about liver cooked with another piece of meat. Rabbi Zerika said to him: You need not ask this question either, as I and Yannai, son of Rabbi Ami, arrived at the house of Yehuda, son of Rabbi Shimon ben Pazi, and they brought before us the windpipe of an animal with all the parts attached to

it, i.e., the lungs, heart, and liver, all of which had been cooked together, and we ate it. This proves that the blood emitted from the liver does not render prohibited other pieces of meat cooked with it.

¹⁸⁸ Rav Ashi, and some say Rabbi Shmuel from Zerokinya, objects to this conclusion: But perhaps in that incident the mouth of the windpipe was positioned outside of the pot, allowing the liver's excess blood to run out of the pot rather than being absorbed by the other pieces of meat. Alternatively, perhaps they poured boiling liquid on the liver at the outset, before it was cooked with the lung and heart, like that custom of Rav Huna, for whom they would pour boiling vinegar on liver, and that of Rav Naḥman, for whom they would pour boiling water on liver. This would cook the excess blood into the liver and prevent it from diffusing into the other pieces. Abaye's question remains unresolved.

¹⁸⁹ And with regard to the pouring of boiling vinegar on the liver, Rav Pappa, when he was a student before Rava, thought to say that the vinegar becomes prohibited for consumption in the process, since it absorbs blood from the liver. Rava said to Rav Pappa: If you claim that the vinegar is prohibited, then the liver itself should also be prohibited, since just as the liver expels blood and prohibits the vinegar, so too it then absorbs the blood back from the forbidden vinegar. Rather, one must say that no blood is expelled from the liver during this process at all, which is why the liver is permitted afterward.

¹⁹⁰ The Gemara relates that Rav bar Shabba visited the house of Rav Naḥman. They brought him cooked liver, but Rava bar Shabba did not partake of it. The members of the household said to Rav Naḥman: There is a student of Torah inside who is not eating. And who is he? Rav bar Shabba. Rav Naḥman said to them: Feed Shabba against his will.

¹⁹¹ The Gemara notes: Abaye's question above with regard to liver cooked with other meat is subject to a dispute between tanna'im, as it is taught in a baraita: Rabbi Eliezer says: The liver that was cooked with other pieces of meat prohibits them, but it itself is not prohibited, because it expels blood as it cooks but does not absorb it again. Rabbi Yishmael, son of Rabbi Yoḥanan ben Beroka, says: If the liver was spiced when cooking, it prohibits the other meat and it becomes prohibited as well, as the spices cause the liver to reabsorb the blood that was expelled. Likewise, if the liver was stewed, i.e., heavily cooked, it renders the other pieces prohibited and is itself prohibited.

¹⁹² The Gemara relates: Rabba bar Rav Huna visited the house of Rabba bar Rav Naḥman and dined with him on Shabbat. They brought before him three se'a of fine bread that had been kneaded in oil and honey. Rabba bar Rav Huna said to the members of Rabba bar Rav Naḥman's household: Did you know that I was coming, that you prepared such superior food? They said to him: Are you more distinguished than Shabbat, as it is written with regard to Shabbat: "If you proclaim Shabbat a delight, the sacred day of God honored" (Isaiah 58:13).

¹⁹³ Meanwhile, Rabba bar Rav Huna found among the dishes before him a certain liver that contained an artery suffused with blood. He said to the members of the household: Why do you do this? Although the blood absorbed in the liver is permitted, that which is collected in the blood vessels is prohibited. The members of the household said to him: Rather, what should we do in order to prepare the liver? Rabba bar Rav Huna said to them: First tear the liver lengthwise and widthwise, and position the side with the tear downward, so that the blood will flow out when you place it on the fire.

¹⁹⁴ The Gemara comments: And this statement applies only to liver, due to the blood that collects in its blood vessels; but there is no need to tear the spleen in this manner, as it merely contains fat. And this ruling accords with that which is reported about Shmuel, that his attendants would prepare a dish of spleens for him on the day that he performed the practice of bloodletting.

¹⁹⁵ § It was stated: If liver and other meat are roasted on spits in an oven such that the liver is positioned on top of the meat, the meat is permitted even though blood from the liver flows onto it. This is because the blood that flows from an item roasting in the oven slides over meat located underneath it and is not absorbed. But if an udder is positioned on top of the meat when roasted in the oven, the meat is prohibited. What is the reason? It is that the milk expelled by the roasting udder adheres to and is absorbed by the meat.

¹⁹⁶ Rav Dimi from Neharde'a would teach the opposite: Whenever an udder is positioned on top of the meat, the meat is permitted. What is the reason? The prohibition of meat cooked in milk of a slaughtered animal applies by rabbinic law, and is treated less stringently. But if liver is positioned on top of the meat, the meat is prohibited, as the prohibition of blood applies by Torah law, and one must be concerned that perhaps the meat will absorb blood from the liver.

¹⁹⁷ Mareimar taught in public: The halakha is: Whether in the case of liver or in the case of an udder, if it is underneath the meat, the meat is permitted, but if it is on top of the meat, then after the fact, yes, the meat is permitted, but ab initio, no, one may not situate them in this manner.

¹⁹⁸ The Gemara relates: Rav Ashi arrived at the house of his father-in-law Rami bar Abba, and he saw that the son of Rami bar Abba was

¹⁹⁹ skewering liver on top of meat for roasting. Rav Ashi said: How haughty is this Sage! Even if you say that the Sages stated that one may eat meat roasted under liver after the fact, did they say that one may roast them in this manner ab initio?

²⁰⁰ The Gemara adds: And if there is a receptacle under the spit for the drippings of fat, then even if the meat is on top of the liver it is also prohibited to roast the meat, as the blood from the liver will fall into the fat in the vessel, and one might come to eat the mixture.

²⁰¹ The Gemara asks: And in what way is this case different from roasting a piece of meat by itself over such a vessel, which is permitted? Here too the blood of the meat drips into the fat in the vessel. The Gemara answers: Blood of most meat sinks to the bottom of the vessel, while the fat floats on top. Since the fat can be separated from the blood, it is permitted. By contrast, the blood of the liver floats above the fat and cannot be removed from it, and therefore the entire mixture is prohibited.

²⁰² § Rav Nahman says that Shmuel says: The knife with which one slaughtered an animal absorbs blood due to its heat, and it is therefore prohibited to cut any boiling food with it, since that food will in turn absorb the blood from the knife. If one cut cold food with this knife, some say that the piece he cut requires rinsing before one may eat it, and some say that it does not require rinsing.

²⁰³ § The Gemara cites other statements of Shmuel. Rav Yehuda says that Shmuel says: With regard to a bowl in which meat was salted to remove its blood before cooking, it is prohibited to eat any boiling food placed in it, as that food absorbs blood of the meat from the bowl. And in this Shmuel conforms to his standard line of reasoning, as Shmuel said: A salted food imparts its flavor like a boiling food, and a food item marinated in vinegar, brine, or the like absorbs flavor from the liquid or vessel as would a cooked food.

²⁰⁴ When Ravin came from Eretz Yisrael to Babylonia he said that Rabbi Yoḥanan said: A salted food is not considered like a boiling food, and a marinated food is not considered like a cooked food. Abaye said: I can prove that this ruling that Ravin cited is not correct, as there was a certain bowl [pinka] in Rabbi Ami's house in which meat was salted, and Rabbi Ami broke it so that it would no longer be used. Now Rabbi Ami was a student of Rabbi Yoḥanan. What is the reason he broke that bowl? Is it not because he heard that Rabbi Yoḥanan said: A salted food is considered like a boiling food? Ravin's citation was evidently in error.

²⁰⁵ Rav Kahana, the brother of Rav Yehuda, sat before Rav Huna, and he sat and said: With regard to a bowl in which meat was salted, it is prohibited to eat any boiling food placed in it. And he added: With regard to a radish that one cut with a knife used for cutting meat, it is permitted to eat it with kutaḥ, a food that contains milk, even though the sharpness of the radish causes it to absorb the fat of the meat from the knife.

²⁰⁶ The Gemara asks: What is the reason to distinguish between blood absorbed in a bowl and fat absorbed by the radish? Abaye said: This radish absorbed a permitted substance, as the fat on the knife is permitted for consumption by itself, but that bowl in which meat was salted absorbed a prohibited substance, i.e., blood.

²⁰⁷ Rava said to Abaye: And if the radish absorbed a permitted substance, what of it? Ultimately, if one desires to eat the radish with kutaḥ, it is a permitted substance that leads to a prohibition, as he will eat a prohibited substance. Rather, Rava said: The distinction is that with regard to this radish, it is possible for a Jew to taste it before eating it with milk to see if it has acquired the flavor of meat. But with regard to that bowl, it is not possible for a Jew to taste its contents to see whether they have absorbed blood.

²⁰⁸ Rav Pappa said to Rava: But let a gentile cook taste the contents of the bowl to see whether they have the taste of blood. Didn't we learn in the Tosefta (Terumat 8:12): With regard to a pot in which one cooked meat, one may not cook milk in it, and if he cooked milk in it, the meat absorbed in the pot renders the milk forbidden if it imparts flavor to the milk. Likewise, if one cooked teruma in the pot, he may not cook non-sacred food in it, and if he cooked non-sacred food in it, the non-sacred food is prohibited if there is sufficient teruma absorbed in the pot to impart flavor to the non-sacred food.

²⁰⁹ And we said with regard to this baraita: Granted, one can know whether the non-sacred food has acquired the flavor of teruma, as a priest can taste it. But with regard to the prohibition of meat cooked in milk, who can taste it? And you, Rava, said to us: Let a gentile cook taste it. So too here, with regard to the food in the bowl, let a gentile cook taste it. Rava responded: Indeed, a gentile cook can discover whether the food in the bowl has absorbed the taste of blood. When I said my statement I was referring to a case where there is no gentile cook available.

²¹⁰ § It was stated: If a fish was removed from the fire and placed, still hot, in a bowl in which meat had been eaten, Rav says: It is prohibited to eat the fish with the milk dish kutaḥ, since the fish has absorbed meat from the bowl. And Shmuel says: It is permitted to eat the fish with kutaḥ.

²¹¹ The Gemara explains: Rav says that it is prohibited to eat the fish with kutaḥ because this is a case of imparted flavor, i.e., from the meat to the fish. And Shmuel says that it is permitted because the flavor is first imparted to the bowl, and only then from the bowl to the fish. This is therefore a case of imparted flavor derived from imparted flavor.

²¹² The Gemara notes: And this opinion of Rav was not stated explicitly; rather, it was stated by inference. As Rav arrived at the house of Rav Shimi bar Ḥiyya, the son of his son. He felt pain in his eyes, and they prepared for him an ointment in an earthenware bowl as a remedy. Later they placed a dish for him in that same bowl. Rav tasted in that dish the flavor of the ointment and said: It imparts so much flavor! Those present inferred that according to Rav, imparted flavor derived from imparted flavor is strong enough itself to impart flavor. The Gemara rejects this: But that is not so, and one cannot reach any general conclusions from this story. It is different there, as the ointment was very bitter.

²¹³ The Gemara relates: Rabbi Elazar was standing before Mar Shmuel, and they brought before Shmuel a fish that had been removed directly from the fire and placed into a bowl used previously for meat, and he ate it together with *kutaḥ*. Shmuel gave Rabbi Elazar some of this dish, but Rabbi Elazar did not eat it, as he was a student of Rav, who prohibited such mixtures. Shmuel said to him: To your teacher, Rav, I gave this dish and he ate from it, yet you will not eat? Later Rabbi Elazar came before Rav, and said to him: Did the Master retract this halakha? Do you permit this? Rav said to him: God forbid that the progeny of Abba bar Abba, i.e., Shmuel, would feed me something that I do not hold to be permitted. Shmuel never fed me such a dish.

²¹⁴ The Gemara relates that Rav Huna and Rav Ḥiyya bar Ashi were sitting down to eat. One of them was sitting on this side of the ford of the Sura River, and the other one was sitting on that side of the ford. They brought one Sage a fish that had been removed from the fire and placed into a bowl previously used for meat, and he ate it together with *kutaḥ*. They also brought the other Sage figs and grapes during the meal, and he ate them but did not recite a separate blessing over them, even though these foods were usually consumed following the main portion of the meal before reciting Grace after Meals, and a separate blessing was made on them.

²¹⁵ One Sage said to his colleague: Orphan! Student without a teacher! Would your teacher do this, i.e., eat such fish with *kutaḥ*? And the other Sage said to his colleague: Orphan! Would your teacher do this, i.e., eat these fruits during a meal without reciting a blessing over them? One Sage said to his colleague: I hold in accordance with the opinion of Shmuel, who permits eating such fish with *kutaḥ*. And the other Sage said to his colleague: I hold in accordance with the opinion of Rabbi Ḥiyya, as Rabbi Ḥiyya teaches: The blessing over the bread exempts all the other types of food eaten during a meal, including those usually eaten separately following bread, and likewise the blessing over wine exempts all types of drinks.

²¹⁶ Ḥizkiyya says in the name of Abaye: The halakha is: If a fish was removed from the fire and placed into a bowl used for meat, it is permitted to eat it together with *kutaḥ*. But with regard to a radish that one cut with a knife with which he had cut meat, it is prohibited to eat that radish with *kutaḥ*, contrary to Rav Kahana's statement above.

²¹⁷ The Gemara notes: And this statement applies only to a radish,

²¹⁸ as due to its sharpness it absorbs the fat on the knife. But if one cut a cucumber with the same knife, it does not absorb the fat to the same extent. One may therefore simply scrape the place of the cut to remove any fat residue, and then one may eat the cucumber with *kutaḥ*.

²¹⁹ Likewise, turnip stalks cut with such a knife are permitted for consumption with *kutaḥ*. But chard cut with such a knife is prohibited for consumption with *kutaḥ*, as it absorbs flavor from the knife.

And if one alternated between cutting chard and turnip stalks it is permitted, as the turnip stalks nullify the taste of the meat in the knife.

²²⁰ § Rav Dimi inquired of Rav Naḥman: What is the halakha with regard to placing a jug of salt, used to salt meat, alongside a jug of kamka, i.e., kutaḥ, a milk dish? Need one be concerned lest some of the kutaḥ fall on the salt without his knowledge and ultimately contaminate his meat? Rav Naḥman said to him: It is prohibited to place the two jugs next to each other. Rav Dimi further inquired: What is the halakha with regard to a similar case involving a jug of vinegar used to season meat? Need one be concerned lest the kutaḥ fall into the vinegar? Rav Naḥman said to him: It is permitted to place these two jugs next to each other.

²²¹ Rav Dimi asked: And what is different about the vinegar? Rav Naḥman responded: When you have thought about it long enough to eat a kor of salt, you will know the reason. The Gemara clarifies: What is the reason then? In this case of the salt, the prohibited substance is substantive, as the traces of kutaḥ are discernible and not nullified by the salt. But in that case of the vinegar, the prohibited substance is not substantive, since the kutaḥ melts away in the vinegar and will no longer impart flavor.

²²² The Gemara relates: There was a certain young bird that fell into a jug of kamka, i.e., kutaḥ. Rav Ḥinnana, son of Rava of the city of Pashronya, permitted the bird. Rava said about this: Who is wise enough to discern reasons to permit the food in difficult cases like this, if not Rav Ḥinnana, son of Rava of Pashronya? He maintains that when Shmuel said that a salted food imparts flavor like a boiling food, that statement applies only to a food so salty that it is not eaten due to its salt, but this kutaḥ can still be eaten due to, i.e., despite, its salt. Therefore, it is as if both foods are cold and unsalted, and they do not impart flavor to one another, provided one rinses the area of contact.

²²³ The Gemara adds: And this statement applies only if the bird is raw, but if it is roasted, it requires peeling to remove the outer layer, since roasting softens the meat and causes it to absorb more flavor. And if it has cracks [pilei], it is entirely forbidden, because the milk is absorbed into the cracks. And if it has been flavored with spices it is likewise entirely forbidden, because the spices soften the meat and render it absorbent.

²²⁴ Rav Naḥman said that Shmuel says: It is prohibited to eat a loaf of bread upon which one cut unsalted roasted meat, since the blood expelled from the roasted meat is absorbed in the loaf. The Gemara adds: And this statement applies only if the meat is ruddy from the blood it contains. And furthermore, this statement applies only if so much blood was absorbed in the loaf that it passed through from one side of the loaf to the other and was visible from both sides. And furthermore, this statement applies only if the liquid emitted by the roasted meat is viscous. But if it is runny, we have no problem with it, i.e., the loaf is permitted.

²²⁵ The Gemara relates: Shmuel would throw to his dog such a loaf of bread that he held was prohibited. Rav Huna would not eat the loaf himself but would rather give it to his attendant. The Gemara objects: Whichever way you look at it, Rav Huna's behavior is problematic: If the loaf is permitted, it is permitted for everyone, including Rav Huna himself. And if it is prohibited, then it is prohibited for everyone, and he should not give it to his attendant. The Gemara explains: In fact, the loaf is permitted for consumption, and Rav Huna is different, as he is of delicate constitution and did not want to eat the loaf himself. The Gemara further relates: Rava would eat a loaf of this type, and he would call the red liquid meat wine.

²²⁶ Rav Naḥman says that Shmuel says: One may not place a vessel under roasting meat to catch the drippings of fat until all the ruddiness of the meat's appearance has dissipated. Beforehand, though, one must be concerned that blood will fall with the drippings into the vessel, rendering the mixture and the vessel prohibited. The Gemara asks: How do we know when all the meat's redness has disappeared? Mar Zutra said in the name of Rav Pappa: As soon as its smoke rises, one can be sure that all the blood has been expelled from the meat.

²²⁷ Rav Ashi objects to this: But perhaps the underside of the meat, which is closest to the coals, has been fully roasted, but its upper part is still not roasted and still expels blood at this stage. Rather, Rav Ashi said: One who wishes to collect the drippings has no remedy except to place two lumps of salt in it, i.e., one in the receptacle under the meat and one on top, in the meat itself.

²²⁸ Doing this will allow the blood dripping from the meat to stick to the salt on the sides of the vessel, while the fat will float to the top. And when emptying the receptacle, he should tilt it gently to pour the fat into another vessel without it mixing with the blood.

²²⁹ Rav Aḥa, son of Rav Ika, said to Rav Ashi: And did Shmuel really say this, that once the meat's ruddiness has dissipated it is permitted to place a receptacle underneath it? But didn't Shmuel say: It is prohibited to eat a loaf of bread upon which one cut roasted meat? Apparently he holds that meat contains blood even after it has finished roasting. Rav Ashi replied: Shmuel holds that the meat no longer emits blood after its ruddiness has dissipated. And as for his ruling with regard to a loaf of bread, it is different there, as due to the pressure of the knife the meat expels more blood.

²³⁰ § Rav Naḥman says: If one salted fish and birds together, the fish are prohibited for consumption due to the blood they absorb from the birds. The Gemara asks: What are the circumstances of this ruling? If they were placed in an unperforated vessel, in which the blood emitted by the birds will pool, then even if one salted a bird and another bird together they should be prohibited, as the blood expelled from one bird will be absorbed by the other. And if the case involves a perforated vessel, out of which the blood can flow, then even if fish are salted with birds the fish should be permitted.

²³¹ The Gemara answers: Actually, the ruling is referring to a perforated vessel. And the fish are prohibited because their skin is soft, and therefore when they are salted they expel their blood first, whereas the skin of birds is hard. After the fish finish expelling their blood, the birds continue to expel their blood, and then the fish absorb blood from them. If one salts two birds together, they expel their blood simultaneously, and neither will absorb blood from outside while expelling its own.

²³² The Gemara relates: Meat of a slaughtered animal was salted for Rav Mari bar Raḥel together with prohibited meat of an animal that had a wound that would have caused it to die within twelve months [tereifa], in a perforated vessel, as meat is generally salted. He came before Rava to ask whether the kosher meat was prohibited, as perhaps it would not have absorbed flavor from the non-kosher meat while itself expelling blood.

²³³ Rava said to him: When the verse states, with regard to forbidden foods: "These are the unclean to you" (Leviticus 11:31), the added definite article serves to prohibit not only their flesh but also their juice emitted by salting, and their gravy, and their spices with which they are cooked. Even while the kosher meat is emitting its blood, it still absorbs the juices of the non-kosher meat, which are absorbed more easily than blood.

²³⁴ The Gemara objects: But let Rava say to him the same ruling by instead citing the seemingly more relevant statement of Shmuel, as Shmuel said: A salted food imparts its flavor like a boiling food, and a marinated food is as absorbent as a cooked food. Clearly, the kosher meat absorbed flavor from the meat of the tereifa as it would have had they been cooked together.

²³⁵ The Gemara explains: Had Rava based his ruling only on Shmuel's statement, I would say in response: This statement applies only to the absorption of the blood of the meat, but kosher meat is not prohibited if it absorbs only the juices and gravy of the meat of the tereifa. Since in this case the meat is salted in a perforated vessel, the blood from each piece runs out and is not absorbed by the other, and one might think that the kosher meat remains permitted. Rava's interpretation of the verse in Leviticus teaches us that the juices and gravy of the meat of the tereifa must also be taken into account.

²³⁶ The Gemara raises an objection from a baraita: A kosher fish that one salted together with a non-kosher fish is permitted. What, is it not referring to a case where they were both salted and expel juices? This indicates that the kosher fish is not prohibited by the juices of the non-kosher fish, contrary to Rava's statement. The Gemara responds: No, this is referring to a case where the kosher fish was salted and the non-kosher fish was unsalted. Since an unsalted fish does not emit juices, the kosher fish does not absorb the flavor of the non-kosher fish.

²³⁷ The Gemara challenges: But from the fact that the latter clause teaches: But if the kosher fish was salted and the non-kosher fish was unsalted the kosher fish remains permitted, it may be inferred that in the first clause we are dealing with a case where they are both salted. The Gemara responds: The latter clause is explaining the halakha of the first clause. The baraita should be read as follows: A kosher fish that one salted together with a non-kosher fish is permitted. How so? This is the halakha if the kosher fish was salted and the non-kosher fish was unsalted.

²³⁸ The Gemara notes: So, too, it is reasonable that this is the meaning of the baraita, as if it enters your mind that the first clause is referring to a case where both of them are salted, one can claim: Now that the baraita has stated that even if both of them are salted the kosher fish is permitted, is it necessary to state that the same applies in the less problematic case where the kosher fish was salted and the non-kosher fish was unsalted?

²³⁹ The Gemara rejects this: If it is due to that reason, there is no conclusive argument. It is possible that the first clause of the baraita is indeed referring to a case where both fish are salted, and the tanna of the baraita nevertheless taught the latter clause to shed light on the first clause, so that you should not say: The first clause is referring only to a case where the kosher fish was salted and the non-kosher fish was unsalted, but if they were both salted, then the kosher fish is prohibited. To rule this out, he taught the latter clause, which explicitly makes reference to a case where the kosher fish was salted and the non-kosher fish unsalted, which by inference indicates that the first clause is referring to a case where they are both salted, and teaches that even so the kosher fish is permitted.

²⁴⁰ The Gemara further suggests: Come and hear proof against Rava's ruling from the latter clause of the latter clause, i.e., the third clause of that baraita: But if the non-kosher fish was salted and the kosher fish was unsalted, the kosher fish is prohibited. One can infer from here that it is only if the non-kosher fish is salted and the kosher fish is unsalted that the kosher fish is prohibited. But if they were both salted, then the kosher fish is permitted, contrary to Rava's ruling.

²⁴¹ The Gemara rejects this: Perhaps the last section of the baraita uses this language only since it teaches in the former clause, i.e., the second clause: If the kosher fish was salted and the non-kosher fish unsalted, etc. The baraita therefore taught the last clause as well using parallel language: If the non-kosher fish was salted and the kosher fish unsalted, etc. But nothing can be derived from here with regard to a case where both fish were salted.

²⁴² § The Gemara provides a mnemonic for remembering the three halakhot stated by Shmuel below: The manner in which blood is expelled from meat; salted meat that is placed on a vessel; an animal whose neck is broken before its soul departs.

²⁴³ Shmuel says: Meat cannot be rid of its blood unless one salts it thoroughly and rinses it thoroughly in water. It was stated: Rav Huna says: One must salt and rinse the meat in water. And it was taught in a baraita: One must rinse the meat, and salt it, and then rinse it again. The Gemara adds: And these two rulings do not disagree. This ruling of Rav Huna is referring to a case where one already washed the meat in the slaughterhouse before salting, whereas that baraita is referring to a case where one did not wash the meat in the slaughterhouse. The Gemara relates: Rav Dimi of Neharde'a would salt meat with coarse salt and then shake the salt off the meat.

²⁴⁴ Rav Mesharshiyya says: One does not presume that there is blood in the intestines, and therefore they are not prohibited if they have not been salted. The Gemara comments: The Sages interpreted this statement as referring to the rectum, the intestines, and the spiral colon.

²⁴⁵ Shmuel says: One may place salted meat only on a perforated vessel, so that the expelled blood can run out. But if the vessel is not perforated then the blood will pool and be reabsorbed by the meat.

²⁴⁶ The Gemara relates: Rav Sheshet would salt meat one bone, i.e., one piece, at a time. The Gemara asks: What is the reason that he would not salt two together? Could it be because the blood leaves this piece and that piece absorbs it? If so, with regard to one piece as well, one could claim that the blood leaves this side of the piece and that side absorbs it. Rather, there is no difference between one piece and two pieces, and one may salt even several pieces together.

²⁴⁷ Shmuel says in the name of Rabbi Ḥiyya: One who breaks the neck of an animal after it is slaughtered but before its soul departs thereby makes the meat heavy. The meat expels blood at the time of slaughter, but if one breaks the animal's neck, excess blood is trapped inside and weighs down the meat. And by this action he robs people, as he causes blood to be absorbed in the animal's limbs, and since he sells the meat by weight, people will pay extra to acquire the same amount of edible meat.

²⁴⁸ A dilemma was raised before the Sages: With regard to what case is he speaking? Does Shmuel mean that there is only one problem with this practice, namely, that it renders the meat heavy and robs people since he causes blood to be absorbed in the animal's limbs? If so, it may be inferred that if one wishes to keep the meat for himself, one may well do so, since he is robbing no one. Or perhaps Shmuel is referring to two prohibitions, first, that the blood trapped in the meat renders it prohibited for consumption, and second, that of robbery. If so, then even if one wants to keep the meat for himself, it is also prohibited. The Gemara concludes: The dilemma shall stand unresolved.

²⁴⁹ MISHNA: One who places the meat of birds with cheese on the table upon which he eats does not thereby violate a Torah prohibition.

²⁵⁰ GEMARA: The Gemara suggests: Since the mishna mentions only that placing meat of birds and milk on one table does not violate a Torah prohibition, one may consequently infer that if one eats them together he does violate a Torah prohibition. If so, learn from the mishna that meat of birds in milk is prohibited by Torah law, contrary to the opinion of Rabbi Akiva, who maintains that it applies by rabbinic law. The Gemara responds: Say that the mishna should be understood as follows: One who places bird meat with cheese on the table will not thereby come to violate a Torah prohibition, since eating the two together is a rabbinic prohibition, as Rabbi Akiva maintains.

²⁵¹ MISHNA: It is prohibited to cook the meat of a kosher animal in the milk of any kosher animal, not merely the milk of its mother, and deriving benefit from that mixture is prohibited. It is permitted to cook the meat of a kosher animal in the milk of a non-kosher animal, or the meat of a non-kosher animal in the milk of a kosher animal, and deriving benefit from that mixture is permitted. Rabbi Akiva says: Cooking the meat of an undomesticated animal or bird in milk is not prohibited by Torah law, as it is stated: “You shall not cook a kid in its mother’s milk” (Exodus 23:19, 34:26; Deuteronomy 14:21) three times. The repetition of the word “kid” three times excludes an undomesticated animal, a bird, and a non-kosher animal.

²⁵² Rabbi Yosei HaGelili says that it is stated: “You shall not eat of any animal carcass” (Deuteronomy 14:21), and in the same verse it is stated: “You shall not cook a kid in its mother’s milk.” This indicates that meat of an animal that is subject to be prohibited due to the prohibition of eating an unslaughtered carcass is prohibited for one to cook in milk. Consequently, with regard to meat of birds, which is subject to be prohibited due to the prohibition of eating an unslaughtered carcass, one might have thought that it would be prohibited to cook it in milk. Therefore, the verse states: “In its mother’s milk,” excluding a bird, which has no mother’s milk.

²⁵³ GEMARA: The Gemara asks: From where are these matters derived? Rabbi Elazar said: The verse states: “And Judah sent the kid of the goats” (Genesis 38:20).

²⁵⁴ One may infer that here, since this verse specifies that it is referring to a kid of the goats, consequently, anywhere the word “kid” is stated without specification, it means even a cow or a ewe. Accordingly, the prohibition of meat cooked in milk applies to all kosher domesticated animals.

²⁵⁵ The Gemara asks: But why not derive from that verse that in general, every instance of the word “kid” is referring to a goat, including the prohibition of meat cooked in milk? The Gemara answers: This cannot be, as another verse is written: “And the skins of the kids of the goats” (Genesis 27:16). This indicates that only here they are kids of the goats, but anywhere the word “kid” is stated without specification, it means even a cow or a ewe.

²⁵⁶ The Gemara objects: But let us derive from this verse as well that on the contrary, the word “kid” is always referring to a goat. The Gemara explains: These two examples are two verses that come as one, i.e., to teach the same matter, and as a rule, any two verses that come as one do not teach their common element to other cases.

²⁵⁷ The Gemara asks: This works out well according to the one who says this principle that two verses that come as one do not teach their common element to other cases, but according to the one who says that two verses that come as one do teach their common element to other cases, what is there to say? The Gemara answers: Two exclusions are written, as both of the verses cited use the term “the goats.” The verses could have stated simply: Goats, but state “the goats,” with the definite article, teaching that it is only in these cases that the reference is specifically to a goat.

²⁵⁸ § Shmuel says: Each of the Torah's three mentions of the prohibition of not cooking a kid in its mother's milk serves to include a different case. The first mention of the word "kid" serves to include liability for cooking in milk and eating forbidden fats, beyond the liability for eating forbidden fat per se. The second mention of the word "kid" likewise serves to include additional liability for cooking in milk and eating the meat of a dead animal carcass. Finally, the third mention of the word "kid" serves to include liability for cooking in milk and eating an animal fetus.

²⁵⁹ Each mention excludes a case as well: The first mention of the word "kid" serves to exclude liability for cooking in milk and consuming blood. The second mention of the word "kid" serves to exclude liability for cooking in milk and eating the placenta of an animal. The third mention of the word "kid" serves to exclude liability for cooking in milk and eating the meat of a non-kosher animal.

²⁶⁰ Furthermore, the first instance of the phrase "in its mother's milk" indicates that one is not liable for cooking meat in the milk of a male animal, in the rare case that a male might produce milk. The second instance of the phrase "in its mother's milk" indicates that one is not liable for cooking meat in the milk of an already slaughtered animal, since it is considered milk only if given while the animal is alive. The third instance of the phrase "in its mother's milk" indicates that one is not liable for cooking meat in the milk of a non-kosher animal.

²⁶¹ The Gemara challenges: The word "kid" is written only three times, and yet we expound it to teach six different halakhot. The Gemara responds: Shmuel maintains that a prohibition takes effect even where another prohibition already exists, and therefore the prohibition of forbidden fat in milk and the prohibition of a dead animal carcass in milk are both derived from one verse, as both are applications of the prohibition to an already prohibited item. The exclusion of blood from the prohibition also does not require its own verse, as blood is not considered a kid at all, and likewise there is no need for a verse to exclude a placenta from the prohibition, as it is merely a secretion of the animal, rather than a kind of meat. Therefore, two mentions of "kid" are left; one serves to include a fetus, and one serves to exclude a non-kosher animal.

²⁶² The Gemara asks: And does Shmuel really maintain that a prohibition takes effect where another prohibition already exists? But didn't Shmuel say in the name of Rabbi Elazar: From where is it derived that an impure priest who partakes of impure teruma, i.e., the portion of produce designated for the priest, is not punished with death at the hand of Heaven as he would had the teruma been ritually pure? It is derived from a verse, as it is stated, with regard to the prohibition of an impure priest partaking of teruma: "And die therein if they desecrate it" (Leviticus 22:9), to the exclusion of this case of teruma that is impure, which was already desecrated before the priest ate it. Here, it seems, since impure teruma is already prohibited for consumption, the added prohibition of an impure priest partaking of teruma does not take effect.

²⁶³ The Gemara answers: If you wish, say that in general Shmuel maintains that a prohibition takes effect where another prohibition already exists, and it is different there, with regard to teruma, as the Merciful One expressly excludes impure teruma by the phrase "and die therein if they desecrate it," and in this case the teruma is already desecrated. And if you wish, say that in general Shmuel maintains that a prohibition does not take effect where another prohibition already exists, and here, the case of meat cooked in milk, is different, as the Merciful One expressly includes the meat of an animal carcass and forbidden fat by the repetition of the word "kid."

²⁶⁴ And if you wish, say that this statement of Shmuel with regard to meat cooked in milk is his own opinion, as he maintains that a prohibition takes effect where another prohibition already exists, and that statement with regard to teruma is his teacher's, i.e., Rabbi Elazar's, opinion, as he holds that a prohibition does not take effect where another prohibition already exists.

²⁶⁵ § Rav Aḥadvoi bar Ami raised a dilemma to Rav: If one cooks meat in milk of a goat that has not yet nursed, but that is about to give birth and already has milk, what is the halakha? Rav said to him: From the fact that it was necessary for Shmuel to say that the phrase "in its mother's milk" teaches: And not in the milk of a male animal, one can infer that it is only the milk of a male that is excluded, as the male cannot attain the status of a mother. But in this case, since the goat will attain the status of a mother, it is prohibited to cook meat in its milk.

²⁶⁶ It was stated: With regard to one who cooks forbidden fat in milk, Rabbi Ami and Rabbi Asi disagree as to the halakha. One says that he is flogged for violating the prohibition of meat cooked in milk, and one says that he is not flogged. The Gemara suggests: Let us say that they disagree about this: That the one who says he is flogged maintains that a prohibition takes effect where another prohibition already exists, and the one who says he is not flogged maintains that a prohibition does not take effect where another prohibition already exists.

²⁶⁷ The Gemara responds: No; everyone agrees that a prohibition does not take effect where another prohibition already exists, and therefore everyone agrees that one is not flogged for eating the mixture. When they disagree, it is with regard to cooking. The one who says he is flogged holds that one who cooks violates only one prohibition, that of cooking meat in milk, since it is permitted to cook forbidden fat without eating it. Consequently, this is not a case of a prohibition taking effect where another prohibition already exists. And the one who says he is not flogged holds that it was for this reason that the Merciful One expressed the prohibition of eating meat cooked in milk in the Torah using the language of cooking: "You shall not cook a kid in its mother's milk."

²⁶⁸ This link between cooking and eating indicates that since one is not flogged for eating forbidden fat cooked in milk, as agreed upon above, one also is not flogged for cooking the two together.

²⁶⁹ And some say the opposite: With regard to cooking, everyone agrees that one is flogged for this act, since the principle of a prohibition not taking effect where another prohibition already exists is not relevant. When they disagree, it is with regard to eating. The one who says he is not flogged applies the principle that a prohibition does not take effect where another prohibition already exists, and the fat was already prohibited for consumption in its own right before being cooked with milk. And the one who says he is flogged holds that it was for this reason that the Merciful One expressed the prohibition of eating meat cooked in milk using the language of cooking, to teach that since one is flogged for cooking forbidden fat in milk, one also is flogged for eating the product.

²⁷⁰ The Gemara suggests a third explanation of the dispute between Rabbi Ami and Rabbi Asi: And if you wish, say that one Sage said one statement and one Sage said another statement, and they do not disagree, as they are referring to different cases. The Sage who said that one is flogged is referring to the transgression of cooking forbidden fat with milk, whereas the one who said one is not flogged is referring to the consumption of forbidden fat with milk. Everyone agrees that a prohibition does not take effect where another prohibition already exists, and therefore one is flogged only for cooking forbidden fat in milk, but not for eating the two together.

²⁷¹ The Gemara raises an objection from a Tosefta (8:3): One who cooks meat in whey, the liquid leftover after milk has been curdled, is exempt from lashes, as whey is not defined as milk for purposes of the prohibition. Likewise, for blood that one cooked in milk, he is exempt, as blood is not considered meat. Similarly, with regard to the bones, the tendons, the horns, and the hooves that one cooked in milk, he is exempt.

²⁷² The Tosefta continues: By contrast, with regard to prohibited piggul meat, i.e., meat from an offering that was sacrificed with the intent to sprinkle its blood or partake of its meat beyond its designated time, and similarly prohibited notar, meat from an offering whose period for consumption has expired, and the prohibited impure meat of an offering, that one cooked in milk, he is liable to be flogged for violating the prohibition of meat cooked in milk. This indicates that the prohibition applies to items already prohibited for consumption, contrary to the above opinion attributed to Rabbi Ami and Rabbi Asi.

²⁷³ The Gemara answers: This tanna of the baraita maintains in general that a prohibition takes effect where another prohibition already exists, whereas Rabbi Ami and Rabbi Asi are of the opposite opinion. It is conceivable that these Sages, who are amora'im, disagree with that tanna, as the issue of whether a prohibition takes effect where another prohibition already exists is a well-known dispute among the tanna'im themselves.

²⁷⁴ § It was stated in the above baraita: One who cooks meat in whey is exempt from lashes. The Gemara comments: This ruling supports the opinion of Reish Lakish, as we learned in a mishna, with regard to liquids that render food susceptible to ritual impurity (Makhshirin 6:5): The halakhic status of whey is like that of milk, which is one of the liquids that render food susceptible to impurity, and the halakhic status of olive secretion is like that of oil, which also renders food susceptible to impurity. With regard to this mishna, Reish Lakish says: They taught this halakha only with regard to rendering seeds, i.e., produce, susceptible to impurity. But with regard to cooking meat in milk, the halakhic status of whey is not like that of milk.

²⁷⁵ § The Sages taught in a baraita: From the phrase “in its mother’s milk” I have derived only that the prohibition applies to the mother goat’s milk. From where do I derive that it also applies to the milk of a cow and a ewe?

²⁷⁶ You can say an a fortiori inference: Just as a kid’s mother, which is not prohibited for mating with the kid, as they are of the same species, is nevertheless prohibited for cooking with it, as stated in the verse, is it not right that a cow or a ewe, which are prohibited for mating with it, as they are of different species, should be prohibited for cooking with it? Therefore, the verse states elsewhere: “In its mother’s milk,” a second time, to include a cow and a ewe.

²⁷⁷ The Gemara challenges the conclusion of the baraita. But why do I need a verse? It was just derived through the a fortiori inference.

²⁷⁸ Rav Ashi said: It is needed because one can say that the refutation of the a fortiori inference is present from the outset, i.e., there is a difficulty with the comparison: From where do you derive the inference? It is derived from its mother goat, which the baraita presents as being treated more leniently than a cow or ewe since it may be mated with a kid. But there is a stringent aspect of the mother goat not shared by a cow or ewe: What is unique about its mother? It is unique in that it is prohibited for slaughter with it, since one may not slaughter an animal and its mother on the same

day (see Leviticus 22:28). Will you say the same about a cow, which is not prohibited for slaughter with it? Therefore, the verse states: “In its mother’s milk,” to include a cow and a ewe.

²⁷⁹ § The above baraita accounts for two of the Torah’s three mentions of the phrase “in its mother’s milk.” The Gemara now addresses the third. It is taught in another baraita: From one instance of the phrase “in its mother’s milk” I have derived only that the prohibition applies to the milk of its mother, if the mother is less than a year old and has not yet entered the pen for the purpose of its owner’s separating the annual animal tithe. From where do I derive that it also applies to the milk of its older sister, i.e., one that is more than a year old that has already entered the pen for the animal tithe in the previous year?

²⁸⁰ You can say an a fortiori inference: Just as a kid’s mother, which enters the pen to be tithed with it, is nevertheless prohibited for cooking with it, is it not right that its sister, which does not enter the pen to be tithed with it, should be prohibited for cooking with it? Therefore, the verse states elsewhere: “In its mother’s milk,” a third time, to include the older sister in the prohibition.

²⁸¹ The Gemara asks: But why do I need a verse? It was just derived from the a fortiori inference. Rav Ashi said: It is needed because one can say that the refutation of that a fortiori inference is present from the outset. From where do you derive the inference? It is derived from its mother. But one may respond: What is unique about its mother? It is unique in that it is prohibited for slaughter with it on the same day. Will you say the same halakhot apply to its older sister, which is not prohibited for slaughter with it? Therefore, the verse states: “In its mother’s milk,” including the older sister.

²⁸² The Gemara continues: We have found a source for the halakha that its older sister is included in the prohibition of meat cooked in milk. From where is it derived that the same applies to its younger sister, one that has not yet entered the pen for the tithe? The Gemara responds: It is derived from between them, i.e., from the combination of the mother and the older sister.

²⁸³ The Gemara elaborates on the need for both cases in order to derive the third: From which of the two cases should it be derived? If it should be derived from its mother, one can claim: What is unique about its mother? It is unique in that it is prohibited for slaughter with it on the same day, unlike the younger sister. One may respond: Its older sister can prove the point, since it is not prohibited for slaughter with the kid, but it is still included in the prohibition of meat cooked in milk. But this can be refuted as well: What is unique about its older sister? It is unique in that it does not enter the pen to be tithed with it, unlike the younger sister. One may respond that its mother can then prove the point, as it can enter the pen to be tithed with the kid and is still included in the prohibition.

²⁸⁴ And consequently, the inference has reverted to its starting point: The aspect of this case is not like the aspect of that case and the aspect of that case is not like the aspect of this case; their common element is that both the mother and older sister are meat and it is prohibited to cook them in milk. If so, I will also include its younger sister in the prohibition, since it is also meat, and therefore it is prohibited to cook it in milk.

²⁸⁵ The Gemara challenges: If so, the inclusion of its older sister in the prohibition can also be derived from between them, i.e., from the combination of the kid’s mother and a cow. Although both a cow and the mother possess unique stringencies not shared by the older sister, i.e., the prohibition of mating and of slaughtering with the kid, respectively, neither possesses both stringencies, and the halakha with regard to the older sister can be derived from their common element, i.e., that they are

both meat and prohibited to cook in milk, as stated above. If so, what need is there to derive this halakha from the verse?

²⁸⁶ The Gemara responds: Yes, it is indeed so; the halakha with regard to the older sister is derived from the common denominator of the mother and a cow. Rather, why do I need the verse's additional mention of the phrase "in its mother's milk?" It is necessary for that which is taught in a baraita: When the verse states: "In its mother's milk," I have derived only the prohibition to cook the kid in its mother's milk;

²⁸⁷ from where is it derived that the meat of a mother animal may not itself be cooked in its own milk? Say an a fortiori inference: Just as with regard to an issue where the fruit is not prohibited with the fruit, i.e., slaughter, as it is permitted to slaughter two offspring of one mother on one day, the fruit is nevertheless prohibited for slaughter with the mother, is it not right that with regard to an issue where the fruit is prohibited with the fruit, i.e., cooking, as it is prohibited to cook a mother's offspring with its milk, the fruit, i.e., the milk, should be prohibited for cooking with the mother? Therefore, the verse states: "In its mother's milk," to prohibit the cooking of the meat of the mother in its own milk.

²⁸⁸ The Gemara asks: Why do I need a verse? It was just derived a fortiori. Rav Aḥadvoi bar Ami said: The verse is necessary because one can say that the case of a horse born of both a stallion and mare but which is the brother of a mule, i.e., its mother also bore a mule after being impregnated by a donkey, proves this a fortiori inference invalid. As here the fruit is prohibited with the fruit, but the fruit is permitted with the mother. One may not mate a horse with a mule, but one may mate a horse with its mother.

²⁸⁹ The Gemara rejects this: There it is the seed of the father that effects the prohibition of mating the mule with the daughter horse. The two may not be paired for reasons unrelated to their status as offspring of one mother. This ruling therefore proves nothing about the hypothesis that if two fruit cannot be paired, one can learn by a fortiori inference that the fruit cannot be paired with the mother.

²⁹⁰ And this explanation must be true, as the case of a mule born of a donkey and a mare and which is the brother of a female mule proves. As here one fruit is permitted with the other fruit, i.e., one may mate the male and female mules since they are of the same species, and yet the fruit is prohibited to be mated with the mother, i.e., the mare. This case illustrates that the prohibition of crossbreeding is contingent on paternity, and does not rest solely on the relation between the mother and the fruit.

²⁹¹ Rather, Mar, son of Ravina, said: The a fortiori inference is invalid because one can say that the case of a male Canaanite slave born of a female slave and who is the brother of a female freed slave proves it invalid. As here the fruit is prohibited with the fruit, i.e., the slave may not engage in sexual intercourse with his freed sister, and yet the fruit is permitted with his slave mother.

²⁹² The Gemara rejects this as well: There it is the bill of manumission that effects the prohibition. The slave is prohibited to his sister only because she has been freed, not because they are both fruit of one mother, as the case of a male slave, son of a female freed slave, and the brother of a female slave proves. As here the fruit is permitted with the fruit, i.e., he is permitted to his sister, since they are both slaves, and yet the fruit is prohibited with his released mother, as she is now considered a full-fledged Jew. Clearly the prohibition is entirely contingent on the emancipation of one of the slaves, irrespective of their relationship.

²⁹³ Rather, Rav Idi bar Avin said: The a fortiori inference is invalid because one can say that the case of diverse kinds of seeds proves it invalid. As it is prohibited to sow fruit of one species with fruit of another species, and yet it is permitted to sow all types of fruit with the mother, i.e., the ground, from which all fruit grows. The Gemara rejects this as well: Isn't fruit of one species with fruit of another species prohibited only by means of the mother, i.e., the ground? The prohibition of sowing diverse seeds applies only when they are both sown in the ground, as wheat and barley can be placed in a single jug and they are not prohibited.

²⁹⁴ Rather, Rav Ashi said: The a fortiori inference is invalid because one can say: What is unique about fruit with fruit, e.g., the kid and its mother's milk, which are prohibited for cooking together? They are unique in that they are two separate bodies that were never unified. Must you say the same prohibition of pairing applies to the fruit with the mother, i.e., the mother's meat and its milk, which were once one body? Due to this reason, the extra verse stating: "In its mother's milk," was necessary to include the meat and milk of the same animal in the prohibition.

²⁹⁵ § Rav Ashi says: From where is it derived that meat cooked in milk is prohibited for consumption, even though the verse explicitly prohibits only cooking? It is derived from a verse, as it is stated elsewhere: "You shall not eat any abominable thing" (Deuteronomy 14:3). This verse teaches that with regard to any practice that I have made abominable, i.e., forbidden, to you, the product is prohibited for consumption.

²⁹⁶ And I have derived only that meat cooked in milk is prohibited with regard to consumption; from where do I derive that it is also prohibited with regard to benefit? It is derived in accordance with the statement of Rabbi Abbahu, as Rabbi Abbahu says that Rabbi Elazar says: Wherever it is stated, "He shall not eat," or "you," in the singular, "shall not eat," or "you," in the plural, "shall not eat," both a prohibition against eating and a prohibition against deriving benefit are indicated. This is so unless the verse specifies for you that one may derive benefit, in the manner that it specified for you with regard to an animal carcass, from which the verse explicitly permits one to derive benefit, as it states: "You may sell it to a foreigner" (Deuteronomy 14:21). Accordingly, one may provide such meat to a gentile resident alien in Eretz Yisrael by giving it to him as a gift, and to any other gentile by sale.

²⁹⁷ As it is taught in a baraita: The verse states: "You shall not eat of any unslaughtered animal carcass; you may give it to the resident alien who is within your gates, that he may eat it; or you may sell it to a foreigner; for you are a sacred people to the Lord your God." From this verse I have derived only that it is permitted to provide such meat to a resident alien through giving and to a gentile through selling. From where is it derived that it is permitted to transfer an unslaughtered animal to a resident alien through selling as well? The verse states: "You may give it to the stranger...or you may sell it," indicating that one has the option to do either of these.

²⁹⁸ The baraita continues: From where is it derived that it is permitted to a gentile through giving as well? The verse states: "You may give it...or you may sell it to a foreigner." Consequently, one finds that he may transfer an animal carcass to both a resident alien and a gentile, both through selling or through giving. This is the statement of Rabbi Meir. Rabbi Yehuda says: These matters are to be understood as they are written; one may transfer an unslaughtered animal carcass to a resident alien only through giving, and to a gentile only through selling.

²⁹⁹ The Gemara asks: What is the reason for the opinion of Rabbi Yehuda? The Gemara responds: Rabbi Yehuda holds that if it enters your mind to understand the verse in accordance with that which

Rabbi Meir says, then let the Merciful One write: You shall not eat of any animal carcass, you may give it to the resident alien who is within your gates that he may eat it and also you may sell it to a foreigner. Why do I need the word “or” between these two options? Learn from it that it comes to teach that the matters are to be understood as they are written: To a resident alien through giving alone, and to any other gentile through selling.

³⁰⁰ The Gemara asks: And how does Rabbi Meir explain the wording of the verse? The Gemara answers: Rabbi Meir could say to you that this word “or” teaches one to prioritize to giving to a resident alien over selling to a gentile. And Rabbi Yehuda holds that the priority of giving to a resident alien over selling to a gentile does not require a verse, as it is based on logical reasoning: You are commanded by the Torah to sustain this resident alien, but you are not commanded to sustain that gentile.

³⁰¹ § The Gemara provides a mnemonic device for the topics that will be discussed: Shabbat; plows; and diverse kinds of seeds; a mother and its offspring; and sending away of the mother bird from the nest.

³⁰² Rav Ashi stated above that the product of any practice described in the Torah as abominable is prohibited for consumption. The Gemara asks: If that is so,

³⁰³ then let the product of an action that desecrates Shabbat, e.g., food cooked on Shabbat, be prohibited for consumption, as desecration of Shabbat is a practice of which God states: I have made it abominable to you, in that it is prohibited to cook on Shabbat. How can this food be prohibited only to the one who cooked it as a penalty by rabbinic law, but be permitted to others (see 15a)?

³⁰⁴ The Gemara answers: A product of the desecration of Shabbat is an exception to the rule, as the verse states with regard to Shabbat: “For it is sacred to you” (Exodus 31:14). One may infer: It, Shabbat itself, is sacred, but the products of actions that desecrate it are not sacred, i.e., not prohibited.

³⁰⁵ The Gemara raises another difficulty: If one plows with an ox and with a donkey together, thereby violating the prohibition in Deuteronomy 22:10, or if one muzzles the mouth of a cow and threshes with it, thereby violating the prohibition in Deuteronomy 25:4, the seeds or threshed grain should be prohibited for consumption according to the above principle, as these are both practices I have made abominable to you.

³⁰⁶ The Gemara responds: Now that it has been established that products of desecration of Shabbat are permitted, one can derive the following using an a fortiori inference: Just as with regard to Shabbat, which is treated more stringently, the products of prohibited actions are permitted; is it not all the more so with regard to these prohibitions of plowing with an ox and a donkey and threshing with a muzzled animal, which are treated less stringently, that the products of prohibited actions should be permitted?

³⁰⁷ The Gemara challenges: Diverse kinds of seeds sown together should be prohibited for consumption, as this is a matter whose practice I have made abominable to you. The Gemara explains: One learns otherwise from the fact that the Merciful One revealed with regard to diverse kinds in a vineyard: “You shall not sow your vineyard with two kinds of seed; lest the growth of the seed that you will sow be forfeited [pen tikdash]” (Deuteronomy 22:9). The Sages read the phrase “be forfeited [pen tikdash]” as though it states: Lest it be burned [pen tukad esh], indicating that

diverse kinds in a vineyard must be destroyed so that no benefit is derived from them. Since this is stated specifically with regard to a vineyard, one can conclude by inference that other diverse kinds of seeds are permitted.

³⁰⁸ The Gemara objects: But say instead that the uniqueness of diverse kinds in a vineyard is that they are prohibited both for consumption and for benefit, whereas diverse kinds of seeds are prohibited for consumption but are permitted for benefit. The Gemara responds: One cannot say that diverse kinds of seeds are prohibited for consumption, as they are juxtaposed in the Torah to diverse kinds of animals, whose offspring are permitted. As it is written: “You shall not let your cattle mate with a diverse kind; you shall not sow your field with two kinds of seed” (Leviticus 19:19). The juxtaposition teaches that just as with regard to your cattle, the animal that comes from diverse species is permitted, so too, with regard to your field, that produce that comes from diverse seeds is permitted.

³⁰⁹ The Gemara asks: And with regard to diverse kinds of animals themselves, from where do we derive that their offspring is permitted? The Gemara answers: From the fact that the Merciful One prohibits the offspring of diverse kinds of animals for sacrifice to the Most High upon the altar (see 38b), learn by inference that they are permitted to ordinary people for consumption.

³¹⁰ The Gemara raises another difficulty: A mother and its offspring slaughtered on the same day should be prohibited for consumption, as this too is a practice made abominable. The Gemara answers: From the fact that the Merciful One prohibits an animal whose time has not yet arrived, i.e., that is less than eight days old, as an offering to the Most High (Leviticus 22:27), learn by inference that such animals are permitted to ordinary people for consumption. The offspring of a mother slaughtered that day is also considered an animal whose time has not yet arrived, since the prohibition against slaughtering it is limited to that day.

³¹¹ The Gemara raises a final difficulty: If one violated the mitzva that mandates sending away the mother bird from the nest, as it is stated: “You shall not take the mother with the young. You shall in any way let the mother go” (Deuteronomy 22:6–7), and the court instructed him to set the mother bird free, that mother bird should be prohibited to all, as this practice is also abominable. The Gemara responds: The Torah did not say: Send it away, if doing so could lead to a mishap. If the bird were prohibited, the Torah would not have commanded one to send it away, as others might eat it unwittingly.

³¹² § Reish Lakish says: From where is it derived that meat cooked in milk is prohibited for consumption? The verse states with regard to the Paschal offering: “You shall not eat it partially roasted, nor boiled in any way” (Exodus 12:9). As there is no need for the verse to state: “Boiled in any way,” since it could simply have stated: “Boiled.” What is the meaning when the verse states: “Boiled in any way?” It is included to tell you that there is another manner of cooking, the product of which is prohibited like this one. And which cooking is this? This is meat cooked in milk.

³¹³ Rabbi Yoḥanan said to Reish Lakish:

³¹⁴ Is that derivation that Rabbi Yehuda HaNasi taught ugly, that you derive a new one? The verse states with regard to an animal’s blood: “You shall not eat it; you shall pour it upon the earth as water” (Deuteronomy 12:24), and the next verse adds: “You shall not eat it; that it may go well with you, and with your children after you.” Rabbi Yehuda HaNasi teaches that the redundant second

verse is not referring to the prohibition of blood. Rather, the verse is speaking of the prohibition of meat cooked in milk, teaching that it is prohibited for consumption.

³¹⁵ Do you say that the verse is speaking of the prohibition of meat cooked in milk? Or perhaps it is only referring to one of the other prohibitions in the Torah? You say: Go out and learn from the thirteen hermeneutical principles, one of which is: A matter that is derived from its context. To what are the adjacent verses referring? They are referring to consecrated animals that were redeemed, which are a combination of two types: They are non-sacred in that they may be eaten, but they are prohibited for shearing and work, like consecrated animals. Here too, one may conclude that the verse is referring to a prohibition that involves two types of food, i.e., the prohibition of meat cooked in milk.

³¹⁶ Reish Lakish replied to Rabbi Yohanan: My exposition is still necessary, since if the source for the prohibition of eating meat cooked in milk were from that verse cited by Rabbi Yehuda HaNasi alone, I would say that this statement applies only to the prohibition of eating meat cooked in milk, but not to that of deriving benefit from it. The verse cited with regard to the Paschal offering teaches us that even deriving benefit is prohibited, just as it is prohibited to derive benefit from a disqualified Paschal offering.

³¹⁷ The Gemara asks: And Rabbi Yehuda HaNasi, from where does he derive that meat cooked in milk is prohibited for benefit? The Gemara responds: He derives it from here, as it is stated here: “For you are a sacred [kadosh] people unto the Lord your God. You shall not cook a kid in its mother’s milk” (Deuteronomy 14:21). And it is stated below: “Neither shall there be a sodomite [kadesh] of the sons of Israel” (Deuteronomy 23:18). The similar expressions teach that just as below, the prohibition of sodomy is a prohibition that involves enjoyment, i.e., deriving benefit, not eating, so too here, meat cooked in milk is prohibited with regard to deriving benefit.

³¹⁸ The school of Rabbi Eliezer taught: The verse states: “You shall not eat of any animal carcass; you may give it to the stranger who is within your gates, that he may eat it; or you may sell it to a foreigner; for you are a sacred people to the Lord your God; you shall not cook a kid in its mother’s milk” (Deuteronomy 14:21). The Torah stated the prohibition of meat cooked in milk after the halakha of an animal carcass to teach that when you sell a carcass to a gentile, you shall not cook it in milk and then sell it, i.e., meat cooked in milk is prohibited for benefit and may not be sold.

³¹⁹ The school of Rabbi Yishmael taught: The Torah states three times: “You shall not cook a kid in its mother’s milk” (Exodus 23:19, 34:26; Deuteronomy 14:21). One verse serves to teach the prohibition against eating meat cooked in milk, and one serves to teach the prohibition against deriving benefit from it, and one serves to teach the prohibition against cooking meat in milk.

³²⁰ It is taught in a baraita: Isi ben Yehuda says: From where is it derived that it is prohibited to eat meat cooked in milk? It is stated here: “For you are a sacred people unto the Lord your God. You shall not cook a kid in its mother’s milk” (Deuteronomy 14:21). And it is stated below: “And you shall be sacred men unto Me; therefore you shall not eat any flesh that is torn of animals in the field [tereifa]; you shall cast it to the dogs” (Exodus 22:30). Just as below it is prohibited to eat a tereifa, so too here it is prohibited to eat meat cooked in milk.

³²¹ And from this I have derived only that it is prohibited for consumption. From where do I derive that it is prohibited for benefit as well? You can say it can be derived by an a fortiori inference: Just as with regard to the prohibition against eating the fruit of a tree during the first three years after its

planting [orla], which is treated less stringently as no sin has been committed in the planting of the tree and its production of fruit, it is prohibited for benefit, is it not right that meat cooked in milk, with regard to which a sin has been committed, should be prohibited for benefit?

³²² The Gemara rejects this, as orla exhibits a unique stringency: What is unique about orla? It is unique in that it never had a time when it was fit. The same cannot be said about meat and milk, which were each permitted on their own before being cooked together.

³²³ The Gemara suggests: Let leavened bread on Passover prove the point, as it had a time when it was fit, before Passover, and yet it is prohibited for benefit. The Gemara rejects this inference as well: What is unique about consumption of leavened bread on Passover? It is unique in that it is punishable by karet, unlike the prohibition of meat cooked in milk.

³²⁴ The Gemara comments: Let the prohibition of diverse kinds in a vineyard prove the point, as it is not punishable by karet, and yet it is prohibited to derive benefit from the product.

³²⁵ The Gemara asks: Why do I need both Isi ben Yehuda's verbal analogy to teach the prohibition of consumption and the a fortiori inference to teach the prohibition of benefit? Let all of it, both the prohibition of consumption and the prohibition against deriving benefit, be derived by an a fortiori inference from orla: Just as orla, which is treated less stringently, as no sin has been committed in the tree's planting, is nevertheless prohibited both for consumption and for benefit; is it not right that meat cooked in milk, with regard to which a sin has been committed, should be prohibited both for consumption and for benefit?

³²⁶ The Gemara responds: That inference would be invalid because one could say: The cases of one who plows with an ox and with a donkey, and one who muzzles the mouth of a cow and threshes with it prove it invalid. As in those cases, a sin has been committed through them, and yet benefit from the products of these actions is permitted. One cannot refute a verbal analogy with logical reasoning.

³²⁷ The Gemara asks further: Why do I need to say, as was stated above, that the case of diverse kinds in a vineyard proves that benefit from meat and milk is prohibited? At that point, two other cases, orla and leavened bread on Passover, had already been offered as proof. Although they were rejected because they both possess a unique stringency, each lacks the stringency possessed by the other. Therefore, let us say that the case of orla proves that the stringency for consumption of leavened bread on Passover, i.e., the penalty of karet, is irrelevant, and vice versa. And let the inference revert to its starting point, and let the halakha with regard to meat cooked in milk be derived by analogy from the common element of the two sources, i.e., the prohibition against both consumption and benefit.

³²⁸ Rav Ashi said: Such a derivation cannot be suggested, because one can say that the case of an unslaughtered animal carcass proves it invalid, as an animal carcass is prohibited for consumption and yet it is permitted for benefit.

³²⁹ Rav Mordekhai said to Rav Ashi: We say in the name of Reish Lakish as follows: For any analogy derived from the common element of two sources, one can refute the analogy only by invoking conflicting details of the two sources themselves, e.g., here, some stringency shared by orla and leavened bread, but not by meat cooked in milk. One cannot refute the analogy from an external case, as you do.

³³⁰ The Gemara asks: If so, then the question remains: Why not let the halakha be derived by analogy from the common element of orla and leavened bread on Passover? The Gemara responds: Because the analogy can be refuted as follows: What is unique about the common element of orla and leavened bread? It is unique in that they both involve produce that grows from the ground, whereas meat and milk do not grow from the ground.

³³¹ The Gemara counters: If so, then even now that the Gemara has invoked diverse kinds in a vineyard to prove the point, the derivation can be refuted in the same manner: What is unique about the prohibition of diverse kinds in a vineyard? It is unique in that it involves produce that grows from the ground.

³³² Rav Mordekhai said to Rav Ashi: We say in the name of Reish Lakish as follows: For any analogy derived from the common element of two sources, one can refute the analogy by invoking any factor shared by the two source cases but not by the target case. But this is insufficient to refute an analogy to a single source from a single source using the standard formulation: No, if you say the halakha applies to the source case, which possesses a unique factor X, must you say the same of the target case, which does not? One can refute such analogies using this formulation only by way of an a fortiori inference, i.e., if the unique factor X is a stringency. But one cannot refute it by simply mentioning any unique factor, e.g., that diverse kinds in a vineyard grow from the ground.

³³³ The Gemara counters: But one need not invoke the case of diverse kinds in a vineyard by itself, since it is invoked in addition to the cases of orla and leavened bread. Consequently, this is effectively a derivation from the common element of all three sources, not from one single case to another. If so, let us refute the derivation from all of them: What is unique about all of the cases? They are unique in that they involve produce that grows from the ground.

³³⁴ Rather, Rav Mordekhai said to Rav Ashi: We say in the name of Reish Lakish as follows:

³³⁵ As stated above, for any a fortiori inference of a single source from a single source, one can refute the derivation by invoking a unique leniency in the supposedly stringent case and a stringency in the lenient one, but one cannot refute it by simply mentioning any aspect unique to the first source. And for inferences of one source from two other sources one can even refute the derivation by mentioning any aspect unique to the first source.

³³⁶ For inferences of one source from three other sources, as suggested here, only if the inference reverts to its starting point, as each source possesses its own unique stringency, and the halakha is then derived by analogy from the common element of all of them, can one refute the inference by mentioning any factor unique to the source cases. But if the inference does not revert, one can refute the derivation only by invoking a leniency and a stringency, but one cannot refute it by mentioning any unique factor. The suggested inference does not revert, since the prohibition of diverse kinds in a vineyard possesses no stringent element that the other sources lack. Therefore, the fact that all the source cases involve produce is immaterial, and the inference from diverse kinds in a vineyard stands.

³³⁷ The Gemara suggests: But let one refute the inference as follows: What is unique about diverse kinds in a vineyard? They are unique in that they had no time that they were fit. The produce is forbidden as soon as it begins to grow, whereas meat and milk are prohibited only when they are cooked together. Rav Adda bar Ahava said: If this suggestion was not employed, that is to say that even the roots of diverse kinds in a vineyard are prohibited, including the seeds and saplings from

which the hybrid plants grow. And they too had a time when they were fit, before taking root. Consequently, the premise of the question must be false.

³³⁸ Rav Shemaya bar Zeira raises an objection to this conclusion from a mishna (Kilayim 7:8): If one transfers a perforated pot with seeds in it into a vineyard, if the size of the plant growing in the pot increases by one two-hundredth of its previous size, such that the permitted original plant is less than two hundred times the amount of the prohibited growth and insufficient to nullify it, the produce is prohibited, due to the prohibition against planting diverse kinds in a vineyard. One may infer: If it increases, yes, it is prohibited; but if it does not increase, no, it is permitted. Apparently, only the additional growth is prohibited, not the planted seeds or saplings.

³³⁹ Abaye said: Two verses are written, i.e., two separate terms in one verse indicate two separate prohibitions: The verse states: “You shall not sow your vineyard with two kinds of seed, lest the growth of the seed that you will sow be forfeited together with the increase of the vineyard” (Deuteronomy 22:9). It is written: “Lest the growth be forfeited,” indicating that it is prohibited only if it has grown, and it is written: “Of the seed,” from which it can be inferred that it is prohibited immediately when it is planted and takes root.

³⁴⁰ How can these texts be reconciled? Abaye explains: If it was planted initially in the vineyard, it becomes prohibited immediately upon taking root. But in a case where it was planted elsewhere and brought into the vineyard later, e.g., in a perforated pot, then one must distinguish: If its size increases in the vineyard, yes, the growth is prohibited; if its size does not increase, no, it is not prohibited.

³⁴¹ The Gemara notes: The mishna, which states that meat cooked in milk is prohibited for benefit, is not in accordance with the opinion of this tanna, as it is taught in a baraita: Rabbi Shimon ben Yehuda says in the name of Rabbi Shimon: It is prohibited to eat meat cooked in milk but it is permitted to derive benefit from it, as it is stated: “For you are a holy people to the Lord your God; you shall not cook a kid in its mother’s milk” (Deuteronomy 14:21). And the verse states elsewhere: “And you shall be holy people to Me; therefore you shall not eat any flesh that is torn by animals [tereifa] in the field; you shall throw it to the dogs” (Exodus 22:30).

³⁴² The use of the word “holy” in both verses indicates that just as there, with regard to a tereifa, it is prohibited to eat it but one is permitted to derive benefit from it, as one may give it to the dogs, so too here, with regard to meat cooked in milk, it is prohibited to eat it but one is permitted to derive benefit from it.

³⁴³ § The mishna states: Rabbi Akiva says: Cooking the meat of an undomesticated animal or a bird in milk is not prohibited by Torah law, as it is stated: “You shall not cook a kid in its mother’s milk” (Exodus 23:19, 34:26; Deuteronomy 14:21), three times, excluding an undomesticated animal, a bird, and a non-kosher animal. The Gemara raises a difficulty: Other halakhot have already been derived from these mentions of the word “kid,” in accordance with the statement of Shmuel (see 113b).

³⁴⁴ The Gemara answers: Rabbi Akiva maintains in general that a prohibition takes effect even where another prohibition already exists, and therefore forbidden fat and the meat of a dead animal, which are already prohibited, do not require a verse to teach that the prohibition of meat and milk applies to them. Furthermore, there is no need to derive from a verse that a fetus is included, as it is a full-fledged kid. Consequently, all three mentions of the word remain for him to expound that they serve to exclude an undomesticated animal and a bird and a non-kosher animal.

³⁴⁵ § The mishna further teaches that Rabbi Yosei HaGelili says: It is stated: “You shall not eat of any animal carcass” (Deuteronomy 14:21), and in the same verse it is stated: “You shall not cook a kid in its mother’s milk.” This indicates that the meat of an animal that is subject to be prohibited due to the prohibition of eating an unslaughtered carcass is prohibited to cook in milk. Consequently, one might have thought it is prohibited to cook in milk the meat of a bird, which is subject to this prohibition. Therefore, the verse states: “In its mother’s milk,” to exclude a bird, which has no mother’s milk. The Gemara asks: What difference is there between the opinion of Rabbi Yosei HaGelili, who excludes a bird from the prohibition of meat and milk due to the phrase “in its mother’s milk,” and the opinion of Rabbi Akiva, who comes to the same conclusion as Rabbi Yosei HaGelili based upon the phrase “You shall not cook a kid”?

³⁴⁶ The Gemara explains: There is a difference between them with regard to an undomesticated animal. Rabbi Yosei HaGelili maintains that the prohibition of cooking the meat of an undomesticated animal in milk applies by Torah law, as an undomesticated animal has mother’s milk, but Rabbi Akiva maintains that the prohibition of cooking the meat of an undomesticated animal in milk applies only by rabbinic law, as it is excluded by the phrase: “You shall not cook a kid.”

³⁴⁷ If you wish, say instead that there is a difference between them with regard to the meat of a bird itself: Rabbi Akiva maintains that the prohibitions of an undomesticated animal and a bird do not apply by Torah law; but it may be inferred from his statement that they are prohibited by rabbinic law. And Rabbi Yosei HaGelili maintains that a bird is not prohibited even by rabbinic law.

³⁴⁸ The Gemara notes: That distinction is also taught in a baraita: In the locale of Rabbi Eliezer, where his ruling was followed, they would cut down trees on Shabbat to prepare charcoal from them with which to light a fire to fashion iron tools with which to circumcise a child on Shabbat. In Rabbi Eliezer’s opinion, not only does the mitzva of circumcision override Shabbat, but also any action required for the preparation of the tools necessary for the circumcision likewise overrides Shabbat. The baraita adds: In the locale of Rabbi Yosei HaGelili they would eat bird meat cooked in milk. Evidently, Rabbi Yosei HaGelili maintains that the prohibition of meat cooked in milk does not include birds.

³⁴⁹ The Gemara relates: Levi happened to come to the house of Yosef the bird hunter [rishba]. They served him the head of a peacock [tayvasa] in milk and he did not say anything to them. When Levi came before Rabbi Yehuda HaNasi, Rabbi Yehuda HaNasi said to him: Why did you not excommunicate these people who eat bird meat cooked in milk, contrary to the decree of the Sages?

³⁵⁰ Levi said to him: It was in the locale of Rabbi Yehuda ben Beteira, and I said: Perhaps he taught them that the halakha is in accordance with the opinion of Rabbi Yosei HaGelili, who said that the phrase “in its mother’s milk” serves to exclude a bird, which does not have mother’s milk. If so, I could not prohibit it to them, and I certainly could not excommunicate them for following their ruling.

³⁵¹ MISHNA: The congealed milk in the stomach of the animal of a gentile and of an unslaughtered animal carcass is prohibited. With regard to one who curdled milk by using the skin of the stomach of a kosher animal as a coagulant to make cheese, which may then have the taste of meat cooked in milk,

³⁵² if the measure of the skin is enough to impart flavor to the milk, that cheese is prohibited. In the case of a kosher animal that suckled milk from a tereifa, the milk in its stomach is prohibited, as the

milk is from the tereifa. If it was a tereifa that suckled milk from a kosher animal, the milk in its stomach is permitted, as the milk is from the kosher animal. In both cases, the milk that an animal suckles has the status of the animal from which it was suckled, and not that of the animal which suckled, because the milk is collected in its innards and is not an integral part of its body.

³⁵³ GEMARA: The mishna makes reference to the stomach of the animal of a gentile and that of an unslaughtered carcass. The Gemara asks: Is that to say that the stomach of an animal slaughtered by a gentile is not itself a carcass? Why does the tanna of the mishna differentiate between them? Rav Huna said: The mishna here is not referring to an animal slaughtered by a gentile. Rather, we are dealing with a Jew who purchases a kid from a gentile and slaughters it himself. Therefore, the kid is not prohibited as a carcass, but we are concerned that perhaps it suckled from a tereifa animal, and it is therefore prohibited.

³⁵⁴ The Gemara asks: And are we concerned that perhaps it suckled from an animal that is a tereifa? But didn't we learn in a baraita (Tosefta 3:8): One may purchase eggs from gentiles, and we are not concerned that perhaps the eggs came from a carcass nor that they came from a tereifa. The Gemara answers: Indeed, there is no concern that the kid might have suckled from a tereifa. Rather, say that we are concerned that perhaps it suckled from a non-kosher animal, and therefore the milk in its stomach is prohibited.

³⁵⁵ The Gemara asks: And what is different about a tereifa that we are not concerned that perhaps the animal suckled from it, and what is different about a non-kosher animal that we are concerned? The Gemara answers: A tereifa animal is not common, whereas a non-kosher animal is common, and it is therefore more likely that the young animal suckled from one.

³⁵⁶ The Gemara raises a difficulty: If suckling from a non-kosher animal is common, then let us be concerned even with regard to our own animals. The Gemara responds: We Jews, who separate ourselves from non-kosher animals, when we see them we immediately distance our suckling animals from them. Therefore, the Sages did not issue a decree with regard to animals purchased from Jews. But as for the gentiles, who do not separate themselves from non-kosher animals, when they see them they do not distance their kosher animals from them. Consequently, the Sages issued a decree with regard to animals purchased from a gentile.

³⁵⁷ And Shmuel said a different explanation of the mishna's language: The tanna of the mishna is teaching only one halakha: The congealed milk in the stomach of an animal slaughtered by a gentile is like a carcass, and it is therefore prohibited.

³⁵⁸ The Gemara asks: And did Shmuel actually say this? Does he hold that the milk in the stomach of an unslaughtered animal is prohibited as if it were part of its body? But didn't Shmuel say: For what reason did the Sages prohibit the cheese of gentiles? It is because they curdle it with the skin of the stomach of a carcass. One may infer consequently that congealed milk, or rennet, from the stomach of a gentile's animal is itself permitted and would not render the cheese prohibited if used as a coagulant.

³⁵⁹ The Gemara answers: That is not difficult. Elsewhere (Avoda Zara 29b), Rabbi Yehoshua teaches two reasons for the prohibition on gentile cheese. Initially, he held it to be prohibited because it is curdled using rennet from the stomach of an animal carcass. He later adopted the opinion that such rennet is permitted, and that the cheese is prohibited because it is curdled using rennet from the stomach of calves used for idol worship, which is prohibited. Therefore, the mishna here, which

states that the rennet in a carcass's stomach is itself prohibited, was taught before Rabbi Yehoshua's retraction, while Shmuel's statement there, that the Sages prohibited gentile cheese only because it is curdled with the skin of the stomach of a carcass, was after Rabbi Yehoshua's retraction.

³⁶⁰ § The mishna teaches: In the case of a kosher animal that suckled milk from a tereifa, the milk in its stomach is prohibited, whereas if a tereifa suckled milk from a kosher animal, the milk in its stomach is permitted. The Gemara raises a difficulty: But doesn't the first clause of the mishna teach: The congealed milk in the stomach of the animal of a gentile and of a carcass is prohibited? What is the difference between the milk found in the stomach of a tereifa in the second clause and the milk found in the stomach of an unslaughtered carcass in the first clause?

³⁶¹ Rav Ḥisda said: In fact, milk found in the stomach of a carcass is not itself prohibited. The first clause of the mishna prohibits it only because one who partakes of it looks like one who eats carcasses, which is repulsive. By contrast, here, with regard to a tereifa, the consumption of milk found in its stomach is less repulsive, as here there is at least slaughter of the animal.

³⁶² Rava said to Rav Ḥisda: But is it not possible to claim a fortiori that milk found in the stomach of a tereifa should be prohibited? Just as with regard to a carcass, which is so repulsive that even if you permit the milk in its stomach people will not come to partake of the meat, you nevertheless said the milk is not permitted for consumption, is it not all the more so with regard to a tereifa that has been slaughtered, which is not as repulsive, such that if you permit the milk in its stomach people might come to partake of it?

³⁶³ Rather, Rav Yitzḥak said that Rabbi Yoḥanan says: This question is not difficult. The first clause of the mishna here, which teaches that the milk in the stomach of a carcass is prohibited, was taught before Rabbi Yehoshua's retraction cited above, whereas the latter clause there, that milk from the stomach of a tereifa is permitted, was taught after Rabbi Yehoshua's retraction. A mishna can sometimes preserve an older ruling and then immediately teach a contradictory later ruling, because a mishna does not move from its place. Since the first clause of the mishna was already canonized, it was not removed, despite Rabbi Yehoshua's change of opinion.

³⁶⁴ § Rabbi Ḥiyya bar Abba says that Rabbi Yoḥanan says: One may curdle milk with rennet extracted from the stomach of carcasses, but one may not curdle milk with rennet from the stomach of animals slaughtered by a gentile. Rabbi Shimon bar Abba said before Rabbi Ḥiyya bar Abba: In accordance with whose opinion is this ruling? It is in accordance with the opinion of Rabbi Eliezer, who said: A gentile's presumed intention during slaughter is for idol worship. Therefore, the prohibition against deriving benefit from an animal slaughtered in idol worship applies to it, and this prohibition includes the contents of its stomach that are not actually part of its body. By contrast, a carcass is prohibited only for consumption, and the prohibition does not extend to the contents of its stomach.

³⁶⁵ Rabbi Ḥiyya bar Abba said to Rabbi Shimon bar Abba: Rather, in accordance with whose opinion could this ruling be? Of course it is the opinion of Rabbi Eliezer.

³⁶⁶ The Gemara relates: When Rav Shmuel bar Rav Yitzḥak came from Eretz Yisrael to Babylonia, he said that Rabbi Yoḥanan said: One may curdle milk both with rennet from the stomach of a carcass and with rennet from the stomach of an animal slaughtered by a gentile, as there is no need to be concerned for the statement of Rabbi Eliezer. According to this account, Rabbi Yoḥanan does not maintain that a gentile's presumed intention is for idol worship.

³⁶⁷ The Gemara concludes: And the halakha is: One may not curdle milk with the skin of the stomach of a carcass, but one may curdle milk with rennet from the stomach of a carcass and with rennet from the stomach of an animal slaughtered by a gentile, and with rennet from the stomach of a kosher animal that suckled from a tereifa, and all the more so with rennet from the stomach of a tereifa animal that suckled from a kosher animal. What is the reason for these lenient rulings? The milk collected in a stomach is merely secretion and is not considered food that can be prohibited.

³⁶⁸ MISHNA: Although animal fats and blood are similar in that they are both prohibited by Torah law and punishable by karet, there are elements more stringent in the prohibition of fat than in that of blood, and likewise there are elements more stringent in the prohibition of blood than in that of fat. The elements more stringent in the prohibition of fat are the following: The first is that with regard to fat of an offering,

³⁶⁹ one who derives benefit from it is liable for misuse of consecrated property. And second, one is liable for eating it due to violation of the prohibition of piggul, if it was from an offering that was slaughtered with the intent to sprinkle its blood or partake of it beyond its designated time, and due to the prohibition of notar, if it was from an offering whose period for consumption has expired. And third, if one is ritually impure, he is liable due to the prohibition of partaking of it while impure. This is not so with regard to blood, as one is not liable in these cases for violating the prohibitions of piggul, notar, and partaking of offerings while impure, but rather is liable only for violating the prohibition of consuming blood.

³⁷⁰ And the more stringent element in the prohibition of blood is that the prohibition of blood applies to domesticated animals, undomesticated animals, and birds, both kosher and non-kosher, but the prohibition of forbidden fat applies only to a kosher domesticated animal.

³⁷¹ GEMARA: According to the mishna, one who consumes forbidden fat of an offering is liable for misuse of consecrated property. The Gemara asks: From where are these matters derived? Rabbi Yannai said: They are derived from a verse, as the verse states that the sacrificial portions of a bull brought for an unwitting sin of the anointed priest must be burned upon the altar: “As it is taken off from the bull of the peace offering” (Leviticus 4:10). But what, then, do we learn from the bull of the peace offering? Everything that is specified with regard to a peace offering is stated with regard to this bull as well (see Leviticus 4:8–9).

³⁷² Rather, this phrase initially comes to teach a halakha about the bull brought as an offering for an unwitting sin of the anointed priest, but it turns out that it actually derives a halakha from that case, as the verse juxtaposes the bull of the peace offering to the bull of the anointed priest. It teaches that just as the bull of the anointed priest, as an offering of the most sacred order, is subject to the prohibition on misuse of consecrated property, as offerings of the most sacred order are called “the sacred items of the Lord” (see Leviticus 5:15), so too the sacrificial portions of the bull of the peace offering, including its forbidden fat, are subject to misuse of consecrated property, even though it is an offering of lesser sanctity and is considered the property of the owner before slaughter.

³⁷³ Rabbi Ḥanina said to Rabbi Yannai: Is that derivation that Rabbi Yehuda HaNasi taught unattractive, that you derive a new one? He taught that when the Torah states with regard to peace offerings, which are of lesser sanctity: “All the fat is the Lord’s” (Leviticus 3:16), it serves to include the sacrificial portions of offerings of lesser sanctity in the prohibition against misuse of consecrated

property, even though the prohibition is stated explicitly only with regard to offerings of the most sacred order.

³⁷⁴ Abaye said: Rabbi Yannai's derivation was necessary, as, if the Merciful One had written only the verse "All the fat is the Lord's," I would say that the fat of offerings of lesser sanctity, yes, they are included in the prohibition, but the diaphragm and the two kidneys of such offerings are not, even though they are also burned upon the altar. Therefore, the Merciful One writes: "As it is taken off from the bull of the peace offering," to teach that even these portions are subject to the prohibition of misuse.

³⁷⁵ And conversely, if the Merciful One had written only the phrase: "As it is taken off from the bull," I would say that the prohibition applies only to those portions that are found in a bull, and that the fat of a sheep tail, which is not found in a bull, is not included. Therefore, the Merciful One writes: "All the fat is the Lord's," to teach that the prohibition of misuse applies to all portions of offerings of lesser sanctity, including a sheep tail, which is referred to as fat in Leviticus 3:9.

³⁷⁶ Rav Mari said to Rav Zevid: If a sheep tail is called "fat," it should be prohibited for consumption, like forbidden fat. Rav Zevid said to Rav Mari: With regard to your claim, the verse states: "You shall eat no fat, of ox, or sheep, or goat" (Leviticus 7:23). This teaches that the Torah designates as forbidden fat only an item that is found equally in an ox, and a sheep, and a goat. Since the ox and goat do not have a tail that consists of a large amount of fat, the sheep's fatty tail is not prohibited.

³⁷⁷ Rav Ashi said a different explanation: It is called "the fat tail," but it is not called simply: Fat, without specification. The Gemara objects: If that is so that the addition of a modifier indicates that the tail is not truly fat, then one who derives benefit from the tail should not be liable for misuse of consecrated property either. Rather, it is clear that the correct answer is as stated by Rav Zevid.

³⁷⁸ § The mishna teaches: This is not so with regard to blood, as one who derives benefit from blood is not liable for misuse of consecrated property. The Gemara asks: From where are these matters derived? Ulla said: The verse states with regard to blood: "For the life of the flesh is in the blood, and I have given it to you upon the altar to make atonement for your souls" (Leviticus 17:11). The term "to you" indicates that it shall be yours, rather than consecrated property, and is therefore not subject to the prohibition of misuse of consecrated property. The school of Rabbi Yishmael taught a different derivation. By using the term "to make atonement," the verse teaches that God is saying: I gave it to achieve atonement, but not to be subject to the prohibition against misuse of consecrated property.

³⁷⁹ And Rabbi Yoḥanan says that this halakha is derived from the latter part of the verse, which states: "For it is the blood that makes atonement for the soul" (Leviticus 17:11). The term "it is" teaches that the status of the blood remains as it is, i.e., it is before atonement as it is after atonement. As the Gemara will state, there is a principle that once the mitzva involving a consecrated item has been performed, the item is no longer subject to the prohibition of misuse of consecrated property. Accordingly, the term "it is" teaches that just as after atonement, i.e., after the blood has been sprinkled upon the altar, it is not subject to the prohibition against misuse of consecrated property, as the mitzva has already been performed, so too, before atonement, i.e., before the blood has been sprinkled upon the altar, it is not subject to the prohibition against misuse of consecrated property.

³⁸⁰ The Gemara objects: But if the term "it is" teaches that the status of the blood remains the same before and after atonement, one can say just the opposite: It is after atonement as it is before

atonement. Just as before atonement the blood is subject to the prohibition of misuse of consecrated property, so too, after atonement it is subject to the prohibition of misuse of consecrated property. The Gemara responds: This cannot be the case, since as a rule, there is no item whose mitzva has been performed and is still subject to the prohibition of misusing of consecrated property.

³⁸¹ The Gemara asks: And is there no such case? But there is the mitzva of the daily removal of the ashes of offerings burned on the altar, the mitzva of which has been performed, and yet one who derives benefit from it is liable for misuse of consecrated property, as it is written: “And he shall take up the ashes of what the fire has consumed of the burnt offering on the altar, and he shall put them beside the altar” (Leviticus 6:3). The ashes must be left there, where they are absorbed into the ground, and one who removes and derives benefit from them violates the prohibition against misuse of consecrated property, even though their mitzva has been performed. This contradicts the principle posited above.

³⁸² The Gemara answers: The principle does not apply in that case, because the mitzva of the removal of the ashes and the matter of the four white priestly vestments worn by the High Priest on Yom Kippur, which may not be used again, are both specified as exceptions to the halakha that the prohibition of misuse of consecrated property does not apply after their mitzva has been performed. Consequently, they are two verses that come as one, i.e., they share a unique halakha not found elsewhere. And as a rule, any two verses that come as one do not teach their common element to apply to other cases. The principle therefore remains in place.

³⁸³ The Gemara raises a further difficulty: This works out well according to the opinion of the Rabbis, who say that the verse: “And he shall take off the linen garments, which he wore when he went into the Sanctuary, and shall leave them there” (Leviticus 16:23), teaches that these four white garments worn by the High Priest on Yom Kippur are not fit for further use, and they require interment. But according to the opinion of Rabbi Dosa, who said that the verse teaches only that the High Priest may not use the vestments on Yom Kippur in a different year, but they are fit for an ordinary priest and do not require interment, what is there to say? If the priestly vestments are not an exception to the halakha that there is no prohibition of misuse of consecrated property after the performance of a mitzva, the removal of the ashes remains as the only exception. Why, then, does it not serve as a paradigm for other instances in the Torah?

³⁸⁴ The Gemara responds: Rather, it is because the cases of the removal of the ashes and the heifer whose neck is broken to atone for an unsolved murder (Deuteronomy 21:1–9) are two verses that come as one, as it is also prohibited to derive benefit from the heifer after its mitzva is performed. And any two verses that come as one do not teach their common element to apply to other cases.

³⁸⁵ The Gemara asks: This works out well according to the one who says that two verses that come as one do not teach their common element to apply to other cases, but according to the one who says that two verses that come as one do teach their common element to apply to other cases, what is there to say? The Gemara answers: Two

³⁸⁶ exclusions are written in these two cases, which indicate that this halakha applies to them alone. Here, with regard to the removal of ashes, it is written: “And he shall put it” (Leviticus 6:3), indicating that this halakha applies to “it,” and nothing else. There, with regard to the heifer whose neck is broken, it is written: “Whose neck was broken” (Deuteronomy 21:6). This superfluous description teaches that the halakha that the prohibition of misuse of consecrated property is in effect

even after the performance of a mitzva applies solely to this case and should not be extended to others.

³⁸⁷ The Gemara returns to the three phrases from Leviticus 17:11 cited above as teaching that the blood of offerings is not subject to the prohibition of misuse of consecrated property: And why do I need all three verses stated with regard to blood?

³⁸⁸ The Gemara answers: One term serves to exclude blood from the prohibition of notar. If one consumed the blood of such an offering, he is not liable for consuming notar as one who consumed the flesh would be. Rather, he is liable for violating only the prohibition against consuming blood. And one term serves to exclude blood from the prohibition against misuse of consecrated property, and one other term serves to exclude it from the prohibition of consumption of offerings in a state of ritual impurity. If one consumed this blood in a state of ritual impurity, he is liable only for consuming blood, but not for consuming consecrated food while ritually impure.

³⁸⁹ But no verse is required to exclude this blood from the halakha of piggul, an offering sacrificed with intention to consume it beyond its designated time, consumption of which is punishable by karet, as this exception is already derived from another source. As we learned in a mishna (Zevahim 43a): Concerning any item that has permitting factors, either with regard to consumption by a person or with regard to burning on the altar, one is liable for eating it due to violation of the prohibition of piggul. But the permitting factor itself is not subject to piggul, and the blood of an offering is itself a permitting factor, as consumption of the offering by a person or by the altar is only permitted after the blood has been sprinkled on the altar. Therefore, the blood is not subject to the prohibition of piggul.

Chapter 9

¹ MISHNA: All foods that became ritually impure through contact with a source of impurity transmit impurity to other food and liquids only if the impure foods measure an egg-bulk. In that regard, the Sages ruled that even if a piece of meat itself is less than an egg-bulk, the attached hide, even if it is not fit for consumption, joins together with the meat to constitute an egg-bulk. And the same is true of the congealed gravy attached to the meat, although it is not eaten; and likewise the spices added to flavor the meat, although they are not eaten; and the meat residue attached to the hide after flaying; and the bones; and the tendons; and the lower section of the horns, which remains attached to the flesh when the rest of the horn is removed; and the upper section of the hooves, which remains attached to the flesh when the rest of the hoof is removed.

² All these items join together with the meat to constitute the requisite egg-bulk to impart the impurity of food. Although if any of them was an egg-bulk they would not impart impurity of food, when attached to the meat they complete the measure. But they do not join together to constitute the measure of an olive-bulk required to impart the impurity of animal carcasses.

³ Similarly, there is another item that imparts impurity of food but not impurity of animal carcasses: In the case of one who slaughters a non-kosher animal for a gentile and the animal is still twitching and comes into contact with a source of impurity, the animal becomes impure with impurity of food and imparts impurity of food to other food, but does not impart impurity of animal carcasses until it

dies, or until one severs its head. The mishna summarizes: The Torah included certain items to impart impurity of food beyond those which it included to impart impurity of animal carcasses.

⁴ Rabbi Yehuda says: With regard to the meat residue attached to the hide after flaying that was collected, if there is an olive-bulk of it in one place it imparts impurity of an animal carcass, and one who contracts impurity from it and then eats consecrated foods or enters the Temple is liable to receive karet. By collecting it in one place, the person indicates that he considers it as meat.

⁵ GEMARA: The mishna teaches that the attached hide joins together with the meat to constitute the requisite egg-bulk to impart the impurity of food even though it is not fit for consumption. This is because the hide acts as a protective cover for the meat. But it does not join to constitute the measure of an olive-bulk required to impart the impurity of animal carcasses. The Gemara notes: We learn in the mishna that which the Sages taught explicitly in a baraita: An appendage that serves as protection joins together with food with regard to a light level of impurity, such as the impurity of food, which can be transmitted only to food but not to people or vessels. But protection attached to food does not join together with food with regard to a severe level of impurity, such as the impurity of an animal carcass, which can be transmitted even to people and vessels.

⁶ The Gemara asks: From where do we derive that protection joins together with food with regard to a light level of impurity? The Gemara answers that it is derived from a verse, as the school of Rabbi Yishmael taught: With regard to the halakhot of imparting impurity of food, the verse states: “And if anything falls from their carcass upon any sowing seed that is sown, it is pure. But if water is put upon the seed, and any of the carcass falls on it, it is impure for you” (Leviticus 11:37–38). The phrase “upon any sowing seed” indicates that the entire seed is susceptible to impurity when it is in a state where it is typical for people to take it out to the field for sowing: This applies to wheat in its shell, and barley in its shell, and lentils in their shells. This demonstrates that shells and other components that protect the food are considered part of the food with regard to a light level of impurity.

⁷ The Gemara asks: From where do we derive that protection does not join together with the food with regard to a severe level of impurity? The Gemara answers that it is as the Sages taught in a baraita: With regard to the impurity of a carcass, the verse states: “And if any animal of which you may eat dies, one who touches its carcass shall be impure until the evening” (Leviticus 11:39). This indicates that only one who touches the flesh of the carcass becomes impure, but one who touches the hide of the carcass upon which there is not an olive-bulk of flesh does not become impure.

⁸ One might have thought that only one who touches the flesh of the carcass becomes impure, but one who touches the external side of the hide of the carcass that is aligned with the flesh, but does not touch the flesh itself, does not become impure. Therefore, the verse states: “One who touches its carcass shall be impure until the evening” (Leviticus 11:39). It is derived from the term “shall be impure” that even one who touches the hide in this manner becomes impure.

⁹ The Gemara asks: What is the baraita saying? The first clause of the baraita teaches that the hide does not impart impurity of a carcass while the latter clause teaches that one who touches the hide does become impure with the impurity of a carcass. Rava said, and some say it unattributed: The baraita is incomplete and this is what it is teaching: The term “its carcass” teaches that one who touches the flesh of a carcass becomes impure but one who touches the hide of a carcass upon which there is not an olive-bulk of flesh does not become impure. And even if the volume of the hide

together with the flesh adds up to an olive-bulk, the hide does not join together with the flesh to constitute the measure of an olive-bulk required to impart impurity of an animal carcass.

¹⁰ One might have thought that I remove from the category of impurity of a carcass even a hide upon which there is an olive-bulk of flesh with regard to one who touches the external side of the hide of the carcass that is aligned with the flesh but does not touch the flesh itself. One might have thought that he does not become impure in such a case, and that the hide in this case does not even constitute a handle of the flesh, which would render one who touches it impure as though he touched the flesh itself.

¹¹ Therefore, the verse states: “Shall be impure,” from which it is derived that even though an appendage that serves as protection for the flesh does not join together with the flesh to constitute the measure of an olive-bulk required to impart the impurity of animal carcasses, it is considered a handle of the flesh, which does impart impurity. Therefore, if there is an olive-bulk of flesh attached to the hide, one who touches the outside of the hide becomes impure, even if he did not touch the flesh.

¹² §The Gemara discusses the transmission of impurity of food with regard to accessories that serve as a handle and that provide protection. We learned in a mishna there (Okatzin 1:1): With regard to any appendage that serves as a handle, i.e., a part that one holds while eating the food, but does not provide protection, the attached food becomes impure if the handle comes into contact with a source of impurity, and the handle transmits impurity from the attached food to other foods that come into contact with the handle. But the handle does not join together with the food to constitute the requisite measure to impart impurity.

¹³ With regard to any appendage that provides protection, even if it does not serve as a handle, the attached food becomes impure if the protection comes into contact with an impure item, and the protection imparts impurity, and it also joins together with the food to constitute the requisite measure to impart impurity. With regard to an appendage that does not serve as a handle nor as protection, the attached food does not become impure if the appendage comes into contact with a source of impurity, nor does the appendage impart impurity. In addition, it does not join together with the food to constitute the requisite measure to impart impurity.

¹⁴ The Gemara asks: Where is this halakha that handles are susceptible to and impart impurity written? The Gemara answers: As it is written with regard to the impurity of food: “But if water is put on the seed, and any of the carcass falls on it, it is impure for you” (Leviticus 11:38). It is derived from the term “for you” that any part needed for your use of the food is susceptible to impurity and imparts impurity, including the handles that facilitate the consumption of the food.

¹⁵ And furthermore it is written with regard to the impurity of a carcass: “And if any animal which is for you to consume dies, one who touches its carcass shall be impure until the evening” (Leviticus 11:39). The term “for you” indicates that any part needed for your use of the carcass imparts impurity, including the handles. One who touches the handle of an item that is impure with impurity of a carcass becomes impure as though he touched the carcass itself. These two verses teach that a handle transmits impurity both with regard to importing impurity into the attached food and with regard to exporting impurity from the attached food.

¹⁶ A verse is not needed to derive that protection both imports and exports impurity. This halakha is inferred a fortiori from the halakha of a handle: If a handle, which is treated more leniently than

protection because it does not protect the food, nevertheless both imports and exports impurity, then with regard to protection, which is treated more stringently than a handle because it protects the food, should it not all the more so import and export impurity?

¹⁷ Since this is so, why do I need the verse that the Merciful One writes from which it is derived that protection is considered part of the food with regard to ritual impurity, i.e., the verses: “Upon any sowing seed that is sown...It is impure for you” (Leviticus 11:37–38)? Conclude from these verses that protection not only imparts impurity, but even joins together with the food to constitute the requisite measure to impart impurity.

¹⁸ The Gemara challenges: But say that these verses should be interpreted differently: A handle, which is treated more leniently than protection, is considered part of the food such that it imports but does not export impurity. Protection, which is treated more stringently than a handle, is considered like food to import and export impurity. But it is not derived that a handle exports impurity nor that protection joins together with the food to constitute the requisite measure to impart impurity.

¹⁹ The Gemara explains: You cannot say that a handle is considered part of the food such that it imports but does not export impurity for the following reason: Now that the handle is considered part of the food with regard to importing impurity into the food, is it necessary to state that it exports impurity? If a handle can cause ritually pure food attached to it to become impure, certainly it can transmit the impurity of impure food attached to it to other foods. Consequently, since a handle both imports and exports impurity, it is inferred a fortiori that protection also imports and exports impurity. It is therefore derived from the verse concerning appendages that serve as protection that protection joins together with the food to constitute the requisite measure to impart impurity.

²⁰ The Gemara challenges: But say instead that a handle, which is treated more leniently than protection, is considered part of the food such that it exports but does not import impurity. Protection, which is treated more stringently than a handle, both exports and imports impurity. But it is not derived that a handle imports impurity nor that protection joins together with the food to constitute the requisite measure to impart impurity.

²¹ The Gemara explains: There is an additional derivation with regard to a handle, as it is written with regard to the impurity of vessels: “And everything upon which any part of their carcass falls shall be impure; whether an oven, or a range for pots, it shall be broken in pieces; they are impure, and shall be impure for you” (Leviticus 11:35).

²² It is derived from the term “for you” that any part needed for your use of a vessel has the impurity status of the vessel itself, including the handles. Therefore, if the vessel comes into contact with a source of impurity, the handle is considered part of the vessel and is also rendered impure. Consequently, there are two derivations with regard to a handle: One teaches that a handle imports impurity into the object to which it is attached, and the other teaches that a handle exports impurity from the object. It is derived through a fortiori inference from the halakha of a handle that protection both imports and exports impurity, and therefore the verse that states “Upon any sowing seed” teaches that protection joins together with the food to constitute the requisite measure to impart impurity.

²³ The Gemara asks: With regard to these three verses that are interpreted as referring to handles, one of which discusses the impurity of food, one of which discusses the impurity of vessels, and one of which discusses the impurity of carcasses, which of them is superfluous such that one can derive

from it that a handle does not merely export impurity from the food but imports impurity to the food as well? All of these verses are necessary to teach that a handle exports impurity.

²⁴ The Gemara elaborates on the question: Let the Merciful One write that a handle exports impurity with regard to the impurity of seeds, i.e., food, and let those matters, i.e., that it exports the impurity of vessels and animal carcasses, be derived from it. But one cannot infer from the impurity of food that a handle exports the impurity of vessels, as what is notable about seeds? It is notable in that they have a greater susceptibility to impurity. Food is susceptible to even second-degree impurity, whereas vessels are susceptible to only first-degree impurity. Likewise, one cannot derive from the impurity of food that a handle exports the impurity of an animal carcass because the impurity of food applies to more items, as is taught in the mishna that some items are susceptible to the impurity of food but not to the impurity of animal carcasses.

²⁵ Let the Merciful One write that a handle exports impurity with regard to the impurity of an oven, i.e., vessels, and let those matters, i.e., that it exports the impurity of food and the impurity of an animal carcass, be derived from it. But this inference is also not valid, as what is notable about the impurity of an oven? It is notable in that a vessel transmits impurity to foods not only through contact but also through its airspace, whereas those other types of impurity do not share this element of stringency.

²⁶ Let the Merciful One write that a handle exports impurity with regard to the impurity of an animal carcass, and let those matters, i.e., that it exports the impurity of food and of vessels, be derived from it. But this inference is also not valid, as what is notable about the impurity of a carcass? It is notable in that a carcass transmits impurity to a person, and transmits impurity to one carrying the carcass even if he is not touching it, and its impurity emanates from its body and does not originate from an external source. Those other types of impurity do not share these elements of stringency.

²⁷ The Gemara answers: The halakha of one of these three types of ritual impurity cannot be derived from the halakha of any one of the others. Yet, one of the verses is still superfluous because one can derive the halakha of one of these three types from the other two.

²⁸ The Gemara asks: Which can one derive from the other two? Let the Merciful One not write that a handle exports impurity with regard to the impurity of seeds, i.e., food, and derive this halakha from those two other cases, the impurity of carcasses and of vessels. But this inference is not valid, as what is notable about those cases? They are notable in that they become ritually impure without first being rendered susceptible to impurity by coming into contact with liquid. Shall you say the same halakha with regard to seeds, which do not share this element of stringency, as food can become impure only after first being rendered susceptible to impurity by coming into contact with liquid?

²⁹ Rav Huna, son of Rav Yehoshua, said: This element of leniency is not unique to the impurity of food. Produce that is not rendered susceptible to impurity by coming into contact with liquid is equivalent to an oven whose construction is not complete. An oven whose construction is incomplete is also not susceptible to impurity.

³⁰ Rather, refute this derivation in the following manner: What is notable about those cases of impurity of carcasses and vessels? They are notable in that they become impure even without contact. An oven becomes impure if a creeping animal is within its airspace, and the impurity of an animal carcass originates from its own body without contact with an external source. Shall you state the same halakha with regard to seeds, which become impure only through contact?

³¹ Let the Merciful One not write that a handle exports impurity with regard to the impurity of an oven, i.e., vessels, and derive this halakha from those cases, the impurity of food and carcasses. But this derivation is not valid, as what is notable about those cases of the impurity of food and carcasses? They are notable in that they are food. Therefore, their halakhot cannot necessarily be applied to an oven and other vessels that are not food.

³² Let the Merciful One not write that a handle exports impurity with regard to a carcass and derive this halakha from those cases of the impurity of food and vessels. The Gemara responds: Yes, it is indeed so. Rather, since one can derive in such a manner that a handle attached to a carcass imparts impurity, why do I need the verse to state the halakha of a handle with regard to the impurity of a carcass? If it is not needed for the matter of a handle with regard to the impurity of a carcass, apply it to the matter of a handle in general with regard to food, and derive from it that a handle imports impurity to the food.

³³ Therefore, in summary, one can derive that a handle imports impurity and that a handle exports impurity, and one can infer that protection imports and exports impurity a fortiori from the halakha of a handle. It is therefore derived from the verse concerning protection that protection joins together with the food to constitute the requisite measure to impart impurity.

³⁴ The Gemara challenges: But it is still necessary for the verse to state the halakha that a handle exports impurity with regard to the impurity of a carcass; as, if the Merciful One had not written the halakha of a handle with regard to impurity of a carcass, I would say: It is sufficient for the conclusion that emerges from an a fortiori inference to be like its source. In this case, a halakha with regard to the impurity of carcasses which is inferred a fortiori from the cases of impurity of food and impurity of vessels is no more stringent than the source from which it is derived. Just as handles in these cases of impurity of food and vessels do not transmit impurity to a person, so too the handle of a carcass does not transmit impurity to a person. Therefore, the verse from which it is derived that a handle exports the impurity of a carcass is necessary, and cannot be applied to the matter of importing impurity.

³⁵ The Gemara answers: Rather, it is necessary for the verse to state the halakha of a handle with regard to the impurity of a carcass, but it is not necessary for the verse to state the halakha of protection with regard to the impurity of a carcass. With regard to what halakha does the Merciful One write that verse? If it is teaching that protection joins together with the carcass to constitute the requisite measure to impart impurity, you said that protection does not join together with the carcass to constitute the requisite measure to impart impurity. And if it is teaching that protection exports the impurity of a carcass, it is not necessary to teach that, because that halakha is inferred a fortiori from the halakha of a handle.

³⁶ Rather, if it is not needed for the matter of protection of a carcass, apply it to the matter of the handle of a carcass. And if it is not needed for the matter of a handle of a carcass, apply it to the matter of a handle in general, and derive from it that a handle imports impurity. Therefore, in summary, one can derive that a handle exports impurity and that a handle imports impurity, and one can derive from the verse concerning protection with regard to the impurity of food that protection joins together with the food to constitute the requisite measure to impart impurity.

³⁷ The Gemara asks: Why is it assumed that if the verse is not needed for the matter of protection of a carcass, it should be applied to the matter of a handle in general? Say that if the verse is not needed

for the matter of protection of a carcass, apply it to the matter of protection in general with regard to food. Although it is already written: “Upon any sowing seed” (Leviticus 11:37), two verses are necessary to teach the halakha of protection with regard to food: One verse to teach that protection imports impurity and one to teach that protection joins together with the food to constitute the requisite measure to impart impurity. But there is no source from which to derive that a handle imports impurity.

³⁸ The Gemara answers: The halakha that a handle imports impurity is not derived from the superfluous verse written with regard to the impurity of a carcass. Rather, it is necessary to return to the explanation that was initially proposed, i.e., that it is written with regard to the impurity of food: “It is impure for you” (Leviticus 11:38), from which it is derived that any part needed for your use of the food imparts impurity, including handles. It was asked with regard to this derivation: Say that this verse teaches that a handle exports impurity but not that it imports impurity. The Gemara suggests: That question is not difficult. From the outset, when the halakha of a handle is written: “But if water is put upon the seed, and any of their carcass falls on it, it is impure for you” (Leviticus 11:38), it is written in the context of importing impurity. Therefore, it is inferred a fortiori that a handle exports impurity from the halakha that it imports impurity, and it is derived a fortiori from the halakhot of a handle that protection both imports and exports impurity. It is also derived that protection joins together with the food to constitute the requisite measure to impart impurity from that which is written: “On any sowing seed.”

³⁹ The Gemara asks: But if that is so, why do I need the verse to teach the halakha of protection with regard to a carcass, as it is written: “Shall be impure” (Leviticus 11:39)? The Gemara answers: It is necessary for the matter itself, to teach that the halakha of protection is applicable to the impurity of a carcass.

⁴⁰ The Gemara asks: And with regard to what halakha is this taught? If it teaches that protection joins together with the carcass to constitute the requisite measure to impart impurity, you said in the mishna that protection does not join together with the carcass to constitute the requisite measure to impart impurity. If it teaches that protection imports and exports the impurity of a carcass, it is not necessary for the verse to teach this halakha because it is inferred a fortiori from the halakhot of a handle. The Gemara answers: Sometimes there is a matter that could be inferred a fortiori, and the verse nevertheless takes the trouble and writes it explicitly.

⁴¹ The Gemara objects: If so, one may ask: With regard to protection in general, i.e., with regard to food, it was established that the verse is not necessary to teach that it imports and exports impurity, and therefore the verse teaches that protection joins together with the food to constitute the requisite measure to impart impurity. I will say to you instead that the verse teaches that protection imports impurity, and the reason that the verse teaches this halakha even though it could be inferred a fortiori is because sometimes there is a matter that could be inferred a fortiori and the verse nevertheless takes the trouble and writes it explicitly.

⁴² The Gemara answers: Where it is possible to interpret the verse in a manner that a novelty is derived, we interpret it in such a manner and do not maintain that the verse teaches that which could be inferred a fortiori.

⁴³ The Gemara returns to the previous proposal to derive that a handle imports impurity from the verse concerning protection of a carcass based on the reasoning that if the verse is not needed for the

matter of protection of a carcass, it should be applied to the matter of a handle in general. Previously, the Gemara challenged this derivation: If the verse is not needed for the matter of protection for the impurity of a carcass, it should be applied to the matter of protection in general. Rav Ḥaviva said in response: The halakha of protection of a carcass is different because it imports and exports impurity but does not join together with the carcass to constitute the requisite measure to impart impurity. Since the protection serves as a handle in that it only imports and exports impurity, we apply its novelty to the halakhot of a handle and not to the halakhot of protection.

⁴⁴ §Previously it was derived that protection joins together with the food to constitute the requisite measure to impart impurity from that which is written: “On any sowing seed that is sown” (Leviticus 11:37), indicating that the entire seed is susceptible to ritual impurity when it is in a state where it is typical for people to take it out to the field for sowing, e.g., wheat and barley in their shells. Rav Yehuda bar Yishmael objects to this from that which we learned in a mishna (Okatzin 2:3): The protrusion of a pomegranate joins together with the pomegranate to constitute the measure of an egg-bulk that is required to impart impurity, because it provides protection for the fruit. But its flower does not join together with the pomegranate in that regard because it does not provide protection for the fruit; rather, it provides protection for the protection of the fruit.

⁴⁵ Rav Yehuda bar Yishmael asks: And why does the protrusion join together with the pomegranate to constitute an egg-bulk? Read here that the verse states: “On any sowing seed,” indicating that the entire seed is susceptible to ritual impurity when it is in a state where it is typically taken out to the field for sowing. But pomegranates are not typically taken out to the field for sowing with their protrusions, since they are usually planted in the field as seedlings.

⁴⁶ And furthermore, one can object to this derivation from that which we learned in the mishna: The hide and the congealed gravy attached to the meat, and the spices, and the meat residue, and the bones, and the tendons, and the lower section of the horns, and the section of the hooves, all join together with the meat to constitute the requisite egg-bulk to impart impurity of food. From where do we derive that these protections, although they are not sown together with the food, join together with the food to constitute the requisite measure to impart impurity?

⁴⁷ Rather, three terms with the root zayin, reish, ayin are written in the verse with regard to protection: “On any sowing [zerua] seed [zera] that is sown [yizzare’a].” One term is written to teach the halakha of protection with regard to seeds, and one is written to teach the halakha of protection with regard to trees, and the other term is written to teach the halakha of protection with regard to meat, and eggs, and fish. Accordingly, this halakha is not limited to protection that is sown together with the food.

⁴⁸ §It is written: “And if anything falls from their carcass upon any sowing seed that is sown, it is pure. But if water is put upon the seed, and any of the carcass falls on it, it is impure for you” (Leviticus 11:37–38). Previously, the Gemara derived from this verse that an appendage that serves as a handle both imports impurity to and exports impurity from the food. In addition, the simple understanding teaches that food can become impure only after first being rendered susceptible to impurity by coming into contact with liquid. With regard to these two halakhot, Rav Ḥiyya bar Ashi says that Rav says: There is significance to a handle with regard to importing and exporting impurity, i.e., a handle imports impurity to and exports impurity from the attached food, but there is no

significance to a handle with regard to rendering the attached food susceptible to impurity. Rather, the food itself must come into contact with liquid directly.

⁴⁹ And Rabbi Yoḥanan says: There is significance to a handle with regard to importing impurity to and exporting impurity from the attached food, and with regard to rendering the attached food susceptible to impurity even if only the handle came into contact with liquid.

⁵⁰ The Gemara clarifies: With regard to what do Rav and Rabbi Yoḥanan disagree? If you wish, say that they disagree with regard to a logical argument. If you wish, say that they disagree with regard to the interpretation of a verse.

⁵¹ The Gemara explains: If you wish, say that they disagree with regard to the interpretation of a verse. One Sage, Rav, holds that a verse is interpreted homiletically based on juxtaposition to the term immediately preceding it and not based on juxtaposition to the term before the one preceding it. In this case, the verse states: “For you,” indicating inclusion of a handle with regard to the matter of imparting impurity, which is stated in the preceding phrase: “It is impure,” but not with regard to the matter of rendering the attached food susceptible to impurity through contact with liquid which is stated before the preceding phrase: “If water is put.”

⁵² And one Sage, Rabbi Yoḥanan, holds that a verse is interpreted homiletically based on juxtaposition to the term immediately preceding it, as well as to the term before the one preceding it. Therefore, he maintains that a handle can also render the attached food susceptible to impurity.

⁵³ If you wish, say that they disagree with regard to a logical argument. One Sage, Rabbi Yoḥanan, holds that rendering food susceptible to impurity is the initial stage of the process of imparting impurity to it. Therefore, just as a handle imparts impurity, it can also render the food susceptible to impurity. And one Sage, Rav, holds that rendering food susceptible to impurity is not the initial stage of the process of imparting impurity.

⁵⁴ It is taught in a baraita in accordance with the opinion of Rabbi Yoḥanan: Just as there is significance to a handle with regard to imparting impurity to food, so too there is significance to a handle with regard to rendering the attached food susceptible to impurity. And just as produce is susceptible to contracting impurity only when it is detached from the soil, so too produce cannot be rendered susceptible to impurity through contact with liquid until it is detached from the soil.

⁵⁵ §The Gemara cites another disagreement between Rav and Rabbi Yoḥanan. Rav says: There is no halakha of a handle with regard to imparting impurity for a handle that is attached to less than an olive-bulk of food. And there is no halakha of protection with regard to imparting impurity for protection that is attached to less than a bean-bulk of food. In addition, the protection does not join together with the food to constitute the measure of an egg-bulk required to impart the impurity of food.

⁵⁶ And Rabbi Yoḥanan says: There is a halakha of a handle with regard to imparting impurity for a handle that is attached to less than an olive-bulk of food. And there is a halakha of protection with regard to imparting impurity for protection that is attached to less than a bean-bulk of food. In addition, it joins together with the food to constitute the measure of an egg-bulk required to impart the impurity of food.

⁵⁷ The Gemara raises an objection to the opinions of both Rav and Rabbi Yoḥanan from that which is taught in a Tosefta (Oholot 4:8): In a case of two bones that have two halves of an olive-bulk of flesh

of a dead person upon them, i.e., half an olive-bulk of flesh is attached to one end of each bone, and one placed the ends of both bones that are not directly attached to the flesh inside a house in such a manner that the house overlies those ends of the bones but not the ends of the bones attached to the flesh, it is considered as though the house is overlying the flesh itself, and the house is impure.

⁵⁸ Yehuda ben Nekosa says in the name of Rabbi Ya'akov: How can two bones join together to constitute an olive-bulk if the flesh attached to each bone is less than the measure of an olive-bulk?

⁵⁹ The Gemara explains the objection: And according to Rav, who holds that a handle that is attached to less than an olive-bulk of food or protection that is attached to less than a bean-bulk of food is not considered a handle or protection with regard to imparting impurity, in what manner does he interpret this baraita? If the baraita is discussing the case of a bone without marrow, and therefore the bone constitutes merely a handle for the flesh, which measures less than an olive-bulk, then the first clause of the baraita is difficult, because it indicates that a handle that is attached to less than an olive-bulk of food is considered a handle with regard to imparting impurity.

⁶⁰ If the baraita is discussing the case of a bone containing marrow, and therefore the bone constitutes protection for food measuring less than an olive-bulk, then the last clause of the baraita is difficult because Yehuda ben Nekosa apparently holds that protection that is attached to less than an olive-bulk of food is not considered protection with regard to imparting impurity, contrary to the opinion of Rav, who holds that it is protection unless it is attached to less than a bean-bulk of food.

⁶¹ The Gemara answers: If you wish, say that Rav interprets the baraita as discussing the case of a bone that constitutes protection. If you wish, say instead that Rav interprets the baraita as discussing the case of a bone that constitutes a handle.

⁶² The Gemara explains its answers: If you wish, say that the baraita is discussing the case of a bone that constitutes a handle, and Rav stated his opinion in accordance with the opinion of Rabbi Yehuda ben Nekosa, who maintains that the house does not become impure because he holds that a handle that is attached to less than an olive-bulk of flesh does not impart impurity. And If you wish, say that the baraita is discussing the case of a bone that constitutes protection, and Rav stated his opinion in accordance with the opinion of the first tanna, who maintains that the house is impure because he holds that protection attached to less than an olive-bulk of flesh imparts impurity if the flesh measures at least a bean-bulk.

⁶³ And Rabbi Yoḥanan could have said that the entire baraita is discussing the case of a bone that constitutes a handle, and Rabbi Yoḥanan stated his opinion in accordance with the opinion of the first tanna, who maintains that the house becomes impure because he holds that a handle that is attached to less than an olive-bulk of food imparts impurity. But he did not state his opinion in accordance with the opinion of Yehuda ben Nekosa, who maintains that the house does not become impure.

⁶⁴ Come and hear another objection to the opinions of Rav and Rabbi Yoḥanan from the Tosefta (Okatzin 2:5): Rabbi Yehuda says: With regard to a femur that has an olive-bulk of flesh upon it, the flesh draws the entire femur into ritual impurity if any part of the femur comes into contact with a dead creeping animal. The Sage referred to as Aḥerim says: Even if there is only a bean-bulk of flesh upon the femur, it draws the entire femur into impurity.

⁶⁵ The Gemara asks: In what manner does Rav interpret this baraita? If the baraita is discussing the case of a femur that constitutes merely a handle for the flesh, then the latter clause of the baraita is

difficult, because Aḥerim apparently maintains that a handle that is attached to less than an olive-bulk of flesh imparts impurity, contrary to the opinion of Rav. If the baraita is discussing the case of a femur that constitutes protection, then the first clause of the baraita is difficult, because Rabbi Yehuda apparently holds that protection that is attached to less than an olive-bulk of flesh does not impart impurity, contrary to the opinion of Rav.

⁶⁶ The Gemara answers: If you wish, say that the baraita is discussing the case of a femur that constitutes a handle, and Rav stated his opinion in accordance with the opinion of Rabbi Yehuda, who maintains that a handle attached to less than an olive-bulk of flesh does not impart impurity. And if you wish, say instead that the baraita is discussing the case of a femur that constitutes protection, and Rav stated his opinion in accordance with the opinion introduced with the words: Aḥerim says, according to which even protection attached to less than an olive-bulk of flesh imparts impurity.

⁶⁷ And Rabbi Yoḥanan could have said that the entire baraita is referring to case of a femur that constitutes protection, and Rabbi Yoḥanan stated his opinion in accordance with the opinion referred to as: Aḥerim says, according to which even protection that is attached to a bean-bulk of flesh imparts impurity.

⁶⁸ The Gemara asks: How is Rabbi Yoḥanan's opinion consistent with the opinion referred to as: Aḥerim says? Don't they say that protection that is attached to a bean-bulk of flesh imparts impurity, and Rabbi Yoḥanan holds that even protection that is attached to less than a bean-bulk of food imparts impurity?

⁶⁹ The Gemara answers: Aḥerim agrees that even protection that is attached to less than a bean-bulk imparts impurity. Nevertheless, since the first tanna states the specific measure of an olive-bulk, Aḥerim also states the specific measure of a bean-bulk even though he maintains his opinion with regard to a measure of less than a bean-bulk as well.

⁷⁰ Rava said: The language of the baraita is also precise, indicating that we are dealing with protection and not a handle, as it teaches the case of a femur, which contains marrow, and therefore the bone provides protection for the food inside. If the baraita were discussing a handle, it would have taught this halakha with regard to any other bone that is attached to flesh and not specifically a femur. Conclude from it that the baraita is discussing the halakha of protection.

⁷¹ §The baraita cited above teaches that Aḥerim says: Even if there is only a bean-bulk of flesh attached to the femur it causes the entire femur to become impure. A dispute was stated with regard to this opinion. Rabbi Ḥanina says: When Aḥerim stated the measure of a bean-bulk, this is a specific measure, and Aḥerim holds that the halakha of protection applies to an appendage only if a bean-bulk of food is attached to it. And Rabbi Yoḥanan says: This is not a specific measure. Aḥerim holds that the halakha of protection applies even if it is attached to less than a bean-bulk of food.

⁷² The Gemara asks: How is it possible for Rabbi Yoḥanan to hold that this is not a specific measure? But doesn't the baraita explicitly teach the measure of a bean-bulk? The Gemara answers: Indeed, Aḥerim holds that protection that is attached to even less than a bean-bulk of food imparts impurity. But since the first tanna states the specific measure of an olive-bulk, Aḥerim also states the specific measure of a bean-bulk even though he maintains his opinion with regard to a measure of less than a bean-bulk as well.

⁷³ The Gemara suggests: Come and hear proof against the opinion of Rav from that which is taught in a mishna (Okatzin 1:5): Rabbi Elazar ben Azarya deems a pod containing beans that came in contact with a dead creeping animal ritually pure. Since beans are large and do not require the protection of the pod, the pod is not considered protection for the beans and therefore does not impart impurity. But he deems a pod containing smaller legumes that came in contact with a dead creeping animal ritually impure if even only one grain is attached to the pod, because one desires the use of the pod when handling the legumes so that he will not damage them, and it is therefore considered protection, which imparts impurity. Apparently, Rabbi Elazar ben Azarya holds that even protection that is attached to less than a bean-bulk of food imparts impurity, contrary to the opinion of Rabbi Ḥanina and Rav.

⁷⁴ The Gemara rejects this proof: The explanation of that mishna is in accordance with that which Rav Aḥa, son of Rava, said in the context of a different discussion: That mishna is discussing a case where a dead creeping animal came into contact with the stalk to which the pod is attached, but not with the pod itself. And therefore the halakha in the mishna is not with regard to the matter of protection; rather, it is with regard to the matter of a handle, as the stalk serves as a handle for the pod and its attached grain.

⁷⁵ Here, too, with regard to this proof one can respond that the mishna is discussing a case where a dead creeping animal came in contact with the stalk and therefore the halakha in the mishna is with regard to the matter of a handle. Since the mishna is referring to a stalk, and the stalk has many pods on it, it serves as a handle to more than an olive-bulk of food, and is consistent with the opinions of Rabbi Ḥanina and Rav. And what does Rabbi Elazar ben Azarya mean when he says that in the case of legumes, the stalk is impure because one desires the use of the stalk when handling [bemashmishan] the legumes? He is referring to using [betashmishan], i.e., carrying, the legumes with the stalk.

⁷⁶ Come and hear proof from that which the school of Rabbi Yishmael taught: With regard to the impurity of food the verse states: “On any sowing seed that is sown” (Leviticus 11:37), indicating that the entire seed is susceptible to impurity when it is in a state where it is typical for people to take it out to the field for sowing: This applies to wheat in its shell, and barley in its shell, and lentils in their shells. It is derived from here that shells and other appendages that protect the food are considered part of the food. Since wheat, barley, and lentil grains are smaller than a bean-bulk, this statement indicates that even protection that is attached to less than a bean-bulk of food imparts impurity, contrary to the opinion of Rabbi Ḥanina and Rav.

⁷⁷ The Gemara rejects this proof: A grain is a distinct entity, and therefore its status is different. The halakha of protection is applicable to a distinct entity even if it measures less than a bean-bulk.

⁷⁸ §Rav Oshaya raises a dilemma:

⁷⁹ As the Gemara stated, protection joins together with the food to constitute the requisite measure to impart impurity. What is the halakha with regard to two protections joining together with the food to constitute the measure of an egg-bulk required to impart impurity?

⁸⁰ The Gemara asks: What are the circumstances of the dilemma? If we say that it is referring to a case where a food item has two layers of protection, and this outer protection is on top of that inner protection, is the halakha of protection applicable with regard to protection that is on top of another protection?

⁸¹ But didn't we learn in a mishna (Okatzin 2:4) that Rabbi Yehuda says: There are three peels surrounding an onion. The inner peel is considered like the food itself, and therefore, whether whole or punctured, it joins together with the onion to constitute the requisite measure to impart the impurity of food. With regard to the middle peel, when it is whole it provides protection and therefore joins together with the onion, but when it is punctured it does not provide protection and therefore does not join together with the onion. The outer peel does not join together with the onion at all, and both in this case, when it is whole, and in that case, when it is punctured, it remains ritually pure. Evidently, the halakha of protection is not applied to a protection that surrounds another protection.

⁸² The Gemara explains the dilemma: Rav Oshaya does not raise the dilemma with regard to a food item that has two layers of protection. Rather, he raises the dilemma with regard to protection of food that one divided such that the food is whole but the protection is divided into separate sections.

⁸³ The dilemma is as follows: Since this section of the protection is protecting this part of the food but does not provide protection for that other part of the food, and that other section of the protection is protecting another part of the food but does not provide protection for this part of the food, must one conclude that the two protections do not join together to constitute the requisite measure for the impurity of food?

⁸⁴ Or perhaps, should one reason that since this section of the protection provides protection for its part of the food, and that section of the protection provides protection for its part of the food, and the two parts of the food are joined together, therefore the entire entity is considered unified and the two sections of the protection join together to constitute the requisite measure?

⁸⁵ Come and hear a resolution to the dilemma from that which is taught in a mishna cited previously (Okatzin 1:5): Rabbi Elazar ben Azarya deems a pod containing beans that came in contact with a dead creeping animal ritually pure. But he deems a pod containing legumes that came in contact with a dead creeping animal impure because one desires the use of the pod when handling the legumes so that he will not damage them. Since the requisite volume for a food item to be susceptible to impurity is an egg-bulk, and the volume of one pod and its legumes is less than an egg-bulk, this statement must be discussing multiple pods joined together. Evidently, protection of food that is divided into separate sections joins together to constitute the requisite measure to impart impurity.

⁸⁶ Rav Aḥa, son of Rava, said in rejection of this resolution: That mishna is discussing a case where a creeping animal touched the stalk to which the pods are attached but not the pods themselves. And the halakha in that mishna is not referring to the matter of protection; rather, it is with regard to the matter of a handle, as the stalk serves as a handle for the pod and its attached grain. And what does Rabbi Elazar ben Azarya mean when he says that in the case of legumes, the stalk is impure because one desires the use of the stalk when handling [bemashmishan] the legumes? He is referring to using [betashmishan], i.e., carrying, the legumes with the stalk.

⁸⁷ Come and hear a resolution from that which the school of Rabbi Yishmael taught: With regard to the impurity of food the verse states: "On any sowing seed that is sown" (Leviticus 11:37), indicating that the entire seed is susceptible to ritual impurity when it is in a state where it is typical for people to take it out to the field for sowing: This applies to wheat in its shell, and barley in its shell, and lentils in their shells. It is derived from here that shells and other appendages that protect the food join together with the food to constitute the requisite measure to impart impurity. Since the measure

of one grain and its shell is less than an egg-bulk, this statement must be discussing multiple grains and their shells joined together. Evidently, protection of food that is divided into separate sections joins together to impart impurity.

⁸⁸ The Gemara rejects this resolution: One can explain this statement in accordance with that which Rav Aḥa, son of Rava, said with regard to the statement of Rabbi Elazar ben Azarya that was cited previously: The mishna is discussing a case where a creeping animal came in contact with the stalk to which the pods are attached but not the pods themselves. And therefore, the halakha in the mishna is not referring to the matter of protection; rather, it is with regard to the matter of a handle.

⁸⁹ Here too, the statement of the school of Rabbi Yishmael is not referring to independent grains of wheat and barley, but rather to the stem to which the grains are attached, and it is with regard to the status of all the shells of the grains on one stem as protection. All of the grains surrounding the stem protect each other, since if one shell with its grain falls it causes all of the other shells and their grains to fall as well. Therefore, this case is not similar to Rav Oshaya's dilemma, where each protection protects only part of the food.

⁹⁰ The Gemara asks: Granted, the grains located higher on the stem need the grains located lower on the stem to remain in place in order to not fall. But for what purpose do the grains located lower on the stem need the grains located higher on the stem? The Gemara answers: The case is one where the grains are all positioned tightly around the stem in one row in such a manner that if even one located higher up on the stem were to fall, the remaining grains would fall too.

⁹¹ The Gemara asks: Is there a volume of an egg-bulk of food in one row of grain? The Gemara answers: Yes, this baraita is stated with regard to large grains of wheat, such as those grown in the time of Shimon ben Shataḥ.

⁹² The Gemara points out: Now that you have arrived at this conclusion, it is not necessary to interpret the baraita as referring to many grains tightly packed around the stem. It is even possible to explain that the baraita is discussing the case of one grain of wheat, such as the large grains of wheat grown in the time of Shimon ben Shataḥ.

⁹³ §The Gemara proceeds to discuss the Tosefta itself that was cited earlier (118b): In a case of two bones upon which there are two halves of an olive-bulk of flesh of a corpse, i.e., half an olive-bulk of flesh is attached to one end of each bone, and one placed the ends of both bones that are not directly attached to the flesh inside the house in such a manner that the house overlies those ends of the bones but not the ends of the bones attached to the flesh, it is considered as though the house is overlying the flesh itself and the house is impure.

⁹⁴ Yehuda ben Nekosa says in the name of Rabbi Ya'akov: How can two bones join together to constitute an olive-bulk if the flesh attached to each bone is less than the measure of an olive-bulk? It may be inferred from here that according to all, if the end of a bone that is attached to an olive-bulk of flesh is outside the house, and the other end that is not directly attached to any flesh is inside the house, the house becomes impure with the ritual impurity of a corpse.

⁹⁵ With regard to this matter Reish Lakish said: The Sages taught this halakha only with regard to a bone, as it constitutes a handle vis-à-vis the flesh, but if one hair of a corpse is attached to an olive-bulk of flesh at one end, and the other end of the hair is inside a house, it does not render the house

impure, because the hair does not constitute a handle vis-à-vis the flesh. And Rabbi Yoḥanan said: Even a hair constitutes a handle vis-à-vis the flesh, and therefore the house is rendered impure.

⁹⁶ Rabbi Yoḥanan raised an objection to the opinion of Reish Lakish from the mishna taught later (124a): In the case of the hide of an unslaughtered animal carcass upon which there is an olive-bulk of flesh, one who touches a strand of flesh emerging from the flesh, or touches a hair that is on the side of the hide opposite the flesh, is ritually impure with the impurity of an unslaughtered carcass, even though he did not touch an olive-bulk of the flesh. What is the reason that one who touches the strand of flesh or the hair becomes impure? Is it not because they constitute a handle for the flesh, contrary to the opinion of Reish Lakish with regard to a hair?

⁹⁷ The Gemara answers: No, the ruling of that mishna is not because the hair serves as a handle for the flesh. Rather, it is because the hair serves as protection for the flesh. The Gemara asks: But the hide protects the flesh, and the hair is on top of the hide; is the halakha of protection applicable with regard to protection that is on top of another protection? The Gemara answers: The hair penetrates through the hide and touches the flesh, thereby providing protection directly for the flesh.

⁹⁸ Rav Aḥa bar Ya'akov objects to this answer: If that is so, that there are perforations in the hide through which the hairs penetrate, how can we write phylacteries? Don't we require phylacteries to be written with a perfect writing, with no perforations in the letters? And that is not possible if there are perforations in the hide.

⁹⁹ The Gemara answers: Rav Aḥa bar Ya'akov overlooked that halakha which they say in the West, Eretz Yisrael: Any perforation over which the ink passes and which it covers is not considered a perforation that invalidates the writing.

¹⁰⁰ And if you wish, say instead a different answer to Rabbi Yoḥanan's objection to Reish Lakish: The entire mishna teaches that one who touches either a strand of flesh or a hair becomes impure because these appendages serve the flesh as a handle and not as protection. Nevertheless, that statement does not contradict the opinion of Reish Lakish that a hair does not constitute a handle for the flesh, because one can explain this mishna as Rabbi Ela stated with regard to a different mishna: It is stated with regard to the case of an awn among many awns.

¹⁰¹ So too, the mishna taught later is stated with regard to the case of a hair among many hairs and not the case of a single hair. Therefore, the hair constitutes a handle for the flesh because one can hold the hair and lift the flesh without the hair becoming detached.

¹⁰² And where was the opinion of Rabbi Ela stated? It was stated with regard to that which is taught in a mishna (Okatzin 1:3): An awn [melai] that is on top of a stalk constitutes a handle for the stalk. Therefore, it can become impure and impart impurity, but it does not join together with the grains to constitute the requisite measure to impart impurity. It was asked: For what function is an awn fit such that it is considered to be a handle for the stalk? Rabbi Ilai, i.e., Rabbi Ela, said: That mishna is stated with regard to the case of an awn among many awns and not the case of a single awn. Therefore, the awns constitute a handle for the stalk because one can hold the awns and lift the stalk without the awns becoming detached from it.

¹⁰³ Some say another version of this dispute between Rabbi Yoḥanan and Reish Lakish and the ensuing discussion with regard to the status of hairs vis-à-vis the flesh: Rabbi Yoḥanan and Reish Lakish agree that a single hair does not constitute a handle vis-à-vis the flesh connected to it, but they

disagree with regard to several hairs. Rabbi Yoḥanan raises an objection to Reish Lakish's opinion that hair is not considered a handle from the mishna taught later, which states that one who touches a hair emerging from the hide of an animal carcass opposite the flesh is impure, indicating that hair constitutes a handle.

¹⁰⁴ Reish Lakish answers that one who touches the hair is impure not because it is considered a handle, but rather because it is considered protection for the flesh. The Gemara adds: So too it is reasonable to explain that the person is impure because hair is considered protection and not because it is considered a handle, as, if it enters your mind that it is because hair is considered a handle, for what function is one hair fit such that it is considered a handle?

¹⁰⁵ The Gemara responds: One can explain that that mishna considers hair to constitute a handle, as Rabbi Ela stated in explanation of a different mishna: It is stated with regard to the case of an awn among many awns. Here too, that mishna is stated with regard to the case of a hair among many hairs and not the case of a single hair.

¹⁰⁶ And where was the opinion of Rabbi Ela stated? It was stated with regard to that which we learned in a mishna: An awn that is on top of a stalk can become impure and impart impurity, but it does not join together with the grains to constitute the requisite measure to impart impurity. It was asked: For what function is an awn fit such that it is considered to be a handle for the stalk? Rabbi Ilai said: That mishna is stated with regard to the case of an awn among many awns.

¹⁰⁷ And there are those who teach another version of this dispute between Rabbi Yoḥanan and Reish Lakish,

¹⁰⁸ maintaining that the dispute is with regard to that which is taught in the mishna: The attached hide, and the congealed gravy attached to the meat, and the spices, and the meat residue, and the bones, and the tendons, and the horns, and the hooves all join together with the meat to constitute the requisite egg-bulk to impart the impurity of food.

¹⁰⁹ Reish Lakish said: The Sages taught that only a bone and the other items mentioned in the mishna join together with the meat to constitute the requisite measure to impart impurity because they constitute protection for the meat. But a hair does not join together with the meat to constitute the requisite measure to impart impurity because it is not protection for the meat. And Rabbi Yoḥanan said: Even a hair is protection for the meat and therefore joins together with the meat to constitute the requisite measure to impart impurity.

¹¹⁰ Reish Lakish said to Rabbi Yoḥanan: But the hide protects the flesh, and the hair is on top of the hide. Is the halakha of protection applicable with regard to protection that is on top of another protection? Rabbi Yoḥanan answered: The hair penetrates through the hide and touches the flesh, thereby providing protection directly for the flesh.

¹¹¹ Rav Aḥa objects to this answer: If that is so, that there are perforations in the hide through which the hairs penetrate, how can we write phylacteries? Don't we require phylacteries to be written with a perfect writing with no perforations in the letters? And that is not possible if there are perforations in the hide.

¹¹² The Gemara answers: That halakha which they say in the West, Eretz Yisrael, escaped Rav Aḥa: Any perforation over which the ink passes and which it covers is not considered a perforation that invalidates the writing.

¹¹³ Rabbi Yoḥanan raised an objection to the opinion of Reish Lakish from the mishna taught later (124a): In the case of the hide of an animal carcass upon which there is an olive-bulk of flesh, one who touches a strand of flesh emerging from the flesh or touches a hair that is on the side of the hide opposite the flesh is ritually impure, even though he did not touch an olive-bulk of the flesh. What is the reason that one who touches the strand of flesh or the hair becomes impure? Is it not because they constitute protection for the flesh? The Gemara answers: No, it is because the hair constitutes a handle for the flesh.

¹¹⁴ The Gemara asks: For what function is one hair fit such that it constitutes a handle? The Gemara answers: One can explain that mishna as Rabbi Ela said in explanation of a different mishna: It is stated with regard to the case of an awn among many awns. Here too, the mishna is stated with regard to the case of a hair among many hairs and not the case of a single hair. The hair serves as a handle for the flesh because one can hold the hair and lift the flesh without the hair becoming detached.

¹¹⁵ And where was the opinion of Rabbi Ela stated? It was stated with regard to that which we learned in a mishna: An awn that is on top of a stalk can become impure and impart impurity, but it does not join together with the grains to constitute the requisite measure to impart impurity. It was asked: For what function is an awn fit such that it is considered to be a handle for the stalk? Rabbi Ela said: The mishna is stated with regard to the case of an awn among many awns.

¹¹⁶ §The mishna teaches: The gravy [rotev] joins together with the meat to constitute the requisite egg-bulk to impart the impurity of food, but an egg-bulk of gravy itself is not susceptible to impurity. The Gemara asks: To what is the term rotev referring? Rava said: The term rotev is referring to the fat that floats on top of a soup of cooked meat.

¹¹⁷ Abaye said to Rava: That fat itself is eaten and is therefore susceptible to impurity of food. Rather, the term rotev is referring to fat that oozed out of the meat and congealed. That fat is not eaten, but it does join together with the meat to constitute the requisite egg-bulk to impart the impurity of food.

¹¹⁸ The Gemara asks: Why is the mishna referring specifically to congealed fat? Even in a case where the fat did not congeal it joins together with the meat to constitute the requisite egg-bulk to impart the impurity of food, as Reish Lakish said: Brine on a vegetable, even though it is a liquid, combines with the vegetable to constitute a large date-bulk [kakotevet] with regard to rendering one liable for violating the prohibition against eating on Yom Kippur. Similarly, liquid fat should combine with the meat to constitute the requisite volume to impart the impurity of food.

¹¹⁹ The Gemara answers: Liquids and solids do not join together to constitute the requisite egg-bulk to impart the impurity of food. The reason for the halakha there, with regard to Yom Kippur, is because one is liable even for the consumption of a liquid that is not characterized as food if the mind of the one who consumes it is settled. This is because with regard to the fast of Yom Kippur the Torah is concerned with a person's affliction, as the verse states: "You shall afflict your souls" (Leviticus 23:27). Therefore, one is liable on Yom Kippur for any eating that settles his mind.

¹²⁰ But that is not the case here with regard to impurity. For two substances to join together to impart impurity, a combination between substances that have a common requisite measure for imparting impurity is necessary. Liquid and solid foods do not have the same requisite measure. Therefore, if

the fat is congealed, it joins together with the meat. If it is not congealed, it does not join together with the meat.

¹²¹ §The mishna teaches: The spices [kifa] join together with the meat to constitute the requisite egg-bulk to impart the impurity of food, but an egg-bulk of kifa itself is not susceptible to impurity. The Gemara asks: To what is the term kifa referring? Rabba said: The term kifa is referring to a congealed hash of cooked meat that settled to the bottom of the pot.

¹²² Abaye said to Rabba: That hash itself is eaten and is therefore susceptible to the impurity of food. Rather, Rav Pappa said: The term kifa is referring to spices, which are not eaten themselves but do join together with the meat to constitute the requisite egg-bulk to impart the impurity of food.

¹²³ §Since the mishna mentions kifa, which, according to Rabba, is referring to a congealed substance, the Gemara discusses the halakha of one who congealed a forbidden substance and consumed it. We learned in a baraita there: One who caused blood to coagulate and ate it or melted forbidden fat and swallowed it is liable.

¹²⁴ The Gemara objects: Granted, one who caused blood to coagulate and ate it is liable. Although blood is not normally eaten in such a manner, since he caused the blood to coagulate, he ascribed the significance of food to it, and the Torah prohibits the eating of blood, as it is written: “You shall eat neither fat nor blood” (Leviticus 3:17). But why is one who melted forbidden fat and swallowed it liable? Eating, and not drinking, is stated in the Torah with regard to the prohibition against the consumption of forbidden fat, as it is written: “You shall eat no fat of ox or sheep or goat” (Leviticus 7:23), and this swallowing of a liquid is not eating.

¹²⁵ Reish Lakish said: One is liable even for drinking the melted forbidden fat of an animal. The verse states: “For all who eat the fat of the animal that one could offer from it a fire offering to the Lord, the soul that eats it shall be cut off from his people” (Leviticus 7:25). The term “soul” is interpreted homiletically to include in the prohibition one who drinks the fat.

¹²⁶ The Gemara comments: A novelty of this kind is also taught in a baraita with regard to the prohibition against eating leavened bread on Passover: If one took bread, dissolved it in water, and swallowed this mixture on Passover, the halakha is as follows: If it is leavened bread, he is punished with karet; if it is matza, then a person does not fulfill his obligation to eat matza on Passover with this food.

¹²⁷ The Gemara objects: Granted, if it is matza, a person does not fulfill his obligation to eat matza on Passover with this food, as the Merciful One states with regard to the prohibition against eating leavened bread on Passover: “You shall eat no leavened bread with it; seven days you shall eat unleavened bread with it, even the bread of affliction” (Deuteronomy 16:3), indicating that one must eat the bread of affliction, but this bread dissolved in water is not considered the bread of affliction. But if the bread is leavened bread, why is he punished with karet? Eating is written with regard to the prohibition against leavened bread, and in this case he did not eat it but rather drank it.

¹²⁸ Reish Lakish said: One is liable even for drinking leavened bread. The verse states: “For all who eat leavened bread from the first day until the seventh day, that soul shall be cut off from Israel” (Exodus 12:15). The term “soul” is interpreted homiletically to include in the prohibition one who drinks leavened bread.

¹²⁹ The Gemara comments: A novelty of this kind is also taught in the Tosefta (Zavim 5:9) with regard to one who eats the unslaughtered carcass of a kosher bird: One who liquefied the carcass of an unslaughtered kosher bird in fire and drank the substance is impure. But one who liquefied it in the sun and drank it is pure. And we discussed it: Eating and not drinking is stated with regard to the impurity of a carcass, as it is written: “And every soul that eats an unslaughtered carcass or that which is mauled by an animal, whether he is native or stranger, he shall wash his garments, bathe in water, and shall be impure until the evening” (Leviticus 17:15). Why, then, does one who drinks a kosher bird carcass become impure?

¹³⁰ Reish Lakish said: He becomes impure because the verse states: “And every soul.” The term “soul” is interpreted homiletically to include one who drinks. The Gemara objects: If so, one who drinks a carcass that is melted in the sun should also become impure. The Gemara explains: A carcass takes a long time to melt in the sun. Therefore, the liquid becomes rotten and unfit for consumption.

¹³¹ The Gemara cited three instances in which Reish Lakish interpreted the term “soul” as including one who drinks. The Gemara explains: All three mentions of the term “soul” are necessary. As, if the Merciful One had written the term “soul” only with regard to forbidden fat, liability for drinking liquefied leavened bread could not have been derived from it, since the prohibition against the consumption of forbidden fat has an element of stringency that does not apply to leavened bread in that the forbidden fat had no period of fitness for consumption. Leavened bread, on the other hand, may be consumed before Passover. Likewise, impurity contracted by drinking a liquefied carcass could not be derived from the halakha of forbidden fat because the consumption of forbidden fat is punishable by karet, which is not the case with regard to the consumption of a carcass.

¹³² And if the Merciful One had written the term “soul” only with regard to leavened bread, liability for drinking melted forbidden fat could not be derived from it, as there are no circumstances in which the general prohibition against eating leavened bread was permitted. The consumption of forbidden fat, on the other hand, is permitted with regard to the fat of an undomesticated animal. And similarly, impurity contracted by drinking a liquefied carcass could not be derived from the halakha of leavened bread, because the halakha of leavened bread has an element of stringency that does not apply to a carcass in that its consumption is punishable by karet.

¹³³ And if the Merciful One had written the term “soul” only with regard to a carcass, those prohibitions against drinking melted fat and liquefied leavened bread could not be derived from it, because a carcass has an element of stringency that does not apply to those prohibitions in that it transmits impurity to one who eats it. Therefore, all three mentions of the term “soul” are necessary.

¹³⁴ The Gemara objects: It is true that one halakha cannot be derived from either one of the others, as detailed above. Nevertheless, one can derive the halakha of one of them from the other two. The Gemara responds: This is not possible, as which halakha can one derive from the others? Let the Merciful One not write this halakha with regard to a liquefied carcass and derive it from these other prohibitions against eating forbidden fat and leavened bread. One can refute this derivation: What is notable about these other prohibitions? They are notable in that one who transgresses them is punished with karet, contrary to one who eats a carcass.

¹³⁵ The Gemara suggests: Let the Merciful One not write this halakha with regard to dissolved leavened bread and derive it from these halakhot of forbidden fat and a carcass. The Gemara refutes the derivation: What is notable about these halakhot? They are notable in that they had no period of

fitness for consumption, as opposed to leavened bread, which was fit for consumption before Passover.

¹³⁶ The Gemara suggests: Let the Merciful One not write this halakha with regard to forbidden fat and derive it from these halakhot of consuming leavened bread and a carcass. The Gemara refutes the derivation: What is notable about these halakhot? They are notable in that there are no circumstances in which their general prohibition was permitted. Shall you say the same with regard to forbidden fat, whose general prohibition was permitted in certain circumstances? Therefore, all three mentions of the term “soul” are necessary.

¹³⁷ The Gemara asks: And what is the case in which forbidden fat is permitted? If we say that it is the fat of a domesticated animal that is permitted to be sacrificed in the Temple to the Most High, a bird carcass is also permitted to be sacrificed in the Temple. Although pinching the nape of the neck of a bird renders it an unslaughtered carcass and forbidden for consumption, bird offerings are sacrificed to the Most High in such a manner.

¹³⁸ And if the reference is rather to the forbidden fat of an undomesticated animal, which is permitted to an ordinary person, one may respond that a carcass is also permitted for a person’s consumption in a certain case, as the pinching of the nape of the neck of a bird sin offering renders it fit for consumption of the priests.

¹³⁹ The Gemara answers: Actually, the reference is to the forbidden fat of an undomesticated animal, which is permitted to an ordinary person. And that which is difficult for you with regard to the fact that the priests eat the carcass of a bird which is brought as a sin offering is not difficult, as the priests receive their portion from the table of the Most High. Since this carcass is permitted as an offering to God, it is permitted to the priests as well. Therefore, this does not qualify as a case of an unslaughtered carcass permitted to ordinary people.

¹⁴⁰ §The Gemara challenges: But that which is taught in the following baraita is difficult. The Torah states with regard to the prohibition against eating creeping animals: “These are they that are impure [hatteme’im] to you among all the creeping animals” (Leviticus 11:31). The Sages interpret the letter heh in the term “hatteme’im” to forbid their juice that oozes from their carcasses, and their gravy that is produced when they are cooked, and sediments of their flesh that congeal at the bottom of the dish when cooked. The Gemara explains the challenge: Why do I need a verse to teach this halakha? Let this halakha be learned from these halakhot of melted forbidden fat, a liquefied bird carcass, and dissolved leavened bread.

¹⁴¹ The Gemara answers: It is necessary for this halakha to be written, as if the Merciful One had not written this halakha with regard to creeping animals and instead the halakha was derived from the other halakhot, I would say: It is sufficient for the conclusion that emerges from an a fortiori inference to be like its source. Accordingly, just as there, one who consumes melted forbidden fat, a liquefied carcass, or dissolved leavened bread is not liable until he consumes an olive-bulk, so too here, with regard to consuming the juice, gravy, and sediments of creeping animals, one is not liable until he consumes an olive-bulk. Therefore, a separate verse is necessary to teach that one is liable even for consuming a lentil-bulk of the juice, gravy, or sediments of a creeping animal, just as one is liable for consuming this measure of the creeping animal itself.

¹⁴² The Gemara objects: Let the Merciful One write the prohibition against consuming the juice, gravy, and sediments of creeping animals and let these halakhot of consuming liquefied forbidden

fat, dissolved leavened bread, and a melted carcass of a bird come and be learned from it. The Torah does not need to state those halakhot explicitly.

¹⁴³ The Gemara explains: It is not possible to derive those halakhot in such a manner because that derivation can be refuted: What is notable about creeping animals? They are notable in that their impurity is imparted in any amount. Those other halakhot, on the other hand, do not apply to less than an olive-bulk.

¹⁴⁴ §The Gemara continues to examine the source for the status of liquids with regard to various halakhot based on that which is taught in a baraita: With regard to untithed produce; and the new crop of grain of the year, which is forbidden until after the omer offering is brought on the sixteenth of Nisan (see Leviticus 23:14); and consecrated produce; and the produce of the Sabbatical Year after the designated time when it must be removed from one's house; and diverse kinds, i.e., the produce of a vineyard in which grains were sown; with regard to all of them, it is prohibited to consume liquid that emerges from them just as it is prohibited to consume them themselves. The Gemara asks: From where do we derive this halakha?

¹⁴⁵ And if you would say: Let those prohibitions be learned from these prohibitions of consuming the liquid that seeps from creeping animals, liquefied fat, dissolved leavened bread, and liquefied bird carcasses, one can respond that this derivation can be refuted. What is notable about these prohibitions? They are notable in that each of them is a prohibition that develops on its own without any human intervention, as opposed to the prohibitions in the baraita, which do not necessarily share this element of stringency.

¹⁴⁶ Therefore, it works out well to derive the prohibition against consuming liquids that emerged from a solid where the prohibition is one that develops on its own, such as untithed produce, the new crop, Sabbatical Year produce and diverse kinds. But with regard to consecrated produce, where the prohibition does not develop on its own but rather only after a person consecrates the produce, from where do we derive that it is prohibited to consume the liquid that emerges from the produce just as it is prohibited to consume the produce itself?

¹⁴⁷ The Gemara answers: We learn this halakha from the case of first fruits. Consumption of first fruits is a prohibition that does not develop on its own, because the owner must set aside the first fruits. And consumption of the liquid that emerges from first fruits is prohibited like consumption of the fruit itself. The Gemara asks: And from where do we derive this halakha with regard to first fruits themselves?

¹⁴⁸ The Gemara answers that first fruits can be brought as wine, as Rabbi Yosei teaches: The verse states with regard to first fruits: "You shall take of the first of all the fruit of the ground, which you shall bring in from your land" (Deuteronomy 26:2). Since the verse mentions fruit, this indicates that you must bring actual fruit, and you may not bring the first fruits in the form of beverages. But if one brought grapes and he had already pressed them into wine, from where is it derived that he has fulfilled his obligation? The verse states: "You shall bring in from your land." This superfluous term serves to teach that if one brings wine for the mitzva of first fruits, he has fulfilled his obligation.

¹⁴⁹ But this derivation from the case of first fruits can be refuted: What is notable about first fruits? They are notable in that they require reciting the passage which begins: "My father was a wandering Aramean" (Deuteronomy 26:5), and placing the fruits in the Temple, whereas no such requirements exists with regard to consecrated produce.

¹⁵⁰ Rather, one can derive the prohibition against consuming the liquid that emerges from consecrated produce from the prohibition against consuming liquid that emerges from teruma, i.e., the portion of produce designated for the priest.

¹⁵¹ The Gemara asks: And from where do we derive this halakha with regard to teruma itself? the Gemara answers: It is derived from the fact that teruma is compared to first fruits, as it is written: “You may not eat within your gates the tithe of your grain, or of your wine, or of your oil, or the firstborn of your cattle and of your flocks, or any of your vows that you will vow, or your pledges, nor the offering of your hand” (Deuteronomy 12:17), and the Master said with regard to the phrase “nor the offering [teruma] of your hand” that these are the first fruits. Since the verse uses the term “teruma” with regard to first fruits, the halakha of teruma is compared to the halakha of first fruits: Just as liquid that emerges from first fruits is forbidden like the fruit itself, so too liquid that emerges from teruma is forbidden like the produce itself. Consequently, the prohibition against consuming the liquid that emerges from consecrated produce can be derived from teruma.

¹⁵² The Gemara refutes this derivation from teruma: What is notable about teruma? It is notable in that a non-priest is liable to receive the punishment of death at the hand of Heaven for consuming teruma, and he must restore the value of the produce he ate, adding one-fifth of its value as a fine. This element of stringency does not exist with regard to one who consumes consecrated produce.

¹⁵³ Rather, one can learn the prohibition against consuming the liquid that emerges from consecrated produce from both teruma and first fruits. The Gemara refutes this derivation: What is notable about teruma and first fruits? They are notable in that a non-priest is liable to receive the punishment of death at the hand of Heaven for consuming teruma or first fruits, and he must restore the value of the produce he ate, adding one-fifth of its value as a fine. This is not true with regard to one who consumes consecrated produce.

¹⁵⁴ Rather, the prohibition against consuming the liquid that emerges from consecrated produce is derived from teruma and one of these prohibitions, i.e., a liquefied carcass of a bird or dissolved leavened bread; or it can be derived from first fruits and one of these prohibitions.

¹⁵⁵ §The Gemara elaborates on the comparison between teruma and first fruits with regard to the halakha that the status of liquid that emerges from produce is like that of the produce itself, and it explains that which we learned in a mishna (Terumat 11:2): If a non-priest ate date honey, or apple wine, or vinegar made from grapes of autumn that grow stunted at the end of the season and are unfit for wine production, or any of the other types of juice made from fruits of teruma, Rabbi Eliezer deems him obligated to repay the principal and an additional fifth, like the penalty for one who ate the teruma produce itself. And Rabbi Yehoshua deems him exempt from payment.

¹⁵⁶ The Gemara explains: With regard to what principle do Rabbi Eliezer and Rabbi Yehoshua disagree? They disagree with regard to the principles governing the process of deriving one halakha from another halakha. One maintains the exegetical principle: Infer from it, and again from it, i.e., when one case is derived from another all the details of the source case are applied to the other case; and one maintains the principle: Infer from it but interpret the halakha according to its own place, i.e., one derives only the basic principle of the source case, whereas all other aspects of the source case are not applied to the case at hand.

¹⁵⁷ As Rabbi Eliezer holds: Infer from it, and again from it. Just as with regard to first fruits, the status of the liquid that emerges from them is like that of the produce itself, so too with regard to

teruma, the status of the liquid that emerges from it is like that of the produce itself. And again infer from it: Just as the halakha of first fruits includes not only olives and grapes but even other types of produce from the seven species for which Eretz Yisrael is praised, and the status of liquid that emerges from that produce is like that of the produce itself, so too with regard to teruma, although oil and wine are the only liquids from which one is obligated to separate teruma, even liquid that emerges from other types of produce designated as teruma besides olives and grapes has the same status as the produce itself.

¹⁵⁸ And Rabbi Yehoshua holds: Infer from it that just as with regard to first fruits the status of the liquid that emerges from them is like that of the produce itself, so too with regard to teruma, the status of the liquid that emerges from it is like that of the produce itself. But interpret the halakha according to its own place: Just as in the case of liquids that are consecrated as teruma, with regard to wine and oil, yes, they are included, but other types are not included, so too in the case of liquid that emerges from teruma, as with regard to wine and oil, yes, they are like the produce itself, but any other type of liquid that emerges from teruma is not like the produce itself. Therefore, Rabbi Yehoshua deems exempt a non-priest who consumed any of the beverages mentioned in the mishna.

¹⁵⁹ The Gemara cites that which we learned in a mishna (Terumot 11:3): One may bring beverages made from first fruits to the Temple only in the case of that which emerges from the olives, i.e., oil, or from the grapes, i.e., wine. The Gemara asks: In accordance with whose opinion is that mishna?

¹⁶⁰ The Gemara answers: It is in accordance with the opinion of Rabbi Yehoshua, who says: Infer from it but interpret the halakha according to its own place. He derives the halakha of liquid that emerges from teruma from first fruits only with regard to wine and oil, and in the opposite direction, he derives the halakha of liquid that emerges from first fruits from teruma. Therefore, even with regard to first fruits the status of liquid that emerges from the produce is like that of the produce itself only with regard to wine and oil. But according to the opinion of Rabbi Eliezer, who holds that the halakha of liquid that emerges from teruma is derived from first fruits even with regard to other types of produce besides grapes and olives, contrary to the statement of that mishna, one may bring beverages extracted from other first fruits besides wine and oil to the Temple.

¹⁶¹ The Gemara cites that which we learned in the same mishna (Terumot 11:3): One incurs the forty lashes due to drinking the juice squeezed from orla, i.e., the fruit of a tree during the first three years after its planting, only for that which emerges from the olives or from the grapes. The Gemara asks: In accordance with whose opinion is that mishna?

¹⁶² The Gemara answers: It is in accordance with the opinion of Rabbi Yehoshua, who says: Infer from it but interpret the halakha according to its own place, and he derives the halakha of liquid that emerges from first fruits from teruma. Therefore, even with regard to first fruits, the status of liquid that emerges from the produce is like that of the produce itself only with regard to wine and oil.

¹⁶³ And then he derives the halakha of liquid that emerges from orla from first fruits via a verbal analogy between one instance of the word fruit and another instance of the word fruit. With regard to orla the verse states: "And you shall count the fruit thereof as forbidden" (Leviticus 19:23), and with regard to first fruits the verse states: "And you shall take of the first of all the fruit of the ground" (Deuteronomy 26:2). Therefore, just as with regard to first fruits the status of liquid that emerges from the produce is like that of the produce only with regard to grapes and olives, so too with regard

to orla one receives lashes only for drinking the liquid of grapes and olives, but not for drinking the liquid of other types of produce.

¹⁶⁴ §The mishna teaches that the alal joins together with the flesh to constitute the requisite egg-bulk to impart the impurity of food, despite not being considered food itself. The Gemara asks: To what is the term alal referring? Rabbi Yoḥanan says: It is referring to the nuchal ligament [marteka]. And Reish Lakish says: It is referring to the meat residue that is attached to the hide after the knife has flayed the flesh.

¹⁶⁵ The Gemara raises an objection to the explanation of Reish Lakish from that which is written: “But you are plasterers of lies, you are all physicians of no value [elil]” (Job 13:4). The term “no value [elil]” stems from the same linguistic root as the word alal. Granted, according to the one who says that the word alal is referring to the nuchal ligament, i.e., Rabbi Yoḥanan, that is why Job accused his companions of giving advice without merit by making an analogy to a physician who attempts to heal the nuchal ligament, which cannot be healed. But according to the one who says that the word alal is referring to the meat residue that is attached to the hide after the knife has flayed the flesh, i.e., Reish Lakish, flesh that is hanging from the hide is able to be healed.

¹⁶⁶ The Gemara answers: With regard to the term elil in the verse, everyone agrees that it is referring to the nuchal ligament. When Rabbi Yoḥanan and Reish Lakish disagree, it is with regard to the definition of the term alal employed by the Sages in the mishna.

¹⁶⁷ Come and hear a resolution from that which is taught in the mishna: Rabbi Yehuda says: With regard to the alal that was collected, if there is an olive-bulk of it in one place it imparts the impurity of animal carcasses. Therefore, one who eats it or touches it and then eats consecrated food or enters the Temple is liable to receive karet for it. And Rav Huna said: This halakha is applicable only when a halakhically competent person collected the alal in one place, but not if the alal was collected by a child or without human intervention. By collecting it in one place, the person indicates that he considers it to be food.

¹⁶⁸ Granted, according to the one who says that the word alal is referring to the meat residue that is attached to the hide after the knife has flayed the flesh, i.e., Reish Lakish, that is why Rabbi Yehuda says that one is rendered liable when there is an olive-bulk of alal collected in one place, because the person who collected it considers it to be food. But according to the one who says that the word alal is referring to the nuchal ligament, i.e., Rabbi Yoḥanan, even in a case when there is an olive-bulk of alal collected in one place, what of it? It is merely wood, i.e., it is unfit for consumption.

¹⁶⁹ The Gemara answers: According to the opinion of Rabbi Yehuda, Rabbi Yoḥanan and Reish Lakish do not disagree; they agree that the term alal is referring to the meat residue attached to the hide after the knife has flayed the flesh. When they disagree, it is with regard to the definition of the word alal according to the opinion of the Rabbis. Rabbi Yoḥanan says: The Rabbis maintain that the nuchal ligament also joins together with the meat to constitute the requisite measure of an egg-bulk to impart the impurity of food. And Reish Lakish says: The Rabbis maintain that specifically the meat residue that is attached to the hide after the knife has flayed the meat joins together with the flesh, but the nuchal ligament does not join together.

¹⁷⁰ What are the circumstances of that which is taught in the mishna, that the meat residue that is attached to the hide after the knife flayed the flesh joins together with the meat to constitute the measure of an egg-bulk required to impart the impurity of food? If it is a case where one intends to

eat this meat residue, then it can become impure not only by joining together with the meat, but even by itself, like any other food. And if it is a case where one does not intend to eat this meat residue, why should it be susceptible to impurity at all? One has completely nullified its status as food.

¹⁷¹ Rabbi Avin and Rabbi Meyasha answered this dilemma. One said: It is a case where one intends to eat part of the meat residue, but it is uncertain which part. Therefore, the meat residue is not susceptible to impurity by itself because it is not entirely considered to be food, but the part that he intends to eat joins together with the meat to constitute the measure of an egg-bulk.

¹⁷² And one said: It is a case where one does not intend to eat any part of the meat residue. Rather, an animal severed part of the meat residue attached to the hide, and therefore that part of the meat residue retains its status as food. And the knife severed part of the meat residue, and one therefore nullified its status as food with regard to that part. Since it is uncertain which part was severed by a knife and which part by an animal, the meat residue itself is not susceptible to impurity, but the part that was severed by an animal joins together with the meat to constitute the measure of an egg-bulk.

¹⁷³ §The mishna stated that the horns join together with the flesh to constitute the requisite egg-bulk to impart the impurity of food. The Gemara comments that we learned in a mishna elsewhere (Teharot 1:2): The beak and the talons of a bird that come into contact with a creeping animal can become impure, and transmit impurity to food, and join together with the attached flesh to constitute the requisite measure to impart impurity. The Gemara asks: Why does a beak join together with the flesh to impart impurity? It is merely wood, i.e., it is unfit for consumption.

¹⁷⁴ Rabbi Elazar says: The mishna is stated with regard to the lower half of the beak, i.e., the lower mandible. The Gemara objects: The lower mandible is also merely wood. Rav Pappa says: The mishna is discussing the lower section of the upper mandible and is referring to the membrane inside the mouth that is attached to the beak.

¹⁷⁵ Similarly, with regard to the talons mentioned in that mishna, Rabbi Elazar says: That mishna is not discussing the talons themselves, but rather the place at the base of the talon that is subsumed within the flesh.

¹⁷⁶ Similarly, with regard to the horns mentioned in the mishna, Rav Pappa says: The mishna is not discussing the hard substance of the horn, but rather is referring to the place at the base of the horns where one severs the horns and blood flows from them.

¹⁷⁷ §The mishna teaches: Similarly, in the case of one who slaughters a non-kosher animal for a gentile and the animal is still twitching and comes into contact with a source of impurity, it imparts impurity of food, but does not impart impurity of an animal carcass.

¹⁷⁸ Rabbi Asi says: Some Sages teach that when a Jew slaughters a non-kosher animal or a gentile slaughters a kosher animal, in order for it to be susceptible to impurity of food, it is necessary that the intention of the one performing the slaughter be that the flesh be designated as food while it is still twitching. And furthermore, in order for the animal to be rendered susceptible to impurity, it requires contact with water or another liquid that renders food susceptible to impurity that comes from another place. The blood of this slaughter is not considered a liquid that renders food susceptible to impurity because it flowed from a valid slaughter.

¹⁷⁹ The Gemara asks: Why do I need the animal to come in contact with liquid in order for it to be rendered susceptible to impurity of food? The flesh of the animal will eventually become impure

with a more severe level of impurity when it dies, i.e., impurity of an animal carcass. And any food that will eventually become impure with a more severe level of impurity does not require contact with liquid to be rendered susceptible to impurity of food.

¹⁸⁰ The Gemara now explains the source of this principle. As the school of Rabbi Yishmael teaches: With regard to rendering food susceptible to impurity through contact with liquid, the verse states: “But if water is put upon the seed, and any of the carcass falls on it, it is impure for you” (Leviticus 11:38). Just as seeds, which will never contract a more severe level of impurity, because no form of severe impurity applies to foods other than meat, require contact with liquid to render them susceptible to their less severe level of impurity, so too any food that will never contract a more severe level of impurity requires contact with liquid to be rendered susceptible to impurity of food. By contrast, any food that will become impure with a more severe level of impurity does not require contact with liquid to be rendered susceptible to impurity of food.

¹⁸¹ And similarly, it is taught in a baraita that Rabbi Yosei says: For what reason did the Sages say that in order for the carcass of a kosher bird to become susceptible to impurity it requires that the intention of the one performing the slaughter be to designate the animal as food, but it is not required for the bird to be rendered susceptible to impurity through contact with liquid? The reason is because ¹⁸² eventually the carcass of the bird will impart a more severe impurity when it is in the throat of the person who consumes it. Therefore, it is not necessary for the carcass of a kosher bird to come in contact with liquid in order for it to be susceptible to impurity.

¹⁸³ Ḥizkiyya says in response: The reason for the opinion of the Sages stated by Rabbi Asi is since the slaughterer is able to chop the animal into small pieces and thereby establish the volume of every piece of the animal as less than an olive-bulk. In such a scenario, the animal would not be susceptible to impurity. Therefore, it is not certain that the animal will eventually become impure with a more severe impurity.

¹⁸⁴ Rabbi Yirmeya said to Rabbi Zeira: And did Ḥizkiyya actually say such a statement? But wasn't it stated: If one slaughtered a non-kosher animal in a valid manner by cutting the two simanim, i.e., the windpipe and the gullet, or the majority of the two simanim, and the animal is still twitching, Ḥizkiyya says: There is no prohibition against eating the limbs from such a twitching animal. Therefore, a gentile, who is prohibited from consuming a limb from a living animal, may consume this animal. Rabbi Yoḥanan says: There is a prohibition against eating the limbs of such an animal.

¹⁸⁵ The Gemara explains the opinions: Ḥizkiyya says that there is no prohibition against eating the limbs of such an animal, as since it was slaughtered in a valid manner it is considered dead. Rabbi Yoḥanan says that there is a prohibition against eating the limbs of such an animal, as since it is twitching it is not yet dead. Therefore, since Ḥizkiyya maintains that a twitching animal is considered dead, it should have the impurity of a carcass, contrary to the opinion of the Sages cited by Rabbi Asi, as well as the mishna.

¹⁸⁶ Rabbi Zeira said to Rabbi Yirmeya in response: Ḥizkiyya maintains that such an animal has left the category of a living animal, but has not entered the category of a dead animal. Therefore, it is not prohibited for a gentile to consume such an animal, but the animal does not have the impurity of a carcass.

¹⁸⁷ §The Gemara discusses the matter itself of the dispute between Ḥizkiyya and Rabbi Yoḥanan: If one slaughtered a non-kosher animal by cutting the two simanim, or the majority of the two simanim, and the animal is still twitching, Ḥizkiyya says: There is no prohibition against eating its limbs. Rabbi Yoḥanan says: There is a prohibition against eating its limbs. Rabbi Elazar said: Take that opinion of Rabbi Yoḥanan in your hand and accept it, as Rav Oshaya teaches a baraita in accordance with his opinion.

¹⁸⁸ As Rav Oshaya teaches (Tosefta, Oholot 2:1): In the case of a Jew who slaughtered a non-kosher animal for the consumption of a gentile, if he slaughtered it by cutting two simanim or the majority of two simanim, and the animal is still twitching, the animal imparts impurity of food; but so long as it is twitching it does not impart the impurity of animal carcasses.

¹⁸⁹ A limb that separates from this twitching animal is considered like a limb that separates from a living animal, and as such it imparts the impurity of a carcass. And flesh that separates from this twitching animal is considered like flesh that separates from a living animal, and as such it does not impart impurity. And it is prohibited for the descendants of Noah to consume the flesh that separates from this twitching animal, and this prohibition applies even after its soul departs. This ruling of Rav Oshaya is in accordance with the opinion of Rabbi Yoḥanan.

¹⁹⁰ The Gemara cites the continuation of the Tosefta: In the case where a Jew slaughtered a non-kosher animal for a gentile's consumption, if he slaughtered it by cutting only one siman or the majority of one siman, and the animal is still twitching, the animal does not impart the impurity of food because the slaughter was invalid. Similarly, if he did not perform a valid slaughter but rather stabbed the animal, the animal has no impurity whatsoever while it is still twitching.

¹⁹¹ And similarly, in the case of a gentile who slaughtered a kosher animal for the consumption of a Jew, and the animal is still twitching, the animal imparts the impurity of food because it is considered to be food, but so long as it is twitching it does not impart the impurity of an animal carcass.

¹⁹² A limb that separates from this twitching animal is considered like a limb that separates from a living animal, and as such it imparts the impurity of a carcass. And flesh that separates from this twitching animal is considered like flesh that separates from a living animal, and as such it does not impart the impurity of food. And it is prohibited for the descendants of Noah to consume the flesh that separates from this twitching animal, and this prohibition applies even after its soul departs.

¹⁹³ If the gentile slaughtered the kosher animal by cutting only one siman or the majority of one siman, and the animal is still twitching, the animal does not impart impurity of food because the slaughter was not valid. Similarly, if he stabbed the animal rather than slaughtering it properly, it has no impurity whatsoever.

¹⁹⁴ If a gentile partially slaughtered a kosher animal in a place that does not render the animal a tereifa, i.e., unfit for consumption due to a mortal wound, e.g., he cut half of the windpipe, and then a Jew came and completed the slaughter, the animal is fit for consumption.

¹⁹⁵ But if a Jew slaughtered the animal, either in a place that renders the animal a tereifa, e.g., he cut the majority of the windpipe, or in a place that does not render the animal a tereifa, e.g., he only partially cut the windpipe, and then a gentile came and completed the slaughter, his slaughter is not valid.

¹⁹⁶ The baraita continues: One who wishes to eat from the meat of a slaughtered animal before its soul departs may cut an olive-bulk of meat from the area of its slaughter, the neck, and salt it very well, i.e., more than is normally required, and rinse it very well in water to remove the salt and blood, and then wait until the animal's soul departs, and then eat it. Both a gentile and a Jew are permitted to eat it because the prohibition against eating a limb from a living animal is not applicable in such a case.

¹⁹⁷ The Gemara notes: This baraita supports the opinion of Rav Idi bar Avin, as Rav Idi bar Avin said that Rav Yitzḥak bar Ashyan said: One who wants to be healthy should cut an olive-bulk of meat from the area of the slaughter, and salt it very well and rinse it very well, and then wait until the animal's soul departs, and then both a gentile and a Jew are permitted to eat it.

¹⁹⁸ §It was previously taught in the baraita that if a Jew slaughtered a non-kosher animal for a gentile's consumption, or a gentile slaughtered a kosher animal for a Jew's consumption, that animal imparts impurity of food when it is twitching after the slaughter. With regard to that halakha, Rabbi Elazar raises a dilemma: What is the halakha in such a case if one interrupted the slaughter or pressed on the knife during the slaughter? Do these acts, which normally invalidate slaughter, also invalidate this slaughter, or does the slaughter in this case not have to fulfill all of the halakhic requirements of valid slaughter in order to render the slaughtered animal as food with regard to imparting the impurity of food?

¹⁹⁹ A certain elder resolved this dilemma and said to him: Rabbi Yoḥanan said as follows: This case requires a valid slaughter in every detail, just like a Jew slaughtering a kosher animal. The Gemara clarifies: To what requirement does valid slaughter just like a kosher animal refer? Rav Shmuel bar Yitzḥak said: It is referring to the requirement of examining the knife before the slaughter.

²⁰⁰ Rabbi Zeira asked Rav Sheshet: If a non-kosher animal slaughtered by a Jew is twitching under the same roof as a corpse, and the animal swallowed items before being slaughtered, what is the halakha with regard to those swallowed items that are inside the animal? Is the animal considered to be living and therefore it should save these items that are swallowed inside it from the impurity transmitted by the corpse to all items under the same roof? Or is the animal considered to be dead and therefore the items become impure?

²⁰¹ Rav Sheshet said to Rabbi Zeira: Since it is established that such an animal is considered to be dead and imparts impurity of food, is it possible that it saves those items inside it from impurity? Certainly it does not. Rabbi Zeira said to him in response: It is also established that such an animal does not impart impurity of carcasses and is considered to be a living animal in that regard. How is it possible that the animal does not save those items inside it from impurity?

²⁰² Abaye resolved the dilemma and said: It is proper to treat this case stringently. Therefore, such an animal does not save the items that are swallowed inside it because it imparts impurity of food. But one who engages in bestiality with such an animal is liable because the animal does not impart impurity of a carcass and is considered to be living in that regard.

²⁰³ §The mishna teaches that Rabbi Yehuda says: With regard to the meat residue attached to the hide after flaying that was collected, if there is an olive-bulk of it in one place it imparts impurity of an animal carcass, and one who contracts impurity from it and eats consecrated foods or enters the Temple is liable to receive karet for it. Rav Huna says in explanation: This halakha is applicable only when a halakhically competent person collected the meat residue in one place, but not if the meat

residue was collected by a child or without human intervention. By collecting it in one place, the person indicates that he considers it to be food.

²⁰⁴ And Rav Huna says: In a case of two pieces of flesh of an animal carcass, each measuring half an olive-bulk, that are attached to the hide, the hide nullifies them, as the hide does not impart the impurity of a carcass. Consequently, these pieces do not impart impurity either.

²⁰⁵ The Gemara asks: In accordance with whose opinion is the statement of Rav Huna? It is taught in the mishna (124a) that in a case where the hide of an unslaughtered carcass was attached to two half olive-bulks of flesh, Rabbi Yishmael says that the hide imparts the impurity of an unslaughtered carcass by means of carrying but not by means of contact with the flesh, because one touches them separately whereas one carries them together. Rabbi Akiva says: One contracts impurity neither by means of contact with the hide nor by means of carrying it.

²⁰⁶ If one maintains that Rav Huna's statement is in accordance with the opinion of Rabbi Yishmael, didn't Rabbi Yishmael say that the hide does not nullify the attached flesh and therefore the one who carries it becomes impure with the impurity of a carcass? And if one maintains that Rav Huna's statement is in accordance with the opinion of Rabbi Akiva, then it is obvious, as didn't Rabbi Akiva say that the hide nullifies the flesh and therefore one who carries it does not become impure?

²⁰⁷ The Gemara answers: Actually, the statement of Rav Huna is in accordance with the opinion of Rabbi Yishmael. And when Rabbi Yishmael said that the hide does not nullify the flesh, that statement applies to a case where an animal severed the hide. But in a case where a person used a knife to flay the hide, the hide nullifies the attached flesh.

²⁰⁸ The Gemara suggests: Come and hear a refutation to this explanation of the statement of Rav Huna from that which is taught in the mishna: Rabbi Yehuda says: With regard to the meat residue attached to the hide after flaying that was collected, if there is an olive-bulk of it in one place it imparts impurity of an animal carcass, and one who contracts impurity from it and eats consecrated foods or enters the Temple is liable to receive karet for it. And Rav Huna says in explanation of this statement of Rabbi Yehuda: This halakha is applicable only when a halakhically competent person collected the meat residue in one place, but not if the meat residue was collected by a child or without human intervention.

²⁰⁹ Since Rav Huna interprets the statement of Rabbi Yehuda as referring to a case where a halakhically competent person collected the pieces of flesh, the mishna must be discussing a case where such a person flayed the hide with a knife in multiple places and then collected the pieces of flesh attached to the hide. Evidently, the hide does not nullify the flesh because if the hide did nullify the flesh, that flesh would not impart the impurity of a carcass even if it were later collected. Therefore, the Gemara challenges: Granted, if you say that according to Rabbi Yishmael, even in a case where a person used a knife to flay the hide, the hide does not nullify the flesh, accordingly, Rav Huna said his statement in accordance with the opinion of Rabbi Yishmael that a hide flayed by a knife does not nullify the flesh, and therefore the flesh imparts the impurity of a carcass if a person collected the pieces.

²¹⁰ But if you say that according to Rabbi Yishmael, in a case where a person used a knife to flay the hide, the hide nullifies the flesh and therefore the flesh does not impart the impurity of a carcass even if a halakhically competent person collected the pieces, then in accordance with whose opinion did

Rav Huna say that the hide does not nullify the flesh and that the pieces of flesh that one collected impart the impurity of a carcass?

²¹¹ The Gemara responds: Rather, it is necessary to explain the opinion of Rabbi Yishmael differently. Actually, according to Rabbi Yishmael even a hide flayed by a knife does not nullify the attached flesh. And Rav Huna said his statement that the hide nullifies attached pieces of flesh in accordance with the opinion of Rabbi Akiva.

²¹² The Gemara asks: Isn't it obvious that the hide nullifies the flesh according to Rabbi Akiva? Rav Huna's statement is unnecessary. The Gemara answers: Rav Huna's statement is necessary lest you say: When Rabbi Akiva said that the hide nullifies the attached pieces of flesh, that statement applies only to a case where a person used a knife to flay the animal. But if an animal severed the hide, the hide does not nullify the flesh.

²¹³ Therefore, Rav Huna teaches us that the reason for the opinion of Rabbi Akiva is because the hide nullifies the flesh, and there is no difference whether an animal severed the hide, and there is no difference whether a person used a knife to flay the hide. This statement of Rav Huna is therefore in accordance with that which the latter clause of that mishna teaches: For what reason does Rabbi Akiva deem one ritually pure in a case where he moved both half olive-bulks with the hide? It is because the hide separates between them and nullifies them.

²¹⁴ MISHNA: These are the entities whose skin has the same halakhic status as their flesh: The skin of a dead person, which imparts impurity like his flesh; and the skin of a domesticated pig, which is soft and eaten by gentiles, and imparts the impurity of an animal carcass like its flesh. Rabbi Yehuda says: Even the skin of a wild boar has the same status.

²¹⁵ And the halakhic status of the skin of all of the following animals is also like that of their flesh: The skin of the hump of a young camel that did not yet toughen; and the skin of the head of a young calf; and the hide of the hooves; and the skin of the womb; and the skin of an animal fetus in the womb of a slaughtered animal; and the skin beneath the tail of a ewe; and the skin of the gecko [anaka], and the desert monitor [ko'ah], and the lizard [leta'a], and the skink [homat], four of the eight creeping animals that impart ritual impurity after death. Rabbi Yehuda says: The halakhic status of the skin of the lizard is like that of the skin of the weasel and is not like that of its flesh.

²¹⁶ And with regard to all of these skins, in a case where one tanned them or spread them on the ground and trod upon them for the period of time required for tanning, they are no longer classified as flesh and are ritually pure, except for the skin of a person, which maintains the status of flesh. Rabbi Yoḥanan ben Nuri says: All eight creeping animals enumerated in the Torah have skins whose halakhic status is not that of flesh.

²¹⁷ GEMARA: The first clause of the mishna teaches that the skin of a dead person imparts impurity like his flesh. With regard to this, Ulla says: The skin of a dead person is pure by Torah law; and what is the reason that the Sages said that it is impure? It is a rabbinic decree lest a person fashion mats from the skins of his deceased father and mother.

²¹⁸ And there are those who teach this statement of Ulla with regard to the latter clause of the mishna: And with regard to all of these skins, in a case where one tanned them or spread them on the ground and trod upon them for the period of time required for tanning, they are no longer classified as flesh and are ritually pure, except for the skin of a person, which maintains the status of flesh.

With regard to that clause, Ulla says: The skin of a dead person that one tanned is pure by Torah law; and what is the reason that the Sages said that it is impure? It is a rabbinic decree lest a person fashion mats from the skins of his deceased father and mother.

²¹⁹ The Gemara comments: The one who teaches the statement of Ulla that the skin of a corpse is pure by Torah law with regard to the first clause of the mishna, which discusses a softer hide that is not tanned, all the more so would teach it with regard to the latter clause of the mishna. But the one who teaches this statement with regard to the latter clause of the mishna holds that only the tanned skin of a corpse is pure by Torah law, but does not teach it with regard to the first clause of the mishna because he holds that the impurity of the skin of a corpse that is not tanned is by Torah law.

²²⁰ §The mishna teaches that according to the first tanna, the skin of a domesticated pig imparts impurity of an animal carcass like its flesh, indicates that the skin of a wild boar does not impart impurity of a carcass. Rabbi Yehuda disagrees and holds that even the skin of a wild boar has the same status as its flesh. The Gemara asks: With regard to what do the first tanna and Rabbi Yehuda disagree? The Gemara answers: One Sage, the first tanna, holds that this skin of a wild boar is tough and therefore its status is not that of flesh, but that skin of a domesticated pig is soft and therefore its status is that of flesh. And one Sage, Rabbi Yehuda, holds that this skin of a wild boar is also soft and therefore its status is that of flesh.

²²¹ §The mishna teaches that the skin of the hump of a young camel that did not yet toughen imparts impurity of a carcass like its flesh. The Gemara asks: And for how long is a camel considered young and the status of the skin considered like that of the flesh? Ulla says that Rabbi Yehoshua ben Levi says: As long as the camel has not carried a burden.

²²² Rabbi Yirmeya raises a dilemma: What is the halakha with regard to the skin of a camel whose time, i.e., age, to carry a burden has arrived, but it has not yet carried one? Abaye raises a dilemma: What is the halakha with regard to the skin of a camel whose time to carry a burden has not arrived, but it has nevertheless carried one? The Gemara answers: These dilemmas shall stand unresolved.

²²³ Reish Lakish sat and raised a dilemma: For how long is a camel considered young? Rabbi Yishmael bar Abba said to him: This is what Rabbi Yehoshua ben Levi said: As long as the camel has not carried a burden. In response to his answer, Reish Lakish honored him and said to him: Sit opposite me.

²²⁴ Rabbi Zeira sat and raised a dilemma: For how long is a camel considered young? Ravin bar Ḥinnana said to him: This is what Ulla said that Rabbi Yehoshua ben Levi said: As long as the camel has not carried a burden. Ravin bar Ḥinnana then repeated his answer to Rabbi Zeira. Rabbi Zeira said to him: Do you have only one halakha to say, and that is why you are repeating it?

²²⁵ The Gemara points out: Come and see what the difference is between the harsh scholars of Eretz Yisrael, such as Reish Lakish, and the saintly ones of Babylonia, such as Rabbi Zeira. Although Reish Lakish was known for his harsh nature, he was the one who honored the Sage who resolved his dilemma, whereas Rabbi Zeira responded sharply to the one who taught him this halakha.

²²⁶ §The mishna teaches: And the skin of the head of a young calf has the same halakhic status as the flesh with regard to impurity. The Gemara asks: And for how long is a calf considered young? Ulla says: It is considered young in its first year of age. Rabbi Yoḥanan says: For as long as the calf is

suckling. A dilemma was raised before the Sages: With regard to what case is Ulla speaking? Is he referring to a calf that is in its first year of age and is still suckling,

²²⁷ and Rabbi Yoḥanan disagreed with Ulla and said to him: A calf is considered young as long as it is suckling, even after its first year of age? According to this explanation, Ulla considers a calf to be young only when it is both in its first year and suckling, and Rabbi Yoḥanan considers a calf that is suckling to be young even if it is beyond its first year.

²²⁸ Or perhaps, does Ulla say that a calf is considered young if it is in its first year of age, whether it is suckling or whether it is no longer suckling, and Rabbi Yoḥanan said to him: The calf must be in its first year of age and it must also be suckling in order to be considered young?

²²⁹ Come and hear a resolution to this dilemma: Rabbi Yoḥanan says: The calf is considered young the entire time that it is suckling. And if it is so that Rabbi Yoḥanan requires a calf to be both in its first year and suckling to be considered young, Rabbi Yoḥanan should have said: And provided the calf is suckling, indicating an additional condition. Conclude from it that Rabbi Yoḥanan considers a calf that is suckling to be young even if it is beyond its first year, and that Ulla considers only a calf that is both in its first year and suckling to be young.

²³⁰ §The Gemara continues to discuss the skin of the head of a young calf. Reish Lakish asked Rabbi Yoḥanan: What is the halakha with regard to whether the skin of the head of a young calf that is still fit to be eaten imparts impurity? Is the status of the skin like that of flesh or not? Rabbi Yoḥanan said to him: It does not impart impurity.

²³¹ Reish Lakish said to him: But didn't you teach us, our teacher, that it says in the mishna: These are the entities whose skin has the same halakhic status as their flesh, and the skin of the head of a young calf is included among them? Rabbi Yoḥanan said to Reish Lakish: Do not provoke me by asking such a question. I teach that mishna in the singular, i.e., that mishna is in accordance with an individual opinion and is contrary to the majority opinion. Therefore, the halakha is not in accordance with it.

²³² As it is taught in a baraita: One who slaughters a burnt offering with the intention to burn an olive-bulk of the skin beneath the tail outside its designated area, i.e., outside the Temple courtyard, renders the offering unfit, but there is no liability for karet for one who partakes of the offering. If he intended to burn it beyond its designated time, i.e., not on that day, then it is rendered piggul, and one is liable to receive karet for partaking of it. Since this particular area of the skin is soft, its status is therefore like that of flesh. This is the opinion of the Rabbis.

²³³ Elazar ben Yehuda of Aveilum says in the name of Rabbi Ya'akov, and so Rabbi Shimon ben Yehuda of Kefar Ikom says in the name of Rabbi Shimon: This halakha applies both to the hide of the hooves, and the skin of the head of a young calf, and the skin beneath the tail, and all of the entities that the Sages listed with regard to ritual impurity that the halakhic status of their skin is like that of their flesh, including the skin of the womb.

²³⁴ Therefore, one who sacrifices a burnt offering with the intention to burn an olive-bulk of any of these skins outside its designated area renders the offering unfit, but there is no liability for karet for one who partakes of the offering. If he intended to burn it beyond its designated time, then it is rendered piggul, and one is liable to receive karet for eating it. Therefore, the mishna is in accordance with the individual opinion of Elazar ben Yehuda, who holds that all of the skins listed in the mishna

have the status of flesh, and not in accordance with the Rabbis' opinion that only the skin beneath the tail has the status of flesh.

²³⁵ §The mishna teaches: And the hide of the hooves has the status of flesh with regard to imparting impurity. The Gemara asks: To what is the term hooves referring? Rav says: It is literally referring to the hooves. Rabbi Ḥanina says: It is referring to the skin of the section of the knee at the top of the lower bone, which is sold with the head. This skin of the knee, and of the lower bone attached to it, has the status of flesh.

²³⁶ §The mishna teaches: And the halakhic status of the skin of the gecko, and the desert monitor, and the lizard, and the skink, four of the eight creeping animals that impart ritual impurity after death, is like that of their flesh with regard to imparting impurity. The Sages taught in a baraita: It is written: “And these are they which are impure for you among the creeping animals that creep upon the earth: The weasel, and the mouse, and the great lizard after its kinds. And the gecko, and the desert monitor, and the lizard, and the skink, and the chameleon. These are they which are impure for you among all that swarm; whosoever touches them, when they are dead, shall be impure until the evening” (Leviticus 11:29–32). The term “they which are” in the expression “they which are impure” seems superfluous, and serves to include the skins of these animals as having the same halakhic status as their flesh.

²³⁷ One might have thought that this halakha applies even to all of the creeping animals listed in the verses. Therefore, the verse states: “These,” indicating that this halakha applies only to these animals mentioned in the mishna, i.e., the gecko, the desert monitor, the lizard, and the skink.

²³⁸ The Gemara asks: But isn't the term “these” written with regard to all eight of the creeping animals listed in the verse? Rav says: After mentioning the weasel, the mouse, and the great lizard the verse states: “After its kinds.” Therefore, the verse interrupted the previous matter and taught that the status of the skin is like that of the flesh only with regard to the creeping animals mentioned in the latter part of the verse.

²³⁹ The Gemara objects: But since the chameleon is listed in the latter part of the verse, let the chameleon also be counted among the animals whose skin has the status of flesh. Rav Shmuel bar Yitzḥak said: Rav, who interprets the verse in this manner, has the status of a tanna, and unlike the mishna, he teaches that the skin of the chameleon has the status of flesh.

²⁴⁰ The Gemara asks: But the tanna of our mishna does not teach this halakha with regard to the chameleon. According to his opinion, why doesn't the skin of the chameleon have the status of flesh?

²⁴¹ Rav Sheshet, son of Rav Idi, said: The tanna of our mishna holds in accordance with the opinion of Rabbi Yehuda that the halakhic status of the skin of the lizard, even though it is mentioned in the latter part of the verse, is like that of the skin of the weasel and is not like that of its flesh. Rabbi Yehuda does not derive that the status of the skin is like that of flesh from the verse that states: “They which are impure.” Rather, he follows the texture of the skin of each creeping animal when deciding whether the status of its skin is like that of its flesh.

²⁴² The first tanna of the mishna and Rabbi Yehuda agree that the texture of the skin of the gecko, the desert monitor, and the skink is soft and therefore the status of their skin is like that of their flesh; and they disagree with regard to the texture of the skin of the lizard. Rabbi Yehuda classifies its skin as tough, and the first tanna of the mishna classifies its skin as soft.

²⁴³ §The mishna teaches: And all of these skins, in a case where one tanned them or spread them on the ground and trod upon them, are no longer classified as flesh and are ritually pure. The Gemara objects: The mishna indicates that if one trod upon them they are no longer classified as flesh, but if one did not tread upon them they do not cease being classified as flesh. But doesn't Rabbi Ḥiyya teach: The ear of a donkey that one sewed into his basket is pure and is no longer classified as flesh. Just as the ear is no longer classified as flesh once it is sewed into a basket, so too skin that is spread on the ground, even if one did not tread upon it, should no longer be classified as flesh.

²⁴⁴ The Gemara explains: No, this is not difficult. Sewing the ear is an action that nullifies the ear's classification as flesh. But spreading skin on the ground is not an action that nullifies the skin's classification as flesh unless one trod upon the skin. Therefore, if one trod upon the skin it is no longer classified as flesh, but if one did not tread upon it, it does not cease being classified as flesh.

²⁴⁵ The mishna states that the skin must be trodden upon for the period required for tanning. The Gemara clarifies: How long is the period required for tanning? Rav Huna says that Rabbi Yannai says: The time which it takes one to walk four mil.

²⁴⁶ §Since the period of time it takes to walk four mil was mentioned, the Gemara lists halakhot that employ this period of time. Rabbi Abbahu says in the name of Reish Lakish: With regard to a professional kneader who is careful to maintain the ritual purity of the dough that he kneads for others, he must walk up to four mil in order to purify the vessel he is using by immersing it in a ritual bath. He is not required to walk farther than this unless the person hiring him pays for him to do so.

²⁴⁷ And similarly, with regard to prayer, one who is traveling may not pray where he is if there is a synagogue within four mil ahead of him, but rather must continue traveling in order to pray in the synagogue. And similarly, with regard to washing one's hands before eating, one who is traveling may not eat without washing his hands if there is water within four mil ahead of him.

²⁴⁸ With regard to this statement of Reish Lakish, Rav Naḥman bar Yitzḥak said:

²⁴⁹ It was Aivu who said this statement in the name of Reish Lakish and not Rabbi Abbahu, and he said four halakhot, not three, with regard to the measure of four mil, and the fourth one of them is the halakha mentioned in the mishna: Skins that one spread on the ground and trod upon for the period required for tanning, i.e., the amount of time it takes to walk four mil, are no longer classified as flesh and are ritually pure.

²⁵⁰ Rabbi Yosei, son of Rabbi Ḥanina, says: With regard to prayer and washing one's hands, the Sages taught that one must travel four mil to find a synagogue or water only if the synagogue or the water is ahead of him, in the direction that he is traveling. But if it is behind him, he need not return even one mil. Rav Aḥa bar Yaakov said: From this statement one may infer that it is specifically a mil that one need not return; but one must return for a synagogue or water that is at a distance of less than one mil.

²⁵¹ §The mishna states that the skin of a human corpse is impure like its flesh. The Sages taught in the Tosefta (8:16): In the case of a legion traveling for warfare from place to place, and one member of the legion enters a house, the house is impure, as there is no legion that does not have several scalps that its soldiers carry around for witchcraft. And you should not be surprised that they do so, as the scalp [karkefal] of Rabbi Yishmael was placed on the heads of kings.

²⁵² MISHNA: The halakhic status of the hide of an animal after it was flayed is no longer like its flesh in terms of becoming impure and imparting impurity. Nevertheless, in the case of one who flays either a domesticated animal or an undomesticated animal; a ritually pure animal that was slaughtered properly and afterward came in contact with impurity, e.g., the one flaying it is impure, or a ritually impure unslaughtered carcass; a small animal, e.g., sheep, or a large animal, e.g., cattle; and even after flaying the animal's hide is still partially attached to the flesh, the hide's halakhic status remains that of flesh in some circumstances.

²⁵³ These circumstances are: If he is flaying the animal for the purpose of using the hide as a carpet, a tablecloth, or to drape over a couch, in which case he would cut the hide along the length of the animal from head to tail and then remove the hide from both sides, its halakhic status remains that of flesh until he has flayed the measure of grasping the hide, i.e., two handbreadths.

²⁵⁴ And if he is flaying the animal for the purpose of crafting a leather jug, in which case he cuts a circle near the animal's neck and removes the hide in a downward movement, its halakhic status remains that of flesh until he flays the animal's entire breast.

²⁵⁵ In the case of one who seeks to fashion a jug and begins flaying from the legs, until he removes the animal's hide in its entirety, the entire hide is considered as having a connection with the flesh and its halakhic status remains that of flesh with regard to impurity, i.e., with regard to becoming impure and with regard to imparting impurity. If one removed the entire hide except for the hide over the neck, Rabbi Yoḥanan ben Nuri says: It is not considered to have a connection to the flesh, and the Rabbis say: It is considered to have a connection to the flesh until he removes the animal's hide in its entirety, including the neck.

²⁵⁶ GEMARA: The mishna teaches: If one flays an animal for the purpose of making a carpet out of it, the halakhic status of the hide remains that of flesh until he has flayed the measure of grasping the hide. The Gemara asks: From that point forward, i.e., when one has flayed more than the measure of grasping of the hide, what is the status of the hide?

²⁵⁷ Rav says: The entire section of the hide that has been flayed is pure because it no longer serves the flesh as a handle. But the hide that is still attached to the flesh serves the flesh as protection, and therefore it transmits impurity to the flesh and from the flesh, and joins together with the flesh to constitute the requisite measure to impart the impurity of food. Rabbi Asi says: One handbreadth of the flayed hide that is next to the flesh is susceptible to impurity. Since the one who flays the hide holds this handbreadth of the hide while flaying, this section of the hide serves the flesh as a handle.

²⁵⁸ The Gemara raises an objection to the statement of Rabbi Asi from a baraita: In the case of one who flays an unslaughtered animal carcass, once he has cut the hide along the length of the animal from head to tail and then removed this measure of the hide from both sides, then from that point forward, a person who touches the flayed hide is pure, because the flayed hide does not impart impurity of a carcass. What, is it not discussing even the handbreadth of hide next to the flesh, contrary to the opinion of Rabbi Asi? The Gemara answers: No, there is no proof from this baraita, as it may be discussing the flayed hide except for the handbreadth next to the flesh.

²⁵⁹ Come and hear a refutation of the opinion of Rabbi Asi from a baraita: Once an animal carcass has been flayed more than the measure of grasping the hide, if one touches the hide opposite the flesh before that hide was flayed he is impure. This statement indicates that the attached hide opposite the flesh is impure, but one handbreadth of the flayed hide that is next to the flesh is pure, contrary to the

opinion of Rabbi Asi. The Gemara answers: There is no proof from this baraita. The tanna who taught this baraita was referring to the entire handbreadth of flayed hide next to the flesh by calling it the hide opposite the flesh.

²⁶⁰ Come and hear a refutation of the opinion of Rabbi Asi from a baraita (Tosefta 8:18): In the case of one who flays a domesticated animal or an undomesticated animal, a ritually pure animal or a ritually impure unslaughtered carcass, a small animal or a large animal, if he is flaying the animal for the purpose of using the hide as a carpet, the halakhic status of the hide remains that of flesh until he has flayed the measure of grasping it, and one who touches one handbreadth of the flayed hide next to the flesh remains pure, contrary to the opinion of Rabbi Asi.

²⁶¹ The Gemara answers: Here we are dealing with the first handbreadth of hide that is flayed in addition to the measure of grasping. In a case where only one handbreadth of hide has been flayed in addition to the measure of grasping, it is more comfortable for the one flaying the hide to grasp the edge of the hide rather than the handbreadth of hide that is nearest to the flesh. Furthermore, the most comfortable way to continue flaying is to do so with a knife without grasping the flayed hide at all. Therefore, Rabbi Asi concedes that the hide in this case does not serve the flesh as a handle and consequently does not impart impurity. But afterward, when one has already flayed more than three handbreadths of hide, one holds the handbreadth of hide next to the flesh while continuing to flay the animal, and since it serves the flesh as a handle it imparts impurity.

²⁶² §The mishna teaches that the hide's halakhic status remains that of flesh until he has flayed the measure of grasping the hide. It was taught in a baraita: How much is the measure of grasping? It is one handbreadth. The Gemara asks: But isn't it taught in another baraita: The measure of grasping is two handbreadths?

²⁶³ Abaye says: The first baraita is referring to one who grasps a double handbreadth by folding the first two handbreadths together and grasping them. This explanation of Abaye is also taught in the Tosefta (8:18): How much is the measure of grasping? It is a double handbreadth.

²⁶⁴ §The Gemara discusses a matter similar to the previous discussion of a partially flayed hide. We learned in a mishna elsewhere (Kelim 28:8): A ritually impure garment that tears is rendered pure because it is no longer considered a useable garment. In the case of a ritually impure garment that one began to tear, once the majority of the garment is torn, the two sections are no longer considered as having a connection, and since it is no longer considered a useable garment, it is pure.

²⁶⁵ Rav Nahman says that Rabba bar Avuh says: The Sages taught this halakha only with regard to an impure garment that was already immersed in a ritual bath that day, but one must wait until nightfall for the purification process to be completed in order to wear the garment while eating ritually pure food. In such a case, tearing the majority of the garment renders it pure, and the Sages did not apply the requirement that the entire garment be torn.

²⁶⁶ This is because the reason for this rabbinic decree is lest one tear only half of it out of concern for the damage to the garment. And since in this case, the owner of the garment showed that he was not concerned about damage to the garment by immersing it in a ritual bath, an act which damages the garment, so too he is presumably not concerned about the garment with regard to tearing it, and he will certainly tear the majority of it. But a garment that was not immersed that day is not rendered pure by tearing the majority of the garment due to a rabbinic decree lest one come to not tear the majority of the garment but only half of it.

²⁶⁷ Rabba said: There are two refutations of this statement. One is that the decree should apply even to a garment that was immersed that day, lest people who see one eating ritually pure food while wearing such a garment say that immersion of a garment on the same day is sufficient for the garment to be worn while eating ritually pure food, and there is no need to wait until nightfall. And furthermore, if a garment that was not immersed that day is rendered pure only by tearing the entire garment and not by tearing merely a majority of the garment, due to a decree lest one tear less than a majority of the garment,

²⁶⁸ so too, with regard to a bird burnt offering according to the opinion of Rabbi Elazar, son of Rabbi Shimon, who holds that one is required to pinch merely a majority of two simanim in the nape of the neck in order to prepare it for sacrifice, let him decree against pinching the majority of two simanim lest one come to not perform the pinching on the majority of two simanim, but rather on merely half of them.

²⁶⁹ Rav Yosef responded to Rabba's two refutations and said to him: With regard to that which you said, that a rabbinic decree is necessary even with regard to a garment that was immersed that day lest onlookers say that immersion of a garment on that same day is sufficient, there is no reason for such a concern. This is because its tear proves that the garment is pure due to the tear, and not because one is allowed to wear an immersed garment while eating pure food before sunset.

²⁷⁰ And with regard to that which you said, that with regard to a bird burnt offering according to the opinion of Rabbi Elazar, son of Rabbi Shimon, let him decree against pinching the majority of the simanim lest one fail to pinch the majority, in fact there is no reason for such a concern. Rav Yosef explains: The reason there is no concern is that pinching is performed by the priests, who are vigilant with regard to mitzvot.

²⁷¹ The Gemara suggests: Come and hear a refutation to Rabba bar Avuh's explanation of the mishna in tractate Kelim from the mishna here: In the case of one who flays a domesticated animal or an undomesticated animal, a ritually impure animal or a ritually pure animal, a small animal or a large animal, if he is flaying the animal for the purpose of using the hide as a carpet, the halakhic status of the hide remains that of flesh until he has flayed the measure of grasping the hide.

²⁷² The Gemara infers: But after one has flayed more than a measure of grasping the hide, the hide is pure. Why is this so? Let the Sages decree that even a hide that was flayed more than the measure of grasping is susceptible to impurity lest one who intends to flay more than a measure of grasping come to complete only a measure of grasping, and he is thereby touching a source of impurity, and we might mistakenly deem him pure.

²⁷³ The Gemara answers: If the mishna were discussing impurity by Torah law, indeed the Sages would issue such a decree. But here we are dealing with impurity by rabbinic law, and therefore the Sages did not issue such a decree.

²⁷⁴ The Gemara objects: According to this answer, the case in the mishna of an impure person who flays a pure animal works out well. That could be referring to a case of impurity by rabbinic law. But in every case of a pure person who flays an impure animal, i.e., an unslaughtered animal carcass, the impurity of the animal is by Torah law. Therefore, in such a case the Sages should have issued a decree. The Gemara explains: The case taught in the mishna of a person who flays an impure animal is referring to a pure animal that was properly slaughtered, but after the slaughter the animal was

found to have a wound that would have caused it to die within twelve months, thereby rendering it a tereifa. Such an animal imparts impurity by rabbinic law.

²⁷⁵ The Gemara asks: Is a pure animal that is found to be a tereifa capable of imparting impurity? The Gemara answers: Yes, in accordance with the opinion of Shmuel's father, as Shmuel's father said: A tereifa that one slaughtered imparts impurity by rabbinic law if it is a sacrificial animal. Accordingly, the mishna is referring to the case of a sacrificial animal that was found to be a tereifa.

²⁷⁶ The Gemara suggests: Come and hear a refutation of Rabba bar Avuh's explanation of the mishna in tractate Kelim from a baraita (Tosefta 8:19): Rabbi Dostai ben Yehuda says in the name of Rabbi Shimon: With regard to one who flays creeping animals, its hide is considered to have a connection with the flesh, and it imparts impurity of a creeping animal until he flays the animal in its entirety.

²⁷⁷ The Gemara infers: This halakha applies only with regard to creeping animals, but with regard to a camel or other non-kosher animals, when the hide is flayed more than a measure of grasping it is not considered to have a connection with the flesh and is pure, even though when the measure of grasping is flayed it is impure. Apparently, there is no rabbinic decree that even a hide that was flayed more than the measure of grasping imparts impurity lest one who intends to flay more than a measure of grasping come to flay only a measure of grasping, contrary to the opinion of Rabba bar Avuh.

²⁷⁸ The Gemara rejects this proof: Do not say that this statement indicates that with regard to a camel, when the hide is flayed more than a measure of grasping it is not considered to have a connection with the flesh. Rather, say that this statement indicates that only with regard to a creeping animal is the hide considered to have a connection with the flesh until one flays the animal in its entirety. But with regard to a camel carcass and other non-kosher animals, in a case where one seeks to fashion a jug and begins flaying from the legs, if he removed the entire hide except for the hide over the neck, it is not considered to have a connection to the flesh, and this statement is in accordance with the opinion of Rabbi Yoḥanan ben Nuri stated in the mishna.

²⁷⁹ §The Gemara returns to discuss, and limit the scope of, the previously cited mishna (Kelim 28:8): In the case of a ritually impure garment that one began to tear, once the majority of the garment is torn, the two sections are no longer considered to have a connection, and the garment is pure. Rav Huna says in the name of Rabbi Shimon, son of Rabbi Yosei: The mishna taught that an impure garment, most of which has been torn, is no longer impure only when one did not leave untorn a part of the garment that is the measure of a scarf. But if he left an untorn piece that is the measure of a scarf, it is considered to have a connection, and the garment remains ritually impure.

²⁸⁰ Reish Lakish said: The mishna taught only with regard to an impure garment, most of which has been torn, that it is no longer impure, but an impure hide that was torn in such a manner remains impure because it is repairable. And Rabbi Yoḥanan said: Even a hide that was torn in such a manner is no longer impure because it is not repairable.

²⁸¹ Rabbi Yoḥanan raised an objection to the opinion of Reish Lakish from a mishna (Kelim 26:9): In the case of a hide that is impure with impurity imparted by treading, if the owner intended with regard to the hide to make it into straps and sandals, when he applies a scalpel [izmel] to the hide, the hide becomes pure; this is the statement of Rabbi Yehuda. And the Rabbis say: The hide does not become pure until he reduces the size of the hide to a measure of less than five handbreadths. In any event, when he reduces the hide to a measure of less than five handbreadths, everyone agrees that it

becomes pure. Why is this so? Let us say according the opinion of Reish Lakish that the hide should not become pure, as it is repairable.

²⁸² Reish Lakish responded to Rabbi Yoḥanan: When I said that a torn hide is repairable, I was referring to a case where one cut the hide in a straight line. By contrast, here we are dealing with a case where one cut the hide in a circular manner. In such a case, the hide is not repairable.

²⁸³ Rabbi Yirmeya raises an objection to the opinion of Reish Lakish from the mishna: In the case of one who flays either a domesticated animal or an undomesticated animal, a ritually pure animal or a ritually impure animal, a small animal or a large animal, if he is flaying the animal for the purpose of using the hide as a carpet, the halakhic status of the hide remains that of flesh until he has flayed the measure of grasping. Rabbi Yirmeya infers: But once one has flayed more than the measure of grasping, the hide is pure. But according to Reish Lakish, why is this so? Let us say that the hide is repairable, i.e., it can be sewn back on. Rabbi Avin interpreted the mishna and explained that one piece after one piece, i.e., each piece that is flayed is rendered fallen and disconnected from the flesh, as it will never be reattached to the flesh, unlike the case of a torn hide, which may be sewn back together.

²⁸⁴ Rav Yosef raises an objection to the opinion of Reish Lakish from another ruling in the mishna: With regard to the hide over the neck, Rabbi Yoḥanan ben Nuri says: It is not considered to have a connection to the flesh, as the hide is merely loosely connected to the neck itself, and it is pure. According to Reish Lakish, why is this so? Doesn't the hide exist in its repaired state, i.e., isn't it still connected to the neck itself? If an impure hide that was torn and can be repaired remains impure, this should certainly be the halakha with regard to hide that was never moved from its initial state.

²⁸⁵ Abaye said to Rav Yosef: Instead of objecting to the opinion of Reish Lakish due to the statement of Rabbi Yoḥanan ben Nuri, say the latter clause of the mishna: And the Rabbis say: The hide covering the neck is considered to have a connection to the flesh, a statement that supports the opinion of Reish Lakish according to your reasoning.

²⁸⁶ Rather, Abaye said: The dispute between Reish Lakish and Rabbi Yoḥanan is irrelevant to the dispute in the mishna between Rabbi Yoḥanan ben Nuri and the Rabbis. In the mishna, they disagree with regard to whether an appendage, such as the hide of the neck, that protects the flesh but is prone to become detached by itself is considered to be protection. One Sage, i.e., the Rabbis, holds that it is considered to be protection, and one Sage, Rabbi Yoḥanan ben Nuri, holds that it is not considered to be protection.

²⁸⁷ Rabbi Yirmeya raises an objection to the opinion of Reish Lakish from a mishna (Kelim 5:7): With regard to an oven that has become impure, how does one purify it? One divides the oven into three parts and scrapes off the layer of plaster that surrounds the oven

²⁸⁸ until the oven itself merely rests on the ground and is not held in place by plaster. Breaking the oven in such a manner renders the oven pure because it is no longer considered a vessel. Rabbi Meir says: It is unnecessary to scrape off the layer of plaster, and it is certainly not necessary to remove it until the oven rests on the ground. Rather, one makes cuts in the oven itself, reducing its size from within the layer of plaster, i.e., without removing the layer of plaster, until the unbroken part is less than four handbreadths.

²⁸⁹ Rabbi Meir holds that although breaking off a minority of the structure of the oven is insufficient, in any event when one reduces the size of the oven to less than four handbreadths in height the oven is rendered pure. Why is this so, according to the opinion of Reish Lakish? Let us say that this oven exists in a repairable state, as the plaster holds it together, and according to Reish Lakish it should therefore be considered connected and remain impure.

²⁹⁰ Rava said to Rabbi Yirmeya: Instead of objecting to the opinion of Reish Lakish from the statement of Rabbi Meir, state a proof for his opinion from the statement of the Rabbis who disagree with Rabbi Meir and hold that the oven becomes pure only if one scrapes off the layer of plaster until the oven rests on the ground. Apparently, the Rabbis hold that the oven is rendered pure only if it is completely and irreparably broken, which supports the opinion of Reish Lakish according to your reasoning.

²⁹¹ Rather, Rava said: Not only is there no proof against the opinion of Reish Lakish from this mishna, as the statement of the Rabbis supports his opinion, but Rabbi Meir may even accept the opinion of Reish Lakish; as this is what the mishna is saying: How does one purify an oven that became impure? Everyone, even Rabbi Meir, agrees that one divides it into three parts and scrapes off the layer of plaster until the oven rests on the ground.

²⁹² And anyone who wishes that his oven not become susceptible to impurity, how does he act? The Rabbis hold that he goes through the same process as is necessary in order to purify an impure oven: From the outset, he divides the oven into three parts and scrapes off the layer of plaster until the oven rests on the ground. Rabbi Meir says: With regard to an oven that has not yet become impure, it is unnecessary to scrape off the layer of plaster, and it is certainly not necessary to remove it until the oven rests on the ground. Rather, one reduces the size of the oven from within the layer of plaster until the unbroken part is less than four handbreadths in height.

²⁹³ §The Gemara discusses the mishna in tractate Kelim cited above. The Master said: An impure oven is rendered pure when one divides it into three parts, such that no one part contains the majority of the oven. But one cannot purify the oven by dividing it into two parts because one of the parts would contain the majority of the oven.

²⁹⁴ The Gemara raises a contradiction to this mishna from another mishna (Kelim 5:1): A clay oven in its original state, once it is finished being built, is susceptible to ritual impurity if it is four handbreadths tall. And with regard to an oven that became impure and was subsequently broken, if its remains include a piece four handbreadths tall, that piece remains impure. This is the statement of Rabbi Meir.

²⁹⁵ And the Rabbis say: In what case is this statement said? It is said in the case of a large oven, but in the case of a small oven, in its original state, any size is sufficient for it to be susceptible to impurity. Once its construction is completed, if the oven became impure and was subsequently broken, its remains are still impure in a case where they contain the majority of the oven.

²⁹⁶ The Gemara explains: And how small is the size defined by the mishna as any size? The school of Rabbi Yannai says: One handbreadth, as people make toy ovens one handbreadth tall.

²⁹⁷ The Gemara infers: The Rabbis in that mishna hold that with regard to a large impure oven that breaks, any remaining piece that measures four handbreadths remains impure. Evidently, the reason that the oven remains impure is because there are pieces of its remains that measure four

handbreadths, but if there are no remains of the oven measuring four handbreadths, even if a piece contains the majority of the oven, the oven is rendered pure. This opinion is not consistent with the opinion of the Rabbis in the previously cited mishna.

²⁹⁸ The Sages said in response: There, with regard to the opinion of the Rabbis that if there are no remains measuring four handbreadths then the oven is pure, that mishna is discussing a case where one cut the oven horizontally such that the pieces do not stand one on top of the other in a stable manner. Here, with regard to the opinion of the Rabbis that an impure oven is rendered pure only when no one piece constitutes the majority of the oven, the mishna is discussing a case where one rendered the oven a shard [gistera] by cutting it in half vertically, in which case a piece that contains the majority of the oven can stand on its own.

²⁹⁹ §The Gemara discusses the previously cited mishna in tractate Kelim. The Master said: In the case of a small oven, in its original state, any size is sufficient for it to be susceptible to impurity. And once its construction is completed, if the oven became impure and was subsequently broken, its remains are still impure if they contain the majority of the oven. The Gemara asks: Rabbi Yannai explained that the phrase: Any size, is referring to a measure of one handbreadth. For what purpose is a piece of an oven the size of the majority of one handbreadth usable? Since such a small piece is not functional; why should it remain impure?

³⁰⁰ Abaye said: The statement of the mishna: Its remains are still impure if they contain the majority of the oven, is not discussing a small oven, but rather is teaching that the remains of a large oven remain impure if they contain the majority of the oven. The Gemara asks: But didn't the Rabbis say in the mishna that any remaining piece of a large oven measuring four handbreadths remains impure? The Gemara answers: That is not difficult. That statement of the Rabbis that the remains of a large oven remain impure if they contain the majority of the oven is referring to an oven measuring nine handbreadths. That statement of the Rabbis that any remaining piece of a large oven measuring four handbreadths remains impure is referring to an oven measuring seven handbreadths.

³⁰¹ §The Gemara returns to discuss the mishna in tractate Kelim (28:8) previously mentioned in the Gemara (123a–b): In the case of a ritually impure garment that one begins to tear, once the majority of the garment is torn, the two sections are no longer considered to have a connection, and the garment is pure. Rav Huna said in the name of Rabbi Shimon, son of Rabbi Yosei, that even if the majority of the garment is torn, if a part of the garment the measure of a scarf is left intact, the garment remains impure. Some say another version of Rav Huna's statement: Rav Huna said in the name of Rabbi Yishmael, son of Rabbi Yosei: If the majority of the garment is torn, the garment is rendered pure even if one left an untorn piece the measure of a scarf.

³⁰² With regard to that statement of Rav Huna, Reish Lakish said: The Sages taught that the garment is pure even if one left an untorn piece the measure of a scarf only with regard to a torn garment. But with regard to a hide, if the majority was torn and a piece the measure of a scarf remains, the piece is considered significant and the hide remains impure. And Rabbi Yoḥanan said: Even with regard to a torn hide, if a piece the size of a scarf remains it is not considered significant and the hide is therefore rendered pure.

³⁰³ Rabbi Yoḥanan raised an objection to the opinion of Reish Lakish from that which is taught in the mishna (Kelim 26:9): With regard to a hide that is impure with impurity imparted by treading, if the owner intended with regard to the hide to fashion it into straps and sandals, then when he applies a

scalpel to the hide, the hide becomes pure; this is the statement of Rabbi Yehuda. And the Rabbis say: The hide does not become pure until he reduces the hide to a measure of less than five handbreadths.

³⁰⁴ In any event, when one reduces the hide to a measure of less than five handbreadths, everyone agrees that it becomes pure. Why is this so? Let us say that the hide is considered significant and therefore remains impure. Reish Lakish answered: Here, we are dealing with a case where one needs the cut hide for a seat that he wishes to designate for a man who experiences a gonorrhea-like discharge [zav]. Since a piece of hide measuring less than five handbreadths cannot be used for a seat, it is not considered significant in such a case.

³⁰⁵ MISHNA: In the case of a hide of an unslaughtered carcass upon which there is an olive-bulk of flesh, one who touches a strand of flesh emerging from the flesh or a hair that is on the side of the hide opposite the flesh is ritually impure. Although he did not touch an olive-bulk of the flesh, he is rendered impure with the impurity of an unslaughtered carcass. The reason is that the strand of flesh has the same status as the flesh itself, and the hair is considered protection to the flesh, which also has the same status as the flesh with regard to one who touches it.

³⁰⁶ If upon the hide there were two half olive-bulks, the hide imparts the impurity of an unslaughtered carcass by means of carrying, because one moves them together, but not by means of contact with the flesh, because one touches them separately; this is the statement of Rabbi Yishmael. Rabbi Akiva says: The hide does not impart impurity, neither by means of contact nor by means of carrying. And Rabbi Akiva concedes in the case of two half olive-bulks where one skewered them with a wood chip and moved them that he is impure. And for what reason does Rabbi Akiva deem one ritually pure in a case where he moved both half olive-bulks with the hide, as in that case, too, he moved them together? It is because the hide separates between them and nullifies them.

³⁰⁷ GEMARA: The mishna teaches that in the case of a hide of an unslaughtered carcass upon which there is an olive-bulk of flesh, the flesh is not nullified by the hide, and therefore one who touches a strand of flesh emerging from the flesh is ritually impure. With regard to this section of the mishna, Ulla said that Rabbi Yoḥanan said: The Sages taught this halakha only in a case where an animal severed the piece of flesh, e.g., a dog bite. But if a person used a knife to sever the flesh, the flesh is nullified by the hide because the person nullified the flesh via his action.

³⁰⁸ Rav Naḥman said to Ulla: Did Rabbi Yoḥanan say this halakha even with regard to a large piece of flesh the size of a tarta, i.e., a quarter of a kav? Ulla said to him: Yes. Rav Naḥman was surprised and asked: And did he say it even with regard to a piece of flesh the size of a sifter? Ulla said to him: Yes. Rav Naḥman swore and said to him: By God! Even if Rabbi Yoḥanan had said this statement to me directly from his mouth, I would not have listened to him.

³⁰⁹ When Rav Oshaya ascended from Babylonia to Eretz Yisrael he found Rabbi Ami, and he said this halakha before him: This is what Ulla said and this is what Rav Naḥman responded to him. Rav Oshaya said to Rabbi Ami: And just because Rav Naḥman is the son-in-law of the family of the Nasi, can he demean the halakhic statement of Rabbi Yoḥanan?

³¹⁰ Another time Rav Oshaya found Rabbi Ami sitting and saying this halakha with regard to the latter clause of the mishna: If upon the hide there were two half olive-bulks, the hide imparts the impurity of an unslaughtered carcass by means of carrying but not by means of contact with the flesh, because he touches them separately and moves them together; this is the statement of Rabbi

Yishmael. Rabbi Akiva says: It imparts impurity neither by means of contact nor by means of carrying.

³¹¹ With regard to this section of the mishna, Rabbi Yoḥanan said: The Sages taught Rabbi Yishmael's opinion that the hide imparts the impurity of an unslaughtered carcass by means of carrying only in a case where an animal severed the half olive-bulks of flesh from the animal. But if a person used a knife to sever the half olive-bulks of flesh, the flesh is nullified. If Rav Naḥman had heard that the statement of Rabbi Yoḥanan was stated with regard to a case of half olive-bulks of flesh, he would not have been surprised that this halakha also applies to pieces of flesh that amount together to the size of a tarta or a sifter.

³¹² Rav Oshaya said to Rabbi Ami: Does the Master teach this halakha with regard to the latter clause of the mishna but not with regard to the first section of the mishna that discusses the case of a complete olive-bulk of flesh? Rabbi Ami said to him: Yes. But did Ulla say to you this halakhic statement of Rabbi Yoḥanan in Babylonia with regard to the first clause of the mishna? Rav Oshaya said to him: Yes. Rabbi Ami said to him: If so, Rav Naḥman was justified in his surprise at the halakha of Rabbi Yoḥanan. By God, even if Joshua, son of Nun, had said this halakha to me in his name, i.e., from his own mouth, I would not have listened to him.

³¹³ When Ravin and all those descending from Eretz Yisrael came to Babylonia, they stated this halakha of Rabbi Yoḥanan with regard to the first clause of the mishna. The Gemara objects: But the matter is difficult. If an olive-bulk of flesh is nullified by being severed with a knife, the same should be true for larger measurements, such as a tarta, which is unreasonable, as people would not usually disregard such a large amount. The Gemara resolves this difficulty in accordance with that which Rav Pappa said with regard to a different matter:

³¹⁴ The reference is to a thin layer of flesh attached to the hide. Here, too, the Gemara concludes that Rabbi Yoḥanan's statement is referring to a thin layer of flesh attached to the hide. When a person severs such a piece of flesh along with the hide, even if the total volume of the flesh is an olive-bulk, or even a much larger measure, it is insignificant and is nullified by the hide.

³¹⁵ §The mishna teaches: If upon the hide there were two half olive-bulks, the hide imparts the impurity of an unslaughtered carcass by means of carrying but not by means of contact with the flesh; this is the statement of Rabbi Yishmael.

³¹⁶ Bar Padda says: The Sages taught that Rabbi Yishmael holds that that hide does not impart impurity by means of contact only with regard to one who touched the hide on the outside. But if one directly touched the pieces of flesh inside the hide, even though he did not touch any one piece measuring an olive-bulk, he is impure. This is because there is a principle that if one touches an impure item measuring less than an olive-bulk and again touches another impure item measuring less than an olive-bulk, he becomes impure, as the two instances of contact join together to constitute contact with the requisite measure of an olive-bulk.

³¹⁷ And Rabbi Yoḥanan says: There is no such principle that if one touches an impure item and again touches another impure item that the two instances of contact join together to constitute contact with the requisite measure of an olive-bulk. And Rabbi Yoḥanan follows his line of reasoning, as Rabbi Yoḥanan said: Rabbi Yishmael and Rabbi Dosa ben Harkinas said the same thing, i.e., maintained the same principle.

³¹⁸ The statement of Rabbi Yishmael is that which we said: Two instances of contact do not join together to constitute contact with the requisite measure of impurity. The statement of Rabbi Dosa ben Harkinas is that which we learned in a mishna (Oholot 3:1): With regard to any part of a corpse that imparts impurity in a tent, i.e., that imparts impurity to any other item that is under the same roof, if that body part was divided into two pieces, each measuring less than an olive-bulk, but together they constitute an olive-bulk, and one placed both pieces inside the house, Rabbi Dosa ben Harkinas rules that the two pieces do not join together to constitute the requisite measure of an olive-bulk. Therefore, he deems everything inside the house pure. And the Rabbis rule that the two pieces of the corpse join together to constitute an olive-bulk, and therefore they deem everything inside the house impure.

³¹⁹ Didn't Rabbi Dosa ben Harkinas say in that mishna there that there is no such principle that a tent overlies an impure item and again overlies another impure item such that the two instances join together to constitute the requisite measure for impurity imparted in a tent? Here, too, Rabbi Dosa ben Harkinas would agree with Rabbi Yishmael that there is no such principle that if one touches an impure item and again touches another impure item that the two instances join together to constitute contact with the requisite measure of an olive-bulk.

³²⁰ The Gemara objects to the statement of Rabbi Yoḥanan: Since the opinion of Rabbi Dosa ben Harkinas is in accordance with the opinion of Rabbi Yishmael, so too, the opinion of the Rabbis who disagree with Rabbi Dosa ben Harkinas must be in accordance with the opinion of Rabbi Akiva, who disagrees with Rabbi Yishmael. But doesn't Rabbi Akiva rule more leniently than Rabbi Yishmael, as he deems one pure in both cases of contact and carrying, whereas the Rabbis rule more stringently than Rabbi Dosa ben Harkinas and deem everything in the house impure?

³²¹ The Gemara answers: Rabbi Akiva deems one who touches or carries the pieces of flesh pure only because they are nullified by the hide. But in general he holds that items join together to impart impurity, as the latter clause of the mishna teaches: And Rabbi Akiva concedes in the case of two half olive-bulks where one skewered them with a wood chip and moved them that he is impure. And for what reason does Rabbi Akiva deem one ritually pure in a case where he moved both half olive-bulks with the hide? It is because the hide separates between them and nullifies them.

³²² Rav Ukva bar Ḥama raises an objection to the statement of bar Padda that Rabbi Yishmael maintains that two instances of contact with two pieces measuring less than an olive-bulk join together to constitute contact with the requisite measure of an olive-bulk. His objection is based on that which is taught in a baraita: It is written: "And by these you shall become impure; whoever touches their carcass shall be impure until evening. And whoever carries the carcass of them shall wash his clothes and be impure until evening" (Leviticus 11:24–25). It is derived from the term "their carcass" that one who touches the carcass itself becomes impure, but one who touches a hide that has upon it two half olive-bulks of flesh does not become impure.

³²³ One might have thought that a hide that has upon it two half olive-bulks of flesh does not impart impurity even by means of carrying. Therefore, the continuation of the verse states: "And whoever carries the carcass of them shall wash his clothes and be impure until evening," from which it is derived that one who carries a carcass, even by means of the hide, becomes impure; this is the statement of Rabbi Yishmael. Rabbi Akiva says: The verse juxtaposes "whoever touches" with "and whoever carries," indicating that that which enters the category of impurity via contact, enters the

category of impurity via carrying; that which does not enter the category of impurity via contact, does not enter the category of impurity via carrying.

³²⁴ Based on this baraita, one can object to the statement of bar Padda: And if it is so that Rabbi Yishmael maintains that two instances of contact with two pieces of flesh measuring less than an olive-bulk join together to constitute contact with the requisite measure of an olive-bulk, then the case of a hide that has upon it two half olive-bulks of flesh also enters the category of impurity transmitted by means of contact when one directly touches the flesh inside the hide. Therefore, why does Rabbi Akiva disagree with Rabbi Yishmael by stating that in this case there is no transmission of impurity by means of carrying because there is no transmission of impurity by means of contact?

³²⁵ Rava said that this is what Rabbi Akiva is saying: That which enters the category of impurity via contact in every manner, even by touching the hide on the outside, enters the category of impurity via carrying; that which does not enter the category of impurity via contact in every manner, does not enter the category of impurity via carrying.

³²⁶ §The Gemara continues to discuss the opinion of Rabbi Yishmael. Rav Avya the Elder asked Rabba bar Rav Huna: The mishna below teaches that with regard to a sealed thigh bone of an unslaughtered carcass and of a creeping animal, where the bone is intact to the extent that there is no access to the marrow, which contains marrow inside but no flesh outside, one who touches it remains ritually pure because it does not enter the category of impurity via contact. According to the opinion of Rabbi Yishmael, what is the halakha as to whether it imparts impurity via carrying?

³²⁷ Perhaps Rabbi Yishmael maintains the principle: That which enters the category of impurity via contact, enters the category of impurity via carrying; that which does not enter the category of impurity via contact, does not enter the category of impurity via carrying. And therefore, here, in the baraita cited above, this is the reason that Rabbi Yishmael taught that one who carries a hide that has upon it two half olive-bulks of flesh becomes impure even though it does not enter the category of impurity via contact if one touched the outside of the hide: It is because it enters the category of impurity via contact if one directly touched the flesh inside the hide. Therefore, a sealed thigh bone, which does not enter the category of impurity via contact in any manner, does not enter the category of impurity via carrying either.

³²⁸ Or perhaps Rabbi Yishmael does not maintain this principle, and he would maintain that one who carries a hide that has upon it two half olive-bulks of flesh becomes impure even if it were not the case that it enters the category of impurity via contact if one directly touched the flesh inside the hide. And therefore, Rabbi Yishmael holds that a sealed thigh bone imparts impurity via carrying even though it does not enter the category of impurity via contact in any manner.

³²⁹ In an effort to evade the question, Rabba bar Rav Huna distracted Rav Avya the Elder and said to him: Look, a raven flies in the sky.

³³⁰ Rava, son of Rabba bar Rav Huna, said to his father: But isn't this Rav Avya the Elder of Pumbedita, whom the Master would praise to us, saying that he is a great man? If so, why did you treat him in that manner and evade his question? Rabba bar Rav Huna said to him: Today I am in a state best described by the verse: "Let me lean against the stout trunks; let me couch among the apple trees" (Song of Songs 2:5), meaning: I am tired, and he asked me about a matter that requires reasoning and careful examination, and therefore I could not provide an immediate answer.

³³¹ §Ulla says: With regard to two half olive-bulks that one skewered with a wood chip, even if one moves them back and forth the entire day, he does not contract impurity via carrying, and he is pure.

³³² The Gemara explains: What is the reason? With regard to impurity transmitted by carrying it is written: “And one who carries [vahannosei] its carcass shall wash his clothes and be impure until evening” (Leviticus 11:40). The words “and who carries” in the term “and one who carries” is written vav, nun, sin, ales, which can be read venisa, meaning: Is carried; but according to the traditional vocalization we read the word as nosei, meaning: Carries. From here it is derived that with regard to impurity transmitted by carrying we require that one carry [nosei] the requisite measure of impurity of a carcass, i.e., an olive-bulk, and that that olive-bulk be capable of being carried [nissa] all at once, without the assistance of a utensil. This requirement is not met with regard to two half olive-bulks that one skewered with a wood chip, which are carried only with the assistance of a utensil.

³³³ The Gemara objects to Ulla’s statement: We learned in the mishna that if upon the hide there were two half olive-bulks, the hide imparts the impurity of an unslaughtered carcass by means of carrying but not by means of contact with the flesh; this is the statement of Rabbi Yishmael. Why does it impart impurity by means of carrying? This case does not fulfill the requirement that an olive-bulk of impure flesh be capable of being carried all at once without the assistance of a utensil, as the hide is needed to carry them.

³³⁴ Rav Pappa says: The mishna is discussing a case where a thin layer of flesh was attached to the hide. Despite the fact that there is not one piece of flesh the size of an olive-bulk, the two half olive-bulks are connected by a strip of thin flesh which enables the two pieces to be carried at once without the assistance of the hide. Therefore, the pieces impart impurity by means of carrying but not by means of contact.

³³⁵ The Gemara suggests: Come and hear a refutation to the opinion of Ulla from that which is stated in the mishna: Rabbi Akiva concedes in the case of two half olive-bulks where one skewered them with a wood chip and moved them that he is impure. Why? This case does not fulfill the requirement that an olive-bulk of impure flesh be capable of being carried all at once without the assistance of a utensil. The Gemara rejects this refutation: Here too, with regard to the statement of Rabbi Akiva, the mishna is discussing a case of a thin layer of flesh connecting the two pieces.

³³⁶ The Gemara suggests: The opinion of Ulla is like one side of a dispute between tanna’im, as it is taught in a baraita: With regard to two pieces of flesh, neither of which measures an olive-bulk, both one who touches and one who moves the pieces is impure. Rabbi Eliezer says: Even one who carries the pieces is impure. The Gemara asks: What is added by the statement of Rabbi Eliezer? Is that to say that carrying is not the same as moving?

³³⁷ Rather, isn’t this what the baraita is saying: Both one who touches and one who moves pieces of flesh is impure even if an olive-bulk of flesh is not capable of being carried without the assistance of a utensil? And Rabbi Eliezer comes to say: One becomes impure only if an olive-bulk of flesh is capable of being carried without the assistance of a utensil. The Gemara asks: But if the intention of Rabbi Eliezer’s statement is to qualify the statement of the Rabbis, what is the meaning of the word even? Rather, say the statement of Rabbi Eliezer differently: One is impure only if an olive-bulk of flesh is capable of being carried without the assistance of a utensil.

³³⁸ MISHNA: With regard to the thigh bone of a human corpse,

³³⁹ and the thigh bone of a sacrificial animal that was rendered unfit as piggul, i.e., an offering that was sacrificed with the intent to consume it after its designated time, or notar, i.e., part of an offering left over after the time allotted for its consumption, whether these thigh bones were sealed and there was no access to the marrow, or whether they were perforated and there was access to the marrow, one who touches them is ritually impure. The reason is that a piece of bone of a corpse the size of a barley grain imparts impurity, and the bone of a sacrificial animal that was disqualified in this manner imparts impurity by rabbinic decree via contact.

³⁴⁰ With regard to the thigh bone of an unslaughtered carcass and the thigh bone of a creeping animal, one who touches them when they are sealed remains ritually pure. If one of these thigh bones was perforated at all, it imparts impurity via contact, as in that case contact with the bone is tantamount to contact with the marrow. From where is it derived that even with regard to impurity transmitted via carrying there is a distinction between sealed and perforated thigh bones? It is derived from a verse, as the verse states: “One who touches the carcass thereof shall be impure until the evening; and one who carries the carcass thereof shall be impure until the evening” (Leviticus 11:39–40), indicating: That which enters the category of impurity via contact, enters the category of impurity via carrying; that which does not enter the category of impurity via contact, does not enter the category of impurity via carrying.

³⁴¹ GEMARA: The mishna teaches that one who touches the thigh bone of a human corpse is ritually impure, whether or not it was sealed. The Gemara infers that with regard to one who touches the bone, yes, he is impure, but one who overlies the thigh bone is not impure, as it does not transmit impurity to that which is above it or under the same roof.

³⁴² The Gemara asks: What are the circumstances? If there is an olive-bulk of flesh attached to the bone then it should transmit impurity in a tent, i.e., to that which is under the same roof, as well. The Gemara answers: The mishna is discussing a case where there is not an olive-bulk of flesh attached to the bone.

³⁴³ The Gemara objects: But if there is an olive-bulk of marrow inside the bone, the impurity breaks through the bone, so to speak, and ascends beyond it. Therefore, it should transmit impurity in a tent as well. The Gemara explains: The mishna is discussing a case where there is not an olive-bulk of marrow inside the bone.

³⁴⁴ The Gemara objects: But if the mishna maintains that marrow inside the bone of a living person heals the flesh outside the bone, then since the marrow could replenish itself and catalyze the growth of flesh on the bone it is a proper limb. Therefore, as is the case with any piece of a proper limb, even one less than the size of an olive-bulk, it should transmit impurity in a tent as well. Rav Yehuda, son of Rabbi Ḥiyya, says: That is to say that the mishna maintains that marrow inside the bone does not heal the flesh outside the bone.

³⁴⁵ The Gemara asks: To what case did you interpret the mishna to be referring? It is a case where there is not an olive-bulk of marrow. If so, in the case of a sacrificial animal, why does the thigh bone impart impurity? The Sages issued a decree that the bones of a sacrificial animal that are attached to flesh or contain marrow that became piggul or notar render those who touch them impure, as they serve as handles or protection for the flesh or marrow. By contrast, in this case there can be no piggul or notar because there is less than an olive-bulk of flesh or marrow.

³⁴⁶ And furthermore, if the mishna is discussing a case where there is not an olive-bulk of marrow, why do the thigh bone of an unslaughtered carcass and the thigh bone of a creeping animal impart impurity in a case when they were perforated?

³⁴⁷ The Gemara answers: That is not difficult. The first clause of the mishna, which discusses the thigh bone of a corpse, is referring to a case where there is not an olive-bulk of marrow. The latter clause of the mishna, which discusses the thigh bones of a sacrificial animal, an unslaughtered carcass, and a creeping animal, is referring to a case where there is an olive-bulk of marrow. And accordingly, what is the tanna of the mishna teaching us? He is teaching us several distinct matters separately, as follows.

³⁴⁸ In the first clause he is teaching us that the marrow inside the bone does not heal the flesh outside the bone. With regard to the thigh bone of sacrificial animals, what is he teaching us? He is teaching us that a bone that serves as a handle or protection for flesh or marrow that became notar is significant and imparts impurity, as Mari bar Avuh said that Rabbi Yitzḥak said: Bones of sacrificial animals that served as a handle for notar, meaning that they have leftover meat on them or inside them after the allotted time for its consumption, transmit impurity to the hands of those who handle them, just as the leftover sacrificial meat itself transmits impurity to the hands. Since the bones have become a base for an intrinsically forbidden object, they are treated in the same manner as the forbidden object itself.

³⁴⁹ Next, the tanna of the mishna teaches that with regard to the thigh bone of an unslaughtered carcass, even if there is an olive-bulk of marrow inside, if it was perforated it does impart impurity, but if it was not perforated, it does not impart impurity.

³⁵⁰ Abaye said: Actually, the tanna of the mishna maintains that marrow inside the bone heals the flesh outside the bone. And with regard to the consequent assertion: If so, the thigh bone should impart impurity in a tent as well, the explanation is that here we are dealing with a case where one scraped the bone. Therefore, the flesh and the marrow can no longer heal, and the bone is not considered a proper limb that imparts impurity in a tent.

³⁵¹ And this mishna is in accordance with the opinion of Rabbi Elazar, as Rabbi Elazar said: A thigh bone that one scraped lengthwise is impure like a limb. Even if it is not attached to flesh or marrow, a bone scraped in such a manner still has the ability to heal. But if one scraped it widthwise it will not heal and is therefore pure. And your mnemonic to remember which can heal and which cannot is a palm tree, because if one sawed a strip off of a palm tree lengthwise it can heal, but if one did so widthwise, i.e., one sawed a strip off of the circumference of the tree, the flow of sap is disrupted and the tree cannot heal.

³⁵² And Rabbi Yoḥanan said: Actually, the mishna is discussing a case where there is an olive-bulk of marrow in the bone. And the tanna of the mishna also holds that marrow inside the bone heals the flesh outside the bone. And as for the consequent assertion: If so, the bone should transmit impurity in a tent, in fact the bone does impart impurity in a tent. And to what is the mishna referring when it teaches that one who touches the bone is ritually impure? It is also referring to one who overlies the bone.

³⁵³ The Gemara asks: But if the marrow inside the bone heals the flesh outside the bone, why does the mishna teach that the thigh bone of a carcass and the thigh bone of a creeping animal are pure when they were not perforated?

³⁵⁴ Rabbi Binyamin bar Giddel said that Rabbi Yoḥanan said: Here we are dealing with a case where there is an olive-bulk of marrow that has become detached and is rattling inside the bone. With regard to impurity imparted by a corpse, the impurity breaks through the bone and ascends, and it therefore transmits impurity in a tent. But with regard to the impurity of a carcass, since the marrow is loose and rattling, it will not heal. Therefore, if the bone was perforated and it is possible to touch the marrow, the bone does impart impurity. But if the bone was not perforated it does not impart impurity.

³⁵⁵ According to Rabbi Yoḥanan, overlying is referred to as touching in the mishna. Rabbi Avin said, and some say it was Rabbi Yosei bar Avin who said: We learn in a mishna as well (Oholot 3:1): In the case of one who touches with one hand half an olive-bulk of a corpse and simultaneously his other hand overlies half an olive-bulk or half an olive-bulk of flesh from a corpse overlies him, he is impure.

³⁵⁶ Granted, if you say that impurity via contact and impurity transmitted in a tent or to one overlying a part of the corpse are one concept, it is due to that reason that the half olive-bulk of impurity that he touched and the half olive-bulk of impurity that he overlaid join together to constitute the requisite measure of an olive-bulk.

³⁵⁷ But if you say that they are two concepts, how can they join together? But didn't we learn in that mishna (Oholot 3:1): This is the principle: Any impure items lacking the requisite volume to have impure status on their own that are of one concept join together and are impure; if they are of two concepts, they do not join together and remain pure? Apparently, touching and overlying a corpse create the same type of impurity, and therefore overlying is referred to as touching in the mishna here.

³⁵⁸ The Gemara challenges: Rather, what is the alternative? Is it one concept that comprises both touching and overlying? Say the latter clause of the mishna in tractate Oholot: But

³⁵⁹ in the case of one who touches half an olive-bulk of flesh from a corpse and simultaneously another item overlies both him and half an olive-bulk of flesh from a corpse, he remains pure.

³⁶⁰ But if impurity via contact and via a tent are considered one concept, why does he remain pure? Rather, based on the latter clause of the mishna, the first clause of the mishna is difficult, because it indicates that these two categories of impurity are considered one concept and join together to constitute the requisite measure for impurity.

³⁶¹ Rabbi Zeira said: In the first clause of the mishna we are dealing with a case where the source of impurity is pressed between two wooden chests and there is no opening of one handbreadth in between the chests. When the hand of a person overlies the chests, the impurity of the pressed item rises beyond the chests and it transmits impurity to the person. Therefore, his interaction with all the sources of impurity is considered as though he is touching them simultaneously. Consequently, there is no proof in the mishna for the opinion of Rabbi Yoḥanan that imparting impurity via contact and via a tent are considered the same concept.

³⁶² Therefore, the Gemara asks: Who is the tanna who refers to impurity imparted in a tent as one who touches [noge'a]? The Gemara answers: It is Rabbi Yosei, as it is taught in a baraita (Tosefta, Oholot 4:1): Rabbi Yosei says: A full ladle [tarvad] of dust from a corpse imparts impurity like the corpse itself in three ways: By contact [bemagga], and by carrying, and in a tent.

³⁶³ Granted, the dust of a corpse imparts impurity via carrying and in a tent; this one who carries it carries the entire amount of dust and that one who overlies the dust overlies all of it. But with regard to one who touches it, one does not touch all of the dust, and it should therefore be impossible for one to become impure via contact. Rather, isn't it correct to conclude from this baraita: To what is the term *noge'a* referring? It is referring to one who overlies the dust.

³⁶⁴ The Gemara asks: How is it possible to explain the baraita in such a manner? But doesn't Rabbi Yosei teach the case of one who touches separately, and doesn't he teach the case of one who overlies separately? Therefore, the term *noge'a* cannot be referring to overlying. Abaye said: That is not difficult because there are two types of overlying. With regard to a tent that overlies impurity at a height of below one handbreadth, that tent is referred to as touching. But a tent that overlies impurity at a height of above one handbreadth is referred to as merely a tent.

³⁶⁵ Rava said: According to Rabbi Yosei, even a tent that overlies impurity at a height above one handbreadth is referred to as touching. And what are the circumstances of a tent that is referred to as merely a tent and not as touching? The term tent is referring to the case of a structure that overlies both a person and a source of impurity, thereby spreading the impurity from its source to the person.

³⁶⁶ Rava said: From where do I say my opinion? It is as we learned in a baraita (Tosefta, Oholot 9:4) that Rabbi Yosei says: With regard to bundles that serve as a bed and grilles taken from windows, if one placed them between the ground floor and the upper floor of the house such that they serve as a ceiling, since they have become part of the building they are not susceptible to impurity. Therefore, even if there are holes in the bundles and the grilles, they serve as a barrier between the house and the upper floor such that the impurity of a corpse present in the area of the house cannot enter the other side, i.e., the upper floor.

³⁶⁷ And if one spread out the bundles and grilles outside the house in an impermanent manner by hanging them over a corpse in the air like a net, one who touches, i.e., overlies the corpse, opposite a hole in the netting becomes impure. By contrast, one who overlies it not opposite a hole remains pure.

³⁶⁸ Rava explains his proof: What are the circumstances? If we say that he spread out the netting below the height of one handbreadth above the corpse, why does one who overlies the corpse not opposite a hole in the netting remain pure? In such a case, the netting is close enough to the corpse to be considered part of the clothing of the corpse. Therefore, the case is tantamount to one where the corpse is dressed in its clothing, and a corpse dressed in its clothing imparts impurity to one who overlies it because the clothing does not act as a barrier.

³⁶⁹ Rather, is it not the case that he spread out the netting more than one handbreadth above the corpse? And Rabbi Yosei refers to overlying the corpse as touching. Apparently, contrary to the opinion of Abaye, Rabbi Yosei refers to overlying as touching even when the overlying item is more than one handbreadth above the source of impurity.

³⁷⁰ Abaye rejected Rava's proof and said: Actually, the case is one where one spread the netting out below the height of one handbreadth above the corpse. And with regard to that which you say: If so, one who overlies the corpse not opposite a hole in the netting should also become impure as it is tantamount to a case of a corpse dressed in its clothing, this case is not similar to the case of a corpse dressed in its clothing. In the case of a corpse dressed in its clothing the clothing does not act as a barrier to the impurity because the one who dressed the corpse nullified the clothing by rendering its

status as though it is a part of the corpse. But in this case in the baraita, the one who spread out the netting over the corpse intended to remove the bundles and grilles afterward and he did not nullify them.

³⁷¹ The Gemara objects with regard to Abaye's explanation: But if the case is one where he spread out the netting less than one handbreadth above the corpse, even if it is not considered the clothing of the corpse, let it be considered like a source of impurity hidden underneath an overlying structure at a distance of less than one handbreadth. In such a case, the impurity breaks through and ascends, and therefore it should transmit impurity even to one who overlies it not opposite a hole in the netting. The Gemara explains: Rabbi Yosei holds that hidden impurity does not break through and ascend.

³⁷² And from where do you say that this is the opinion of Rabbi Yosei? It is as we learned in a mishna (Oholot 4:2): In the case of a compartment in a chest that is inside a house, in which the open space of the compartment itself has at least one cubic handbreadth in volume, but the opening of the compartment to the house does not have the area of one square handbreadth, and the volume of the entire chest is forty se'a, in that case, if there is a source of impurity inside the compartment, the compartment does not act as a barrier and the house is impure. If the source of impurity is inside the house but outside the chest, whatever is inside the compartment remains pure, because the opening of the compartment is less than one handbreadth.

³⁷³ This differentiation exists because it is typical for a source of impurity to exit from its location, and therefore impurity can be transmitted out of the compartment and into the house. But it is not typical for a source of impurity to enter a location, and therefore an impure item that lies in the house does not transmit impurity into the compartment. Since the volume of the chest is forty se'a it constitutes a separate tent, and the compartment that is part of the chest is also considered part of this tent.

³⁷⁴ And Rabbi Yosei deems the house pure when the impure item is in the compartment. The item will not necessarily impart impurity outside of the compartment because one can remove the source of impurity from the compartment in halves, i.e., in pieces that each measure less than the requisite amount to impart impurity. Or, alternatively, one can burn the source of impurity while it still remains in its place inside the compartment.

³⁷⁵ And the latter clause of that mishna teaches: If one placed the chest in the entrance to the house and the opening of the compartment is facing out of the house, if there is a source of impurity inside the chest, the house remains pure because the impure item will typically exit the house. If there is a source of impurity in the house, whatever is inside the chest remains pure, because the source of impurity will not enter the chest.

³⁷⁶ And it is taught with regard to that halakha in the mishna that Rabbi Yosei deems it pure. To which halakha in the mishna is this referring? If we say that it is referring to the latter clause of the mishna, which discusses a chest placed in the entrance of the house, the first tanna also deems it pure in that case.

³⁷⁷ Rather, it is clear that the first tanna says that if a source of impurity is inside the compartment of a chest that is inside the house, the house is impure, either because it is typical for a source of impurity to exit its location, or because he holds that a hidden source of impurity breaks through and ascends. And Rabbi Yosei disagrees and says to him: With regard to that which you say that it is typical for a source of impurity to exit its location, it is not necessarily so. One can remove the

impure item in halves or burn it in its place inside the compartment. And with regard to that which you say that a hidden source of impurity breaks through and ascends, a hidden source of impurity does not break through. Consequently, Rabbi Yosei must hold that a hidden source of impurity does not break through and ascend.

³⁷⁸ §Based on the previous statement of Rabbi Yosei, the Gemara established that Rabbi Yosei holds that a hidden source of impurity does not break through and ascend. And the Gemara raises a contradiction between that previous statement of Rabbi Yosei and another statement of Rabbi Yosei.

³⁷⁹ As we learned in a mishna (Oholot 11:7): In the case of a dog that ate the flesh of a corpse, and the dog then died and is lying on the threshold in such a manner that its neck and mouth are facing toward the inside of the house, Rabbi Meir says: If there is an opening the size of one cubic handbreadth inside the neck of the dog, i.e., the neck itself constitutes this measure, the dog imports impurity into the house because the upper portion of the dog's body overlies the impure item inside the dog and the impurity is transmitted through the neck and mouth of the dog into the house. But if there is not such a large cavity in the neck of the dog, then there is no halakha of a tent, and the dog does not import the impurity into the house.

³⁸⁰ Rabbi Yosei says: One looks to determine exactly where on the threshold the dog is located. If the impure item inside the dog is located anywhere from opposite, i.e., under, the lintel and toward the inside of the house, the house is impure. If the dog is located anywhere from opposite the lintel and toward the outside of the house, the house remains pure.

³⁸¹ Rabbi Elazar says: One must determine the exact manner in which the dog is lying on the threshold. If its mouth is located inside the house, but its rear is located outside the house, the house remains pure. If its mouth is located outside the house but its rear is located inside the house, the house is impure. This is because the source of impurity exits the dog's body through its edge, i.e., its rear.

³⁸² Rabbi Yehuda ben Beteira says: In both this case and that case, i.e., whether the dog is lying such that its mouth is inside the house or outside the house, the house is impure. The reason is that the impure item can exit through either the mouth or the rear.

³⁸³ The Gemara analyzes the statement of Rabbi Yosei that if the dog is located anywhere from under the lintel and toward the inside of the house, the house is impure. What, is the statement of Rabbi Yosei not referring to a case where there is not an opening the size of one cubic handbreadth inside the dog's neck, with regard to which Rabbi Meir says that the house remains pure? Accordingly, Rabbi Yosei is responding to Rabbi Meir and saying: Even if the neck of the dog is not the size of one cubic handbreadth, as long as the impure item inside the dog is located from under the lintel and toward the house, the house is impure because it overlies the impure item.

³⁸⁴ And therefore learn from it that Rabbi Yosei holds that a hidden source of impurity breaks through and ascends, contrary to Rabbi Yosei's opinion as understood from his previous statement.

³⁸⁵ Rava said: Rabbi Yosei holds that a hidden source of impurity does not break through and ascend. As for that which Rabbi Yosei teaches: One looks whether the impure item inside the dog is located opposite the lintel and toward the inside of the house, Rabbi Yosei actually teaches: One looks at the empty space adjacent to the source of impurity. And Rabbi Yosei disagrees with Rabbi Meir with regard to two matters, and says to Rabbi Meir: As for that which you say that if there is the

width of one cubic handbreadth in the neck of the dog, it imports the impurity into the house, that is not so. Rather, we follow the measure of the empty space, i.e., the neck of the dog imports impurity into the house only if it contains a cubic handbreadth of space in addition to the thickness of the flesh of the neck itself.

³⁸⁶ And with regard to that which you say that even if the dog is located on the outer portion of the threshold of the house, the entire house is impure, that is not so. Rather, if the impurity inside the dog is located anywhere from opposite the lintel and toward the inside of the house, the house is impure. If the impurity inside the dog is located anywhere from opposite the lintel and toward the outside of the house, the house remains pure.

³⁸⁷ Rav Aḥa, son of Rava, teaches that Rava's explanation is explicit in the mishna itself, as follows: Rabbi Yosei says: One looks at the empty space adjacent to the source of impurity.

³⁸⁸ §Previously the Gemara established that Rabbi Yosei holds that with regard to the halakhot of impurity, overlying is referred to as touching, as the transmission of impurity via contact and via overlying are considered one category. But the mishna (Oholot 3:1) cited earlier (125b) states that in the case of one who touches half an olive-bulk of flesh of a corpse, if a tent simultaneously overlies him and another half an olive-bulk of flesh he remains pure. Evidently, there is a tanna who disagrees with Rabbi Yosei and holds that these two methods of transmitting impurity are not the same category. The Gemara asks: Who is the tanna who disagrees with Rabbi Yosei? The Gemara answers: It is Rabbi Shimon, as it is taught in a baraita: Rabbi Shimon says:

³⁸⁹ Parts of a corpse that impart impurity include an olive-bulk of flesh, a complete limb, the majority of a corpse's bones, and the majority of the essential bones of its skeleton, namely, its legs, spine, and ribs. All of these impart impurity via contact, carrying, and in a tent. There are also three sources of impurity that derive from a corpse, each one of which imparts impurity in two ways but does not impart impurity in a third way. And they are the following: A full ladle of dust from a corpse, and a bone the size of a barley grain, and a grave cover [golel] and a grave wall [dofek] upon which the cover rests.

³⁹⁰ A full ladle of dust imparts impurity via carrying and in a tent, but it does not impart impurity via contact, as it is impossible for one to touch all of the particles of dust simultaneously. And where among these sources of impurity is the imparting of impurity via contact applicable? It is applicable with one of those other two sources of impurity, i.e., a bone the size of a barley grain and the cover or wall of a grave.

³⁹¹ A bone the size of a barley grain imparts impurity via carrying and contact, but it does not impart impurity in a tent. This halakha was transmitted to Moses from Sinai. And where among these sources of impurity is impurity imparted in a tent? It is with one of those other two sources of impurity.

³⁹² A grave cover and a grave wall impart impurity via contact and in a tent, but they do not impart impurity via carrying. This halakha too was transmitted to Moses from Sinai. And where among these sources of impurity is impurity transmitted via carrying? It is with one of those other two sources of impurity. It may be inferred from Rabbi Shimon's statement that a full ladle of dust imparts impurity in a tent but not via contact that he disagrees with Rabbi Yosei and holds that overlying is not the same category as touching.

³⁹³ §The mishna teaches: With regard to the thigh bone of an unslaughtered carcass and the thigh bone of a creeping animal, one who touches them when they are sealed remains ritually pure, because the bone itself does not impart impurity. With regard to this topic, the Sages taught in a baraita: The verse states: “One who touches the carcass thereof shall be impure until the evening” (Leviticus 11:39). The word “carcass” indicates that one who touches the carcass is impure, but one who touches a sealed thigh bone is not.

³⁹⁴ One might have thought that even one who touches a perforated thigh bone remains pure. Therefore, the verse states: “One who touches the carcass thereof [benivlatah] shall be impure,” indicating that one who touches a part of the animal through which it is possible to touch the flesh, which has the halakhic status of an unslaughtered carcass [neveila], is impure, but one who touches a part of the animal through which it is impossible to touch the flesh remains pure. Therefore, one who touches a protective layer such as the outside of a sealed thigh bone does not become impure, as it is impossible to touch the marrow.

³⁹⁵ Rabbi Zeira said to Abaye: If that is so, that one who touches the protective layer of a carcass via which it is impossible to touch the flesh of the carcass itself does not become impure, an animal still in its hide should not impart impurity, as one can touch the hide, which constitutes a protective layer, but not the flesh. Abaye answered: Go out and see how many orifices there are in the body of an animal via which one can touch the flesh, e.g., the eyes, the nostrils, and the mouth.

³⁹⁶ Similarly, Rav Pappa said to Rava: If that is so, that one who touches the protective layer of a carcass via which it is impossible to touch the flesh of the carcass itself does not become impure, the kidney of a carcass that is completely covered in its fat should not impart impurity via contact. Rava answered: Come and see how many sinews emerge from the kidney that one is able to touch.

³⁹⁷ §The mishna taught that the halakha distinguishes between a sealed and a perforated thigh bone of a carcass or a creeping animal. With regard to this topic, Rav Oshaya raises a dilemma: What is the halakha if one intended to perforate the thigh bone but did not yet perforate it? This is the dilemma: Is a thigh bone lacking perforation considered to be lacking the necessary action for it to impart impurity, and it therefore retains its status as a sealed thigh bone, or not?

³⁹⁸ Rabbi Oshaya then resolves the dilemma: A thigh bone lacking perforation is not considered to be lacking the necessary action for it to impart impurity. If one intends to perforate it, it imparts impurity immediately.

³⁹⁹ MISHNA: The egg of a creeping animal in which tissue of an embryo developed and one who comes into contact with the egg are ritually pure, as the impure creeping animal is hermetically sealed. But if one perforated the egg with a hole of any size, one who comes in contact with the egg is ritually impure. In the case of a mouse that grows from the ground and is half-flesh half-earth, one who touches the half that is flesh is impure; one who touches the half that is earth is pure. Rabbi Yehuda says: Even one who touches the half that is earth where it is adjacent to the flesh is ritually impure.

⁴⁰⁰ GEMARA: The mishna states that in the case of an egg of a creeping animal in which tissue of an embryo developed, if it is perforated then one who touches it is ritually impure. With regard to this matter the Sages taught in a baraita: The verse states: “These are the impure ones to you among all that creep; whoever touches them when they are dead shall be impure until the evening” (Leviticus

11:31). The term “the impure ones” is interpreted as including the egg of a creeping animal and the thigh bone of a creeping animal in the category of sources of impurity.

⁴⁰¹ One might have thought that even an egg in which tissue of an embryo has not developed imparts impurity. Therefore, the verse states: “That creep,” indicating that just as a creeping animal has developed tissue, so too only the egg of a creeping animal in which tissue of an embryo has developed imparts impurity.

⁴⁰² One might have thought that in the case of an egg in which tissue of an embryo has developed, it imparts impurity even if it was not perforated. Therefore, the verse states: “Whoever touches them when they are dead shall be impure,” indicating that when it is possible to touch the flesh, contact renders one impure; but when it is impossible to touch the flesh, one remains pure.

⁴⁰³ And how large must its perforation be to render one touching the egg or thigh bone impure? Its width must be the size of a strand of hair, as it is possible for one to touch the inside of an egg or thigh bone with a strand of his hair.

⁴⁰⁴ §The mishna teaches: In the case of a mouse that grows from the ground and is half-flesh half-earth, one who touches the half that is flesh is impure. Rabbi Yehoshua ben Levi says in this regard: One becomes impure in such a case only if the flesh of the mouse has developed along the entire length of the mouse, from head to foot. Some teach the statement of Rabbi Yehoshua ben Levi with regard to the latter clause of the mishna: Rabbi Yehuda says: Even one who touches the half that is earth where it is adjacent to the flesh is ritually impure. Rabbi Yehoshua ben Levi says: One becomes impure in such a case only if the flesh of the mouse has developed along the entire length of the mouse.

⁴⁰⁵ The one who teaches the statement of Rabbi Yehoshua ben Levi with regard to the first clause of the mishna, all the more so he teaches this same halakha with regard to the latter clause of the mishna. But the one who teaches the statement of Rabbi Yehoshua ben Levi with regard to the latter clause of the mishna holds that it applies only to that clause, with regard to one who touches the half that is earth where it is adjacent to the flesh according to Rabbi Yehuda. But according to the opinion of the first tanna, stated in the first clause of the mishna, even if the flesh of the mouse has not developed along the entire length of the mouse, one who touches the half of the mouse that is flesh is impure.

⁴⁰⁶ §The Sages taught in a baraita concerning the following verse: “And these are they which are impure to you among the creeping animals that creep upon the earth: The weasel, and the mouse, and the great lizard after its kinds” (Leviticus 11:29). Since “mouse” is stated among the creeping animals that impart impurity, I would derive that even a sea mouse, i.e., a sea creature that has an appearance similar to a mouse, imparts impurity because its name is also mouse. But ostensibly, the opposite conclusion could be derived through logical inference: The verse deems a weasel impure and deems a mouse impure. Therefore, just as a weasel is a species that grows on land, so too the mouse to which the verse is referring is a species that grows on land; a sea mouse does not impart impurity.

⁴⁰⁷ Or, perhaps go this way: The verse deems a weasel impure and deems a mouse impure; accordingly, just as “weasel” is referring to any animal whose name is weasel, so too, “mouse” is referring to any animal whose name is mouse, even a sea mouse, as its name is also mouse.

Therefore, the verse states: “Upon the earth,” indicating that a land mouse imparts impurity, but a sea mouse does not.

⁴⁰⁸ If this halakha is derived only from the phrase “upon the earth,” one might have thought that the verse means that any mouse, whether a land mouse or a sea mouse, imparts impurity when it is upon the earth, but if it descended to the sea it does not impart impurity.

⁴⁰⁹ Therefore, the verse states: “That creep,” indicating that creeping animals impart impurity anywhere that they creep, including the sea, as these animals can float in the sea. Consequently, the phrase “upon the earth” is understood as indicating that a sea mouse does not impart impurity.

⁴¹⁰ The baraita raises an alternative interpretation: Or perhaps the term “that creep [hashoretz]” should not be interpreted in this manner, as it could rather be interpreted to mean that any creeping animal that breeds [hammashritz] imparts impurity, but a creeping animal that does not breed does not impart impurity. I shall therefore exclude a mouse that is half-flesh half-earth, i.e., that generates spontaneously from the earth, as it does not breed and therefore does not impart impurity.

⁴¹¹ But ostensibly, the halakha of a mouse that is half-flesh half-earth is subject to logical inference: Since the verse deems a weasel impure and deems a mouse impure, then just as “weasel” is referring to any animal whose name is weasel, so too, “mouse” is referring to any animal whose name is mouse, even a mouse that is half-flesh half-earth.

⁴¹² Or perhaps go this way: One might think that just as a weasel breeds, so too, “mouse” is referring to a mouse that breeds, excluding one that generates from the earth, which does not impart impurity. Therefore, the verse states: “And these are they which are impure to you among the creeping animals that creep upon the earth.” The term “among the creeping animals” is interpreted as including a spontaneously generated mouse. Therefore, the term “that creep” is interpreted as indicating that creeping animals impart impurity on land and in the sea, and the phrase “upon the earth” teaches that a sea mouse is not included in the category of mouse and does not impart impurity.

⁴¹³ One of the Sages said to Rava: Say the interpretation of the verse differently. The term “among the creeping animals” serves to include a mouse that is half-flesh half-earth among those that impart impurity. The term “that creep” teaches that any animal that creeps imparts impurity, and even a sea mouse. And if one should reject this interpretation due to the phrase “upon the earth,” which seems to indicate that a sea mouse does not impart impurity, that phrase teaches that a creeping animal imparts impurity only when it is on land, but if it descended to the sea it does not impart impurity.

⁴¹⁴ Rava said to him: Your suggestion is not logical. According to your opinion, a sea mouse, which is in the sea, imparts impurity. And since you consider the sea a location of impurity, it is impossible to suggest that a mouse does not impart impurity when it is located in the sea. Since both land and sea are places of impurity, what difference does it make for me if the mouse is located here on land, and what difference does it make for me if it is located there in the sea?

⁴¹⁵ The Gemara asks: How can the baraita interpret the phrase “upon the earth” as teaching that a sea mouse does not impart impurity? Isn’t this phrase: “Upon the earth,” necessary to exclude a case of uncertainty involving a floating source of impurity? If a person is uncertain whether he touched a source of impurity that is floating in the water, he remains pure even if the incident took place in a private domain, where a case of uncertain impurity is generally deemed impure. As Rav Yitzḥak bar

Avdimi said: The phrase “upon the earth” is written to exclude a case of uncertainty involving a floating source of impurity.

⁴¹⁶ The Gemara answers: The phrase “upon the earth” is written two times in the passage. One instance is written to exclude a case of uncertainty involving a source of impurity that is floating, and the other instance teaches that a sea mouse does not impart impurity.

⁴¹⁷ §With regard to the topic of the eight creeping animals mentioned in the Torah, the Sages taught in a baraita: The verse: “The great lizard after its kinds” (Leviticus 11:29) includes in the category of creeping animals the arvad, a type of snake, and also the creeping animals called nefilim and salamander [salamandera].

⁴¹⁸ Apropos the salamander, which was thought to generate from fire, the baraita continues: When Rabbi Akiva would reach this verse in Leviticus, he would say in exclamation: “How great are Your works, O Lord” (Psalms 104:24). You have creatures that grow in the sea and you have creatures that grow on land. If those in the sea would ascend to the land they would immediately die. If those that are on land would descend to the sea they would immediately die.

⁴¹⁹ Similarly, you have creatures that grow in the fire and you have creatures that grow in the air. If those in the fire would ascend to the air they would immediately die. If those in the air would descend to the fire they would immediately die. Therefore, “how great are Your works, O Lord.”

⁴²⁰ §The Gemara continues to discuss creatures living in a particular environment. The Sages taught in a baraita (Tosefta, Kilayim 5:10): For every animal that exists on land there is an equivalent animal in the sea, except for the weasel, which exists only on land. Rabbi Zeira said: What is the verse from which it is derived? It is written: “Listen all you inhabitants of the world [ḥeled]” (Psalms 49:2). Dry land is called ḥeled because it is the sole habitat for the weasel [ḥulda].

⁴²¹ In continuation of the discussion of creatures living in a particular environment, Rav Huna the son of Rav Yehoshua said: The beavers of the region of Neresh are not from the settled area, because they live only in the water and not on dry land. Consequently, one who eats their meat is not liable to receive lashes for violating the prohibition: “And every creeping animal that creeps upon the earth is a detestable thing; it shall not be eaten” (Leviticus 11:41).

⁴²² §Apropos the region surrounding Neresh, Rav Pappa said: The people of the city of Neresh shall be placed under excommunication, as they are all wicked, including its fat, its hide, and its tail, i.e., all types of people, both old and young. The Gemara continues to discuss Neresh. The verse states: “Oh land, land, land hear the word of the Lord” (Jeremiah 22:29). Rav Pappa said: This verse is appropriate with regard to the inhabitants of Neresh, as Neresh does not want to listen to the word of the Lord.

⁴²³ Furthermore, Rav Giddel said that Rav said: If a resident of Neresh kisses you, count your teeth to make sure he did not steal one. And if a resident of the city of Nehar Pekod accompanies you on a journey, it is because of the beautiful jacket that he sees on you and wants to steal from you. If a resident of Pumbedita accompanies you on a journey, change your lodging place because there is a concern that he will rob you.

⁴²⁴ §The Gemara returns to discussing different types of creatures. Rav Huna bar Torta said: Once I went to the city of Va’ad and I saw that the locals were in the practice of placing a snake wrapped

around a great lizard in order to breed the two. After a period of time, an arvad, a snake that bites and kills people, emerged from between them.

⁴²⁵ And when I came before Rabbi Shimon the Righteous, he explained why this crossbreeding created an arvad and said to me: The Holy One, Blessed be He, said: These residents of Va'ad caused the emergence of a creature that I did not create in My world by crossbreeding a snake and a great lizard; so too, I will bring upon them a punishment, the hazard of this uniquely dangerous creature that I did not create in My world, i.e., an arvad.

⁴²⁶ The Gemara objects: But didn't the Master say: All different animals whose method of procreation and period of gestation are the same are able to reproduce and raise offspring together. But all animals whose method of procreation and period of gestation are not the same cannot reproduce and raise offspring together. And the gestation period for a great lizard and a snake are not equal.

⁴²⁷ Rav says: It was a miracle within a miracle that they were able to reproduce and a new creature was born. The Gemara asks: Why is this considered a miracle? It was a calamity because an arvad was born. The Gemara answers: What is meant by a miracle within a miracle? It was a miraculous calamity for the wicked people, to punish them for their actions.

⁴²⁸ MISHNA: The limb of an animal, with flesh, sinews, and bones, and the flesh of an animal, that were partially severed and remain hanging from the animal do not have the halakhic status of a limb severed from a living animal, which imparts impurity like an unslaughtered carcass, or of flesh severed from a living animal, which is ritually pure, respectively. If one had intent to eat the limb or the flesh, the limb or flesh becomes impure if it comes in contact with a source of impurity, and they impart impurity as food to other foods and liquids, although they remain in their place attached to the animal. But in order for them to become impure, they need to be rendered susceptible to impurity through contact with one of the seven liquids that facilitate susceptibility.

⁴²⁹ If the animal was slaughtered, although this act of slaughter does not render it permitted for consumption by a Jew (see 73b), the limb and the flesh were thereby rendered susceptible to impurity by coming in contact with the blood of the slaughtered animal, as blood is one of the seven liquids; this is the statement of Rabbi Meir. Rabbi Shimon says: They were not rendered susceptible to impurity through the animal's own blood; they are rendered susceptible only once they have been wet with another liquid.

⁴³⁰ If the animal died without slaughter, the hanging flesh needs to be rendered susceptible to impurity in order to become impure, as its halakhic status is that of flesh severed from a living animal, which is ritually pure and does not have the status of an unslaughtered carcass. The hanging limb imparts impurity as a limb severed from a living animal but does not impart impurity as the limb of an unslaughtered carcass; this is the statement of Rabbi Meir. And Rabbi Shimon deems the limb ritually pure.

⁴³¹ GEMARA: The mishna states that the limb of an animal that was partially severed and remains hanging from the animal imparts impurity as food if one had intent to eat it. The Gemara infers: It imparts impurity as food, yes, but it does not impart the impurity of a carcass, which can be transmitted to people and utensils in addition to food.

⁴³² The Gemara asks: What are the circumstances? If the limb can heal and reattach to the animal's body then it should not be susceptible even to impurity as food. And if it cannot heal, it should impart the impurity of a carcass as well.

⁴³³ The Gemara answers: Actually, the mishna is discussing a case where the limb will not heal, and the reason that the limb does not impart impurity of a carcass is that the impurity of a carcass is different and unique, as the Merciful One states with regard to the impurity of a carcass: "And if any of their carcass fall upon any sowing seed" (Leviticus 11:37), indicating that the severed limb of an animal is not considered a carcass until it completely falls from the animal.

⁴³⁴ This explanation is also taught in a baraita: With regard to the limb and the flesh of an animal that were partially severed and remain hanging from the animal and are connected to the animal by a connector the size of a strand of hair, one might have thought that they impart the impurity of a carcass. Therefore, the verse states: "And if any of the carcass fall," indicating that a severed limb does not impart the impurity of a carcass until it completely falls from the animal. And nevertheless, despite the fact that it is not considered severed with regard to the impurity of a carcass, such a limb is considered severed with regard to being susceptible to impurity as food.

⁴³⁵ This explanation supports the opinion of Rav Ḥiyya bar Ashi, as Rav Ḥiyya bar Ashi said that Shmuel said: With regard to figs that dried while still attached to their tree, despite the fact that they are still attached, they are considered as if they have been picked and are susceptible to impurity as food. But with regard to one who picks them on Shabbat they are considered attached, and he is liable to bring a sin offering. Just as a partially severed limb of an animal is considered both attached and severed with regard to different halakhot, so too this dried fruit is considered both attached and detached with regard to different halakhot.

⁴³⁶ Let us say that a baraita (Tosefta, Okatzin 2:11) supports the opinion of Shmuel, who holds that dried figs still attached to the tree are considered as if they are detached with regard to susceptibility to impurity as food: Vegetables that dried while they are attached to their plant, such as cabbage and gourd, which become hard as wood and inedible when dried, are not susceptible to impurity as food. But if one cut them when they were still moist and then dried them in order to use them for fuel, or, in the case of gourds, to make utensils out of them, they are susceptible to impurity as food.

⁴³⁷ The Gemara asks: Does it enter your mind that if one cut them and dried them they are susceptible to impurity as food? Such a vegetable is merely wood, and it is inedible. And Rabbi Yitzḥak says: The baraita is discussing a case where one cut the vegetables when they were still moist in order to dry them. The novelty of the baraita is that even though one intends to dry the vegetables and render them inedible, as long as they are still moist they are susceptible to impurity as food.

⁴³⁸ The Gemara infers: The reason for this halakha in the baraita is that it is discussing cabbage and gourd: Since one dried them, they are inedible and consequently are not susceptible to impurity as food. But other types of produce, which are edible when dried, are susceptible to impurity.

⁴³⁹ The Gemara explains the suggested support to Shmuel: What are the circumstances? If one dried both the produce itself and its stems, isn't it obvious that the produce is no longer considered attached to the plant and is susceptible to impurity? If so, it would be unnecessary for the baraita to teach this. Rather, isn't the baraita discussing a case where one dried the produce without drying its

stems? Accordingly, in such a case the produce is considered detached with regard to impurity even though it is considered attached with regard to Shabbat, in accordance with the statement of Shmuel.

⁴⁴⁰ The Gemara rejects this interpretation: The baraita is not necessarily discussing that case.

Actually, the baraita is discussing a case where both the produce itself and its stems were dried. And although it appears that the halakha is obvious in such a case, it was necessary for the baraita to mention it in order to teach the latter clause of the baraita: In a case where one cut the cabbage and gourd when they were still moist in order to dry them, they are susceptible to impurity as long as they are still moist.

⁴⁴¹ The Gemara suggests: Come and hear a challenge to the opinion of Shmuel from a baraita: In the case of a tree from which a branch broke off, and the branch has fruit attached to it, even if the fruit is still moist it is considered detached from the tree. But if the branch did not break off, and the fruit dried on the tree, it is considered attached. What, isn't the ruling of the baraita that just as in the first clause the fruit on the detached branch is considered detached with regard to all matters, the halakhot of both Shabbat and impurity, so too in the latter clause the fruit that dried on the tree is considered attached to the tree with regard to all matters, even the transmission of impurity, contrary to the opinion of Shmuel?

⁴⁴² The Gemara rejects this challenge: Are the cases comparable? This case is as it is, and that case is as it is. In the first clause of the baraita, the fruit on the detached branch is considered detached with regard to all matters. In the latter clause of the baraita, the dried fruit on the tree is considered attached with regard to Shabbat but detached with regard to impurity.

⁴⁴³ §The mishna teaches: If the animal was slaughtered, Rabbi Meir holds that with the blood of the slaughtered animal the limb and the flesh were rendered susceptible to impurity. Rabbi Shimon says that they were not rendered susceptible with the animal's own blood. The Gemara asks: With regard to what principle do Rabbi Meir and Rabbi Shimon disagree?

⁴⁴⁴ Rabba said: The mishna is discussing a case where the blood of the slaughtered animal came into contact with the body of the animal but not with the partially severed limb. The tanna'im agree that if an appendage that constitutes a handle is rendered susceptible to impurity, the food to which it is attached is also rendered susceptible. But they disagree with regard to whether an animal constitutes a handle for its limb. One Sage, Rabbi Shimon, holds that an animal does not constitute a handle for its limb, and therefore the limb is not rendered susceptible to contract impurity along with the body of the animal. And one Sage, Rabbi Meir, holds that an animal constitutes a handle for its limb, and therefore the limb is rendered susceptible along with the body of the animal.

⁴⁴⁵ Abaye said a different explanation of the dispute between Rabbi Meir and Rabbi Shimon: The mishna is discussing a case where the blood of the slaughtered animal came into contact with the body of the animal but not with the partially severed limb, and both tanna'im agree that an animal does not constitute a handle for its limb. But they also agree that if the liquid comes into contact with only part of the food it renders the entire item susceptible to impurity. Therefore, if the partially severed limb is considered part of the animal it is rendered susceptible to impurity along with the animal. Rabbi Meir and Rabbi Shimon disagree with regard to whether the limb is considered part of the animal, and generally speaking, with regard to any case where a small part of an item is hanging off the larger part such that if one grasps and lifts the small part the large part does not ascend with it.

⁴⁴⁶ One Sage, Rabbi Meir, holds that although if one grasps and lifts the small part the large part does not ascend with it, the small part is still considered one and the same with the large part. Therefore, a partially severed limb is rendered susceptible to impurity along with the body of the animal. And one Sage, Rabbi Shimon, holds that the small part is not considered one and the same with the large part in such a case, and therefore the partially severed limb is not rendered susceptible to impurity along with the body of the animal.

⁴⁴⁷ And Rabbi Yoḥanan also holds in accordance with the explanation of Abaye that the tanna'im disagree with regard to the status of a small part of an item that is hanging off the larger part such that one grasps the small part and the large part does not ascend with it.

⁴⁴⁸ As Rabbi Yoḥanan raises a contradiction between one statement of Rabbi Meir and another statement of Rabbi Meir: Did Rabbi Meir actually say that even in a case where one grasps the small part of an item and the large part does not ascend with it, the small part is still considered one and the same with the large part?

⁴⁴⁹ One can raise a contradiction to this statement from a mishna (Tevul Yom 3:1): With regard to a piece of food that was sliced from a larger piece of food and remains partially connected to the larger piece, the entire item is considered one and the same with regard to impurity. If one who was previously ritually impure and immersed that day and is waiting for nightfall for the purification process to be completed touched either piece of the item, the entire item becomes impure.

⁴⁵⁰ Rabbi Meir says: If when one grasps the small piece, the large piece ascends with it, it is considered one and the same; but if it does not ascend with it, it is not considered one and the same. This statement of Rabbi Meir is not in accordance with his statement in the mishna that a partially severed limb is part of the body of the animal and is rendered susceptible to impurity along with the body even if one lifts the partially severed limb and the body of the animal does not ascend with it.

⁴⁵¹ And Rabbi Yoḥanan resolves the contradiction and says: The attribution of the opinions in tractate Tevul Yom is reversed. Indeed, Rabbi Meir holds that even if when one lifts the smaller piece, the larger piece does not ascend with it, it is still the same item. Therefore, it is apparent that Rabbi Yoḥanan explains the dispute between Rabbi Meir and Rabbi Shimon in the mishna in accordance with the explanation of Abaye.

⁴⁵² With regard to the contradiction between the two statements of Rabbi Meir, the Gemara asks: What is the difficulty? Perhaps Rabbi Meir distinguishes between the impurity of one who immersed that day and other types of impurity. The impurity of one who immersed that day is a more lenient type of impurity, because he has already immersed and need only wait until the end of the day in order to consume sacrificial offerings. Therefore, there is reason to be more lenient when he touches a partially severed piece of food and to rule that the entire food item does not become impure.

⁴⁵³ The Gemara answers: One cannot make such a distinction between different types of impurity because it is taught in a baraita that Rabbi Yehuda HaNasi says: With regard to both the impurity of one who immersed that day and other types of impurity, the halakhot of contact are the same; whatever is considered contact that transmits impurity with regard to one type of impurity transmits impurity for all types of impurity.

⁴⁵⁴ The Gemara asks: But perhaps Rabbi Yehuda HaNasi does not distinguish between the impurity of one who immersed that day and other types of impurity and Rabbi Meir does distinguish in such a manner. Therefore, there is no contradiction between the statements of Rabbi Meir.

⁴⁵⁵ Rabbi Yoshiya said: This is what Rabbi Yoḥanan meant to say: According to the statement of Rabbi Yehuda HaNasi, who does not distinguish between the impurity of one who immersed that day and other types of impurity, there is a contradiction between the two statements of Rabbi Meir, and the attribution of the opinions in the mishna in tractate Tevul Yom is reversed.

⁴⁵⁶ Rava said a different explanation of the dispute between Rabbi Meir and Rabbi Shimon: The mishna is discussing a case where the blood from the slaughter came into contact with the body of the animal but not with the partially severed limb, and both tanna'im agree that an animal constitutes a handle for its limb. They disagree with regard to the principle that there is a status of a handle, i.e., a handle is considered part of the item itself, with regard to transmitting impurity to the attached food, but there is no status of a handle with regard to rendering the attached food susceptible to impurity, as in that regard the handle is considered a separate item.

⁴⁵⁷ One Sage, Rabbi Shimon, holds that there is a status of a handle with regard to transmitting impurity, but there is no status of a handle with regard to rendering the attached food susceptible to impurity. Therefore, although the body of the animal constitutes a handle vis-à-vis the limb, it does not render the limb susceptible to impurity. And one Sage, Rabbi Meir, holds that there is a status of a handle both with regard to transmitting impurity and with regard to rendering the attached food susceptible to impurity. Therefore, the body of the animal renders the limb susceptible to impurity.

⁴⁵⁸ Rav Pappa said a different explanation of the dispute: Both tanna'im hold that a handle renders the attached food susceptible to impurity. Yet, the mishna is discussing a case where the slaughter took place before the owner of the animal designated its meat for the consumption of a gentile. Rabbi Meir and Rabbi Shimon disagree with regard to whether an item can be rendered susceptible to impurity before intention, i.e., before one intends to use it as food. Rabbi Shimon holds that since the animal came in contact with the blood of the slaughter before the owner intended to use it as food, it is not rendered susceptible to impurity. Rabbi Meir holds that the susceptibility to impurity takes effect such that when the owner considers it as food it will be susceptible to impurity.

⁴⁵⁹ This dispute is also found in that which we learned in a baraita (Tosefta, Okatzin 3:2): Rabbi Yehuda says that Rabbi Akiva would teach this halakha: Fat forbidden in consumption for a Jew from an animal slaughtered in the villages requires intention, i.e., designation, for consumption, for it to become susceptible to impurity. This is because the population in such places is small and there is an abundance of meat, so people do not generally consume the fat. Consequently, unless the Jewish owner intends for a gentile to consume it, it is not considered food. But the fat does not require contact with a liquid in order to be rendered susceptible to impurity, as it was already rendered susceptible by the blood of slaughter even though it came into contact with the blood before the Jew designated it for consumption.

⁴⁶⁰ Rabbi Yehuda continues: I said before him: You taught us, our teacher, that in a case of endives that one picked and rinsed in water for the consumption of an animal, and one later reconsidered and decided to designate them for human consumption, the endives need to come into contact with liquid a second time in order to be rendered susceptible to impurity, as food designated for animal consumption does not contract impurity. Evidently, for a food item to become susceptible to

impurity, its contact with liquid must occur after one designated it as food. And Rabbi Akiva then retracted his previous statement and taught the halakha in accordance with the statement of Rabbi Yehuda.

⁴⁶¹ Rav Pappa concludes: Rabbi Meir and Rabbi Shimon disagree in the same manner. One Sage, Rabbi Meir, holds in accordance with that which Rabbi Akiva taught originally, and one Sage, Rabbi Shimon, holds in accordance with that which Rabbi Akiva taught after his retraction of his original statement.

⁴⁶² Rav Aḥa, son of Rav Ika, said another explanation of the dispute: The mishna is discussing a case where the blood of slaughter came into contact with a partially severed limb, and the blood of slaughter is one of the liquids that render food susceptible to impurity. But slaughter is valid only if one cuts the two simanim, the windpipe and the gullet, or the majority of the two simanim, and the tanna'im disagree with regard to a case where the blood in question was wiped off between the cutting of the first siman and the second siman.

⁴⁶³ One Sage, Rabbi Meir, holds that slaughter is defined from the beginning to the end of its performance, and this blood that splashed on the limb is considered blood of slaughter. And one Sage, Rabbi Shimon, holds that slaughter is defined only as the conclusion of its performance, and this blood from the first siman is considered the blood of a wound and does not render the limb susceptible to impurity.

⁴⁶⁴ Rav Ashi said another explanation of the dispute: The case is where the blood of slaughter came in contact with the partially severed limb, but Rabbi Meir and Rabbi Shimon disagree with regard to the principle that the slaughter itself renders the limb susceptible to impurity, and not the blood of slaughter. Rabbi Shimon holds that the blood of slaughter is not one of the liquids that render food susceptible to impurity. But the slaughter itself renders the meat of the animal susceptible to impurity, because it prepares the meat for consumption. Therefore, since a partially severed limb is not prepared for consumption by the slaughter, as it remains forbidden, the slaughter does not render it susceptible to impurity. Rabbi Meir maintains that the blood of slaughter is one of the liquids that render food susceptible to impurity, and therefore, the limb is rendered susceptible.

⁴⁶⁵ §Earlier (127b), Rabba explained that Rabbi Meir and Rabbi Shimon disagree with regard to whether the body of an animal constitutes a handle for its limb. With regard to the opinion of Rabbi Meir, who holds that it does constitute a handle, Rabba raises a dilemma: What is the halakha if an animal with a partially severed limb came into contact with a source of impurity during its lifetime? In such a case, where the animal is not susceptible to contract impurity because it is alive but the partially severed limb is susceptible to contract impurity as food, does the animal constitute a handle for its limb and transmit the impurity to the limb? The Gemara concludes: The dilemma shall stand unresolved.

⁴⁶⁶ The Gemara introduces a similar dilemma. Abaye says: The Sages said in the mishna (Okatzin 2:9): In the case of an impure cucumber that one planted in an unperforated flowerpot, such that the cucumber is considered detached from the ground and susceptible to impurity as food, and the cucumber grew and went out beyond the edge of the flowerpot such that part of the cucumber is overlying the ground, the entire cucumber is considered attached to the ground and therefore becomes pure.

⁴⁶⁷ Rabbi Shimon says: What is the nature of the impurity of the cucumber that it is rendered pure in such a case? Rather, the part of the cucumber that is inside the flowerpot and impure remains in its state of impurity, and the part of the cucumber that is outside the flowerpot and pure remains in its state of purity.

⁴⁶⁸ Based on this mishna, Abaye raises a dilemma according to the opinion of Rabbi Shimon: What is the halakha if the part of the cucumber outside of the flowerpot comes into contact with a source of impurity? Does the part of the cucumber outside the flowerpot constitute a handle for its counterpart inside the flowerpot and transmit impurity to it to it? The Gemara concludes: The dilemma shall stand unresolved.

⁴⁶⁹ The Gemara relates another dilemma based on the opinion of Rabbi Shimon. Rabbi Yirmeya says: The Sages said that one who bows down to a half of a gourd, worshipping it as a divinity, renders that half of the gourd forbidden, i.e., it is prohibited to derive benefit from it, because it was worshipped as an idol. The other half, though, is not forbidden. Based on this ruling, Rabbi Yirmeya raises a dilemma:

⁴⁷⁰ According to Rabbi Shimon, an item that is forbidden due to idol worship is not susceptible to impurity as food (see 129a). What is the halakha if the forbidden part of the gourd comes into contact with a source of impurity? Does the forbidden part constitute a handle for its permitted counterpart and transmit impurity to it? The Gemara concludes: The dilemma shall stand unresolved.

⁴⁷¹ The Gemara discusses a similar dilemma. Rav Pappa says: The Sages said in a mishna (Okatzin 3:8): In the case of a branch of a fig tree that was mainly detached from the tree and which remains attached only to the bark of the tree, Rabbi Yehuda holds that the figs on the branch are considered as if they are still attached to the tree. Therefore, he deems them not susceptible to impurity. And the Rabbis say: If one is able to reattach the branch to the tree such that the branch can continue to live and produce fruit, then it is considered as if it is attached to the tree and the fruit on it is not susceptible to impurity. But if not, then the fruit is susceptible to impurity.

⁴⁷² With regard to this mishna, Rav Pappa raises a dilemma: According to the Rabbis, who distinguish between a branch that can be reattached and one that cannot, what is the halakha in the case of a branch that is mainly detached from a tree but can be reattached, and a second branch grows out from that branch, and is mainly detached from it and cannot be reattached? In such a case, the branch that can be reattached to the tree is not susceptible to contracting impurity, but the branch attached to it is. If the branch that is not susceptible to contract impurity comes into contact with a source of impurity, does it constitute a handle for the other branch and transmit impurity to it? The Gemara concludes: The dilemma shall stand unresolved.

⁴⁷³ The Gemara discusses another similar dilemma. Rabbi Zeira says: The Sages said in a mishna (Nega'im 13:2): In the case of a large stone that is situated in the corner of a wall shared by two houses, where the stone is visible from inside both houses, if a leprous mark appears in one of the houses on the stone, when one extracts the stone he must extract the entire stone, even the part of the stone that is part of the neighbor's wall. But when one destroys his house, after a reappearance of the leprous mark, he must destroy only the part of a stone that is in his house, and leaves the part of a stone that belongs to his neighbor.

⁴⁷⁴ With regard to this mishna Rabbi Zeira raises a dilemma: What is the halakha in such a case with regard to the transmission of impurity from the leprous house to the adjacent house? Does half of the

stone in the adjacent house constitute a handle for the other half and impart impurity such that one who enters the neighbor's house becomes impure just as one who enters the leprous house? Or perhaps there is no halakha of a handle with regard to the impurity of a leprous house. The Gemara concludes: The dilemma shall stand unresolved.

⁴⁷⁵ §The mishna teaches: If the animal died, the hanging flesh needs to be rendered susceptible to impurity via contact with a liquid in order to become impure, as its halakhic status is that of flesh severed from a living animal, which is ritually pure and does not have the status of an unslaughtered carcass. The hanging limb imparts impurity as a limb severed from a living animal but does not impart impurity as the limb of an unslaughtered carcass. The Gemara asks: What difference is there between the impurity of a limb from a living animal and the impurity of a limb from a carcass?

⁴⁷⁶ The Gemara answers: The difference between them is with regard to flesh that separates from the limb of an animal, as flesh that separates from a limb severed from the living does not impart impurity, just like flesh that separates directly from a living animal. By contrast, an olive-bulk of flesh that separates from the limb of a carcass imparts impurity like the flesh of a carcass.

⁴⁷⁷ The Gemara asks: What is the verse from which it is derived that a limb severed from the living imparts impurity? Rav Yehuda says that Rav says: With regard to the impurity of a carcass it is written: "And if some animal [min habehema] of which you may eat dies, he who touches its carcass shall be impure until evening" (Leviticus 11:39). The phrase "some animal [min habehema]," which also means: From an animal, is interpreted as indicating that a limb torn from an animal is included in the impurity discussed in the verse.

⁴⁷⁸ The Gemara asks: How can Rav interpret this verse in such a manner? This verse is necessary for another halakha that Rav Yehuda said that Rav said, as Rav Yehuda said that Rav said, and some say it was taught in a baraita: In the verse: "And if some animal [min habehema] of which you may eat dies, he who touches its carcass shall be impure until evening," the phrase "some animal [min habehema]" indicates that some dead animals impart impurity as a carcass, and some dead animals do not impart impurity as a carcass. And which is that animal that does not impart impurity as a carcass? That is an animal with a wound that will cause it to die within twelve months [tereifa] that one slaughtered. Even though slaughter does not render the animal permitted to be eaten, it removes the animal from the category of a carcass with regard to impurity.

⁴⁷⁹ The Gemara answers: If so, if the verse teaches only one of the two halakhot, let the Merciful One write mibehema, in one Hebrew word. What is the verse teaching when it states: "Min habehema," with two Hebrew words? It is teaching that one should conclude two conclusions from it.

⁴⁸⁰ The Gemara challenges: If so, if this verse teaches that a limb from a living animal imparts impurity, one can also derive from it that even flesh from a living animal imparts impurity. The Gemara responds: It should not enter your mind to derive this, as it is taught in a baraita: One might have thought that flesh that separates from a living animal is impure like a carcass. Therefore, the verse states: "And if some animal of which you may eat dies." Just as death does not generate a replacement, i.e., life is not regenerated from the dead, so too any element of an animal that dies and does not generate a replacement assumes the impurity of a carcass. An animal does not replace a severed limb but it does replace severed flesh; this is the statement of Rabbi Yosei.

⁴⁸¹ Rabbi Akiva says: One can derive this halakha from the word “animal” in the verse. Just as an animal contains sinews and bones, so too, any element of an animal that contains sinews and bones imparts impurity. Therefore, a limb, which contains sinews and bones, imparts impurity, but flesh, which does not contain sinews and bones, does not impart impurity. Rabbi Yehuda HaNasi says: One can derive this halakha from the word “animal” in the verse. Just as an animal contains flesh, sinews, and bones, so too, any element of an animal that contains flesh, sinews, and bones imparts impurity.

⁴⁸² The Gemara asks: What difference is there between the opinions of Rabbi Yehuda HaNasi and Rabbi Akiva? The Gemara answers: The practical difference between them is with regard to the leg joint, which contains sinews and bones but no flesh. According to Rabbi Yehuda HaNasi it does not impart impurity when it separates from a living animal, but according to Rabbi Akiva it does.

⁴⁸³ The Gemara asks: What practical difference is there between the opinions of Rabbi Akiva and Rabbi Yosei HaGelili? Rav Pappa said: The practical difference between them is with regard to the kidney and the upper lip that separate from a living animal. According to Rabbi Yosei these parts of the animal impart impurity because the animal does not generate a replacement for them; according to Rabbi Akiva they do not impart impurity, because they do not contain bones.

⁴⁸⁴ The Gemara states a different halakha where these three tanna'im express the same opinions. So too, it is taught in a baraita with regard to creeping animals like this case: One might have thought that flesh that separates from a creeping animal during its lifetime should be impure like a creeping animal carcass. Therefore, the verse states with regard to creeping animal carcasses: “And upon whatever any of them falls when they are dead shall be impure” (Leviticus 11:32). The word “dead” teaches that just as death does not generate a replacement, so too any element of a creeping animal that dies and does not generate a replacement imparts the impurity of a creeping animal carcass, excluding flesh; this is the statement of Rabbi Yosei HaGelili.

⁴⁸⁵ Rabbi Akiva says: One can derive this halakha from the term “creeping animal.” Just as a creeping animal contains sinews and bones, so too any element of a creeping animal that contains sinews and bones imparts impurity. Rabbi Yehuda HaNasi says: One can derive this halakha from the term “creeping animal.” Just as a creeping animal contains flesh, sinews, and bones, so too, any element of a creeping animal that contains flesh, sinews, and bones imparts impurity.

⁴⁸⁶ The Gemara comments: The practical difference between the opinions of Rabbi Yehuda HaNasi and Rabbi Akiva is with regard to the leg joint, which contains sinews and bones but no flesh. What difference is there between the opinions of Rabbi Akiva and Rabbi Yosei HaGelili? Rav Pappa said: The practical difference between them is with regard to the kidney and the upper lip, which contain no bones and which are not regenerated by the creeping animal.

⁴⁸⁷ And it is necessary to teach this halakha both with regard to flesh that separates from a living animal and with regard to flesh that separates from a creeping animal. As if the baraita had taught us this halakha only with regard to an animal, one might have said that this is the reason that flesh that separates from a living animal does not impart impurity: It is because an animal carcass does not impart impurity in the measure of a lentil-bulk, but rather only in the measure of an olive-bulk. But with regard to a creeping animal, which imparts impurity even in the measure of a lentil-bulk, say that flesh that separates from it while it is living should impart impurity.

⁴⁸⁸ And if the baraita had taught us this halakha only with regard to a creeping animal, one might have said that flesh that separates from a creeping animal does not impart impurity because a

creeping animal does not impart impurity via carrying, and therefore flesh that separates from it while it is living does not impart impurity. But with regard to an animal, which imparts impurity via carrying, say that flesh that separates from it while it is living should impart impurity. Therefore, it is necessary to teach this halakha in both cases.

⁴⁸⁹ §The Gemara continues to discuss flesh that separates from a living animal. The Sages taught in a baraita: In the case of one who severs an olive-bulk of flesh from a limb severed from the living, the flesh does not impart the impurity of a carcass but it does impart impurity as food if one designated it as food before it came into contact with a source of impurity. Therefore, if one severed the flesh from the limb and afterward intended it to be used for the consumption of a gentile, the flesh remains pure because at the time he designated the flesh as food it was not in contact with a source of impurity.

⁴⁹⁰ But if he intended it to be used for the consumption of a gentile and afterward severed the flesh, the flesh is impure, because it came into contact with a source of impurity, i.e., the limb, after it was designated as food.

⁴⁹¹ One day Rabbi Asi did not go to the study hall. He found Rabbi Zeira, and said to him: What was said today in the study hall? Rabbi Zeira said to him: What matter is difficult for you that you think may have been discussed in the study hall? Rabbi Asi said to him: I find difficult that which is taught in a baraita: If one intended flesh from a limb that was severed from a living animal to be used for the consumption of a gentile, and afterward he severed the flesh from the limb, the flesh is impure.

⁴⁹² Why should the flesh be impure? Since the source of its impurity is the limb, and the location of the contact between the limb and the flesh is hidden and not visible, it constitutes contact with a source of impurity in a concealed part of the body, and the principle is that contact with a source of impurity in a concealed part of the body does not render an item impure.

⁴⁹³ Rabbi Zeira said to Rabbi Asi: This matter is difficult for me as well, and I asked Rabbi Abba bar Memel, and he said to me: In accordance with whose opinion is this baraita? It is in accordance with the opinion of Rabbi Meir, who said that contact with a source of impurity in a concealed part of the body renders an item impure.

⁴⁹⁴ Rabbi Asi said to Rabbi Zeira: But hasn't Rabbi Abba bar Memel said this answer in my presence many times? And I said to him that this answer does not explain the ruling of the baraita. The reason is that with regard to a concealed part of the body imparting impurity, Rabbi Meir differentiates between a type of impurity that requires an item to be rendered susceptible in order to take effect and a type of impurity that does not require an item to be rendered susceptible. The case in the baraita is one where the flesh was not yet rendered susceptible to impurity when it was severed from the limb, and Rabbi Meir concedes that in such a case impurity should not apply to a concealed part of the body.

⁴⁹⁵ Rava was surprised by Rabbi Asi's statement and said: But what is the difficulty? Perhaps the baraita is discussing a case where the flesh was rendered susceptible to impurity before it was severed from the limb.

⁴⁹⁶ Rabba bar Rav Ḥanan said to Rava: Why do I need the flesh severed from the limb to be rendered susceptible to impurity? Flesh that is upon a limb from a living animal imparts a severe form of impurity due to its original limb, as it is considered part of the limb that was severed from a living animal, which imparts the impurity of a carcass, a severe form of impurity that is transmitted even to

people and vessels. Therefore, it is not necessary to render this flesh susceptible to impurity after its separation from the limb, because the halakha is that any food item that will eventually impart a severe form of impurity does not require contact with liquid in order to be rendered susceptible to imparting a lesser form of impurity.

⁴⁹⁷ Rava said to Rabba bar Rav Ḥanan: This principle applies only when the more severe and more lenient forms of impurity are both impurities of food. But in the case of the baraita, the flesh needs to be rendered susceptible to impurity after it is severed from the limb, because when it initially served as part of the limb, it performed the role of wood, i.e., it had the status of flesh of the limb, which is necessary to give the limb the status of a limb severed from the living (see 128b), but it was not impure due to its status as food.

⁴⁹⁸ §Rava said that if a food item serves a function other than food, the principle that if it will eventually contract a severe form of impurity it does not require contact with liquid in order to be rendered susceptible to a lesser form of impurity does not apply. The Gemara now relates a number of matters that are explained with the same reasoning. Abaye said: The Sages said in a baraita: A mass of hardened leaven that one designated for the purpose of sitting upon it, not for consumption, is nullified. The item is no longer considered food and one may possess it in his house during Passover. But the item is now considered a chair, and it is subject to ritual impurity imparted by treading. It therefore is rendered impure if a zav sits on it.

⁴⁹⁹ Abaye explained: Its impurity in such a case is clearly not by Torah law but by rabbinic law; as if it enters your mind that it is impure by Torah law, then we have found that food can become susceptible to a severe type of impurity. This cannot be true, because the category of food that requires contact with liquid to be susceptible to impurity is food that will not eventually impart a more severe type of impurity. Based on Rava's reasoning, the Gemara responds: The seat imparts impurity by Torah law. When the leaven served as a chair it was not considered food, as it performed the role of wood.

⁵⁰⁰ Similarly, Abaye said: The Sages said in a baraita: An idolatrous offering of food imparts impurity in a tent. Abaye explained: Its impurity is not by Torah law but by rabbinic law; as if it enters your mind that it is impure by Torah law, then we have found that food can become susceptible to a severe type of impurity. The Gemara responds: The idolatrous offering imparts impurity by Torah law. When the food served as an idolatrous offering it was not considered food, as it performed the role of wood.

⁵⁰¹ Similarly, Abaye said: The Sages said in a baraita: Foods that are connected to vessels are considered like the vessels. For example, if dough is attached to a kneading bowl and the owner wishes for the dough to remain there, the dough is considered part of the bowl. Therefore, if an olive-bulk of a corpse touches that dough, it becomes impure with the more severe impurity of a vessel, which imparts impurity to people and other vessels. Abaye explained: Their impurity is not by Torah law but by rabbinic law; as if it enters your mind that it is impure by Torah law, then we have found that food can become susceptible to a severe type of impurity. The Gemara responds: Food connected to vessels imparts impurity by Torah law. When the food served as a connection to the vessel it was not considered food, as it performed the role of wood.

⁵⁰² Similarly, Rav Pappa said to Rava in explanation of that which is taught in a mishna (Okatzin 3:3): Fat forbidden in consumption for a Jew from an animal carcass in the villages, requires

designation as food in order for it to become susceptible to contract impurity as food, and it must be rendered susceptible via contact with liquid. Rav Pappa explained: Although the forbidden fat that covers the kidney of a carcass imparts the impurity of a carcass, its impurity due to the impurity of the kidney is not by Torah law but by rabbinic law. As if it enters your mind that it is impure by Torah law, then we have found that food can impart a severe type of impurity and subsequently become susceptible to impurity as food.

⁵⁰³ The Gemara responds: The fat of a carcass imparts impurity by Torah law. When the fat served the kidney as protection and imparted the impurity of a carcass it did not serve as food, as it performed the role of wood.

⁵⁰⁴ Similarly, Rav Mattana said: The Sages said in a baraita: With regard to a house that one roofed with seeds, i.e., vegetation, if those seeds were impure, they are rendered pure when they are used as the roof of the house. The seeds are no longer considered food but rather part of the house. Therefore, if the house becomes leprous, the entire house becomes impure. Rav Mattana explained: Its impurity is not by Torah law but by rabbinic law; as if it enters your mind that it is impure by Torah law, then we have found that seeds can become susceptible to a severe type of impurity. The Gemara responds: The seeds used for the roof of the house impart impurity by Torah law. When the seeds served as the roof of the house they were not considered food, but rather performed the role of wood.

⁵⁰⁵ §The mishna teaches with regard to a hanging limb or flesh of a living animal that if the animal died, the hanging flesh needs to be rendered susceptible to impurity, as its halakhic status is that of flesh severed from a living animal, which is ritually pure. Rabbi Meir then states that the hanging limb imparts impurity as a limb severed from a living animal, but not as an unslaughtered carcass. And Rabbi Shimon deems the limb pure.

⁵⁰⁶ The Gemara asks: Whichever way you look at it, the ruling of Rabbi Shimon is difficult. If death renders a hanging limb one that has fallen off, i.e., if when the animal died of its own accord the hanging limb is considered to have fallen off its body beforehand, the limb should become impure as a limb from a living animal. If death does not render a hanging limb one that has fallen off, the limb should become impure as a limb from a carcass. How is it possible for Rabbi Shimon to deem the limb pure?

⁵⁰⁷ The Gemara answers: Rabbi Shimon is not responding to Rabbi Meir's statement in the final clause of the mishna. Rather, Rabbi Shimon is referring to the first clause of the mishna, which teaches: The limb and the flesh of an animal that were partially severed and remain hanging from the animal impart impurity as food although they remain in their place attached to the animal. But in order for them to become impure, they need to be rendered susceptible through contact with a liquid. And Rabbi Shimon deems them not susceptible to impurity at all.

⁵⁰⁸ Rabbi Asi said that Rabbi Yoḥanan said: What is the reason for the opinion of Rabbi Shimon? The verse states with regard to impurity as food: "From all food which may be eaten, that on which water comes shall be impure" (Leviticus 11:34). The repetitive phrase "food which may be eaten" indicates that only food that you are able to feed to others, including gentiles, is called food with regard to being susceptible to impurity as food, but food that you are not able to feed

⁵⁰⁹ to others, such as the limb and flesh from a living animal, which are forbidden even to gentiles, is not called food.

⁵¹⁰ Rabbi Zeira questioned the explanation of Rabbi Yoḥanan and said to Rabbi Asi: If Rabbi Shimon is discussing the first clause in the mishna, claiming that a hanging limb or flesh is pure during the lifetime of the animal, the reason for his statement is not necessarily that food that is forbidden to all people is not considered food. Perhaps the reason for the opinion of Rabbi Shimon there is that since the flesh or limb is still attached to the animal, it is considered attached.

⁵¹¹ As it is taught in a mishna (Okatzin 3:8): With regard to a branch of a fig tree that was detached from the tree and remains attached only to the bark of the tree, Rabbi Yehuda deems the figs on the branch not susceptible to impurity, as they are considered attached to the tree. And the Rabbis say: If it is possible to reattach the branch to the tree and the branch can continue to live and produce fruit, then it is considered attached to the tree, and the fruit is not susceptible to impurity. But if not, the fruit is susceptible to impurity. And we said to you, Rabbi Asi: What is the reason for the opinion of Rabbi Yehuda? And you said to us: Since the branch is still attached to the bark of the tree, it is considered attached. Therefore, the same logic applies to the statement of Rabbi Shimon.

⁵¹² Rabbi Asi said to Rabbi Zeira: Rabbi Yoḥanan is explaining the reasoning for Rabbi Shimon's opinion in the middle clause of the mishna, which teaches: If the animal was slaughtered, the limb and the flesh were rendered susceptible to impurity with the blood of the slaughtered animal; this is the statement of Rabbi Meir. Rabbi Shimon says: They were not rendered susceptible with the blood of the slaughtered animal.

⁵¹³ Rabbi Asi said that Rabbi Yoḥanan said: What is the reason for the opinion of Rabbi Shimon? The reason is that the verse states with regard to impurity as food: "From all food which may be eaten, that on which water comes shall be impure" (Leviticus 11:34). The phrase "food which may be eaten" indicates that only food that you can feed to others, including gentiles, is called food in this regard, but food that you cannot feed to others, such as the limb and flesh from a living animal, is not called food.

⁵¹⁴ Rabbi Zeira questioned this explanation of Rabbi Yoḥanan as well, and said to Rabbi Asi: If it is with regard to Rabbi Shimon's opinion in the middle clause of the mishna, perhaps the reason for the opinion of Rabbi Shimon in that clause is not that food that is forbidden to all is not called food.

⁵¹⁵ Rather, it is either in accordance with the explanation of Rava or in accordance with the explanation of Rabbi Yoḥanan cited earlier (127b–128a). According to both explanations of Rabbi Shimon's opinion, the mishna is discussing a case where only the body of the animal, but not the partially severed limb, came into contact with the blood of slaughter. According to Rava, the reason for Rabbi Shimon's opinion is that the body of the animal serves the partially severed limb as a handle, and he holds that a handle of a food item transmits impurity to the attached food, but a handle that comes into contact with liquid does not render the attached food susceptible to impurity. And according to Rabbi Yoḥanan, Rabbi Shimon holds that if one grasps a small part of a large item such that the large part does not ascend with the small part, the small part is not considered part of the item with regard to impurity (see 127b).

⁵¹⁶ Rather, actually, one must explain the statement of Rabbi Shimon as it was explained originally, that he is referring to the latter clause of the mishna. And he is not referring to the case of a partially severed limb, but rather to the case of partially severed flesh. Therefore, the latter clause of the mishna teaches: If the animal died without slaughter, Rabbi Meir holds that the hanging flesh needs

to be rendered susceptible to impurity in order to impart impurity as food, and Rabbi Shimon deems the limb not susceptible to impurity even if it came into contact with liquid.

⁵¹⁷ Rabbi Yoḥanan said: What is the reason for the opinion of Rabbi Shimon? The reason is that the verse states with regard to impurity as food: “From all food which may be eaten, that on which water comes shall be impure” (Leviticus 11:34). The phrase “food which may be eaten” indicates that only food that you can feed to others, including gentiles, is called food with regard to being susceptible to impurity as food, but food that you cannot feed to others, such as flesh from a living animal, which is forbidden even to gentiles, is not called food.

⁵¹⁸ MISHNA: The limb and the flesh of a person that were partially severed and remain hanging from a person are ritually pure, although there is no potential for healing. If the person died, the hanging flesh is ritually pure, as its halakhic status is that of flesh severed from a living person. The hanging limb imparts impurity as a limb severed from the living and does not impart impurity as a limb from a corpse; this is the statement of Rabbi Meir. And Rabbi Shimon deems the flesh and the limb ritually pure.

⁵¹⁹ GEMARA: The Gemara challenges the opinion of Rabbi Shimon in the latter clause of the mishna: Whichever way you look at it, the ruling of Rabbi Shimon is difficult. If death renders a hanging limb fallen off, i.e., if after the person dies the hanging limb is considered to have fallen off his body beforehand, the limb should impart impurity as a limb severed from the living. And if death does not render a hanging limb fallen off, and the limb is considered attached to the body at the time of death, then the limb should impart impurity as a limb from a corpse.

⁵²⁰ The Gemara explains: This statement of Rabbi Shimon is not referring directly to the case in the mishna. Rather, the statement of Rabbi Shimon is referring to the matter of a limb that separates from a corpse in general. Rabbi Shimon inferred from that which the first tanna, Rabbi Meir, said: The hanging limb imparts impurity as a limb severed from the living and does not impart impurity as a limb from a corpse, that evidently, in general the limb of a corpse imparts impurity. And in reference to this Rabbi Shimon said to him: In general, the limb of a corpse does not impart impurity, if it does not contain an olive-bulk of flesh.

⁵²¹ Another pair of tanna'im had the same dispute as Rabbi Meir and Rabbi Shimon, as it is taught in a baraita: Rabbi Eliezer says: I heard that a limb severed from the living imparts impurity. Rabbi Yehoshua said to him: May one infer from this statement that a limb from a living person imparts impurity but a limb from a corpse does not? But it can be inferred a fortiori that a limb from a corpse imparts impurity: If with regard to a living person, who is pure and does not impart impurity, nevertheless a limb that separates from him is impure, then with regard to a corpse, which is impure, all the more so is it not clear that the limb that separates from it is impure?

⁵²² Furthermore, Rabbi Yehoshua adds that it is written in Megillat Ta'anit: On Minor Passover, i.e., the fourteenth of Iyyar, one does not eulogize. Should one infer from here that on Major Passover, i.e., the fourteenth of Nisan, it is permitted to eulogize? Clearly that is not the case. Rather, if one may not eulogize on the fourteenth of Iyyar, all the more so one may not eulogize on the fourteenth of Nisan. Here too, if a limb from a living person is impure, all the more so a limb from a corpse is impure. Rabbi Eliezer said to him: Despite this reasoning, such is the ruling I heard from my teachers.

⁵²³ §The mishna teaches that Rabbi Meir holds that with regard to a partially severed limb of a person, after the person dies the limb imparts impurity as a limb from a living person but not as a limb from a corpse. The Gemara asks: What difference is there between the impurity of a limb from a living person and the impurity of a limb from a corpse? The Gemara answers: The practical difference between them is with regard to the case of an olive-bulk of flesh, or a bone the volume of a barley grain, that separates from the severed limb of a living person.

⁵²⁴ As we learned in a mishna (Eduyyot 6:3): In the case of an olive-bulk of flesh that separates from a limb severed from a living person, Rabbi Eliezer deems it impure, and Rabbi Neḥunya ben HaKana and Rabbi Yehoshua deem it pure. In the case of a bone the volume of a barley-grain that separates from a limb severed from a living person, Rabbi Neḥunya deems it impure, and Rabbi Eliezer and Rabbi Yehoshua deem it pure.

⁵²⁵ The Gemara comments: Now that you have arrived at this dispute between tanna'im, it is possible to say that the difference between the first tanna in the mishna, i.e., Rabbi Meir, and Rabbi Shimon is also with regard to the cases of an olive-bulk of flesh and a bone the size of a barley grain. Rabbi Meir states that the partially severed limb of a person imparts the impurity of a limb from a living person but not the impurity of a limb from a corpse. The difference between these two types of impurity is with regard to a case where either an olive-bulk of flesh or a bone the size of a barley grain was separated from the severed limb; Rabbi Neḥunya holds that flesh that separated from a limb of a living person is pure, but a bone that separated from a limb of a living person is impure, and Rabbi Eliezer holds vice versa. Rabbi Meir consequently holds in accordance with one of these two opinions. Rabbi Shimon holds in accordance with the opinion of Rabbi Yehoshua that both a bone and flesh that separated from a limb of a living person are pure.

Chapter 10

¹ MISHNA: The mitzva to give the foreleg, the jaw, and the maw of slaughtered animals to the priests, known as the gifts of the priesthood, applies both in Eretz Yisrael and outside of Eretz Yisrael, in the presence of the Temple and not in the presence of the Temple, and it applies to non-sacred animals, but not to sacrificial animals.

² It is necessary to emphasize that it does not apply to sacrificial animals, as by right it should be inferred a fortiori: If non-sacred animals, which are not obligated to have the breast and thigh taken from them and given to the priest, are obligated to have gifts of the priesthood given from them, then with regard to sacrificial animals, which are obligated to have the breast and thigh given from them, is it not right that they should be obligated to have gifts of the priesthood given from them?

³ Therefore, the verse states: “For the breast of waving and the thigh of giving I have taken of the children of Israel from the sacrifice of the peace offerings, and have given them to Aaron the priest and to his sons as a due forever from the children of Israel” (Leviticus 7:34), from which it is derived that the priest has only that which is stated with regard to that matter, i.e., the breast and the thigh, and not the foreleg, the jaw and the maw.

⁴ All sacrificial animals in which a permanent blemish preceded their consecration do not assume inherent sanctity, and only their value is consecrated. And once they were redeemed, they are

obligated in the mitzva of a firstborn, i.e., their offspring are subject to being counted a firstborn, and in the gifts of the priesthood, and they can emerge from their sacred status and assume non-sacred status with regard to being shorn and with regard to being utilized for labor, as it is prohibited to shear animals with sacred status or utilize them for labor. And their offspring and their milk are permitted after their redemption.

⁵ And one who slaughters these animals outside the Temple courtyard is exempt from karet, and those animals do not render an animal that was a substitute for them consecrated. And if these animals died before they were redeemed, they may be redeemed and fed to dogs. Although typically sacrificial animals that were redeemed may not be fed to the dogs, in this case it is permitted. This is the halakha with regard to all animals except for the firstborn animal and the animal tithe, whose sanctity is inherent, even when a permanent blemish preceded their consecration.

⁶ With regard to all sacrificial animals whose consecration preceded their blemish, or who had a temporary blemish prior to their consecration and afterward developed a permanent blemish and they were redeemed, they are exempt from the mitzva of a firstborn, and from the gifts of the priesthood, and they do not emerge from their sacred status and assume non-sacred status with regard to being shorn and with regard to being utilized for labor.

⁷ And their offspring, which were conceived prior to redemption, and their milk, are prohibited after their redemption. And one who slaughters them outside the Temple courtyard is liable to receive karet, and those animals render an animal that was a substitute for them consecrated. And if these animals died before they were redeemed, they may not be redeemed and fed to dogs; rather, they must be buried.

⁸ GEMARA: The mishna teaches that the verse: “And have given them to Aaron the priest and to his sons” (Leviticus 7:34), indicates that only the breast and thigh, which are the subject of that verse, are given from sacrificial animals to the priest, but gifts of the priesthood are not given from sacrificial animals. The Gemara infers: The reason sacrificial animals are not included in the mitzva of gifts of the priesthood is due to the fact that the Merciful One writes: “Them,” in reference to the breast and the thigh of sacrificial animals. But were it not for this, I would say by a fortiori inference that sacrificial animals are obligated to have gifts of the priesthood given from them.

⁹ The Gemara asks: Why is it necessary to derive this halakha from a verse? The a fortiori inference can be refuted as follows: What is unique about non-sacred animals? They are unique in that they are obligated in the mitzva of a firstborn, whereas sacrificial animals are exempt. Therefore, the a fortiori inference stated in the mishna should not apply.

¹⁰ The Gemara responds: One could derive that the mitzva to give the gifts of the priesthood applies to sacrificial animals through an a fortiori inference from non-sacred male animals, which do not give birth to offspring and whose owners are therefore exempt from counting their offspring a firstborn, and nevertheless are subject to the giving of the gifts of the priesthood. The Gemara rejects this suggestion: What is unique about non-sacred male animals? They are unique in that they are obligated to have the first sheared wool given to the priest from them.

¹¹ The Gemara persists: One can derive that the obligation applies to sacrificial animals by an a fortiori inference from male goats, whose owners are exempt from counting their offspring a firstborn as well as from the first sheared wool, and yet are subject to the obligation of gifts of the priesthood. The Gemara rejects this claim as well: What is unique about male goats? They are unique

in that they enter the pen to be tithed for the animal tithe, whereas sacrificial animals are not subject to the animal tithe.

¹² The Gemara further suggests that one can derive the obligation of sacrificial animals having the breast and thigh given from them by a fortiori inference from old male goats, which have already entered the pen in order to be tithed. Consequently, the obligation of the animal tithe, the obligation of counting the offspring a firstborn, and the first sheared wool do not apply. The Gemara rejects this suggestion as well: What is unique about old male goats? They are unique in that they have entered the pen to be tithed, which is not the case with regard to sacrificial animals.

¹³ The Gemara again suggests that perhaps one can derive the obligation of giving gifts of the priesthood with regard to sacrificial animals by an a fortiori inference from a purchased animal, to which the obligation of the animal tithe never applies. Or perhaps it can be derived from an orphaned animal, born after the death of its mother, which is also not subject to the obligation of animal tithe. The Gemara rejects this claim: What is unique about a purchased animal or an orphaned animal? They are unique in that although they themselves do not enter the pen, animals of their type enter the pen to be tithed.

¹⁴ The Gemara responds: You say that it is significant that animals of their type enter the pen? With regard to sacrificial animals as well, non-sacred animals of their type enter the pen to be tithed. Accordingly, one can claim a fortiori that the mitzva to give the gifts applies to sacrificial animals, and it is only due to the verse that they are exempt.

¹⁵ § The Gemara challenges: And now that it has been established that the obligation of the gifts of the priesthood does not apply to sacrificial animals, non-sacred animals should be obligated to have the breast and thigh given from them by an a fortiori inference: If sacrificial animals, which are not obligated to have gifts of the priesthood given from them, are nevertheless obligated to have the breast and thigh given from them, then with regard to non-sacred animals, which are obligated to have gifts of the priesthood given from them, is it not right that they should be obligated to have the breast and thigh given from them?

¹⁶ The Gemara responds that the verse states: “And this shall be the priests’ due from the people, from them that perform a slaughter, whether it be an ox or sheep, that they shall give to the priest the foreleg, and the jaw, and the maw” (Deuteronomy 18:3). The verse indicates that “this,” the foreleg, the jaw, and the maw, yes, is given to the priests, but another item, i.e., the breast and thigh, is not given to the priests from non-sacred slaughtered animals.

¹⁷ The Gemara raises a difficulty: But this derivation indicates that the reason the giving of the breast and thigh does not apply to non-sacred animals is that the Merciful One writes “this,” from which it may be inferred if not for this, I would say that one is obligated to give the breast and thigh from non-sacred animals. But the procedure for giving the breast and thigh requires waving, and where would one wave the breast and thigh of a non-sacred animal? If it is suggested that one wave them outside the Temple, that cannot be done, as it is written: “That the breast may be waved for a wave offering before the Lord” (Leviticus 7:30), indicating that they must be waved inside the Temple.

¹⁸ If it is suggested that they should be waved inside the Temple, that too cannot be correct, because one who waves them inside the Temple thereby brings a non-sacred animal into the Temple courtyard. Therefore, since it is not possible to perform the procedure of giving the breast and thigh

with non-sacred animals, it is not necessary for a verse to teach that the giving of the breast and thigh does not apply to such animals.

¹⁹ The Gemara asks: But if that is so, why do I need the verse to state: “This shall be the priests’ due” (Deuteronomy 18:3)? The Gemara answers: The verse is necessary for that which Rav Ḥisda taught, as Rav Ḥisda said: One who causes damage to gifts of the priesthood, or who consumed them before they were given to the priests, is exempt from having to pay to the priest, as the verse states: “This shall be the priests’ due,” which indicates that only the foreleg, the jaw, and the maw themselves, not their replacements, are given to the priests.

²⁰ § The Gemara analyzes the matter itself: Rav Ḥisda said that one who causes damage to gifts of the priesthood or who consumed them is exempt from having to pay a substitute to the priest. The Gemara asks: What is the reason? If you wish, say that it is because “this” is written in the verse, indicating that only the foreleg, the jaw, and the maw themselves are given to the priests, as explained above. And if you wish, say instead that it is because it is money that has no claimants. Since one may give the gifts to any priest, no single priest can issue a claim on them.

²¹ The Gemara raises an objection from a baraita. The verse states: “And this shall be the priests’ due [mishpat]” (Deuteronomy 18:3), which teaches that the gifts given to the priests are considered a judgment, as mishpat can mean judgment. The Gemara continues: With regard to what halakha are the gifts a judgment? Is it not with regard to extracting them through judges, i.e., a priest may claim them in court and the court will order the individual to give the gifts to that priest? If so, the gifts are considered to be money that has claimants. The Gemara rejects this suggestion: No, they are a judgment with regard to distributing them through judges, i.e., the court dictates to the owner to which type of priests he should give the gifts.

²² And this is in accordance with that which Rav Shmuel bar Naḥmani taught, as Rav Shmuel bar Naḥmani said that Rabbi Yonatan said: From where is it derived that one does not give a gift of the priesthood to a priest who is an am ha’aretz? It is derived from a verse, as it is stated: “And he commanded the people who dwelled in Jerusalem to give the portion of the priests and of the Levites, so that they may firmly adhere to the Torah of the Lord” (II Chronicles 31:4). This indicates that anyone who firmly adheres to the Torah of the Lord has a portion, and one who does not firmly adhere to the Torah of the Lord does not have a portion.

²³ The Gemara suggests: Come and hear a proof with regard to the statement of Rav Ḥisda from a baraita: Rabbi Yehuda ben Beteira says that the phrase “And this shall be the priests’ due” teaches that the gifts of the priesthood are a judgment. One might have thought that the gifts of the breast and thigh are also a judgment. Therefore, the verse states: “This,” to teach that only the gifts of the foreleg, the jaw, and the maw are called a judgment.

²⁴ The Gemara analyzes this baraita: With regard to what matter is this halakha stated? If we say that it is with regard to distributing them through judges, is that to say that the breast and thigh are not distributed through judges? These are also called a “portion” (II Chronicles 31:4), and therefore the court determines to which priests they should be given, as stated above. Rather, is it not stated with regard to extracting them through judges? If so, one can infer from the baraita that gifts of the priesthood can be extracted in court by a priest, which contradicts the statement of Rav Ḥisda.

²⁵ The Gemara responds: Here, we are dealing with a case where the gifts already came into the priest’s possession, and the owner stole them from him. The baraita teaches that the priest may claim

them in court and the court will order that they be returned to him. The Gemara asks: If this is a case where they came into his possession, what is the purpose of stating that the priest may claim them in court? That is obvious, as they already belong to him. The Gemara responds: The baraita is referring to a case where they came into his possession while they were still untithed, i.e., the priest received the entire animal before the gifts were separated, and this tanna holds that gifts that have not been separated are considered as though they have been separated. Accordingly, the gifts belong to the priest, and if the owner takes them from him against his will it is considered theft.

²⁶ The Gemara suggests: Come and hear a proof with regard to the statement of Rav Ḥisda from a mishna (Pe'a 5:4): In the case of a homeowner who was passing from place to place, and he ran out of money while traveling and needs to take gleanings, forgotten sheaves, pe'a, or the poor man's tithe in order to sustain himself, he may take them, and when he returns to his house he will pay a poor person for whatever he took; this is the statement of Rabbi Eliezer. The mishna teaches that a poor person may extract payment for that which the homeowner took, despite the fact that he never had possession of the gifts. This ruling apparently contradicts the statement of Rav Ḥisda.

²⁷ Rav Ḥisda said: The mishna taught an attribute of piety here, i.e., strictly speaking a poor person has no right to claim any amount from the homeowner for what he took. Rava said in bewilderment: The tanna taught explicitly that he will pay, and you say that he taught an attribute of piety here? And furthermore, should one arise and raise an objection from the statement of Rabbi Eliezer? The halakha is not in accordance with his opinion.

²⁸ Rather, the objection is from the latter clause of the mishna: And the Rabbis say that the homeowner is not required to pay for what he took during his travels, as he was considered poor at that time. It may be inferred that the reason he is exempt from payment is only that he was considered poor at the time, but if he were considered wealthy, he would have to pay the poor people who issue a claim against him in court, as he was not entitled to those gifts.

²⁹ The Gemara explains the objection: But why must he pay? Let it be considered like a case where one causes damage to gifts of the priesthood or consumes them, with regard to which Rav Ḥisda states that he is not required to pay the priest. The opinion of the Rabbis apparently contradicts the statement of Rav Ḥisda. Rav Ḥisda says: Even if the homeowner was considered wealthy at the time he is not required to pay, and the Rabbis who obligated him to pay taught an attribute of piety here.

³⁰ The Gemara suggests: Come and hear a proof from a baraita: From where is it derived with regard to a homeowner who consumed his produce while it was untithed, i.e., neither teruma nor the first tithe had been separated, and similarly, with regard to a Levite who consumed his tithes while they were untithed, i.e., teruma of the tithe had not been separated, from where is it derived that he is exempt from payment? The verse states: "And they shall not profane the sacred things of the children of Israel, which they set apart to the Lord" (Leviticus 22:15). This teaches that you, the priest, have rights to them only from the time of separation onward. Since the produce was eaten before teruma was separated from it, the priest cannot claim payment for it in court.

³¹ The Gemara infers from this ruling: This indicates that if it was consumed from the time of separation onward, the priest may in any event claim payment for the teruma in court, and the one who consumed it must pay. But why must one pay? Let it be like a case where one causes damage to gifts of the priesthood or consumes them, with regard to which Rav Ḥisda states that he is exempt from payment. The Gemara responds: Here too,

³² the baraita is referring to a case where they came into the priest's possession while they were still untithed, and this tanna holds that gifts that have not been separated are considered as though they have been separated. In such a case, the priest obtained rights to the ownerless gifts by seizing them first. Although when he seized the produce it was still untithed, the portion of the produce that is to be separated has the status of teruma. Accordingly, one who consumes such produce is required to pay the priest.

³³ The Gemara further suggests: Come and hear another proof with regard to the statement of Rav Ḥisda from a baraita: In a case where the household of the king seized one's threshing floor by force, if they took it as payment of his debt owed to the king, then he is obligated to tithe other grain in accordance with the amount he would have tithed before the grain was seized. Since he was already obligated to tithe the grain before it was seized, it is considered as though the grain was sold in an untithed state. If they took it without reason [anparot], then he is exempt from tithing. The fact that one is required to tithe grain seized as payment of a debt indicates that the tithe is considered money that has claimants, from which it follows that a priest may extract payment of the tithe from him. Again, this apparently contradicts the statement of Rav Ḥisda.

³⁴ The Gemara rejects this proof: It is different there, since if one is not required to tithe grain seized as payment of a debt, this would mean that the seizure causes benefit for him, as he will be exempt from tithing grain that he was previously obligated to tithe. It is for this reason that the baraita rules that one must tithe other grain instead of the seized grain, not because a priest could have issued a claim against him in court.

³⁵ The Gemara suggests: Come and hear a proof from a mishna (132a): If an Israelite says to a butcher: Sell me the innards of a particular cow, and there were gifts of the priesthood included with it, i.e., the maw, that were not yet given to the priest, the purchaser must give them to the priest, and the butcher may not deduct the value of the gifts from the money that the purchaser pays him, as it is assumed that the gifts were not included in the sale. If he purchased the innards from the butcher by weight, the purchaser must give the gifts to the priest, and the butcher deducts the value of the gifts from the money that the Israelite pays him.

³⁶ The Gemara asks: Why must the buyer give the maw to the priest? Let the butcher's sale of the maw be considered like a case where one causes damage to gifts of the priesthood or consumes them, with regard to which Rav Ḥisda states that one is exempt from payment. This mishna apparently contradicts Rav Ḥisda's statement. The Gemara rejects this: It is different there, as the gifts are intact, i.e., they are distinct items in their own right. In such a case, the gifts must be given to the priest. By contrast, Rav Ḥisda is discussing cases in which the gifts are not distinguishable objects at the time.

³⁷ The Gemara suggests: Come and hear another proof: Nine items are the property of a priest: Teruma, teruma of the tithe, ḥalla, the portion of dough given to the priest, the first sheared wool, gifts of the priesthood, doubtfully tithed produce [demai], first fruits, the principal value of the property of a convert, and the additional one-fifth. The two are paid to the priest in a case where the property of a convert was stolen and the thief took an oath that he did not steal it, and after the convert died the thief admitted to taking a false oath.

³⁸ The Gemara explains the proof: With regard to what matter are these items considered the property of a priest? Is it not with regard to extracting them with judges, which would contradict the opinion of Rav Ḥisda? The Gemara responds: No, it is with regard to that which we learned in a

mishna (Bikkurim 3:12): To what end did they say that these items are the property of a priest? It means that a priest may purchase with them slaves and lands and a non-kosher animal; and a lender takes them as payment of his debt; and if the wife of a priest is divorced from him, she takes them as payment of her marriage contract; and a priest may purchase a Torah scroll with them.

³⁹ § The Gemara relates: There was a certain Levite who would snatch gifts of the priesthood from children who were delivering them to the priests on their fathers' behalf. They came and told Rav about this Levite. Rav said to them: Is it not enough that when he slaughters his own animals we do not take the gifts of the priesthood from him, but he also snatches gifts that are being delivered to priests?

⁴⁰ Rav's comment indicates that in his opinion there are grounds to take the gifts from Levites, but nevertheless they are not taken. The Gemara asks: And what does Rav maintain in this regard? If he maintains that Levites are called part of the "people," then let one take the foreleg, the jaw, and the maw from them as well, as the verse states: "From the people, from them that perform a slaughter, whether it be ox or sheep, they shall give to the priest the foreleg, and the jaw, and the maw" (Deuteronomy 18:3). And if they are not called part of the people, then the Merciful One has exempted them from giving those gifts, and there would be no grounds to take the gifts from them.

⁴¹ The Gemara responds: Rav is uncertain whether or not they are called part of the people. Therefore, he exempts the Levites from giving their own gifts, in accordance with the principle that the burden of proof rests upon the claimant.

⁴² The Gemara relates that Rav Pappa was sitting and saying this halakha in the name of Rav. Rav Idi bar Avin raised an objection to Rav Pappa from a baraita, with regard to the uncertainty of Rav: Four gifts are left to the poor from the produce of a vineyard: The individual fallen grapes [peret], and the incompletely formed clusters of grapes [olelot], and the forgotten clusters, and pe'a. And three gifts are left to the poor from grain: The gleanings, i.e., sheaves that fell during the harvest, and the forgotten sheaves, and the pe'a. Two gifts are left to the poor from the fruit of a tree: The forgotten fruits and the pe'a.

⁴³ The baraita elaborates: With regard to all of these gifts, the owner of the produce does not have the benefit of discretion. This is the benefit accrued from giving a gift to an individual of one's choice, e.g., giving teruma or tithes to whichever priest or Levite that one chooses. Instead, poor person who takes possession of these gifts becomes their rightful owner. And even a poor person of Israel who owns a vineyard, field, or tree must leave these gifts for all other poor people; and if he does not do so, the court removes them from his possession.

⁴⁴ By contrast, with regard to the poor man's tithe, which is distributed from within one's house, unlike other gifts to the poor that are left in the field for them to take, the owner has the benefit of discretion. And even in the case of a poor person in Israel, if he fails to separate the poor man's tithe from his produce, the court removes it from his possession. And with regard to other gifts of the priesthood, such as the foreleg, and the jaw, and the maw, the court does not remove them, neither from a priest to give to another priest, nor from a Levite to give to another Levite.

⁴⁵ Before Rav Idi bar Avin explains his objection, the Gemara cites the sources for the halakhot of the baraita: The baraita teaches that four gifts are left to the poor from the produce of a vineyard: The peret, and the olelot, and the forgotten clusters, and the pe'a, as it is written: "And you shall not glean

[te'olel] your vineyard, neither shall you gather the fallen fruit [peret] of your vineyard; you shall leave them for the poor and for the stranger" (Leviticus 19:10).

⁴⁶ And it is also written: "When you gather the grapes of your vineyard, you shall not glean it [te'olel] after you; it shall be for the stranger, for the fatherless, and for the widow" (Deuteronomy 24:21). And Rabbi Levi says that with regard to the term "after you," this is a reference to forgotten clusters, as the halakha is that clusters that were passed over by the harvester have the status of forgotten clusters, whereas those that remain in front of him do not have that status.

⁴⁷ The halakha that the mitzva of pe'a applies to one's vineyard is derived by a verbal analogy between the term "after you" in that verse and the term "after you" from another verse concerning an olive tree. As it is written: "When you beat your olive tree, you shall not go over the boughs [tefa'er] after you; it shall be for the stranger, for the fatherless, and for the widow" (Deuteronomy 24:20); and the school of Rabbi Yishmael taught that the term "You shall not go over the boughs" means that you should not take all of its splendor [tiferet] from it; rather, you should leave a portion of the olives for the poor. So too, one must leave a portion of one's vineyard as pe'a for the poor.

⁴⁸ The Gemara continues: The baraita teaches that three gifts are left to the poor from grain: The gleanings,

⁴⁹ and the forgotten sheaves, and the pe'a. As it is written: "And when you reap the harvest of your land, you shall not wholly reap the corner of [pe'at] your field, neither shall you gather the gleaning of your harvest; you shall leave them for the poor, and for the stranger" (Leviticus 23:22). And it is also written: "When you reap your harvest in your field and have forgotten a sheaf in the field, you shall not go back to fetch it; it shall be for the stranger, for the fatherless, and for the widow" (Deuteronomy 24:19).

⁵⁰ The baraita taught that two gifts are left to the poor from the produce of a tree: The forgotten fruits and the pe'a, as it is written: "When you beat your olive tree, you shall not go over the boughs [tefa'er] after you; it shall be for the stranger, for the fatherless, and for the widow" (Deuteronomy 24:20), and the school of Rabbi Yishmael taught that the phrase: "You shall not go over the boughs," means that you should not take all of its splendor [tiferet] from it; rather, you should leave a portion of the olives for the poor as pe'a. Additionally, when the verse states: "After you," this is a reference to forgotten fruits.

⁵¹ The Gemara continues its analysis of the baraita. And with regard to all of the gifts left to the poor, the owner of the produce does not have the benefit of discretion, i.e., the right to distribute the gifts to poor people of his choosing. Instead, any poor person who takes possession of these gifts becomes their rightful owner. What is the reason for this halakha? It is because the requirement of leaving is written with regard to them, e.g., in the verse that states: "You shall leave them" (Leviticus 23:22).

⁵² The baraita also stated: And even a poor person of Israel who owns a vineyard, field, or tree must leave these gifts for all poor people, and if he does not, the court removes them from his possession. This is derived from a verse, as it is written: "Neither the gleaning of your harvest shall you gather; for the poor you shall leave them, and for the stranger" (Leviticus 23:22). Since the verse juxtaposes the words "the poor" to the mitzva in the previous clause, this serves to warn a poor person that he must also separate these gifts from his own produce.

⁵³ And the baraita teaches with regard to the poor man's tithe that is distributed from within his house that the owner has the benefit of discretion. The Gemara asks: What is the reason for this halakha? It is because the requirement of giving is written with regard to it, as the verse states: "When you have made an end of tithing all the tithe of your increase in the third year, which is the year of tithing, and you shall give it to the Levite, to the stranger, to the fatherless, and to the widow, that they may eat within your gates, and be satisfied" (Deuteronomy 26:12). Consequently, in this case it is not left for the poor but is actively given to them.

⁵⁴ The baraita states: And even in the case of a poor person in Israel, if he fails to separate the poor man's tithe from his produce, the court removes it from his possession. The Gemara explains that this is as Rabbi Ile'a said: This is derived from a verbal analogy between the term "to the stranger" stated with regard to the poor man's tithe in the verse cited previously, and the term "to the stranger" from there, the mitzva to leave gleanings for the poor. Just as there, with regard to the mitzva to leave gleanings, a poor person is warned that he must leave gleanings from the produce of his own fields, so too here, with regard to the mitzva to separate the poor man's tithe, a poor person is warned to separate it from his own fields.

⁵⁵ The baraita taught: And with regard to other gifts of the priesthood, such as the foreleg, and the jaw, and the maw, the court does not remove them, neither from a priest to give to another priest nor from a Levite to give to another Levite. Rav Idi bar Avin now explains his objection: It may be inferred that the court does remove the gifts from a Levite to give to a priest. Evidently, Levites are called part of the "people." Accordingly, since the verse states: "And this shall be the priests' due from the people" (Deuteronomy 18:3), the gifts of the priesthood may be removed from the possession of Levites. Why, then, was Rav uncertain with regard to their status?

⁵⁶ The Gemara responds: The baraita is not referring to the actual gifts of the foreleg, the jaw, and the maw themselves. Rather, it is referring to a gift that is like the foreleg, the jaw, and the maw, but not the foreleg, the jaw, and the maw themselves. And what is this? It is the first tithe.

⁵⁷ The Gemara asks: But the first tithe is given to the Levite. Why would it be removed from his possession? The Gemara responds: The baraita is in accordance with the opinion of Rabbi Elazar ben Azarya, as it is taught in another baraita: Teruma is given to the priest, whereas the first tithe is given to the Levite; this is the statement of Rabbi Akiva. Rabbi Elazar ben Azarya says: The first tithe is given to the priest as well, despite the fact that the Torah states that it is given to the Levite, as priests are often called Levites in the Torah.

⁵⁸ The Gemara asks: Say that Rabbi Elazar ben Azarya said that the first tithe is given to the priest as well; but did he say that it is given exclusively to the priest and not to the Levite? The Gemara responds: Yes; although generally the first tithe is not removed from the possession of a Levite and given to a priest, the baraita is referring to first tithe in the period after Ezra penalized the Levites for their unwillingness to return to Eretz Yisrael from Babylonia, as he decreed that they should no longer be given the first tithe.

⁵⁹ The Gemara persists: One can say that Ezra penalized them and decreed that we should not give them first tithe, but did he say that first tithe should even be taken from them and given to the priests? Rather, explain instead that the baraita is referring to a gift that is like the foreleg, the jaw, and the maw, but is not actually the foreleg, the jaw, or the maw. And what is this? It is the first sheared wool, with regard to which the verse states: "And the first of the fleece of your sheep, you

shall give him” (Deuteronomy 18:4). Since the verse does not state that the first fleece is taken from the “people,” even Levites are obligated to give their first shearing to the priest, and it may be removed from their possession to that end.

⁶⁰ The Gemara suggests: Come and hear a proof with regard to the uncertainty of Rav from a baraita. This is the principle: With regard to any item that is of sanctity, i.e., that may not be consumed by a non-priest, such as teruma, and teruma of the tithe, and ḥalla, the court removes it from the possession of a Levite in order to give it to the priests. And with regard to any item that is not of sanctity, such as the foreleg, and the jaw, and the maw, which are given from a non-sacred animal, the court does not remove it from the possession of the Levites to give to the priests. Evidently, Levites are not called part of the “people,” and therefore they are exempt from giving the foreleg, the jaw, and the maw.

⁶¹ The Gemara rejects this proof: The baraita is referring to a gift that is like the foreleg, the jaw, and the maw, but is not actually the foreleg, the jaw, and the maw themselves. And what is this? It is first tithe, and the baraita is dealing with first tithe in the period after Ezra penalized the Levites and decreed that the first tithe should be given to the priests rather than the Levites. Nevertheless, if a Levite received the first tithe it may not be removed from his possession, since this penalty was not included in Ezra’s decree.

⁶² The Gemara further suggests: Come and hear a proof from a baraita: An Israelite who slaughters an animal for a priest or for a gentile is exempt from giving the gifts, as priests and gentiles are exempt from this obligation. The Gemara infers: This indicates that if an Israelite slaughtered an animal for a Levite or for an Israelite, he is obligated to give the gifts, and they may be removed from his possession to that end. Evidently, Levites are called part of the “people,” and Rav should not have been uncertain with regard to their status. The Gemara rejects this proof: Do not say that one should infer that if an Israelite slaughtered an animal for a Levite or for an Israelite he is obligated to give the gifts. Rather, say merely that if an Israelite slaughtered an animal for another Israelite, he is obligated to give the gifts.

⁶³ The Gemara asks: But if so, when one slaughters an animal for a Levite, what is the halakha? Is one exempt? If so, let the baraita teach: One who slaughters an animal for a Levite or for a gentile is exempt from giving the gifts, and it would be obvious that this is also the halakha when one slaughters for a priest. And furthermore, isn’t it taught explicitly in a baraita that one who slaughters for a priest or for a gentile is exempt from giving the gifts, whereas one who slaughters for a Levite or for an Israelite is obligated to give the gifts? This baraita apparently constitutes a conclusive refutation of the uncertainty of Rav.

⁶⁴ The Gemara responds: Rav could say to you that although this baraita is in fact contrary to his opinion, the question of whether or not Levites are called part of the “people” is a dispute between tanna’im. As it is taught in a baraita that the verse states with regard to the Yom Kippur Temple service: “And he shall make atonement for the most holy place, and he shall make atonement for the Tent of Meeting and for the altar; and he shall make atonement for the priests and for all the people of the assembly” (Leviticus 16:33). The baraita explains: “And he shall make atonement for the most holy place”; this is referring to the innermost sanctum, i.e., the bull and goat offerings brought on Yom Kippur atone for ritual impurity occurring inside the Holy of Holies.

⁶⁵ The baraita continues: “Tent of Meeting”; this is referring to the Sanctuary, i.e., the offerings atone for impurity occurring inside the Sanctuary. “Altar”; this is understood in accordance with its plain meaning, i.e., the offerings atone for one who performs sacrificial rites on the altar in a state of ritual impurity. “He shall make atonement”; this is referring to the Temple courtyards, i.e., the offerings atone for impurity occurring there. “For the priests”; this is understood in accordance with its plain meaning, indicating that the offerings atone for a priest who unwittingly enters the courtyard while impure. “And for all the people of the assembly”; these are the Israelites. “He shall make atonement”; this is referring to the Levites.

⁶⁶ And it is taught in another baraita: “He shall make atonement”; this is referring to Canaanite slaves in the possession of Jews. These slaves are obligated in certain mitzvot and are therefore in need of atonement. The Gemara analyzes these sources: Why doesn’t the tanna of this baraita interpret the term “He shall make atonement” as a reference to Levites? What, is it not that they disagree about this, as one Sage, the tanna of the second baraita, holds that Levites are called part of the “people” and are therefore included in the clause “the people of the assembly,” and consequently, the term “he shall make atonement” is not required to include the Levites but instead serves to include Canaanite slaves. And by contrast, one Sage, the tanna of the first baraita, holds that they are not called part of the “people,” which means that the term “He shall make atonement” is required to include Levites.

⁶⁷ The Gemara asks: But if this is a dispute between tanna’im, why is Rav uncertain with regard to the status of Levites? If he holds in accordance with this tanna, let him say that the halakha is in accordance with him, and if he holds in accordance with that tanna, let him say that the halakha is in accordance with him. The Gemara responds: Rav is uncertain whether the halakha is in accordance with this tanna or in accordance with that tanna.

⁶⁸ Mareimar taught: The halakha is in accordance with the opinion of Rav that it is uncertain whether or not Levites are called part of the “people.” Consequently, the court may not compel Levites to give the foreleg, the jaw, and the maw to the priests. And the halakha is in accordance with the opinion of Rav H̥isda, who said that one who damages or consumes gifts of the priesthood is exempt from payment.

⁶⁹ § With regard to the gifts of the priesthood, the Gemara relates that Ulla would give gifts of the priesthood to a female priest, i.e., the daughter of a priest, even if she was married to an Israelite. Rava raised an objection to the practice of Ulla from a baraita: The remainder of a meal offering of a female priest is consumed, just like the remainder of the meal offering of an Israelite. But the remainder of a meal offering of a priest is not consumed, as the verse states: “And every meal offering of the priest shall be wholly made to smoke; it shall not be eaten” (Leviticus 6:16).

⁷⁰ Rava explains his objection: And if you say that one may give gifts of a priest even to a female priest, because when the verse mentions a priest it is referring even to the daughter of a priest, but isn’t it written: “And every meal offering of the priest shall be wholly made to smoke; it shall not be eaten”? Why, then, is the remainder of a meal offering of the daughter of a priest consumed? Ulla said to him in response: My teacher,

⁷¹ from your burden [mitunakh], i.e., from that which you raise your objection, I can cite a proof for my practice: With regard to the meal offering of a priest, both Aaron and his sons are written in the passage discussing this offering: “And this is the law of the meal offering: The sons of Aaron shall

offer it before the Lord, in front of the altar” (Leviticus 6:7). The verse emphasizes that these halakhot apply only to male priests and not to their daughters. This indicates that when the verse refers merely to priests, even their daughters are included. Accordingly, one may give gifts of the priesthood to the daughter of a priest.

⁷² The Gemara cites the opinions of various tanna'im with regard to the practice of Ulla: The school of Rabbi Yishmael taught: Anywhere that the Torah mentions a priest with regard to gifts of the priesthood, it is referring specifically to a priest and not a female priest, and let one derive the meaning of an unspecified reference to a priest from the explicit verse that states with regard to meal offerings: “Aaron and his sons.” This verse indicates that any reference to a priest excludes a priest’s daughter.

⁷³ The school of Rabbi Eliezer ben Yaakov taught: In general, the reference to a priest in a verse serves to exclude a priest’s daughter. But when the verse mentions a priest with regard to gifts of the priesthood, it means to include even a female priest. This is because the verse mentions priests twice: “And this shall be the priests’ due from the people, from them that perform a slaughter, whether it be ox or sheep, that they shall give to the priest the foreleg, and the jaw, and the maw” (Deuteronomy 18:3). Since each reference to a priest excludes the daughter of a priest, this verse is a case of a restrictive expression following a restrictive expression, and there is a hermeneutical principle that a restrictive expression following a restrictive expression serves only to amplify the halakha and include additional cases, in this instance, the daughter of a priest.

⁷⁴ The Gemara relates that Rav Kahana, who was an Israelite, partook of gifts of the priesthood on account of his wife, who was the daughter of a priest. Similarly, Rav Pappa partook of gifts of the priesthood on account of his wife, Rav Yeimar partook of gifts on account of his wife, and Rav Idi bar Avin partook of them on account of his wife.

⁷⁵ Ravina said: Mareimar said to me that the halakha is in accordance with the opinion of Rav that it is uncertain whether or not Levites are obligated to give the gifts of the priesthood, and consequently, gifts are not removed from their possession to be given to the priests. And the halakha is in accordance with the opinion of Rav Hisda that one who damages or consumes gifts of the priesthood is exempt from payment. And the halakha is in accordance with the opinion of Ulla that gifts of the priesthood may be given to the daughter of a priest.

⁷⁶ And in a case not previously discussed but related to the opinion of Ulla, the halakha is in accordance with the opinion of Rav Adda bar Ahava with regard to a female Levite, i.e., the daughter of a Levite, who gave birth to a firstborn boy, even if she is married to an Israelite, that her son is exempt from the obligation to give five sela to the priest for his redemption, as the child is considered the son of a Levite, and Levites are exempt from this obligation.

⁷⁷ § The Gemara cites a dispute with regard to the gifts of the foreleg, the jaw, and the maw. The Sages taught in a baraita: The obligation to give the foreleg, the jaw, and the maw applies even to a hybrid animal and to the animal known as a koy. Rabbi Eliezer says: A hybrid that results from the mating of a goat and a ewe is obligated to have gifts of the priesthood given from it, while a hybrid that results from the mating of a goat and a doe is exempt from having gifts of the priesthood given from it. This is because the verse states with regard to gifts of the priesthood: “Whether it be an ox or sheep” (Deuteronomy 18:3), i.e., a domesticated animal, and a doe is not a domesticated animal.

⁷⁸ The Gemara asks: Now, we maintain (see 79b–80a) with regard to the mitzvot of covering the blood and giving the gifts of the priesthood that you do not find that Rabbi Eliezer and the Rabbis disagree except in the case of an animal born from a deer that mates with a female goat. And both Rabbi Eliezer and the Rabbis are uncertain whether one needs to be concerned with its paternity when determining the species of a hybrid animal, which would mean that this animal is part domesticated and part undomesticated, or whether one does not need to be concerned with paternity and the species of an animal is determined entirely by the species of its mother, in which case it is a domesticated animal.

⁷⁹ And they disagree with regard to whether the obligation of the gifts applies to a sheep and even an animal that is partially a sheep, i.e., partially domesticated. One Sage, the Rabbis, holds that the obligation applies to a sheep and even an animal that is partially a sheep; and one Sage, Rabbi Eliezer, holds that we do not say that the obligation applies to a sheep and even an animal that is partially a sheep.

⁸⁰ The Gemara concludes its question: Granted, it is understandable that Rabbi Eliezer deems the owner of a hybrid exempt from the mitzva to give the priestly gifts, as he holds that only in the case of a sheep is one obligated to give gifts of the priesthood, but not with regard to animals that are only partially sheep. But according to the opinion of the Rabbis, though indeed they hold that sheep and even animals that are partially sheep are subject to the obligation of giving gifts of the priesthood, let the priest take only half of the gifts. And with regard to the other half, let the owner of the animal say to him: Bring proof that one need not be concerned with its paternity and then you may take the other half. Rav Huna bar Ḥiyya said in response: What do the Rabbis mean when they say that the owner of this animal is obligated? They mean that he is obligated in half of the gifts.

⁸¹ Rabbi Zeira raises an objection to this response from a baraita: In the case of a koy, with regard to which it is uncertain whether it is a domesticated animal or an undomesticated one, there are ways in which its halakhot correspond to those of a domesticated animal, and there are ways in which its halakhot correspond to those of an undomesticated animal. And there are ways in which its halakhot correspond to those of both an undomesticated animal and a domesticated animal.

⁸² The baraita elaborates: How so? Its fat is forbidden like the forbidden fat of a domesticated animal, unlike that of an undomesticated one. And one is obligated to cover its blood from slaughter with dirt, like the blood of an undomesticated animal. And there are ways in which its halakhot correspond to both those of a domesticated animal and an undomesticated animal, as its blood and its sciatic nerve are forbidden like those of a domesticated animal and an undomesticated animal. And its owner is obligated to give the foreleg, the jaw, and the maw from it to the priest, as in the case of domesticated animals. And Rabbi Eliezer deems the owner of a koy exempt from the mitzva to give the gifts.

⁸³ Rabbi Zeira asks: And if it is so that the Rabbis mean that the owner of a koy is obligated to give half of the gifts, then the baraita should have said that he is obligated to give half of the gifts from it. The Gemara responds: Since the tanna taught that its fat and its blood are forbidden, with regard to which it could not teach that half of its blood or half of its fat are forbidden, as it is impossible that half of it is forbidden while the other half is permitted, due to that reason the tanna did not teach that the owner of a koy is obligated in half of the gifts.

⁸⁴ The Gemara relates that when Ravin came from Eretz Yisrael to Babylonia, he said that Rabbi Yoḥanan said: According to the Rabbis, a koy is obligated to have all of the gifts of the priesthood given from it. As it is taught in a baraita: The verse states with regard to the gifts of the priesthood: “Whether it be an ox or sheep” (Deuteronomy 18:3). Since the verse needed to state only “ox,” why must the verse state: “Whether it be an ox”? This phrase serves to include a hybrid in the obligation to give the gifts of the priesthood. And since the verse needed to state only “sheep,” why must the verse state: “Or sheep”? This phrase serves to include the koy in the obligation to give the gifts.

⁸⁵ The Gemara asks: And according to the opinion of Rabbi Eliezer, who deems the owners of a koy and the offspring of a hybrid exempt from giving gifts of the priesthood from these animals, why do I need this phrase: “Whether it be an ox or sheep”? The Gemara responds: He requires it to divide between an ox and a sheep, indicating that one is obligated with regard to either animal alone. Were it not for this phrase, one might have concluded that he is obligated to give the gifts only after slaughtering both an ox and a sheep. The Gemara asks: And the Rabbis, who derive other halakhot from this phrase, from where do they derive to divide between an ox and a sheep? The Gemara responds: They derive it from the phrase: “From them that perform a slaughter” (Deuteronomy 18:3), which indicates that the obligation to give the gifts applies even to one animal.

⁸⁶ The Gemara asks: And Rabbi Eliezer, what does he do with this phrase: “From them that perform a slaughter,” i.e., what does he derive from it? The Gemara responds: He requires it for a statement of Rava, as Rava said: If a priest seeks to claim gifts of the priesthood in court, the priest issues his demand with the butcher, even if the animal itself belongs to another individual.

⁸⁷ MISHNA: With regard to a blemished firstborn animal, which one may slaughter and eat without being required to give the foreleg, jaw, and maw to the priest, that was intermingled with one hundred non-sacred animals, from which one is required to give those gifts, in a case when one hundred different people slaughter all of them, each slaughtering one animal, one exempts them all from giving the gifts, as each could claim that the animal that he slaughtered was the firstborn. If one person slaughtered them all, one exempts one of the animals for him.

⁸⁸ One who slaughters the animal of a priest for the priest or the animal of a gentile for the gentile is exempt from the obligation to give the gifts of the foreleg, the jaw, and the maw. And an Israelite who enters into partnership with a priest or a gentile must mark the animal to indicate that it is jointly owned and exempt from the obligation to give the gifts. And if a priest sold his animal to an Israelite and said: The animal is sold except for the gifts with it, the Israelite is exempt from the obligation to give the gifts, as they are not his.

⁸⁹ If the Israelite said to the one slaughtering the animal: Sell me the innards of a cow, and there were gifts included with it, i.e., the maw, the purchaser gives them to the priest and he does not deduct the value of the gifts from the money that he pays him. If he bought the innards from the slaughterer by weight, the purchaser gives the gifts, i.e., the maw, to the priest and deducts the value of the gifts from the money that he pays him.

⁹⁰ GEMARA: The mishna teaches that if a firstborn animal was intermingled with one hundred non-sacred animals, each belonging to a different person, all of the animals are excluded from the obligation to give the gifts, due to the uncertainty of which animal is the firstborn. The Gemara asks: But why is this the halakha? Let the priest come upon each slaughterer with a claim from two sides,

i.e., let the priest say to him: If this animal is a firstborn, it is completely mine; and if it is not a firstborn but is instead a non-sacred animal, then give me my gifts.

⁹¹ Rav Oshaya says in response: In general, a priest may issue such a claim. But the mishna is dealing with a case where the firstborn came into the possession of the priest when it was unblemished and thereafter it developed a permanent blemish, and the priest sold it to an Israelite in its blemished state. In such a case, the priest may not demand that the owner give him the entire animal with the claim that it is a firstborn, as he already received it once as a firstborn.

⁹² § The mishna teaches that one who slaughters the animal of a priest for the priest or the animal of a gentile for the gentile is exempt from the obligation to give the gifts of the foreleg, the jaw, and the maw. The Gemara suggests: And let the tanna simply teach that a priest and a gentile are exempt from the obligation to give the gifts. Rava says in explanation: That is to say, i.e., the wording of the mishna indicates, that the demand of a priest who seeks to claim gifts of the priesthood is with the butcher, not with the owner of the animal. Even if the butcher is himself a priest, if he slaughters an animal on behalf of an Israelite he is obligated to give the gifts.

⁹³ The Gemara adds: Rava also interpreted the verse in such a manner. The verse states: “This shall be the priests’ due from the people, from them that perform a slaughter, whether it be ox or sheep, that they shall give to the priest the foreleg, and the jaw, and the maw” (Deuteronomy 18:3). The verse specifies that the gifts are taken “from the people,” and not from the priests. When the verse states: “From them that perform a slaughter,” indicating that the gifts are given by anyone who slaughters an animal, you must say that this teaches that even a butcher who is a priest is included in the obligation to give the gifts.

⁹⁴ § The mishna teaches that the obligation to give the gifts of the priesthood does not apply to an animal jointly owned by an Israelite and a priest. The Gemara relates that the host [ushpizikhnei] of Rabbi Tavla was a priest and he was hard-pressed for money. He came before Rabbi Tavla to ask for advice. Rabbi Tavla said to him: Go and enter into a partnership with those Israelite butchers, to obtain part ownership of their animals, as since they will be exempt from the obligation to give the gifts on account of this partnership, they will agree to enter into a business partnership with you free of charge.

⁹⁵ The priest heeded the advice of Rabbi Tavla and entered into a partnership with an Israelite butcher. Nevertheless, Rav Naḥman obligated the butcher to give the gifts of the priesthood from the animals he slaughtered. The priest said to Rav Naḥman: But Rabbi Tavla exempted us from this obligation. Rav Naḥman said to him: Go remove the gifts of the priesthood that are in your possession and give them to a priest, and if you will not do so, I will remove Rabbi Tavla from your ear [me’unakh], i.e., I will refute his basis for deeming you exempt.

⁹⁶ Rabbi Tavla came before Rav Naḥman and said to him: What is the reason that the Master has done this and ruled in contradiction to the mishna? Rav Naḥman said to him: I ruled in this manner, as when Rabbi Aḥa bar Ḥanina of the south came from Eretz Yisrael to Babylonia, he said that Rabbi Yehoshua ben Levi and all the elders of the south said: With regard to a priest who becomes a butcher, for the first two or three weeks he is exempt from the obligation to give the gifts, as he has not yet established himself in the community as a butcher. But from this point forward he is obligated to give the gifts, as he is now known as a butcher.

⁹⁷ Rabbi Tavra said to Rav Naḥman: And let the Master at least do for the priest in accordance with the opinion of Rabbi Aḥa bar Ḥanina and exempt him from giving the gifts for the first three weeks of his partnership. Rav Naḥman said to him: This statement of Rabbi Aḥa bar Ḥanina applies only when the priest did not immediately establish a butcher shop. In such a case, the priest is exempt until he becomes known as a recognized butcher. But here, he has already established a butcher shop and is therefore obligated to give the gifts without delay.

⁹⁸ § Rav Ḥisda said: With regard to a priest who slaughters an animal and does not separate gifts of the priesthood from them for another priest, let him be under the excommunication of the God of Israel. Rabba bar Rav Sheila said: These butchers of the city of Huzal have remained under the excommunication of Rav Ḥisda these last twenty-two years, as they have continuously refused to separate gifts of the priesthood for this period.

⁹⁹ The Gemara asks: With regard to what halakha did Rabba bar Rav Sheila state that the butchers of Huzal have been under excommunication for twenty-two years? If we say that we do not excommunicate them for a period any longer than twenty-two years, but isn't it taught in a baraita: In what case is this statement, that one is not excommunicated for committing a transgression, said? It is said with regard to a prohibition, for which one is liable to receive a relatively severe punishment, e.g., death or karet. But with regard to one who refuses to perform a positive mitzva, e.g., the court says to him: Perform the mitzva of sukka, and he does not do so, or: Perform the mitzva of taking the lulav, and he does not do so, or: Prepare ritual fringes for your garments, and he does not do so, the court strikes him an unlimited number of times, even until his soul departs. Accordingly, the butchers of Huzal should remain under excommunication indefinitely until they separate the gifts.

¹⁰⁰ Rather, Rabba bar Rav Sheila means that because the butchers of Huzal have refused to give the gifts for so many years, we fine them even without forewarning. There was a case like this of a person who refused to give the gifts of the priesthood to a priest, where Rava fined him by taking the entire thigh of his animal and giving it to a priest. Similarly, Rav Naḥman bar Yitzḥak fined an individual who refused to give the gifts of the priesthood to a priest by taking his cloak and giving it to a priest.

¹⁰¹ § And Rav Ḥisda also says with regard to gifts of the priesthood: The foreleg is given to one priest and the maw is given to one priest, while the jaw is given to two priests. The Gemara asks: Is that so? But when Rav Yitzḥak bar Yosef came to Babylonia from Eretz Yisrael he said: In the West, Eretz Yisrael, we divide the gifts bone by bone, each of which is given to two priests.

¹⁰² The Gemara explains: There, in the case dealt with in Eretz Yisrael, the gifts were of a large bull. The Torah states: "That they shall give to the priest" (Deuteronomy 18:3). The use of the term "give" indicates that the gift given should be a substantial one. Even when one limb of the large bull was divided between two priests, each received a substantial portion. This is not the case with regard to the gifts of smaller animals, where each limb is not large enough to provide two substantial portions.

¹⁰³ § Rabba bar bar Ḥana says that Rabbi Yoḥanan says: It is prohibited to partake of a slaughtered animal whose gifts have not yet been separated. Furthermore, Rabba bar bar Ḥana says that Rabbi Yoḥanan says: Anyone who partakes of an animal whose gifts have not yet been separated is considered as though he consumes untithed produce. But the Gemara states: The halakha is not in accordance with the opinion of Rabbi Yoḥanan.

¹⁰⁴ Rav Ḥisda says: Gifts of the priesthood may be consumed only when they are roasted, and they may be consumed only with mustard seasoning. What is the reason for this halakha? The verse states: “And the Lord spoke to Aaron: And I, behold, I have given you the charge of My gifts; of all the consecrated items of the children of Israel to you have I given them for prominence, and to your sons, as an eternal portion” (Numbers 18:8). The term “for prominence” means that the portions were given to the priests as a mark of greatness. Accordingly, they should be eaten in a manner that kings eat, i.e., roasted and with mustard.

¹⁰⁵ And Rav Ḥisda says: One may not give a gift to any priest who is not an expert in the halakhot pertaining to all twenty-four gifts of the priesthood. The Gemara notes: But this is not correct, as it is taught in a baraita that Rabbi Shimon says: Any priest who does not believe in the validity of the Temple service has no portion in any of the gifts given to the priesthood, as it is stated: “He among the sons of Aaron, who offers [hamakriv] the blood of the peace offerings, and the fat, shall have the right thigh for a portion” (Leviticus 7:33). The word “hamakriv,” which literally means: Who brings it close, indicates that only one who believes in the validity of conveying the blood to the altar is entitled to receive the right thigh of the offering, as only one who believes in the rite would perform it.

¹⁰⁶ The baraita continues: I have derived only that a priest does not have a share in the priestly gifts if he does not believe in this rite of conveying of the blood alone. From where do I derive to include fifteen additional sacrificial rites, such as the rites of a meal offering, i.e., the pouring of the oil and the mixing of the oil and the subsequent pouring of the oil; and the crumbling of meal offerings prepared in a shallow or deep pan or in an oven, whose handfuls are removed after they are baked and subsequently crumbled; and the salting of meal offerings (see Leviticus 2:13); and the waving of certain meal offerings; and the bringing of certain meal offerings to the southwestern corner of the altar before a handful is removed; and the removal of the handful; and the burning of offerings on the altar; and the squeezing of a bird offering to extract its blood; and the pinching of the nape of the neck of a bird offering;

¹⁰⁷ and the receiving of the blood in a vessel; and its sprinkling upon the altar, each offering according to its halakha; and the giving of water to a woman suspected by her husband of having been unfaithful [sota]; and the ritual of breaking a heifer’s neck in an untilled valley when a corpse is discovered and the murderer is unknown; and the purification of a leper; and the lifting of the hands for the Priestly Benediction, whether inside or outside the Temple; from where are these derived? The verse states: “Among the sons of Aaron,” indicating that this is the halakha with regard to any sacrificial rite that is stated to the sons of Aaron.

¹⁰⁸ And the Gemara explains the proof: The baraita teaches that any priest who does not believe in the validity of these rites has no portion in the gifts of the priesthood. It may be inferred that the reason the priest has no portion is that he does not believe in it, whereas if he does believe in it, even though he is not an expert in its halakhot, he receives a portion. This contradicts the opinion of Rav Ḥisda.

¹⁰⁹ With regard to priests who should not be given gifts of the priesthood, Rabbi Abba says that Rav Huna says that Rav says: The veins that are contained in the jaw of an animal are prohibited for consumption, due to the blood they contain. And one does not give the gift of the jaw to any priest who does not know how to remove the veins, as the priest might eat them.

¹¹⁰ The Gemara notes: But that is not so, i.e., one need not be concerned that the priest might consume the blood within the veins, as any method of preparing the jaw will remove the blood: If the priest prepares the jaw by roasting it, the blood will drain from the jaw due to the fire. And if he intends to place the jaws in a pot to cook them, if he cuts them and salts them, as one is required to do before cooking any meat, the blood will drain from them, and they will be permitted for consumption.

¹¹¹ § With regard to the manner in which a priest takes gifts of the priesthood from their owners, Rava said: Rav Yosef examined us, his students, with the following question: A priest who seizes gifts of the priesthood from their owners, is he demonstrating fondness for the mitzva or is he demonstrating contempt for the mitzva? And I resolved this question for him from the verse: “That they shall give to the priest the foreleg, and the jaw, and the maw” (Deuteronomy 18:3). The term “that they shall give” indicates that the owner should give the gifts, and not that a priest should take them by himself. Accordingly, a priest who seizes the gifts from their owners is demonstrating contempt for the mitzva.

¹¹² Abaye, who was a priest, said: At first, I would seize gifts of the priesthood, as I said to myself that I am demonstrating fondness for the mitzva in this manner. Once I heard this interpretation: “That they shall give,” and not that he should take by himself, I did not seize them anymore. Instead, I would say to the owners of the gifts: Give me. And once I heard that which is taught in a baraita: The verse states with regard to the sons of Samuel, who were Levites: “But turned aside after wealth” (I Samuel 8:3), and Rabbi Meir says: The sons of Samuel sinned when they asked for their portion, the first tithe given to the Levite, with their mouths, i.e., they demanded that the owners give them the first tithe. Abaye continued: After I heard that, I also did not say anything to the owners, but if they would give me gifts I would take them.

¹¹³ Abaye said further: Once I heard that which is taught in a baraita with regard to the distribution of the shewbread among the priests: The modest ones [hatzenu'im] withdraw their hands and do not take, and the gluttons divide all the bread; I also did not take gifts even when they were offered to me, except for when they were given on the eve of Yom Kippur, when there was an abundance of gifts due to the many animals that were slaughtered, as it is a mitzva to eat that day. In that instance, I took the gifts in order to affirm myself among the priests, i.e., if I would never take gifts then my status as a priest might be called into question.

¹¹⁴ The Gemara challenges: But let him spread his hands for the Priestly Benediction throughout the year, as this will make it clear to all that he is in fact a priest. The Gemara responds: His schedule constrained him, as he was constantly involved in teaching Torah to his students, so much so that he would miss the time during which the community gathered in the synagogue for the Priestly Benediction.

¹¹⁵ Rav Yosef said: In a case where a priest who has a Torah scholar [tzurva merabbanan] living in his neighborhood and that Torah scholar is hard-pressed for money, let the priest grant his gifts to him, i.e., the priest may declare that those gifts he is destined to receive should be given to the poor Torah scholar. And even though the gifts have not yet come into his possession, he may grant them to the Torah scholar in a case where there are associates of the priesthood and the Levites, i.e., if that specific priest or Levite was well known in his neighborhood and has a standard arrangement with many people that they give him their gifts, as he is certain that he will be given them.

¹¹⁶ With regard to the statement of Rav Yosef, the Gemara relates that Rava and Rav Safra visited the house of Mar Yoḥana, son of Rav Ḥana bar Adda, and some say they visited the house of Mar Yoḥana, son of Rav Ḥana bar Bizna. Mar Yoḥana prepared for them a third-born calf. Rava said to the attendant of Mar Yoḥana, who was a priest and would normally receive gifts of the priesthood from Mar Yoḥana: Grant us the gifts, as I wish to eat tongue with mustard, and the tongue along with the jaw is one of the gifts.

¹¹⁷ The attendant granted the gifts to him; Rava ate from them but Rav Safra did not eat. Following this incident, they read the following verse to Rav Safra in a dream: “As one that takes off a garment in cold weather, and as vinegar upon niter, so is he that sings songs to a heavy heart” (Proverbs 25:20). The verse can be interpreted allegorically as a chastisement of one who studies Torah but fails to understand it.

¹¹⁸ Rav Safra came before Rav Yosef and said to him: Perhaps because I transgressed the halakha of the Master they read this verse to me in chastisement. Rav Yosef said to him: No, you acted appropriately by refraining from consuming the gifts. When I said that a priest may grant the gifts to a Torah scholar, that was only with regard to a priest who grants them to another person of his own choosing. I did not permit this in the case of an attendant who grants the gifts to a dignified guest of the homeowner. The reason is that he grants the gifts against his will, as he feels pressured by the homeowner to acquiesce. And furthermore, when I said this halakha, it was only for one who cannot eat under another circumstance, as he is hard-pressed for money. In this incident, it was possible for Rava to consume his own meat with mustard, since Rava was not poor.

¹¹⁹ Rav Safra asked Rav Yosef: But if so, what is the reason that they read this verse to me? Rav Yosef responded: The reading was directed not toward you but toward Rava, who ate from the gifts against my ruling. The Gemara objects: But let them read this verse to Rava himself in a dream. The Gemara responds: Rava was rebuked as a result of this incident and therefore was not granted heavenly communication. The verse was therefore proclaimed to Rav Safra instead.

¹²⁰ In the preceding incident, the Gemara related that the verse: “As one that takes off a garment in cold weather, and as vinegar upon niter, so is he that sings songs to a heavy heart” (Proverbs 25:20), was proclaimed to Rav Safra in a dream. Abaye said to Rav Dimi: And with regard to what matter is the plain meaning of the verse written? Rav Dimi said to him: It is referring to one who teaches an unworthy student. In other words, just as one should remove a worn garment that has no use in cold weather, or just as vinegar upon niter ruins the niter, rendering it unusable, so too, there is no use in singing songs, i.e., teaching Torah, to an unworthy student who has a heavy heart, i.e., who does not intend to adhere to the halakhot he is taught.

¹²¹ As Rav Yehuda said that Rav said: Anyone who teaches Torah to an unworthy student falls into Gehenna, as it is stated: “All darkness is laid up for his treasures; a fire not blown by man shall consume him; it shall go ill with him that remains [yera sarid] in his tent” (Job 20:26), and sarid means nothing other than a Torah scholar, as it is stated: “And among the remnant [sarid] those whom the Lord shall call” (Joel 3:5). The word yera shares a root with the word ra, evil, and “yera sarid” is therefore understood to be referring to an unworthy student.

¹²² On a similar note, Rabbi Zeira says that Rav says: Anyone who teaches Torah to an unworthy student is considered like one who throws a stone to Markulis, as it is stated: “As a small stone in a

heap of stones, so is he that gives honor to a fool” (Proverbs 26:8), and it is written: “Luxury is not seemly for a fool” (Proverbs 19:10).

¹²³ § The mishna teaches that one who enters into partnership with a priest or a gentile must mark the animal. The Gemara asks: And is one obligated to mark the animal even if he enters into partnership with a gentile? And the Gemara raises a contradiction from a baraita: One who enters into partnership with a priest must mark the animal, but one who enters into partnership with a gentile and one who slaughters disqualified consecrated animals does not need to mark the animal.

¹²⁴ The Gemara responds: Here, we are dealing with a case where the gentile is sitting in the butcher shop of the Israelite. In such a situation, it is evident that the gentile is in partnership with the Israelite and the animal need not be marked. By contrast, the mishna is referring to a case where the gentile does not sit in the shop.

¹²⁵ The Gemara asks: If so, then in the corresponding situation involving a priest, where the baraita teaches that one who enters into partnership with a priest must mark the animal, this must also be referring to a case where the priest sits in the butcher shop. Why, then, must one mark the animal? The Gemara responds: The fact that the priest sits in the shop does not indicate that he is in partnership with the Israelite, as people will say: He is in the shop because he is purchasing meat. The Gemara objects: If so, then in the case of the gentile as well, they will say that he is in the shop because he is purchasing meat.

¹²⁶ Rather, here we are dealing with a case where the gentile sits by the safe into which the butcher places money received from his customers. In such a situation, it is evident that the gentile is in partnership with the Israelite, and therefore the animal need not be marked. The Gemara asks: If so, then the corresponding situation in the baraita involving a priest must also be a case where the priest sits by the safe. Why, then, must one mark the animal? The Gemara responds: The fact that the priest sits by the safe does not indicate that he is in partnership with the Israelite, as people will say: The butcher trusts him to protect the safe from theft. The Gemara asks: If so, then in the case of the gentile as well, they will say that he sits by the safe because the butcher trusts him.

¹²⁷ The Gemara responds: It is not common for a Jew to place his trust in a gentile. If you wish, say instead that in both cases of the baraita the priest and the gentile sit in the butcher shop, not by the safe. It is evident that the gentile is in partnership with the Israelite, as an ordinary gentile partner yells at the seller, saying, for example: Do not sell an item for this price but for a different price. By contrast, a priest, even if he sits in the shop, would not question the practices of the salesman, due to his modesty, but would defer to the seller’s expertise. Accordingly, it is not evident that the priest is a partner, and the animal must therefore be marked.

¹²⁸ § The Master said in the baraita: And the owner of disqualified consecrated animals, which were slaughtered after they were redeemed and became non-sacred, is exempt from the obligation to give the gifts, and one does not need to mark the animal. The Gemara objects: Apparently, it is an evident matter that this is a disqualified consecrated animal, and therefore one need not mark it. But didn’t we learn in a mishna (Bekhorot 31a): All disqualified consecrated animals are sold in the meat market [be’itliz], and are slaughtered in the meat market, and are weighed and sold by the litra, in the manner of non-sacred meat? Since disqualified consecrated animals are treated in the same manner as ordinary non-sacred animals, how is it evident that this is a disqualified consecrated animal?

¹²⁹ The Gemara responds: Rav Adda bar Ahava interpreted the baraita before Rav Pappa as referring to those disqualified consecrated animals that are sold from inside the house, i.e., a firstborn animal and an animal tithe, whose redemption payments belong to their owners, as their value has no sanctity. Since no gain would accrue to the Temple, the Sages prohibited one from selling these animals in the market, despite the fact one could have obtained a higher sale price there due to the high concentration of customers.

¹³⁰ § With regard to gifts of the priesthood from animals owned in partnership, Rav Huna says: If an Israelite is a partner with a priest or gentile in only the head of the animal, he is exempt merely from the obligation to give the jaw, which is part of the head. He remains obligated to give the foreleg and the maw. If he is a partner with a priest or gentile in the leg and hoof of the animal, he is exempt only from the obligation to give the foreleg. If he is a partner with a priest or gentile in the innards, he is exempt merely from the obligation to give the maw. And Ḥiyya bar Rav says that even if the priest or gentile is a partner in only one of them, the Israelite is exempt from all of the gifts.

¹³¹ The Gemara raises an objection to the opinion of Ḥiyya bar Rav from a baraita: If a priest says to an Israelite butcher: Let us enter into a partnership in which the head of the animal is mine and the entire remainder is yours, even if the priest proposes that only one-hundredth of the head should be his, the Israelite is exempt. Similarly, if the priest offers: Let us enter into a partnership in which the leg and hoof of the animal are mine and the entire remainder is yours, even if the priest suggests that only one-hundredth of the leg and hoof will be his, the Israelite is exempt. And likewise, if the priest says: Let us enter into a partnership in which the innards of the animal are mine and the entire remainder is yours, even if the priest offers to take only one-hundredth of the innards, the Israelite is exempt.

¹³² The Gemara explains the objection: What, is it not correct that the baraita is teaching that when the priest owns the head the butcher is exempt from giving the jaw, but obligated in giving all the rest, and likewise when the priest owns the leg and hoof, he is exempt from giving the foreleg but obligated in all the rest, and when the priest owns the innards, he is exempt from the maw and obligated in all the rest? This would contradict the opinion of Ḥiyya bar Rav. The Gemara responds: No; in each case the baraita means that he is exempt from all the gifts.

¹³³ The Gemara suggests: But if so, let the baraita teach explicitly that he is exempt from all the gifts, rather than simply stating that he is exempt. And furthermore, it is taught in another baraita that if a priest says to an Israelite butcher: Let us enter into a partnership in which the head of the animal is mine and the entire remainder is yours, even if the priest suggests that only one-hundredth of the head will be his, the butcher is exempt from the obligation to give the jaw but is obligated in giving all the rest. This baraita explicitly contradicts the opinion of Ḥiyya bar Rav. The Gemara concludes: The refutation of the opinion of Ḥiyya bar Rav is indeed a conclusive refutation.

¹³⁴ Rav Ḥisda said in explanation of the opinion of Ḥiyya bar Rav: This baraita misled Ḥiyya bar Rav, as it is taught in a baraita: There are twenty-four gifts of the priesthood, and all of them were given in the Torah to Aaron and his sons by a generalization and a detail, and with a covenant of salt. The verse states: “And the Lord spoke to Aaron: And I, behold, I have given you the charge of My gifts; of all the consecrated items of the children of Israel to you have I given them for prominence, and to your sons, as an eternal portion” (Numbers 18:8). After this generalization, the Torah proceeds to list the gifts in detail. Finally, after delineating all the gifts of the priesthood, the verse states: “It is

an everlasting covenant of salt” (Numbers 18:19), assuring Aaron that just as a covenant of salt is unbreakable, so too, the gifts of the priesthood are eternal.

¹³⁵ The baraita continues: Therefore, anyone who fulfills the mitzva of giving the gifts of the priesthood is considered as though he fulfills all these mitzvot that are derived using the principle of a generalization and a detail, and as though he has upheld the covenant of salt. And anyone who violates the mitzva of giving the gifts of the priesthood is considered as though he violates all of the mitzvot derived by the principle of a generalization and a detail, and as though he has not upheld the covenant of salt.

¹³⁶ And these are the twenty-four gifts: Ten are consumed in the Temple, and four in Jerusalem, and ten in the boundaries of Eretz Yisrael. The ten gifts consumed only in the Temple are an animal sin offering; and a bird sin offering; and a definite guilt offering; and a provisional guilt offering; and communal peace offerings, i.e., the lambs that accompany the two loaves brought on Shavuot and which are considered offerings of the most sacred order; and the remainder of the log of oil that accompanies the guilt offering of a recovered leper; and the two loaves offering from the new wheat brought on Shavuot; and the shewbread; and the leftovers of meal offerings; and the omer meal offering, i.e., the measure of barley brought as a communal offering on the sixteenth of Nisan.

¹³⁷ And these are the four gifts that the priests consume anywhere in Jerusalem: The unblemished firstborn of kosher animals; and the first fruits; and the portions separated for the priests from the thanks offering, i.e., the breast and thigh and one loaf from each of the four types of loaves brought with a thanks offerings: Cakes, wafers, cakes of fine flour, and leavened bread, and the portions separated from the nazirite’s ram, i.e., the boiled shoulder, a cake, and a wafer, in addition to the breast and thigh of any peace offering; and the hides of sacrificial animals brought as burnt offerings, sin offerings, and guilt offerings.

¹³⁸ And these are the ten gifts that the priests consume anywhere in the boundaries of Eretz Yisrael: Teruma, i.e., the portion of the produce designated for the priest; and teruma of the tithe; and ḥalla; and the first sheared wool; and the gifts of the foreleg, the jaw, and the maw; and the five sela given as redemption of the firstborn son; and a sheep or goat given as redemption of the firstborn donkey.

¹³⁹ The baraita continues the list: And a consecrated ancestral field that one did not redeem, which was sold to another by the Temple treasurer and is therefore given to the members of the priestly watch serving during the Jubilee Year; and a dedicated field; and payment for the robbery of a convert who died without heirs. If one takes an oath that he did not rob from a convert, and after the death of the convert he admits to having taken a false oath, he must pay the principal value of the stolen item and an additional one-fifth of the value, all of which is given to the priests.

¹⁴⁰ Rav Ḥisda explains how the baraita misled Ḥiyya bar Rav: He thought that from the fact that the tanna of the baraita counts the gifts of the foreleg, the jaw, and the maw as one gift, they are treated as one gift, which means that if one is exempt from one of them he is exempt from all of them. But it is not so, as is that to say that the portions separated for the priests from the thanks offering and from the nazirite’s ram, which the tanna counts as one, are counted this way because they are one? Obviously, these are independent gifts. Rather, since they are similar to one another the tanna counts them as one. So too, with regard to the foreleg, the jaw, and the maw, since they are similar to one another he counts them as one.

¹⁴¹ § With regard to animals owned in partnership with a priest, the Gemara relates that a dilemma was raised before the Sages: If a priest says to an Israelite butcher: Let us enter into partnership in ownership of a live animal, in which the head is yours and the entire remainder is mine, what is the halakha? Is the Israelite obligated to give the jaw to a priest when it is slaughtered? The Gemara explains the sides of the dilemma: Do we follow the obligation, i.e., the limbs of the animal which contain the gifts, and since the obligation is owned by the Israelite he is obligated? Or perhaps, we follow the principal part of the animal, and since the principal of the animal is in the possession of the priest, the Israelite is exempt?

¹⁴² The Gemara suggests: Come and hear a proof from a baraita: With regard to a gentile or a priest who transferred his sheep to an Israelite to act as his agent to shear it, the Israelite is exempt from giving the first sheared wool to a priest. Similarly, one who purchases the shearing of the sheep of a gentile, even before the sheep was actually sheared, is exempt from giving the first sheared wool.

¹⁴³ The baraita adds: And this, the halakha in a case where one purchases an item before the obligation of a certain gift of the priesthood takes effect, is a stringency that applies in the case of the foreleg, the jaw, and the maw more so than in the case of the first sheared wool. In other words, one who purchases wool from a priest before it is shorn is exempt from giving first sheared wool, whereas one who purchases part of an animal from a priest before its slaughter is obligated to give any gifts contained within the purchased portion. Since this is the halakha even if the portion he purchased is not the principal part, similar to the stated case of one who purchases only the shearing of the sheep of a gentile, one can conclude from this baraita that we follow the obligation, i.e., the limbs of the animal that contain the gifts. The Gemara concludes: Indeed, conclude from it that this is correct.

¹⁴⁴ § The mishna teaches: And if a priest sold his animal to an Israelite and said that he is selling everything except for the gifts with it, the Israelite is exempt from the obligation to give the gifts, because they are not his.

¹⁴⁵ The Gemara objects: But one can raise a contradiction from a baraita: If a priest sells his animal to an Israelite and stipulates: I am selling it on the condition that the gifts are mine, the Israelite is not obligated to give the gifts to that priest. Rather, he gives the gifts to any priest that he wants. Since the priest sold his animal, the priest cannot issue a condition involving the gifts, as they no longer belong to him but to the entire tribe of priests. The baraita indicates that the Israelite is nevertheless obligated to give the gifts, which apparently contradicts the ruling of the mishna.

¹⁴⁶ The Gemara responds: Do you raise a contradiction from a baraita that discusses a case where the priest states: On the condition that the gifts are mine, with regard to the case of the mishna, where the priest states: Except for the gifts? That is not a contradiction, as the word except is a term of retention, i.e., the priest retains the gifts and does not sell them to the Israelite. By contrast, the term: On the condition, is not one of retention, as the priest does not keep the gifts for himself but instead stipulates that the buyer must give the gifts to him. The priest is not authorized to issue such a stipulation and it is therefore disregarded entirely, and because the Israelite owns the gifts he must give them to a priest.

¹⁴⁷ The Gemara objects: But one may raise a contradiction against the previous baraita from another baraita: If a priest sells his animal to an Israelite and stipulates: I am selling it on the condition that the gifts are mine, the gifts are his and the Israelite must give the gifts to that priest. The Gemara

responds: There is a dispute between the tanna'im of these baraitot, and they disagree with regard to this matter: One Sage, the tanna of the second baraita, holds that the term: On the condition, is one of retention, and the priest therefore retains possession of the gifts. And one Sage, the tanna of the first baraita, holds that: On the condition, is not a term of retention, and the priest is not authorized to stipulate that the buyer must give the gifts to him.

¹⁴⁸ § The mishna teaches that if one said to a butcher: Sell me the innards of a cow that you slaughtered, and there were gifts, i.e., the maw, included with it, the buyer gives the gifts to the priest and does not deduct its value from the money that he pays to the butcher. If he bought the innards by weight, the buyer gives the maw to the priest and deducts its value from the money he pays to the butcher. With regard to innards purchased by weight, Rav says: The Sages taught that the buyer gives the maw to the priest only when the buyer weighed the innards for himself when purchasing them. In such a case, the priest claims the maw from the buyer. But if the butcher weighed the innards for the buyer, the judgment is also with the butcher, i.e., the priest may claim the maw from either the butcher or the buyer. And Rav Asi says: Even if the butcher weighed the innards for the buyer, the judgment is with the buyer alone.

¹⁴⁹ The Gemara suggests: Let us say that they disagree with regard to a statement of Rav Ḥisda, as Rav Ḥisda said: In a case where one robbed another of an item, and the owners had not despaired of retrieving it, and another person came and consumed the stolen item, if the owner wants, he may collect the value of the stolen item from this one, the robber, and if he wants, he may collect from that one who consumed it. The suggestion is that one Sage, Rav, holds in accordance with the opinion of Rav Ḥisda, and he therefore holds that the priest may claim the maw from either the buyer or the butcher; and one Sage, Rav Asi, does not hold in accordance with the opinion of Rav Ḥisda, and the priest may therefore claim the maw from the buyer alone.

¹⁵⁰ The Gemara rejects this suggestion: No; everyone holds in accordance with the opinion of Rav Ḥisda, and here they disagree with regard to whether or not gifts of the priesthood can be stolen. As one Sage, Rav, holds that they can be stolen, and accordingly the robber remains responsible for them even if they are consumed by another. Consequently, if the butcher weighed the innards, the priest may claim the gifts from either the butcher or the buyer. And one Sage, Rav Asi, holds that gifts of the priesthood cannot be stolen. Since technically one cannot steal the gifts, the obligation to return them to the priest rests solely on the one in physical possession of them. Accordingly, the priest may claim the gifts from the buyer alone, as the gifts are in his custody.

¹⁵¹ The Gemara notes that some teach this halakha, that there is a dispute between Rav and Rav Asi as to whether or not gifts of the priesthood can be stolen, by itself, i.e., as an independent dispute between them rather than in explanation of another dispute: Rav says that gifts of the priesthood can be stolen, and Rav Asi says that gifts of the priesthood cannot be stolen.

¹⁵² MISHNA: In the case of a convert who converted and he had a cow, if the cow was slaughtered before he converted, he is exempt from giving the gifts to the priest. If the animal was slaughtered after he converted, the convert is obligated to give the gifts. If there is uncertainty whether it was slaughtered before or after the conversion, the convert is exempt, as the burden of proof rests upon the claimant.

¹⁵³ GEMARA: The mishna teaches that if there is an uncertainty whether an individual is obligated to give gifts of the priesthood, he is exempt from giving them. In this regard, the Gemara relates that

when Rav Dimi came from Eretz Yisrael to Babylonia, he said that Rabbi Shimon ben Lakish raised a contradiction to Rabbi Yoḥanan: We learned in the mishna that when there is an uncertainty one is exempt from giving the gifts. Evidently, in cases of uncertainty the halakha is to be lenient.

¹⁵⁴ But one can raise a contradiction from that which is taught in another mishna (Pe'a 4:11) with regard to gleanings left for the poor: In a case of grain found in ant holes that are inside the standing crop in an area of the field that was not harvested, these are the property of the owner of the field, as this grain does not have the status of gleanings. And in the case of grain found in ant holes that are behind the harvesters in an already harvested area, the upper wheat stalks, i.e., those stalks found at the mouth of the holes, belong to the poor, as they are assumed to be gleanings that fell from the bundles when that area was harvested, and the lower wheat inside the holes are the property of the owner, since it is possible that they were collected by the ants before the harvest and are not gleanings.

¹⁵⁵ Rabbi Meir says: Everything goes to the poor, as grain whose status as gleanings is uncertain is considered gleanings. According to Rabbi Meir, the halakha is stringent in the case of an uncertainty with regard to gifts left for the poor. This apparently contradicts the mishna's statement that one is lenient in the case of an uncertainty with regard to gifts of the priesthood, as these gifts are similar in this regard to gifts left for the poor. Since any unattributed mishna is considered to be in accordance with the opinion of Rabbi Meir, this is apparently a contradiction with regard to the opinion of Rabbi Meir.

¹⁵⁶ Rabbi Yoḥanan said to Rabbi Shimon ben Lakish: Do not trouble me with this contradiction, as I teach that baraita in the singular, i.e., it is not certain that this is the opinion of Rabbi Meir; rather, it is merely the claim of one Sage that this is Rabbi Meir's opinion. As it is taught in a baraita that Rabbi Yehuda ben Agra says in the name of Rabbi Meir: Grain whose status as gleanings is uncertain is considered gleanings; grain whose status as forgotten sheaves is uncertain is considered forgotten sheaves; and grain whose status as pe'a is uncertain is considered pe'a. Therefore, one should not raise a contradiction to the mishna from the statement of a single Sage claiming to represent the opinion of Rabbi Meir.

¹⁵⁷ Rabbi Shimon ben Lakish said to Rabbi Yoḥanan: Even if you teach that baraita only in a language whereby a certain imbecile named ben Tedal states that this is the opinion of Rabbi Meir, a question remains, as isn't there a stated reason for stringency in cases of uncertainties with regard to gifts left for the poor? As Rabbi Shimon ben Lakish said: What is the meaning of that which is written: "Do justice to the afflicted and destitute" (Psalms 82:3)? Specifically, what is the meaning of "do justice"?

¹⁵⁸ If we say that it means that one should do justice in judgments, i.e., a judge should sway judgments in favor of the afflicted and destitute, but isn't it written: "Neither shall you favor a poor man in his cause" (Exodus 23:3)? Rather, the verse is teaching that in cases of uncertainty with regard to gifts left for the poor, be righteous with that which is yours and give it to the poor. Why, then, is the halakha stringent in the case of gifts left for the poor but lenient with regard to gifts to priests?

¹⁵⁹ Rava said in response: Here, in the case of gifts of the priesthood, the halakha is lenient because the cow of a convert maintains the presumptive status of exemption, as the obligation of the gifts did

not apply to the cow before the convert converted. By contrast, the halakha is stringent in the case of the gifts left for the poor, as the standing crop maintains the presumptive status of obligation.

¹⁶⁰ Abaye said to Rava: But with regard to the dough of a convert, the halakha is that if it was prepared before he converted he is exempt from separating ḥalla from this dough, and if it was prepared after he converted, he is obligated to separate ḥalla from it. And if there is an uncertainty as to whether the dough was prepared before or after his conversion, he is obligated, despite the fact that dough prepared by a gentile is exempt from ḥalla. Why isn't the convert exempt from separating ḥalla just as he is exempt from giving gifts of the priesthood in the case of an uncertainty, as both the dough and the cow maintain a presumptive status of exemption?

¹⁶¹ Rava said to Abaye: There is a difference between ḥalla and gifts of the priesthood. Although the dough maintains the presumptive status of exemption, here there is also uncertainty with regard to a prohibition, as a non-priest who consumes ḥalla is liable to receive the punishment of death at the hand of Heaven. And whenever there is an uncertainty with regard to a prohibition, the halakha is to be stringent. Conversely, uncertainties with regard to gifts of the priesthood involve no prohibition and are strictly monetary, and whenever there is an uncertainty with regard to monetary matters, the halakha is to be lenient. Consequently, one relies on the presumptive status of exemption in the case of a cow, and the convert is exempt from giving the gifts to the priest.

¹⁶² As Rav Ḥisda said, and Rabbi Ḥiyya teaches likewise: Eight instances of uncertainties were stated with regard to the convert; in four instances the halakha is that there is an obligation, and in the other four instances the halakha is that there is an exemption.

¹⁶³ These are the four instances where the halakha is stringent: The first is an uncertainty with regard to the offering of one's wife who gave birth, where it is uncertain whether she gave birth before her conversion and she is exempt from bringing an offering, or after her conversion and she is obligated. This case involves a prohibition, as a woman who does not bring her atonement offering is liable to receive karet for consuming sanctified items. And the second case is an uncertainty with regard to the obligation to separate ḥalla from his dough, which also involves a prohibition, as explained above. And the third case is an uncertainty with regard to a male firstborn non-kosher animal, i.e., a firstborn donkey, where it is uncertain if it was born before or after the owner's conversion, which involves the prohibition against deriving benefit from it before its redemption. And the fourth case of an uncertainty is with regard to a male firstborn of a kosher animal, where it is uncertain if it was born before or after the owner's conversion, where one can be liable to receive karet for slaughtering it outside the Temple courtyard. In these four cases, the halakha is that there is an obligation.

¹⁶⁴ And these are the four uncertainties with regard to a convert where the halakha is lenient: The first is an uncertainty with regard to the first sheared wool of one's sheep, where it is uncertain whether they were shorn before or after his conversion. And the second is whether or not the obligation of giving the gifts of the foreleg, the jaw, and the maw applies to his animal. And the third is an uncertainty with regard to the obligation to give five sela for the mitzva of the redemption of the firstborn son, where it is uncertain if he was born before or after the owner's conversion. And the last is an uncertainty with regard to the redemption of a firstborn donkey by means of a sheep or a goat, where it is uncertain if it was born before or after the owner's conversion. In each of these instances, the uncertainty is only with regard to monetary matters, and therefore the halakha is that one is exempt.

¹⁶⁵ In connection to the previous discussion between Rabbi Shimon ben Lakish and Rabbi Yoḥanan, the Gemara relates that when Ravin came from Eretz Yisrael to Babylonia, he said a slightly different version of the above discussion: Rabbi Shimon ben Lakish raised the contradiction to the opinion of Rabbi Meir from a baraita that states that Rabbi Meir exempts the standing crop of a convert from the obligation to leave gleanings for the poor when it is uncertain whether the crop was harvested before or after his conversion. This baraita is in contradiction to the baraita that likewise discusses the standing crop: Grain whose status as gleanings is uncertain is considered gleanings. Rabbi Yoḥanan resolved this contradiction by explaining that the second baraita is the opinion of Rabbi Meir only according to Rabbi Yehuda ben Agra.

¹⁶⁶ § With regard to gifts left for the poor, the Gemara relates that Levi sowed crops in his field in Kishar, but there were no poor people in Kishar to take gleanings from his field. Levi came before Rav Sheshet to ask what should be done with the gleanings. Rav Sheshet said to him: The verse states with regard to the mitzvot of pe'a and gleanings: "You shall leave them for the poor and for the stranger" (Leviticus 23:22), and not for the ravens nor for the bats. Since there are no poor people to take the gleanings, you should take them for yourself.

¹⁶⁷ The Gemara raises an objection from a baraita: The owner of a field does not need to expend the effort to bring teruma, neither from the threshing floor to the city nor from the wilderness to a settled area, in order to give it to a priest. Rather, the priest must travel to the field to receive the teruma. And if there is no priest there, at the threshing floor or in the wilderness, to receive the teruma, the owner must hire a cow and bring the teruma to the city, due to the loss of teruma that would occur if it were left in the field. According to this baraita, the owner of the field should likewise be obligated to do the same with gleanings.

¹⁶⁸ The Gemara explains: Teruma is different, in that if it is not separated it causes the entire crop to be considered untithed, and it is therefore not possible for one not to separate teruma from the crop. By contrast, gleanings do not render the remaining crop prohibited for consumption, and therefore it is not necessary to set them aside and remove them.

¹⁶⁹ The Gemara objects: But what about the case of the gifts of the priesthood, which do not render the rest of the animal untithed, i.e., they do not prohibit the entire animal in consumption before they are separated. And nevertheless it is taught in a baraita: In a place where they were accustomed to put the meat of slaughtered calves in boiling water in order to remove the hairs from the skin, and then eat the meat with the skin still attached to the flesh, one may not skin the foreleg before giving it to the priest. Rather, he gives it with its skin intact.

¹⁷⁰ The baraita continues: Similarly, in a place where people are accustomed to skin the head of an animal, one may not skin the cheek of the jaw of an animal before giving it to the priest, but must give it with its skin intact so that the priest may use the skin as he wishes. And if there is no priest available to receive the gifts, the gifts are appraised by their monetary value, and the owner may eat them and gives their monetary value to a priest at the next available time, due to the loss that would otherwise be incurred by the priest. Evidently, one must expend effort to ensure that a priest receives the gifts despite the fact that they do not render the entire animal untithed. Why is the halakha different with regard to gleanings?

¹⁷¹ The Gemara responds: The halakha is different in the case of gifts of the priesthood, as a term of giving is written with regard to it: "That they shall give to the priest the foreleg, and the jaw, and the

maw” (Deuteronomy 18:3). This teaches that one must actively give the gifts to a priest, whereas no equivalent term is written with regard to gleanings. The Gemara adds: Now that you have arrived at this explanation with regard to gifts of the priesthood, one can likewise explain that the reason *teruma* must be brought to a locale where there is a priest is likewise due to the fact that a term of giving is written with regard to it: “The first fruits of your grain, of your wine, and of your oil, and the first sheared wool of your sheep you shall give him” (Deuteronomy 18:4), not because *teruma* renders the crop untithed.

¹⁷² The Gemara asks: But if so, why do I need the verse to state an extra term of leaving with regard to gleanings? One verse states: “Neither shall you gather the gleanings of your harvest, and your vineyard you shall not harvest completely, and the fallen fruit of your vineyard you shall not gather; you shall leave them for the poor and for the stranger” (Leviticus 19:9–10), and another verse states: “Neither shall you gather the gleanings of your harvest; you shall leave them for the poor and for the stranger” (Leviticus 23:22). Doesn’t this additional mention of leaving indicate that even if there are no poor people to take the gleanings, the owner must collect them and ensure that a poor person can claim them?

¹⁷³ The Gemara responds: No, the extra term of leaving is required for that which is taught in a *baraita*: With regard to one who declares his vineyard ownerless, and in the morning awoke and reclaimed the ownerless vineyard and harvested the grapes, he is obligated in the *mitzva* of leaving individual fallen grapes for the poor [*peret*], and in the *mitzva* of leaving incompletely formed clusters of grapes for the poor [*olelot*], and in the *mitzva* of leaving forgotten clusters, and in the *mitzva* of *pe’a*. And he is exempt from the obligation to separate the tithes from the grapes, as the vineyard had been ownerless. The *baraita* rules that he is obligated in the gifts for the poor despite the *halakha* that the obligation to leave these gifts does not apply to an ownerless vineyard. It is derived from the additional mention of leaving that the obligation of gifts to the poor applies even to an ownerless field of this type.

¹⁷⁴ § In relation to the discussion of a case where the owner of a field takes gifts left for the poor for himself, the Gemara relates that there was a certain sack of dinars that was brought to the study hall to provide financial assistance for the students. Rabbi Ami rushed and acquired them. The Gemara asks: And how can he act in this manner? But isn’t it written with regard to gifts of the priesthood: “That they shall give to the priest” (Deuteronomy 18:3), and the Sages derived from the verse that a priest should receive the gifts and he should not take them by himself. The same applies to gifts for the poor as well. The Gemara responds: Rabbi Ami too did not take the gifts for himself. Rather, he acquired them for the poor.

¹⁷⁵ And if you wish, say instead that the *halakha* with regard to a distinguished person such as Rabbi Ami, who was the head of the *yeshiva*, is different, and he may acquire the gifts for himself. As it is taught in a *baraita* that the verse: “And the priest who is greater than his brethren” (Leviticus 21:10), indicates that the High Priest should be greater than his priestly brethren in beauty, in wisdom, and in wealth.

¹⁷⁶ Others say: From where is it derived that if the High Priest does not have property of his own, his brethren the priests elevate him and render him wealthy from their own property? The verse states: “And the priest who is greater than his brethren,” i.e., they must elevate him from the property of his

brethren. Since the members of the study hall are required to enrich Rabbi Ami from their own property, it is certainly permitted for him to take these gifts for himself.

¹⁷⁷ MISHNA: What is the definition of the foreleg that is given to the priests as one of the gifts? It is the part of the leg from the joint of the lower knee until the rounded protrusion surrounding the thigh bone of the foreleg; and that is the foreleg mentioned in the Torah with regard to the nazirite: “And the priest shall take the foreleg of the ram when it is cooked” (Numbers 6:19). And the parallel in the hind leg is the thigh that is given to the priest from the peace offering, which is also from the joint of the lower knee until the rounded protrusion surrounding the thigh bone. Rabbi Yehuda says: The thigh is from the joint of the lower knee until the upper knee joint, which connects the middle and upper parts of the leg. What is the definition of the jaw? It is from the joint of the lower jaw beneath the temples and downward until the upper ring of the windpipe.

¹⁷⁸ GEMARA: The Sages taught in a baraita: The verse states with regard to the gifts of the priesthood: “That they shall give to the priest the foreleg, and the jaw, and the maw” (Deuteronomy 18:3). “The foreleg”; this is the right foreleg of the animal. The baraita continues: Do you say that this is the right foreleg, or is it only the left foreleg? The verse states: “The foreleg.” The definite article indicates that the verse is referring to the right foreleg.

¹⁷⁹ The Gemara asks: What is the biblical derivation for this, i.e., how is it understood from the definite article that the verse is referring to the right foreleg? The Gemara responds: It is derived like that which Rava said with regard to the verse: “Therefore the children of Israel do not eat the sciatic nerve which is upon the hollow of the thigh” (Genesis 32:33). The definite article indicates that this is referring to the most important thigh. Here too, the definite article in the term “the foreleg” indicates that the verse is referring to the most important foreleg, i.e., the right foreleg.

¹⁸⁰ The Gemara continues: And in the term “and the jaw,” for what purpose does the definite article come, i.e., what halakha does it teach? It serves to include wool that is on the head of lambs and hair that is in the beard of goats in the obligation to give the jaw to the priest. And in the term “and the maw,” for what purpose does the definite article come? It serves to include fat that is on the maw and fat that is inside the maw in the obligation to give the maw to the priest. As Rabbi Yehoshua said: Priests behaved generously with fat that is on the maw and they gave it to its owner, i.e., they relinquished their right to receive it. The Gemara infers: The reason this fat was not given to the priests is that they behaved generously, but had they not behaved generously, the fat would be his, the priest’s.

¹⁸¹ The Gemara cites a homiletical idea with regard to the gifts of the priesthood: The interpreters of Torah symbolism [dorshei ḥamurot] would say with regard to the reason why the foreleg, the jaw, and the maw are given to the priests: The foreleg corresponds to the hand of Pinehas, son of Elazar the priest, who killed Zimri, son of Salu, thereby bringing an end to the plague that was ravaging the children of Israel. And it likewise states in the verse: “And he took a spear in his hand” (Numbers 25:7).

¹⁸² And the jaw corresponds to the prayer [tefilla] offered by Pinehas during the aforementioned incident. And so it states in the verse: “Then stood up Pinehas, and wrought judgment [vayefallel], and so the plague was stayed. And that was counted to him for righteousness, to all generations forever” (Psalms 106:30). The maw is as its plain meaning in the verses describing the incident, and

it likewise states: “And he thrust both of them through, the man of Israel, and the woman through her belly. So the plague was stayed from the children of Israel” (Numbers 25:8).

¹⁸³ The Gemara above cited a source for the halakha that the right foreleg is given to the priest. The Gemara notes: And the tanna of the following baraita cites this halakha from here: The verse states with regard to the gift to the priest from a peace offering: “And the right thigh you shall give to the priest as a gift from your sacrifices of peace offerings” (Leviticus 7:32). I have derived only that the right thigh of a peace offering is given to the priest. From where do I derive that the right foreleg of the sacrificial ram of the nazirite is given to the priest? The verse states: “You shall give to the priest as a gift.” And from where is it derived that the right foreleg of a non-sacred animal is also given as a gift to the priest? The verse states: “You shall give.”

¹⁸⁴ § The mishna taught: What is definition of the jaw? It is from the joint of the jaw beneath the temples and below until the upper ring of the windpipe. The Gemara objects: But isn’t it taught in a baraita that when one removes the jaw from the animal to give to the priest, he removes it and the area of slaughter on the throat with it? The area of slaughter is beyond the upper ring of the windpipe.

¹⁸⁵ The Gemara responds: This is not difficult. Everyone agrees that the priest receives only the part until the upper ring of the windpipe, and the difference between the two rulings is that this mishna is in accordance with the opinion of the Rabbis, and that baraita is in accordance with the opinion of Rabbi Ḥanina ben Antigonus.

¹⁸⁶ The Gemara explains that this is as it is taught in a baraita: The slaughter of an animal in such a manner that the knife is diverted to an area above the place of slaughter on its throat is not valid. Rabbi Ḥanina ben Antigonus testified with regard to the slaughter of an animal when the knife is diverted that it is valid (see 18b). The baraita calls the area of the jaw until the upper ring of the windpipe the area of slaughter, in accordance with the opinion of Rabbi Ḥanina ben Antigonus, who maintains that it is also a valid area for slaughter.

¹⁸⁷ And if you wish, say instead that this mishna and that baraita are both in accordance with the opinion of the Rabbis, and what does the baraita mean when it says: With it? It means that the area of slaughter remains with the animal, i.e., it remains with the owner and is not given to the priest.

Chapter 11

¹ MISHNA: The mitzva of the first sheared wool that every Jew must give to the priest, as stated in the verse: “And the first sheared wool of your flock [tzonekha] shall you give him” (Deuteronomy 18:4), applies both in Eretz Yisrael and outside of Eretz Yisrael, in the presence of the Temple and not in the presence of the Temple, and with regard to non-sacred animals. But it does not apply to sacrificial animals.

² There are more stringent elements in the mitzva of the foreleg, the jaw, and the maw (see 130a) than in the halakha of the first sheared wool in that the mitzva of the foreleg, the jaw, and the maw applies to cattle and to sheep, as it is written: “Whether it be ox or sheep, that he shall give unto the priest the foreleg, and the jaw, and the maw” (Deuteronomy 18:3); and it applies to numerous

animals and to few animals. But by contrast, the mitzva of the first sheared wool applies only to sheep and not to goats and cattle, and applies only to numerous animals.

³ And how many are numerous? Beit Shammai say: It is at least two sheep, as it is stated: “That a man shall rear a young cow, and two sheep [tzon]” (Isaiah 7:21), indicating that two sheep are characterized as tzon; and the mitzva of the first sheared wool is written using the term “your flock [tzonekha].” And Beit Hillel say: It is at least five sheep, as it is stated: “And five sheep [tzon] made” (I Samuel 25:18).

⁴ Rabbi Dosa ben Harkinas says: When shearing five sheep, the sheared wool of each sheep weighing one hundred dinars each and half [peras] of one hundred dinars each, i.e., one hundred and fifty dinars each, are subject to the obligation of the first sheared wool, i.e., they render the owner obligated to give the first sheared wool to the priests. And the Rabbis say: Any five sheep, each of whose sheared wool weighs any amount, render the owner obligated in the mitzva.

⁵ And how much of the sheared wool does one give to the priest? One gives him sheared wool of the weight of five sela in Judea, which are the equivalent of ten sela in the Galilee, as the weight of the Galilean sela is half that of the Judean sela. Furthermore, although one may give the wool to the priest without laundering it, this must be the weight of the wool once laundered and not when sullied, as is characteristic of wool when sheared. The measure that must be given to the priest is enough to fashion a small garment from it, as it is stated: “Shall you give him” (Deuteronomy 18:4), indicating that the sheared wool must contain enough for a proper gift.

⁶ If the owner of the shearing did not manage to give it to the priest until he dyed it, the owner is exempt from the mitzva of the first sheared wool, as this constitutes a change in the wool by which means he acquires ownership of it. If he laundered it but did not dye it, he is obligated to give the first sheared wool, as laundering does not constitute a change in the wool.

⁷ One who purchases the fleece of the sheep of a gentile is exempt from the obligation of giving the first sheared wool to the priest. With regard to one who purchases the fleece of the sheep of another Jew, if the seller kept some of the wool, then the seller is obligated to give the first sheared wool to the priest. If the seller did not keep any of the wool, the buyer is obligated to give it. If the seller had two types of sheep, gray and white, and he sold the buyer the gray fleece but not the white fleece, or if he sold the fleece of the male sheep but not of the female sheep, then this one, the seller, gives the first sheared wool for himself to the priest from the wool that he kept, and that one, the buyer, gives the first sheared wool for himself to the priest from the wool that he bought.

⁸ GEMARA: The mishna states that the mitzva of the first sheared wool does not apply to sacrificial animals. The Gemara asks: What is the reason that it does not apply? The Gemara answers that the verse states: “Your flock” (Deuteronomy 18:4), indicating that the mitzva applies to non-sacred animals, which belong to a private individual, and not to a flock that is consecrated property.

⁹ The Gemara challenges: The reason for the exemption of sacrificial animals is that the Merciful One writes “your flock,” from which it may be inferred that were that not the case I would say that even with regard to sacrificial animals one is obligated in the mitzva of the first sheared wool. But this suggestion is impossible, since they are not fit for shearing, as it is written with regard to firstborn animals, which are consecrated: “And you shall not shear the firstborn of your flock” (Deuteronomy 15:19).

¹⁰ The Gemara explains: If the mishna was referring to sheep consecrated for the altar, indeed there would be no need to derive their exemption from the verse. But here we are dealing with sheep consecrated to the treasury for Temple maintenance, which it is permitted to shear, and the verse teaches that even with regard to these one is exempt from the mitzva of the first sheared wool.

¹¹ The Gemara asks: But didn't Rabbi Elazar say with regard to animals consecrated for Temple maintenance that it is prohibited to shear them or to work them? The Gemara answers: The prohibition with regard to animals consecrated for Temple maintenance applies by rabbinic law, not by Torah law. Therefore, it might enter your mind to say that since by Torah law they are fit for shearing, in a case where one transgressed the rabbinical prohibition and sheared the consecrated sheep, he should give the first sheared wool to the priest. Consequently, the verse teaches that he is exempt from the mitzva of the first sheared wool.

¹² The Gemara objects: But since he consecrated the wool it is consecrated property, and therefore in practice it cannot be given to a priest. Consequently, there is no need to derive their exemption from the verse. The Gemara explains: It might enter your mind to say that the owner is required to redeem the wool by giving its value to the Temple treasury and then give it to the priest.

¹³ The Gemara objects: But when an animal is redeemed it requires standing and valuation, as it is written: "And he shall stand the animal before the priest, and the priest shall value it, whether it be good or bad; as the priest evaluates it, so shall it be" (Leviticus 27:11–12). Once the wool has been sheared this process cannot be performed, which means that the wool cannot be redeemed. The Gemara comments: This works out well according to the one who said that animals consecrated for Temple maintenance were not included in the requirement of standing and valuation. But according to the one who said that they were included in this requirement, what can be said?

¹⁴ Rabbi Mani bar Pattish said in the name of Rabbi Yannai: The statement here in the mishna is referring to a case where one consecrated the rest of his animal for Temple maintenance except for its fleece, which he reserved for himself. Because the owner did not consecrate the wool, it might enter your mind to say: Let him shear the sheep and be obligated to give the wool to the priest. Therefore, the verse states: "Your flock," indicating that the mitzva applies to non-sacred animals, which belong to an individual, and not to sheep that are consecrated property.

¹⁵ The Gemara raises a difficulty: If so, that the mishna is discussing a case where one consecrated an animal except for its fleece, one could say that it is also referring to animals consecrated for the altar. The Gemara answers: The mishna cannot be discussing animals consecrated for the altar, as it is prohibited to shear them even if their fleece was not consecrated. The reason is that this causes the animal to become weakened, which entails a loss of consecrated property.

¹⁶ The Gemara objects: But animals consecrated for Temple maintenance are also weakened by shearing, and therefore it should be prohibited to shear them as well. The Gemara explains: The mishna is referring to a case where one said that he consecrates his animal for Temple maintenance except for both its fleece and its weakening, i.e., the loss of strength caused by shearing.

¹⁷ The Gemara further objects: The mishna could also be referring to animals consecrated for the altar in a case where one said that he consecrates the animal except for both its fleece and the weakening, i.e., the loss in strength caused by shearing. The Gemara explains: With regard to animals consecrated for the altar this stipulation is ineffective, as even so, i.e., despite his declaration, the sanctity extends to the entire animal, and therefore it is prohibited to shear it.

¹⁸ The Gemara explains: And from where do you say that if one consecrates an animal for the altar the sanctity extends to the entire animal? This is as Rabbi Yosei said: Isn't it the halakha with regard to sacrificial animals that if one says: The leg of this animal is consecrated as a burnt offering, then the entire animal is a burnt offering, as the sanctity of the leg spreads throughout the animal's body? And even according to the opinion of Rabbi Meir that it is not entirely a burnt offering, that statement of Rabbi Meir applies only where he consecrated its leg, which is not a matter, i.e., a limb, upon which the animal's life depends. It is possible for an animal to survive the removal of a leg. But if one consecrated a matter upon which the animal's life depends, everyone agrees that all of it is consecrated.

¹⁹ § Rava said that there is no need to interpret the mishna as discussing a case where one consecrated a whole animal apart from its fleece and the loss caused by shearing. Rather, the mishna is referring to one who consecrates the fleece itself to the treasury for Temple maintenance, but not the sheep. It might enter your mind to say: Let him shear the sheep and redeem the wool by giving its value to the Temple treasury, and then be required to give the wool to the priest.

²⁰ Therefore, the verse states: "The first sheared wool of your flock, shall you give him" (Deuteronomy 18:4), which indicates that there should be no additional action between shearing and giving the first sheared wool to the priest. In other words, the mitzva of first sheared wool applies to a sheep that is lacking only shearing and giving, which excludes this sheep that is lacking shearing, redeeming, and giving.

²¹ The Gemara asks: But if this verse is the source of the exemption of consecrated animals, then for what purpose does the term "your flock" come? That term also indicates that certain sheep are excluded from the mitzva. The Gemara answers that it is necessary for that which is taught in a baraita: An animal owned by two partners is obligated, i.e., renders its owners obligated, in the mitzva of the first sheared wool, but Rabbi Ilai exempts them. What is the reason for the ruling of Rabbi Ilai? The reason is that the verse states "your flock," using the singular pronoun, indicating that the mitzva applies to animals belonging to an individual, but not to sheep that are owned in partnership.

²² The Gemara asks: But according to the Rabbis, who hold that joint owners of sheep are obligated in the mitzva of the first sheared wool, what is excluded by the term "your flock"? The Gemara answers that this serves to exclude an animal owned in partnership with a gentile. The Gemara asks: And from where does Rabbi Ilai derive that an animal owned in partnership with a gentile renders its Jewish owner exempt from the mitzva?

²³ The Gemara answers: He derives it from the beginning of this verse, which states with regard to teruma: "The first fruits of your grain, of your wine, and of your oil" (Deuteronomy 18:4), using the singular pronoun. This indicates that only in the case of produce owned by a Jew is one obligated to separate teruma, but not with regard to that which is owned in partnership with a gentile.

²⁴ The Gemara asks: And why do the Rabbis, who derive the exemption of sheep owned in partnership with a gentile from the term "your flock," not derive this from the term "your grain"? The Gemara answers that the repetition of the term "the first" with regard to the first sheared wool: "The first fruits of your grain, of your wine, and of your oil, and the first sheared wool of your flock, shall you give him" (Deuteronomy 18:4), is an indication that the verse concluded discussion of the previous matter. The superfluous mention of "first" signals that the two issues discussed in this verse,

which are the first fruits, i.e., teruma, and the first sheared wool, are two separate matters. Therefore, one cannot derive the halakhot of one from the other.

²⁵ The Gemara asks: And how does Rabbi Ilai respond to the Rabbis' claim? The Gemara answers: Rabbi Ilai holds that when the verse states: "And the first sheared wool," the conjunction "and" goes back and combines the two matters together.

²⁶ The Gemara asks further: And how do the Rabbis respond to Rabbi Ilai's claim? The Gemara answers: The Rabbis do not accept that the conjunction "and" goes back and combines the two matters together, as, if that were so, let the Merciful One write neither "and" nor "the first."

²⁷ The Gemara asks: And how does Rabbi Ilai respond to this contention? The Gemara answers that Rabbi Ilai would say that the first sheared wool and teruma are essentially different obligations, as the first sheared wool is merely a monetary obligation with no inherent sanctity. By contrast, it is prohibited for non-priests to partake of teruma. Since this case of the first sheared wool involves only sanctity that inheres in its value, and that case of teruma referred to in the beginning of the verse involves inherent sanctity, the verse separated them through the repetition of the term "the first," and then the verse went back and combined them through the term "and," so that their halakhot could be derived from one another.

²⁸ The Gemara provides an alternative explanation as to why the Rabbis do not derive the exemption of sheep owned in partnership with a gentile from the case of teruma. If you wish, say instead that with regard to teruma, the Rabbis hold that one who owns produce in partnership with a gentile is in fact obligated, as it is taught in a baraita: If there were a Jew and a gentile who purchased a field in partnership, the produce grown in that field is considered to be untithed produce, which is subject to the halakhot of terumot and tithes, and non-sacred produce, which is exempt from the requirements of terumot and tithes, mixed together; this is the statement of Rabbi Yehuda HaNasi. Rabban Shimon ben Gamliel says: The portion of the Jew is obligated in teruma and tithes, but the portion of the gentile is exempt.

²⁹ The Gemara explains the inference. They disagree only with regard to the following issue: That one Sage, Rabban Shimon ben Gamliel, holds that there is retroactive clarification, which means that when they divide the produce it will be clarified who owned which produce from the outset; and one Sage, Rabbi Yehuda HaNasi, holds that there is no retroactive clarification, and because it grew in a mixed state, it retains that status even after they divide the produce. But with regard to produce that a Jew owns in partnership with a gentile, everyone agrees that it is obligated in teruma.

³⁰ The Gemara presents an alternative explanation of Rabbi Ilai's opinion: If you wish, say instead that Rabbi Ilai does not derive only the exemption of sheep owned in partnership with a Jew from the term "your flock" while he derives the exemption of sheep owned in partnership with a gentile from the term "your grain." Rather, according to Rabbi Ilai both exemptions are derived from the term "your flock."

³¹ The Gemara explains why both exemptions can be derived from a single phrase: With regard to partnership with a gentile, what is the reason that one is exempted from the obligation of the first sheared wool? It is due to the fact that the sheep is not exclusively his. In the case of a partnership with a Jew too, the sheep is not exclusively his. The Gemara asks: And what do the Rabbis reply to this claim of Rabbi Ilai? The Gemara answers: The Rabbis hold that partnership with a Jew cannot be

compared to partnership with a gentile, as a gentile is not obligated in the mitzva of the first sheared wool, whereas a Jew is obligated.

³² § Rava said with regard to the dispute between the Rabbis and Rabbi Ilai: Although Rabbi Ilai holds that two partners who own a sheep are exempt from the first sheared wool, he concedes that jointly owned produce is obligated in teruma. This is the halakha even though it is written with regard to teruma: “Your grain” (Deuteronomy 18:4), using the singular pronoun, from which one may infer that with regard to yours, yes, one is obligated, whereas with regard to that which is owned in partnership, the partners are not obligated.

³³ The Gemara explains that the joint owners of produce are nevertheless obligated in teruma, as the Merciful One writes: “There will I require your terumot” (Ezekiel 20:40). The use of the plural pronoun in this verse indicates that even partners who own produce are obligated in teruma. The Gemara asks: But if so, why do I need the term: “Your grain,” using the singular pronoun? The Gemara answers: This serves to exclude produce owned in partnership with a gentile.

³⁴ Similarly, with regard to ḥalla, the portion of dough that one is required to separate and give to a priest, Rabbi Ilai concedes that joint owners are obligated in this mitzva, even though one could claim otherwise, as it is written: “Of the first of your dough you shall set apart a cake for a gift” (Numbers 15:20), and it is possible to say that one should derive a verbal analogy between the term “the first” in this context and the term “the first” from the first sheared wool: Just as there, with regard to the first sheared wool, if the sheep are owned in partnership the owners are not obligated, so too here, with regard to ḥalla, if the dough is owned in partnership they are not obligated. Nevertheless, the Merciful One writes: “Your dough,” using a plural pronoun, indicating that even joint owners of dough are obligated to separate ḥalla.

³⁵ The Gemara challenges: But according to this claim, the reason joint owners of dough are obligated to separate ḥalla is that it is written “your dough,” using a plural pronoun. It can be inferred from here that were that not the case I would say that they are exempt, as derived by a verbal analogy between the term “the first” mentioned with regard to ḥalla and the term “the first” from the first sheared wool. On the contrary, one should derive a verbal analogy between the term “the first” with regard to ḥalla and the term “the first” from teruma: Just as the obligation to separate teruma applies to produce owned in partnership, so too, the obligation to separate ḥalla applies to dough owned in partnership. It is preferable to compare ḥalla to teruma, because their halakhic status is similar in that they are both prohibited to non-priests. If so, the inference from the term “your dough” is unnecessary.

³⁶ The Gemara explains: It is indeed so; the obligation of produce owned in partnership in the case of ḥalla is derived from the case of teruma. But if so, why do I need the term “your dough”? This teaches that the quantity of dough to which the obligation of ḥalla applies is equivalent to the quantity of your dough, i.e., the quantity of dough kneaded daily by the Jewish people when they were in the Sinai Desert, when the mitzva was given. This is one omer for each person (see Exodus 16:16), which is a tenth of an ephah (see Exodus 16:36).

³⁷ Likewise, with regard to pe’a, produce in the corner of the field that is left for the poor, Rabbi Ilai concedes that the joint owners of produce are obligated, even though it is written in the verse cited below: “Your field [sadekha],” using a singular pronoun, from which it can be inferred that with regard to your field, yes, one is obligated, whereas with regard to that which is owned in partnership,

one is not obligated. The reason is that the Merciful One writes: “And when you reap [uvekutzrekhem] the harvest of your land, you shall not entirely reap the corner of your field” (Leviticus 19:9). The term “when you reap” uses the plural pronoun, which indicates that even partners of land are obligated in pe’a. The Gemara asks: But if so, why do I need the term “your field” in the singular? The Gemara answers: This serves to exclude land owned in partnership with a gentile from the obligation of pe’a.

³⁸ Similarly, with regard to the firstborn status of a male firstborn kosher animal, Rabbi Ilai concedes that jointly owned animals are sanctified, even though it is written: “All the firstborn that are born of your herd [bivkarekha] and of your flock [tzonekha] that are male you shall sanctify to the Lord your God” (Deuteronomy 15:19). Once again it might have been inferred from the singular pronoun in the terms “your herd” and “your flock” that your firstborn, yes, are sanctified, but the firstborn that is owned in partnership is not sanctified.

³⁹ Therefore, the Merciful One writes: “And there you shall bring there your burnt offerings, and your peace offerings, and your tithes, and the gift of your hand, and your vows, and your gift offerings, and the firstborn of your herd [bekarkhem] and of your flock [tzonekhem]” (Deuteronomy 12:6). The pronouns in the terms “your herd” and “your flock” in this verse are in the plural, which indicates that firstborn animals owned in partnership are sanctified. The Gemara asks: But if so, why do I need the terms “your herd” and “your flock” (Deuteronomy 15:19), where the pronouns are in the singular? The Gemara again answers: This serves to exclude animals owned in partnership with a gentile, which are not sanctified.

⁴⁰ Likewise, with regard to a mezuzah, Rabbi Ilai concedes that the house of two partners is obligated, even though it is written: “And you shall write them upon the doorposts of your house [beitekha]” (Deuteronomy 6:9), with a singular pronoun, from which one might have inferred that with regard to your house, yes, it is obligated, whereas a house owned by two people in partnership is not obligated. Consequently, the Merciful One writes with regard to the mitzva of mezuzah: “So that your days may be multiplied, and the days of your children” (Deuteronomy 11:21). The use of the plural pronoun in the terms “your days” and “your children” in this verse indicates that partners are obligated in the mitzva of mezuzah. The Gemara asks: But if so, for what purpose does the term “your house [beitekha]” come? The Gemara answers: It is necessary for that which Rabba derived, as Rabba said:

⁴¹ The term “your house [beitekha]” is similar to the term: You enter [bi’atkha], indicating that one places the mezuzah in the way that you enter the house. When a person lifts his foot to begin walking, he lifts his right foot first. Therefore, the mezuzah is affixed to the right side of the doorway, as one enters.

⁴² Similarly, with regard to tithe, Rabbi Ilai concedes that joint owners of produce are obligated, even though it is written: “The tithe of your grain [deganekha]” (Deuteronomy 12:17), using the singular pronoun, from which one might have inferred that with regard to your grain, yes, one is obligated, whereas with regard to that which is owned in partnership, one is not obligated. The reason is that the Merciful One writes: “All your tithes [ma’asroteikhem]” (Numbers 18:28), using the plural pronoun, indicating that even partners are obligated in this mitzva. The Gemara asks: But if so, for what purpose does the term: “The tithe of your grain [deganekha],” using the singular pronoun, come? The Gemara answers: It serves to exclude produce owned in partnership with a gentile from the obligation of tithes.

⁴³ Likewise, with regard to the gifts to which members of the priesthood are entitled, i.e., the foreleg, the jaw, and the maw, Rabbi Ilai concedes that the joint owners of an animal are obligated, even though the Merciful One writes: “And this shall be the priests’ due from the people, from those who slaughter an animal, whether it be ox or sheep; and he shall give to the priest the foreleg, and the jaw, and the maw” (Deuteronomy 18:3).

⁴⁴ The Gemara elaborates: It is possible to say that one should derive a verbal analogy between giving mentioned in the context of gifts to the priesthood and giving from the first sheared wool. The Torah states: “He shall give,” with regard to the gifts of the priesthood, and it states: “Shall you give him” (Deuteronomy 18:4), with regard to the first sheared wool; just as there, with regard to the first sheared wool, sheep owned in partnership do not render their owners obligated, so too here, with regard to the gifts of the priesthood, an animal owned in partnership does not render the owners obligated. But the Merciful One writes: “From those who slaughter an animal,” in the plural, indicating that even the owners of an animal owned in partnership are obligated to give the foreleg, the jaw, and the maw.

⁴⁵ The Gemara challenges: But according to this inference, the reason the joint owners of an animal are obligated in the gifts of the priesthood is that the Merciful One writes: “From those who slaughter an animal,” in the plural. But were it not so, I would say that they are exempt, as derived by means of a verbal analogy from the first sheared wool. On the contrary, since the term “shall you give him” is also referring to teruma, one should derive by means of a verbal analogy from teruma: Just as the obligation of teruma applies to those who own produce in partnership, so too, the requirement of the gifts of the priesthood applies to partners that own an animal together.

⁴⁶ The Gemara explains: Yes, it is indeed so; the obligation of partners with regard to gifts of the priesthood is derived from teruma. But if so, why do I need the phrase “from those who slaughter an animal”? It is necessary for that which Rava taught, as Rava said: The priest issues his demand to receive the foreleg, the jaw, and the maw from the butcher who slaughtered the animal, not from the buyer.

⁴⁷ Similarly, with regard to the first fruits, Rabbi Ilai concedes that the joint owners of produce are obligated, even though it is written: “And you shall take of the first of all the fruit of the ground, which you shall bring in from your land [be’artzekha]” (Deuteronomy 26:2), using the singular pronoun. One might have inferred from the singular pronoun that with regard to your land, yes, one is obligated, whereas with regard to that which is owned in partnership one is not obligated.

⁴⁸ Therefore, the Merciful One writes: “The first fruits of all that is in their land, which they bring to the Lord, shall be yours” (Numbers 18:13). The use of the plural pronoun indicates that even from land owned in partnership one is obligated to bring first fruits. The Gemara asks: But if so, why do I need the term “your land [artzekha],” using the singular pronoun? The Gemara answers: This serves to exclude produce grown outside of Eretz Yisrael from the mitzva of the first fruits.

⁴⁹ Likewise, with regard to the mitzva to attach ritual fringes to one’s garment, Rabbi Ilai concedes that a jointly owned garment is obligated, even though the Merciful One writes: “You shall make yourself twisted cords upon the four corners of your covering [kesutekha]” (Deuteronomy 22:12), using the singular pronoun. It might have been inferred from the singular form that with regard to your covering, yes, it is obligated, whereas with regard to that which is owned in partnership it is not obligated.

⁵⁰ Therefore, the Merciful One writes: “And they shall make for themselves fringes in the corners of their garments, throughout their generations, and they shall put with the fringe of each corner a thread of blue” (Numbers 15:38). The use of the plural pronoun indicates that even jointly owned garments are obligated. The Gemara asks: But if so, why do I need the term “your covering [kesutekha],” using the singular pronoun? The Gemara answers: This is necessary for that which Rav Yehuda taught, as Rav Yehuda said: A borrowed cloak is exempt from the mitzva of ritual fringes throughout the first thirty days.

⁵¹ Similarly, with regard to the obligation of establishing a parapet around a roof, Rabbi Ilai concedes that the joint owners of a roof are obligated, even though the Merciful One writes: “When you build a new house, then you shall make a parapet for your roof [legaggekha],” using the singular pronoun, “and you shall not bring blood upon your house, if any man falls from there” (Deuteronomy 22:8). One might have inferred from the singular form that with regard to your roof, yes, one is obligated, whereas with regard to that which is owned in partnership one is not obligated.

⁵² Therefore, the Merciful One writes: “If any man falls from there,” indicating that wherever the danger of falling from the roof exists, there is an obligation to erect a parapet. The Gemara asks: But if so, for what purpose does the term “your roof [gaggekha],” using the singular pronoun, come? The Gemara answers: It serves to exclude synagogues and houses of study.

⁵³ § Rava maintains that although Rabbi Ilai holds that if a sheep is owned in partnership its owners are exempt from giving the first sheared wool to a priest, he concedes that partners are obligated with regard to all the other issues discussed above, including the mitzva of the firstborn animal and the gifts of the priesthood. Rav Beivai bar Abaye said: These principles stated by Rava are not accepted, as it is taught in a baraita: An animal owned by partners is obligated in the mitzva of a firstborn, i.e., its offspring is subject to firstborn status. And Rabbi Ilai exempts the animal from having its offspring subject to firstborn status.

⁵⁴ The Gemara asks: What is the reason for the opinion of Rabbi Ilai? As it is written: “And the firstborn of your herd and of your flock [bekarekha vetzonekha]” (Deuteronomy 12:17), using the singular pronoun, indicating that only privately owned animals are consecrated. The Gemara comments: But it is also written: “And the firstborn of your herd and of your flock [bekarkhem vetzonekhem]” (Deuteronomy 12:6), using the plural pronoun. The Gemara explains: This verse is referring to the obligation of all Jews to bring their firstborn animals to the Temple, but this applies only to animals with a single owner.

⁵⁵ Rav Ḥanina of Sura also said: These principles stated by Rava are not accepted, as it is taught in a baraita: An animal owned by partners is obligated, i.e., renders its owners obligated, to take gifts of the priesthood from it, and Rabbi Ilai exempts the partners from the obligation. What is the reason for Rabbi Ilai’s statement? He derives a verbal analogy between giving mentioned in this context and giving from the first sheared wool. The Torah states: “He shall give” (Deuteronomy 18:3), with regard to the gifts of the priesthood, and: “Shall you give him” (Deuteronomy 18:4), with regard to the first sheared wool. Just as there, with regard to the first sheared wool, in the case of sheep owned in partnership the owners are not obligated according to Rabbi Ilai, so too here, with regard to the gifts of the priesthood, if the animal is owned in partnership the owners are not obligated.

⁵⁶ Rabbi Ḥanina of Sura adds: And if it enters your mind to accept Rava’s statement that in the case of teruma Rabbi Ilai deems partners obligated, this is not possible. The reason is that the term “shall

you give him” is also used with regard to teruma. Accordingly, instead of deriving the halakha of an animal owned by partners with regard to gifts of the priesthood by verbal analogy from the first sheared wool, one should derive by verbal analogy between giving mentioned with regard to gifts of the priesthood and giving from teruma, as follows: Just as joint owners of produce are obligated to separate teruma from that produce, so too with regard to an animal owned in partnership, the owners are obligated to take the gifts of the priesthood from it. Rather, conclude from the baraita that with regard to teruma too, Rabbi Ilai deems partners exempt, and therefore their exemption from the gifts of the priesthood can be derived either from the first sheared wool or from teruma.

⁵⁷ The Gemara raises a difficulty: If it is possible to derive halakhot of the gifts of the priesthood from teruma by verbal analogy, one could also say: Just as with regard to teruma the halakha is that in Eretz Yisrael, yes, it applies, whereas outside of Eretz Yisrael it does not apply, so too, with regard to the gifts of the priesthood, in Eretz Yisrael, yes, they apply, whereas outside of Eretz Yisrael they do not apply. Rabbi Yosei of Neharbil said: Yes, it is indeed so, and it is taught in a baraita that Rabbi Ilai says: The gifts of the priesthood apply only in Eretz Yisrael. And likewise, Rabbi Ilai would say: The mitzva of the first sheared wool applies only in Eretz Yisrael.

⁵⁸ What is the reason for the ruling of Rabbi Ilai? Rava said: He derives by means of a verbal analogy between giving mentioned in the context of the first sheared wool and giving from teruma that just as with regard to teruma the halakha is that in Eretz Yisrael, yes, it applies, whereas outside of Eretz Yisrael, it does not apply; so too, with regard to the first sheared wool, in Eretz Yisrael, yes, it applies, whereas outside of Eretz Yisrael it does not apply.

⁵⁹ Abaye said to Rava: If one compares the first sheared wool to teruma by means of a verbal analogy, one can say that just as with regard to the requirement to separate teruma, it produces the halakhic status of forbidden untithed produce, so too the requirement to separate the first sheared wool produces the halakhic status of untithed produce, i.e., wool from which the first sheared wool has not been separated should be forbidden. Yet this is not the halakha. Rava said to him that the verse states: “And the first sheared wool of your flock, shall you give him,” i.e., the priest, which indicates that you, i.e., the priest, have a right to the first sheared wool only from its designation as the first sheared wool and onward. Since the first sheared wool does not belong to the priest prior to its designation, it does not render the rest of the wool forbidden.

⁶⁰ Abaye continues to question Rava: If one compares the first sheared wool to teruma by means of a verbal analogy, one can say that just as non-priests who partake of teruma intentionally are liable to receive the punishment of death at the hand of Heaven, and those who do so unwittingly are obligated to pay an additional one-fifth of its value, so too, non-priests who derive benefit from the first sheared wool intentionally should be liable to death at the hand of Heaven, and those who do so unwittingly should be obligated to pay an additional one-fifth of its value.

⁶¹ Rava replies: The verse states with regard to a non-priest who partakes of teruma: “Lest they bear sin for it, and die because of it, if they profane it...and if a man eat of the holy thing through error, and he shall add its fifth part to it, and shall give to the priest the holy thing” (Leviticus 22:9–14). Rava infers: “He shall add its fifth part to it,” and not to the first sheared wool. “And die because of it,” and not because of the first sheared wool. Consequently, a non-priest is liable to death at the hand of Heaven or to pay an additional one-fifth for partaking of teruma, but not for deriving benefit from the first sheared wool.

⁶² Abaye further questions Rava: If one compares the first sheared wool to teruma by verbal analogy, one can say that just as with regard to teruma, the first and second tithes are separated from the produce after teruma is separated, so too with regard to the first sheared wool, first and second tithes should be separated from the fleece after it. Rava replies: The verse states that the first sheared wool is “the first.” Since the verse already stated “first” with regard to teruma, its repetition indicates that in this case there is no second separation. One does not have any separation in this case other than the first one.

⁶³ Abaye continues to question Rava: If one compares the first sheared wool to teruma by means of a verbal analogy, one can say that just as with regard to teruma one may not separate from the new produce of this year on behalf of the old produce from last year, so too, one may not separate the first sheared wool from the new shearing of this year on behalf of the old shearing from last year. On this occasion Rava replied: Yes, that is the halakha.

⁶⁴ Rava proves his point: And it is likewise taught that this is Rabbi Ilai’s opinion, through a contradiction between two baraitot. One baraita teaches: A person had two sheep; he sheared them and left the shearing in his possession, and the following year he again sheared them and left the shearing in his possession, and continued in this manner for two or three years. Although the accumulated wool is equivalent to the wool of five sheep, to which the obligation of the first sheared wool applies, the wool does not accumulate to constitute the minimum amount, as only two sheep were shorn. This indicates that if the wool is from five sheep, then it accumulates, and one is obligated to give the priest the first sheared wool, despite the fact that the wool was shorn in different years.

⁶⁵ But isn’t it taught in a baraita that even wool from five sheep shorn in different years does not accumulate to create an obligation? Rather, conclude from this contradiction that this second baraita is in accordance with the opinion of Rabbi Ilai, who compares the first sheared wool to teruma. Therefore, he holds that wool from separate years does not accumulate. And that first baraita is in accordance with the opinion of the Rabbis, who do not compare the first sheared wool to teruma. Therefore, they maintain that wool from separate years does accumulate.

⁶⁶ Abaye asks Rava: If one compares the first sheared wool to teruma, one can say that just as with regard to teruma, if a Jew purchased a field from a gentile then produce that grew under the ownership of a Jew, who is obligated to separate teruma from his produce, is obligated, whereas produce that grew under the ownership of a gentile, whose produce is exempt, is exempt even after purchase by a Jew; so too, with regard to the first sheared wool, the fleece that grew under the ownership of a Jew, who is obligated in the first sheared wool, is obligated, whereas the fleece that grew under the ownership of a gentile, who is exempt, is exempt even after purchase by a Jew.

⁶⁷ Abaye adds: And with regard to teruma, from where do we derive that produce that grew when owned by a gentile is exempt? As it is taught in a baraita: With regard to a Jew who purchased a field in Syria from a gentile, if he bought the field before the produce reached one-third of its growth, he is obligated to separate teruma. If he bought the field after the produce reached one-third of its growth, Rabbi Akiva deems him obligated to separate teruma from the growth added after he bought the field, and the Rabbis deem him exempt. All agree, though, that he is exempt with regard to the part of the produce that grew under the gentile’s ownership.

⁶⁸ And if you would say: Indeed, Rabbi Ilai holds that wool that grew under the ownership of a gentile is exempt from the mitzva of the first sheared wool, that is difficult, as didn't we learn in the mishna (135a): One who purchases the fleece of the sheep of a gentile is exempt from the obligation of the first sheared wool? It can be inferred from the mishna that if one purchased the gentile's sheep when they were ready for shearing, he is obligated in the mitzva of the first sheared wool. Rava replied: The mishna

⁶⁹ is not in accordance with the opinion of Rabbi Ilai, who holds that if the wool grew under the ownership of a gentile one is exempt from separating the first sheared wool.

⁷⁰ Abaye further asks Rava: If one compares the first sheared wool to teruma, can one say that just as with regard to teruma one may not separate teruma from one type of produce on behalf of that which is not of the same type, so too, one may not separate the first sheared wool from one type of sheep on behalf of sheep which are not of the same type?

⁷¹ The Gemara asks: And with regard to teruma, from where do we derive that one may not do so? As it is taught in a baraita: If one had two types of figs, black figs and white figs; or similarly, if one had two types of wheat, one may not separate teruma and tithes from this type on behalf of that type. Rabbi Yitzhak says in the name of Rabbi Ilai: Beit Shammai say that one may not separate teruma from one of these on behalf of the other, and Beit Hillel say that one may separate teruma from one on behalf of the other, as they consider all forms of figs or wheat to be a single type. But all agree that with regard to two distinct types of food one may not separate teruma from one type on behalf of another type. So too, with regard to the first sheared wool, perhaps one may not separate from one type of sheep on behalf of sheep which are not of the same type.

⁷² Rava replied: Yes, this is the halakha. And we learned in the mishna (135a) that one may not separate the first sheared wool from one type of sheep on behalf of another: If the seller had two types of sheep, gray and white, and he sold him the gray fleece but not the white fleece, then this seller gives the first sheared wool for himself from the wool that he kept, and that buyer gives the first sheared wool for himself from the wool that he bought.

⁷³ The Gemara objects: If that is so, then consider the latter clause, which teaches: If he sold the fleece of the male sheep but not of the female sheep, then this seller gives the first sheared wool for himself from the wool that he kept, and that buyer gives the first sheared wool for himself from the wool that he bought. Is this also due to the fact that they are two different types? Clearly, it is not.

⁷⁴ The Gemara explains: Rather, the mishna teaches us good advice. The seller is obligated to give the first sheared wool even on behalf of the wool he sold. Since the fleece of the female sheep is softer and more valuable, it is profitable for the seller to buy back part of the fleece of the male sheep and separate it as the first sheared wool on behalf of the sheep he sold, so that he gives the priest both from this wool that is soft and from that wool that is hard, rather than giving him from the fleece of his female sheep on behalf of the male sheep. Here too, with regard to the gray and white sheep, the mishna teaches us good advice, that it is profitable for the seller to buy back part of the fleece of the gray sheep, so that he gives the priests from both types of wool, rather than giving the first sheared wool entirely from the more valuable white fleece.

⁷⁵ According to the above explanation, the mishna rules that it is permitted to separate the first sheared wool from one type of sheep on behalf of another type. This is difficult according to the opinion of Rabbi Ilai, who compares the first sheared wool to teruma, where this practice is

prohibited. The Gemara answers: We already established that the mishna is not in accordance with the opinion of Rabbi Ilai.

⁷⁶ The Gemara challenges further: If one compares the first sheared wool to teruma by means of a verbal analogy, one can say that just as with regard to teruma we require it to be a first gift whose remainders are evident, i.e., a part of the produce must remain after one has separated teruma, so too, the first sheared wool must be a gift whose remainders are evident. The Gemara responds: Yes, it is indeed so.

⁷⁷ The Gemara cites a proof for this claim. And we learned in a mishna (Halla 1:9): With regard to one who says: All my granary shall be teruma, or: All my dough shall be halla, he has not said anything. But one can infer from the mishna that if he said: All my shearing shall be designated as first sheared wool, his declaration is valid. And yet it is taught in another tannaitic source, a baraita, that if he said: All my shearing shall be designated as first sheared wool, he did not say anything.

⁷⁸ Rather, must one not conclude from the conflicting rulings that this baraita is in accordance with the opinion of Rabbi Ilai, who compares the first sheared wool to teruma, and that mishna is in accordance with the opinion of the Rabbis, who do not compare the two cases? The Gemara affirms: Conclude from here that this is correct.

⁷⁹ § Rav Nahman bar Yitzhak said: Nowadays the universally accepted practice is in accordance with the lenient rulings of these three elders: It is in accordance with the opinion of Rabbi Ilai with regard to the first sheared wool, as it is taught in a baraita that Rabbi Ilai says: The mitzva of the first sheared wool applies only in Eretz Yisrael.

⁸⁰ And the accepted practice is in accordance with the opinion of Rabbi Yehuda ben Beteira with regard to matters of Torah, as it is taught in a baraita that Rabbi Yehuda ben Beteira says: Matters of Torah are not susceptible to ritual impurity. Therefore, it is permitted for one who experienced a seminal emission to engage in Torah study even without first immersing in a ritual bath.

⁸¹ And lastly, the accepted practice is in accordance with the opinion of Rabbi Yoshiya with regard to diverse kinds, as it is taught in a baraita that Rabbi Yoshiya says: One who sows diverse kinds is never liable by Torah law until he sows wheat and barley and a grape pit with a single hand motion, i.e., by sowing in the vineyard he violates the prohibitions of diverse kinds that apply to seeds and to the vineyard simultaneously.

⁸² § The mishna states: There are more stringent elements in the mitzva of the foreleg, the jaw, and the maw than in the mitzva of the first sheared wool. The mishna then proceeds to list a number of these stringent elements. The Gemara objects: But let the mishna teach that there is a more stringent element in the mitzva of the first sheared wool, as it is in effect with regard to animals with a wound that will cause them to die within twelve months [tereifot], but that is not so with regard to the gifts of the priesthood, i.e., the foreleg, the jaw, and the maw, which are not given to the priest from a tereifa. This is because the Torah states: “He shall give to the priest the foreleg, and the jaw, and the maw” (Deuteronomy 18:3), whereas in the case of a tereifa the gifts are effectively not given to the priest himself but to his dog, as it is prohibited for the priest to eat them.

⁸³ Ravina said: In accordance with whose opinion is this mishna? It is in accordance with the opinion of Rabbi Shimon, as it is taught in a baraita: Rabbi Shimon deems tereifot exempt from the mitzva of the first sheared wool. What is the reason for the ruling of Rabbi Shimon? The reason is that he

derives a verbal analogy between the term giving mentioned with regard to the first sheared wool and giving from the gifts of the priesthood. The Torah states: “Shall you give him” (Deuteronomy 18:4), with regard to the first sheared wool, and it states: “He shall give,” with regard to the gifts of the priesthood. Just as with regard to the gifts of the priesthood, one is not obligated to give them from a tereifa animal, so too, with regard to the first sheared wool, one is not obligated to give them from a tereifa.

⁸⁴ The Gemara asks: If Rabbi Shimon derives a verbal analogy between giving mentioned with regard to the first sheared wool and giving from the gifts of the priesthood, let him also derive a verbal analogy between giving mentioned with regard to the first sheared wool and giving from teruma. The Torah states: “The first fruits of your grain, of your wine, and of your oil, and the first sheared wool of your flock shall you give him” (Deuteronomy 18:4). Just as with regard to teruma, produce grown in Eretz Yisrael, yes, it is obligated, whereas produce grown outside of Eretz Yisrael is not obligated, so too with regard to the mitzva of the first sheared wool: In Eretz Yisrael, yes, it applies, whereas outside of Eretz Yisrael it does not apply. Why, then, did we learn in the mishna that the mitzva of the first sheared wool applies both in Eretz Yisrael and outside of Eretz Yisrael?

⁸⁵ The Gemara suggests: Rather, this is the reason for the ruling of Rabbi Shimon, as he derives a verbal analogy between the term “flock [tzon]” mentioned with regard to the first sheared wool and the term “flock [tzon]” from the animal tithe. With regard to the first sheared wool, the verse states: “And the first sheared wool of your flock [tzonekha], shall you give him” (Deuteronomy 18:4), and with regard to the animal tithe it states: “And all the tithe of the herd or the flock [tzon], whichever passes under the rod, the tenth shall be holy unto the Lord” (Leviticus 27:32). Just as with regard to the tithe, one is not obligated in the case of an animal that is a tereifa, so too, with regard to the first sheared wool, one is not obligated in the case of a tereifa.

⁸⁶ The Gemara asks: And there, with regard to the animal tithe, from where do we derive that it does not apply to a tereifa? The Gemara answers that it is written: “Whichever passes under the rod,” which excludes a tereifa, which is not able to pass under the rod due to its physical state. The Gemara raises a difficulty: But let Rabbi Shimon derive a verbal analogy between the term “flock [tzon]” mentioned in this context and the term “flock [tzon]” from the mitzva to consecrate the male firstborn animal. In that context, the Torah states: “All the firstborn males that are born of your herd and of your flock [tzonekha] you shall sanctify to the Lord your God” (Deuteronomy 15:19). Just as with regard to the consecration of the firstborn even a tereifa is consecrated, so too, with regard to the first sheared wool the obligation applies even in the case of a tereifa.

⁸⁷ The Gemara answers: It is reasonable that Rabbi Shimon should derive the halakha of the first sheared wool from the halakha of animal tithe rather than from the mitzva of the firstborn, as there are many halakhot that are common to both the first sheared wool and the animal tithe. The Gemara enumerates these halakhot: First, the first sheared wool and the animal tithe apply to both male and female animals, while the mitzva of the firstborn applies only to males. Furthermore, the first sheared wool and the animal tithe do not apply to non-kosher animals, whereas the sanctity of the firstborn also applies to donkeys, which are not kosher.

⁸⁸ In addition, these two mitzvot both apply only in a case of numerous animals: The first sheared wool applies only if one shears no fewer than five sheep, and one must own at least ten animals to set aside the animal tithe, whereas the sanctity of the firstborn applies to a single animal. Another

common feature is that unlike the firstborn, the first sheared wool and the animal tithe are not sanctified from the womb, but only once they are designated.

⁸⁹ Moreover, both the first sheared wool and the animal tithe apply only to animals, whereas the sanctity of the firstborn also applies to a firstborn son in the case of a man. Likewise, these two mitzvot apply not only to firstborn animals but also to ordinary non-firstborn animals, unlike the sanctity of the firstborn. Finally, the first sheared wool and the animal tithe did not apply before the divine word was issued at the giving of the Torah at Mount Sinai, whereas the sanctity of the firstborn already applied while the Jews were still in Egypt.

⁹⁰ The Gemara responds: On the contrary, Rabbi Shimon should derive the halakha of the first sheared wool from the sanctity of the firstborn rather than from the animal tithe, as there are many halakhot common to the first sheared wool and the firstborn animal. The Gemara again enumerates the halakhot in common: Both apply to an orphan animal, i.e., one whose mother died before its birth, whereas the animal tithe does not apply to an animal of this kind. Furthermore, both mitzvot are in effect in the case of an animal that one purchased, whereas the animal tithe does not apply to a purchased animal.

⁹¹ In addition, both the mitzva of the first sheared wool and the mitzva of the firstborn animal apply to an animal owned in partnership, unlike the animal tithe. Both apply as well to an animal that one gave another as a gift, whereas the animal tithe does not apply in the case of a gift. Likewise, both apply even when not in the presence of the Temple, whereas the animal tithe is in effect only when the Temple is standing. Moreover, both the first sheared wool and the firstborn are given to a priest, whereas the animal tithe is eaten by the owner.

⁹² The Gemara further states that the matter of consecration applies neither to the mitzva of the first sheared wool nor to the firstborn animal. The firstborn is consecrated from the womb, while the first sheared wool is non-sacred. By contrast, the animal tithe is consecrated by the owner when passed under the rod. And finally, the option of sale by the priest applies to the first sheared wool and the firstborn animal after the priest receives them, whereas the animal tithe may not be sold. The Gemara adds: And these halakhot common to the first sheared wool and the firstborn are more numerous than the halakhot shared by the first sheared wool and the animal tithe. Therefore, Rabbi Shimon should derive the verbal analogy between the first sheared wool and the firstborn.

⁹³ The Gemara answers: Even so, Rabbi Shimon prefers to derive the halakhot of the first sheared wool, which apply to an ordinary non-firstborn animal, from those of animal tithe, which also apply to an ordinary animal. Rabbi Shimon maintains that the shared factor that the first sheared wool and the animal tithe apply to all animals, not only the first to emerge from the womb, is decisive and overrides the other shared halakhot.

⁹⁴ § The mishna states: The first sheared wool is in effect only with regard to sheep. The Gemara asks: From where are these matters derived? Rav Ḥisda said: It is derived by means of a verbal analogy between shearing mentioned in this context and shearing mentioned elsewhere. It is written here: “The first sheared wool of your flock [tzonekha], shall you give him” (Deuteronomy 18:4), and it is written there that Job says concerning the needy: “And he was warmed with the shearing of my sheep [kevasai]” (Job 31:20). Just as there, the verse is referring specifically to the shearing of sheep, as the term keves is used only with regard to a sheep, so too here, with regard to the first sheared

wool, the verse is referring to sheep, despite the fact that the term *tzon* can be interpreted as referring also to goats.

⁹⁵ The Gemara objects: But derive instead a verbal analogy concerning shearing mentioned in this context from shearing mentioned in the case of the firstborn animal: Just as the prohibition against shearing the firstborn also applies to a firstborn ox, so too, the *halakhot* of the first sheared wool should also apply to oxen. It is prohibited to shear a firstborn ox, as it is taught in a *baraita*: The verse states: “You shall do no work with the firstborn of your ox, and you shall not shear the firstborn of your flock” (Deuteronomy 15:19). From a straightforward reading of the verse, I have derived only that a firstborn ox may not be used for labor and that a firstborn of an animal from the flock may not be used for shearing.

⁹⁶ The *baraita* continues: From where is it derived to apply the prohibition that was stated about that animal to this one, and the prohibition that was stated about this animal to that one? The verse states: “You shall do no work...and you shall not shear.” The conjunction “and” indicates that the two parts of the verse apply to both animals.

⁹⁷ The Gemara explains: One cannot say that oxen are subject to the *mitzva* of first sheared wool, as the verse states with regard to this *mitzva*: “Shall you give him,” which indicates that the shearing is given to the priest himself, i.e., for him to wear, and not for use as his sack. The shearing of oxen is fit for use only as sackcloth, not as clothing.

⁹⁸ The Gemara objects: If that is so, let one be obligated in the *mitzva* of the first sheared wool in the case of goats’ hair, as it too can be used for clothing. The Gemara explains: To be obligated in the first sheared wool we require an act of shearing, and goats’ hair is plucked, not sheared.

⁹⁹ The Gemara asks: Who did you hear who accepts this reasoning that only an act of shearing renders one obligated in the *mitzva* of the first sheared wool? This is the opinion of Rabbi Yosei, which the Gemara will soon cite. But Rabbi Yosei concedes that the obligation does exist without the act of shearing in a case where the usual manner of removing the wool is not by shearing. Since goats’ hair is not commonly shorn, the obligation of the first sheared wool should apply.

¹⁰⁰ Rather, the Gemara provides a different source for the *mishna*’s statement. The reason that the *mitzva* of first sheared wool applies only to sheep is as Rabbi Yehoshua ben Levi said: It is stated in the verse following the source for the *mitzva* of first sheared wool: “For the Lord your God has chosen him out of all your tribes, to stand to serve in the name of the Lord, he and his sons forever” (Deuteronomy 18:5). The term “to serve” indicates that the first sheared wool that is given to the priest must consist of a matter fit for the Temple service, i.e., its size must be large enough for use for the priestly garments. Here too, the first sheared wool must be of a matter fit for Temple service, i.e., sheep’s wool, from which the priestly garments are woven.

¹⁰¹ The Gemara asks: But if so, for what purpose does the verbal analogy between shearing mentioned with regard to the first sheared wool and shearing mentioned with regard to the flock come? The Gemara answers: It is necessary for that which was taught in the school of Rabbi Yishmael. As the school of Rabbi Yishmael taught: In the case of sheep whose wool is hard, the owner is exempt from the first sheared wool, as it is stated: “And he was warmed with the shearing of my sheep” (Job 31:20). Since hard wool does not provide warmth, the *mitzva* of the first sheared wool does not apply to this wool.

¹⁰² § It is taught in one baraita: If one shears goats, or washes sheep, which causes some of their wool to be detached, he is exempt from the obligation of first sheared wool with regard to this wool. And it is taught in another baraita: One who shears goats is exempt but one who washes the sheep is obligated to separate the first sheared wool from the wool that was washed off. The Gemara resolves this apparent contradiction: It is not difficult, as this baraita, which requires one to separate the first sheared wool from the washed-off wool, is in accordance with the opinion of the Rabbis, and that baraita, which exempts the washed off wool, is in accordance with the opinion of Rabbi Yosei.

¹⁰³ The Gemara cites the source of this dispute. As it is taught in a baraita with regard to the verse: “And when you reap the harvest of your land, you shall not completely remove the corner of your field when you reap, and you shall not gather the gleaning of your harvest; you shall leave them for the poor” (Leviticus 23:22). The phrase “the gleaning of your harvest” indicates that only such a gleaning is included, and not gleaning from picking. If one picks the crop by hand rather than harvesting it using agricultural tools, he is exempt from the mitzva to leave the gleanings for the poor. Rabbi Yosei says: Gleanings are only those that come due to harvesting using agricultural tools.

¹⁰⁴ The Gemara expresses puzzlement at this baraita: The opinion of Rabbi Yosei is identical to the opinion of the first tanna. The Gemara explains: The entire baraita is in accordance with the opinion of Rabbi Yosei, and this is what the baraita is teaching: The phrase “the gleaning of your harvest” teaches that crops picked by hand are exempt from the mitzva, as Rabbi Yosei says: Gleanings are only those that come due to harvesting. The Gemara infers that just as Rabbi Yosei interprets the term “harvest” as exempting crops that were picked by hand, so too he derives from the term “shearing” that the mitzva of the first sheared wool does not apply to fleece that was washed off. The Rabbis, who disagree with Rabbi Yosei with regard to the gleanings, likewise disagree with regard to the first sheared wool.

¹⁰⁵ Rav Aḥa, son of Rava, said to Rav Ashi: Rabbi Yosei concedes that the mitzva of gleanings applies to a case where the usual manner of harvesting is by picking, as it is taught in a baraita with regard to the verse cited above that Rabbi Yosei says: From the term “harvest” I have derived only the obligation of gleanings with regard to harvest. From where do I derive the obligation of gleanings with regard to one who uproots the crop?

¹⁰⁶ The verse states: “And when you reap the harvest of your land, you shall not completely remove the corner of your field by reaping, and you shall not gather the gleaning of your harvest” (Leviticus 19:9). The superfluous term “by reaping” includes uprooting the crop. From where is it derived that the obligation extends to one who picked the crop by hand? The verse states: “When you reap” (Leviticus 23:22), which is also superfluous. It is derived from here that the mitzva applies to all ways of gathering the crop, provided they are the usual manner of harvesting that particular crop.

¹⁰⁷ Ravina said to Ravi Ashi: We learn as well in a mishna (Pe’ a 3:4) that discusses the mitzva to leave produce in the corner of the field for the poor [pe’a]: If one has garden beds of onions that are among the vegetables, Rabbi Yosei says that one leaves separate pe’a from each and every one of the beds. And the Rabbis say that one leaves pe’a from one garden bed for all of them. This indicates that Rabbi Yosei concedes that one is obligated to leave pe’a and gleanings from onions, despite the fact that they are picked by hand rather than harvested with tools. The reason is that this is the usual manner of gathering onions.

¹⁰⁸ § The mishna states: And how many is numerous? Beit Shammai say: It is at least two sheep, and Beit Hillel say: It is at least five sheep. The Gemara objects: Granted, according to the opinion of Beit Shammai, two sheep are also called tzon, as in the verse cited by Beit Shammai: “That a man shall rear a young cow and two sheep [tzon]” (Isaiah 7:21). Since the mitzva of the first sheared wool is written with regard to tzon, it is logical that it applies to two sheep. But what is the reasoning of Beit Hillel, who hold that the mitzva applies only to five sheep, due to the verse: “And five sheep [tzon] made” (I Samuel 25:18)? Why do they not apply the obligation using the broader criterion of two sheep, as the verse quoted by Beit Shammai clearly indicates that two sheep are also called tzon?

¹⁰⁹ Rav Kahana said: The verse states: “Five sheep made [asuyot],” in plural. The plural form indicates that two mitzvot have been made, i.e., performed, with them. The two mitzvot are the first sheared wool and the gifts of the priesthood, a mitzva that applies to a single animal. If the two mitzvot have been performed only when there are five sheep, evidently the mitzva of the first sheared wool applies only to five sheep. The Gemara asks: Why can’t one say that the two mitzvot are the firstborn animal and the gifts of the priesthood?

¹¹⁰ The Gemara answers: The other mitzva cannot be the firstborn animal, as with regard to the firstborn, isn’t one animal obligated, i.e., doesn’t one animal render its owner obligated? Yet the verse states that one performs the two mitzvot only with five sheep. The Gemara asks: And according to your reasoning, with regard to the gifts of the priesthood, isn’t one animal obligated, i.e., doesn’t one animal render its owner obligated? Rather, Rav Ashi says: The term “made” should be understood as meaning that five sheep make their owner perform the first sheared wool and figuratively say to him: Stand and fulfill a mitzva, whereas less than five sheep do not obligate their owner in the mitzva of first sheared wool.

¹¹¹ It was taught in a baraita of the school of Rabbi Yishmael, son of Rabbi Yosei, that he says in the name of his father: The obligation of the first sheared wool applies to one who owns four sheep, since a verse calls four sheep tzon, as it is stated: “If a man steals an ox or a sheep, and kills it or sells it, he shall pay five oxen for the ox, and four sheep [tzon] for a sheep” (Exodus 21:37).

¹¹² It is taught in a baraita that Rabbi Yehuda HaNasi says: Had their statements, i.e., the opinions of Beit Shammai and Beit Hillel, been based on statements of the Torah, and the statement of the Distinguished One [Beribbi], Rabbi Yosei, based on the texts of the tradition [kabbala], the Prophets and Writings, even so we would listen to the statement of the Distinguished One, Rabbi Yosei. All the more so now that their statements are based on texts of the tradition, as both Beit Shammai and Beit Hillel derived their rulings from verses from the Prophets, while the statement of the Distinguished One, Rabbi Yosei, is based on the statements of the Torah.

¹¹³ The Gemara objects: But didn’t the Master say: The decision of a third opinion that compromises between the first two opinions is not considered decisive if it is based on considerations that were not mentioned by the other two opinions. Although Rabbi Yosei’s opinion is a compromise between the opinions of Beit Shammai and Beit Hillel, it is based on a different source.

¹¹⁴ Rabbi Yoḥanan says in response: Rabbi Yehuda HaNasi accepted Rabbi Yosei’s opinion not because it was a compromise, but rather because he said it according to a tradition he had from the prophets Haggai, Zechariah, and Malachi.

¹¹⁵ § The mishna states: Rabbi Dosa ben Harkinas says that the mitzva of the first sheared wool applies to five sheep, each of whose shearing weighs one hundred and fifty dinars, whereas the

Rabbis say: Five sheep, each of whose shearing is any amount. The Gemara asks: And how much is signified by the phrase: Any amount? Rav says: It is a total weight of one hundred dinars [maneh] and half of one hundred dinars [peras], provided that they are divided equally between the five sheep. And Shmuel says: It is a total weight of sixty sela, of which he gives the weight of one sela to the priest.

¹¹⁶ Rabba bar bar Hana says that Rabbi Yoḥanan says: It is a total weight of six sela, of which he gives to the priest the weight of five sela, and he leaves one sela for himself. Ulla says that Rabbi Elazar says: We learned in the mishna that according to the Rabbis the obligation of the first sheared wool applies to any amount, even if the total weight is only one sela.

¹¹⁷ We learned in the mishna (135a): And how much does one give to the priest? One gives him sheared wool of the weight of five sela in Judea, which are the equivalent of ten sela in the Galilee. Granted, according to the opinions of Rav and Rabbi Yoḥanan, the mishna works out well, as their statements do not contradict the mishna. Rav does not discuss the amount one is required to give the priest, and Rabbi Yoḥanan states that one gives the priest five sela. But according to Shmuel and Rabbi Elazar, the mishna is difficult, as Shmuel states that one is required to give one sela, while Rabbi Elazar states that the obligation of the first sheared wool applies even for a weight of less than five sela.

¹¹⁸ The Gemara responds: And according to your reasoning, does it work out well according to the opinion of Rav? But Rav and Shmuel both say that the first sheared wool given to the priest is one part in sixty. Rav holds that the weight of one hundred and fifty dinars renders one obligated in the first sheared wool, and one-sixtieth of this weight is less than one sela. Therefore, Rav's opinion is also not in accordance with the mishna.

¹¹⁹ The Gemara answers: It was stated with regard to that mishna that Rav and Shmuel both say: The five sela stated in the mishna is not referring to the total amount given from the sheared wool. Rather, in the mishna we are dealing with a Jew who has a large amount of shearing, and he wishes to give them to the priest, i.e., to several priests. And we say to him: With regard to each and every one of the priests, do not give him less than five sela. But if one has only a small amount of shearing, he gives the priest one-sixtieth of the shearing, even if it is less than five sela.

¹²⁰ § The Gemara mentioned a ruling of Rav and Shmuel with regard to the amount that one is required to give as the first sheared wool. The Gemara discusses the matter itself. Rav and Shmuel both say: The first sheared wool given to the priest is one part of sixty. Likewise, the amount one is required to separate as teruma is one part of sixty, and the amount one must leave in his field as pe'a is one part of sixty.

¹²¹ The Gemara asks: Is the amount one is required to separate as teruma one part of sixty? But didn't we learn in a mishna (Terumot 4:3): With regard to the measure one should separate as teruma, if one is of generous disposition he gives one-fortieth. The Gemara answers: By Torah law, it is sufficient to give one part of sixty; by rabbinic law the requisite amount is one part of forty.

¹²² The Gemara asks: Is the measure of teruma by Torah law one part of sixty? But doesn't Shmuel say: By Torah law, even one grain of wheat given as teruma exempts the entire pile [keri] of grain? The Gemara answers: By Torah law the measure is as stated by Shmuel, that even one grain of wheat is sufficient. By rabbinic law, with regard to produce that is obligated in teruma by Torah law the

measure is one-fortieth, whereas by rabbinic law, with regard to produce obligated in teruma by rabbinic law the measure is one part of sixty.

¹²³ Rav and Shmuel said above that the amount one is required to leave in his field as pe'a is one part out of sixty. The Gemara raises a difficulty: But didn't we learn in a mishna (Pe'a 1:1): These are the matters, i.e., mitzvot, that have no measure: Pe'a, and the first fruits, and the burnt offering of appearance sacrificed on the pilgrimage Festivals. The Gemara answers: By Torah law, pe'a has no fixed measure; by rabbinic law the measure is one part of sixty.

¹²⁴ The Gemara asks: What is the statement of Rav and Shmuel teaching us? We already learn in the subsequent mishna (Pe'a 1:2): One should not give for pe'a less than one part of sixty, even though they said that the mitzva of pe'a has no measure. The Gemara answers: The mishna there is referring to the obligation to leave pe'a in Eretz Yisrael, whereas here, the statement of Rav and Shmuel is referring to the obligation of pe'a outside of Eretz Yisrael.

¹²⁵ § When Isi bar Hini ascended from Babylonia to Eretz Yisrael, Rabbi Yoḥanan found him teaching the mishna to his son. Isi taught that the obligation of the first sheared wool applies only in the case of sheep [reḥelim], the masculine plural form of raḥel, meaning a sheep. Rabbi Yoḥanan said to Isi: You should teach him using the term reḥelot, the feminine plural form. Isi said to him in reply: I teach the mishna in accordance with that which is written: "Two hundred reḥelim" (Genesis 32:15). Rabbi Yoḥanan said to Isi: The language of the Torah is distinct and the language of the Sages is distinct, i.e., these are like two separate languages, and the Sages do not always use the same forms that appear in the Bible. In this case, they use reḥelot rather than reḥelim.

¹²⁶ Rabbi Yoḥanan said to Isi: Who is the head of the yeshiva [reish sidra] in Babylonia? Isi said to Rabbi Yoḥanan: It is Abba the tall, i.e., the amora Rav. Rabbi Yoḥanan said to Isi: You call him Abba the tall, in such a familiar manner? I remember when I sat seventeen rows behind Rav, who sat before Rabbi Yehuda HaNasi, and fiery sparks emerged from the mouth of Rav to the mouth of Rabbi Yehuda HaNasi, and from the mouth of Rabbi Yehuda HaNasi to the mouth of Rav, and I did not know what they said, due to the profundity of their discussion. And yet you call him Abba the tall?

¹²⁷ Isi said to Rabbi Yoḥanan: With regard to the first sheared wool, to how much fleece does the mitzva apply? Rabbi Yoḥanan said to him: The first sheared wool applies to fleece weighing sixty sela. Isi asked: But didn't we learn in the mishna (135a) that the first sheared wool applies to any amount of fleece? Rabbi Yoḥanan said to him in reply: If so, i.e., if the halakha could be understood by a simple reading of the mishna, what is the difference between my knowledge and yours? In fact, you know only the mishna's statement, whereas I know the halakhic conclusion in this matter.

¹²⁸ § When Rav Dimi came from Eretz Yisrael to Babylonia, he said: With regard to the first sheared wool, Rav says that the mitzva applies to sixty sela, and Rabbi Yoḥanan in the name of Rabbi Yannai says that the mitzva applies to six sela. Abaye said to Rav Dimi: You have made one statement work out well for us, but you have made another statement difficult for us.

¹²⁹ Abaye elaborates: Granted, you have resolved a contradiction between two statements of Rabbi Yoḥanan. Rabbi Yoḥanan said above that the amount of fleece to which the obligation of the first sheared wool applies is six sela, whereas in his answer to Isi he stated that the amount is sixty sela. According to Rav Dimi, the apparent contradiction between one statement of Rabbi Yoḥanan and the other statement of Rabbi Yoḥanan is not difficult, as this statement is his and that statement is his

teacher's. Rabbi Yoḥanan holds that the obligation applies to sixty sela, whereas his teacher Rabbi Yannai maintains that it applies to six sela.

¹³⁰ But the contradiction between one statement of Rav and another statement of Rav poses a difficulty, as Rav said that fleece weighing one hundred dinars [maneh] and half of one hundred dinars [maneh] is obligated in the first sheared wool, whereas Rav Dimi stated that according to Rav the obligation applies to sixty sela, which are 240 dinars. The Gemara answers: The apparent contradiction between the one statement of Rav and the other statement of Rav is also not difficult, as what is the maneh of which Rav said that a maneh and a half are obligated? Rav was referring not to a maneh of one hundred dinars but to a maneh of forty sela, i.e., 160 dinars, a maneh and a half of which is

¹³¹ equivalent to the weight of sixty sela, as stated by Rav Dimi. The Gemara asks: But does a tanna teach that a maneh is of forty sela? The Gemara answers: Yes; and we learned in the Tosefta (Kelim, Bava Metzia 6:2): With regard to a new leather flask that is not yet completely sewn together, even though it can contain pomegranates, nevertheless, because it cannot contain liquids it is considered unfinished and is not susceptible to ritual impurity.

¹³² If one sewed the flask together and it tore, the measure of the tear that renders the flask no longer susceptible to impurity is a hole large enough to enable pomegranates to go out, as then it ceases to serve as a vessel. Rabbi Eliezer ben Ya'akov says: The tear must be like the measure of balls of a warp, the weight of each of which is one-quarter of a maneh of forty sela. This tanna explicitly mentions a maneh of forty sela.

¹³³ § The mishna states: And how much of the sheared wool does one give to the priest? One gives him the weight of five sela in Judea, which are ten sela in the Galilee, once laundered and not when sullied. The Sages taught: The mishna does not mean that one must launder the wool and then give it to the priest; rather, the meaning is that one must give him enough wool for the priest to launder it and it will amount to five sela.

¹³⁴ The mishna states: The measure that must be given to the priest is enough to fashion a small garment from it. The Gemara asks: From where are these matters derived? Rabbi Yehoshua ben Levi said: The verse that follows the mention of the first sheared wool states: "For the Lord your God has chosen him out of all your tribes, to stand to serve in the name of the Lord, he and his sons forever" (Deuteronomy 18:5). The term "to serve" indicates that the first sheared wool given to the priest must be a matter that is fitting for service in the Temple, i.e., an amount of wool sufficient to fashion one of the priestly garments. What is the garment in question? It is the belt, which is made from wool weighing five sela.

¹³⁵ The Gemara asks: Is the garment in question necessarily the belt? Say that it is the robe, which is fashioned from a far greater amount of wool. The Gemara answers: This inference is based on the principle that if you grasped a lot you did not grasp anything; if you grasped a little, you grasped something. Since a belt meets the condition of "to serve," as it is one of the priestly vestments, one cannot say that the obligation is any greater than the amount of wool needed to fashion a belt.

¹³⁶ But say that the garment in question is the cap of wool that the High Priest wears, which is smaller than the belt. As it is taught in a baraita: A cap of wool was placed on the High Priest's head, and the frontplate was placed upon it, to fulfill that which is stated with regard to the frontplate: "And you shall put it on a thread of sky blue, and it shall be upon the mitre; upon the forefront of the

mitre it shall be” (Exodus 28:37). The term “thread of sky blue” is referring to the cap of sky-blue wool.

¹³⁷ The Gemara answers that the verse states: “To stand to serve in the name of the Lord, he and his sons” (Deuteronomy 18:5), which indicates that the verse is referring to a matter, i.e., a garment, that is equal for Aaron and for his sons. The wool given to the priest must be of sufficient size for fashioning a garment worn both by the High Priest and by common priests, whereas the woolen cap is worn only by the High Priest.

¹³⁸ The Gemara objects: But the belt is also not equal for all priests. The Gemara elaborates: This works out well according to the one who said that the linen belt of the High Priest worn on Yom Kippur is not the same as the belt of an ordinary priest. According to this opinion, both the belt of common priests and the belt worn by the High Priest during the rest of the year were fashioned from a mixture of wool and linen. This belt is therefore equal for all priests, and it works out well.

¹³⁹ But according to the one who said that the linen belt worn by the High Priest on Yom Kippur is the same as the belt of an ordinary priest, what can be said? According to this opinion, the belt fashioned from wool and linen is worn only by the High Priest during the rest of the year. The Gemara answers: Although the belts are different, the term belt in general applies to all priests, whereas no type of cap is worn by common priests.

¹⁴⁰ § The mishna states: If the owner of the shearing did not manage to give it to the priest until he dyed it, he is exempt from the obligation of giving the first sheared wool. The mishna further teaches that one who purchases the fleece of the sheep of a gentile is exempt from the obligation of the first sheared wool. It was stated that amora'im disagreed with regard to one who owned five sheep and he sheared and sold the first sheep before shearing the second, and in this manner sold each sheep after shearing it. When he finished shearing he owned the requisite five fleeces, to which the obligation of the first sheared wool applies, but he no longer owned the sheep. Rav Ḥisda says: He is obligated in the mitzva of the first sheared wool; and Rabbi Natan bar Hoshaya says: He is exempt from the mitzva of the first sheared wool.

¹⁴¹ The Gemara clarifies the two opinions. Rav Ḥisda says that he is obligated, as he sheared five sheep that he owned at the time of shearing, and therefore the term: “Your flock” (Deuteronomy 18:4), applies to this case. Rabbi Natan bar Hoshaya says that he is exempt, as at the time that the measure of five fleeces is completed, we require the term “your flock” to apply, since the obligation takes effect at that stage, and in this case it does not apply.

¹⁴² The Gemara raises a challenge: We learned in the mishna (135a): One who purchases the fleece of the sheep of a gentile is exempt from the obligation of the first sheared wool, as he purchased only the fleece but not the sheep. One can infer from here that if he purchased the gentile's sheep themselves in order to shear them and then return them to the gentile, he is obligated, because the sheep belonged to him at the time of shearing. But why is he obligated, according to the opinion of Rabbi Natan bar Hoshaya? Each and every one of the sheep, after the shearing is completed, leaves his possession, and when he has sheared five sheep, the term “your flock” no longer applies to them.

¹⁴³ Rav Ḥisda interpreted the mishna according to the opinion of Rabbi Natan bar Hoshaya: The mishna is referring to a case where the gentile transferred ownership to him for the entire period of thirty days during which the Jew sheared the sheep. Therefore, he retained ownership after he

completed shearing, and the term “your flock” does apply to the sheep at the time when the obligation of the first sheared wool took effect.

¹⁴⁴ § The mishna teaches: With regard to one who purchases the fleece of the sheep of another Jew, if the seller kept some of the wool, then he is obligated to give the first sheared wool to the priest. If the seller did not keep any of the wool, the buyer is obligated to give it. The Gemara asks: Who is the tanna who taught that in a case where there is residual wool in the possession of the seller, we follow the seller in determining who is obligated in the mitzva of first sheared wool?

¹⁴⁵ Rav Ḥisda said: The tanna who taught the mishna is Rabbi Yehuda, as we learned in a mishna (Pe’*a* 3:5): With regard to one who sells a few fruit-bearing tree stalks within his field, without selling the field itself, for the buyer to uproot them and plant them in his own field, the buyer gives separate pe’*a* for each and every one of the trees. The field does not combine the trees into a single unit for pe’*a*, as the land is not owned by the buyer.

¹⁴⁶ Rabbi Yehuda said: When is it the buyer’s obligation to give pe’*a*? It is when the owner of the field did not leave any of the trees in his possession. But if the owner of the field left some of the trees in his possession, the owner gives pe’*a* for all the trees. Just as in the case of pe’*a*, if the seller left trees for himself then the obligation applies to him, so too, with regard to the first sheared wool, if the seller left some of the wool for himself, the obligation applies to him.

¹⁴⁷ Rava said to Rav Ḥisda: But wasn’t it you, Master, who said with regard to Rabbi Yehuda’s ruling that the owner gives pe’*a* for all the trees: This is the halakha only when the owner of the field began to harvest the fruit before he sold the trees, as the obligation to give pe’*a* had already applied to him. By contrast, with regard to the first sheared wool, the obligation came into effect only after he sold his sheep.

¹⁴⁸ And if you would say that so too, with regard to the first sheared wool, this halakha that the seller gives the first sheared wool applies only if the seller began to shear the sheep before he sold them, that explanation is difficult. The Gemara elaborates: Granted, there, with regard to pe’*a*, it is written: “And when you reap the harvest of your land” (Leviticus 19:9), which indicates that from the time that he began to harvest he is obligated in the mitzva of pe’*a* with regard to the entire field. But here, in the case of the first sheared wool, he is not obligated with regard to the entire flock from the time that he began to shear his sheep. Therefore, even if he began shearing before he sold the sheep, the obligation to give the first sheared wool should not apply to the seller.

¹⁴⁹ Rather, Rava said: It is this tanna who taught the mishna, as we learned in a different mishna (132a): If one said to a butcher: Sell me the innards of this cow, and there were gifts of the priesthood included in them, i.e., the maw, the purchaser must give them to the priest, and he may not deduct the value of the gifts from the money that he pays the butcher, as it is assumed that the gifts were not included in the sale. If he purchased the innards from the butcher by weight, the buyer must give the gifts to a priest and he may deduct the value of the gifts from the money that he pays the butcher. If the priestly gifts have not yet been separated from the animal, the price by weight includes the price of these gifts. But since the priests had the right to their gifts from the time of the slaughter, the buyer does not need to pay for them and may therefore deduct their value from his payment.

¹⁵⁰ Evidently, a person does not sell the gifts belonging to the priest, and therefore they are not included in the sale of the innards unless they were sold by weight. Here too, with regard to the first sheared wool, a person does not sell the gifts belonging to the priest. Therefore, if the seller left wool

in his possession, the seller is obligated to give the first sheared wool from the remaining wool for that which he sold, as the buyer can say to the seller: The gift of the priest is in your possession, since you did not sell me everything. If the seller did not leave any wool in his possession, the buyer is obligated to give the first sheared wool and he does not deduct its value from the price, as the seller can say to him: I did not sell the gift of the priest to you, i.e., there was no obligation to give the gifts to a priest when I sold the wool to you, and therefore the buyer is required to give the gifts to the priest.

Chapter 12

¹ MISHNA: The mitzva of sending away the mother bird from the nest applies both in Eretz Yisrael and outside of Eretz Yisrael, and in the presence of the Temple and not in the presence of the Temple. It applies to non-sacred birds, but it does not apply to sacrificial birds. There are more stringent elements in the covering of the blood than in the sending away of the mother bird from the nest, as the covering of the blood applies to undomesticated animals and birds, to animals and birds that are readily available in one's home, and to animals and birds that are not readily available and are hunted in the wild; and the sending of the mother bird from the nest applies only to birds, and applies only to birds that are not readily available.

² What are considered birds that are not readily available? They are any birds, even domesticated, that may fly away at any time, such as geese or chickens that nested in the orchard [pardes]. But if geese or chickens nested in the house, and likewise, with regard to domesticated pigeons [yonei hardisei'ot], one is exempt from sending away the mother bird. With regard to the nest of a non-kosher bird, one is exempt from sending away the mother bird. In a case where a non-kosher bird is resting upon the eggs of a kosher bird, or a kosher bird is resting upon the eggs of a non-kosher bird, one is exempt from sending away the bird. With regard to a male pheasant [korei], which is known to sit upon the eggs like the female of its species, Rabbi Eliezer deems one obligated to send it away, and the Rabbis deem one exempt from sending it away.

³ GEMARA: The mishna contains several phrases related to the mitzva of sending away the mother bird from the nest that also appear in the first mishna of several other chapters of this tractate. With regard to this, Rabbi Avin and Rabbi Meyasha made the following statements. One of them said: Anywhere in this tractate that we learned in a mishna that a particular mitzva applies both in Eretz Yisrael and outside of Eretz Yisrael, it is stated needlessly, as those mitzvot are not related to land, such that there is no need to teach that they apply outside of Eretz Yisrael as well. This is true except for the mitzva of the first shearing of wool, which one must give to a priest. It was necessary to teach that that mitzva applies even outside of Eretz Yisrael, to exclude the opinion of Rabbi Ilai, who said: The first shearing is in effect only in Eretz Yisrael.

⁴ And the other one said: Anywhere in this tractate that we learned in a mishna that a particular mitzva applies both in the presence of the Temple and not in the presence of the Temple, it is stated needlessly, as these mitzvot are requirements of the object itself, and there is no need to teach that they apply even after the destruction of the Temple. This is true except for the prohibition against slaughtering an animal itself and its offspring on the same day. It was necessary to teach that this mitzva applies even after the destruction of the Temple, because it might enter your mind to say:

Since this prohibition is written in a passage in the Torah discussing the matter of sacrificial animals (see Leviticus, chapter 22), at a time when there are sacrificial animals, i.e., when the Temple is standing, we will abide by it, but at a time when there are no sacrificial animals, after the destruction of the Temple, we will not abide by it. Therefore, that mishna teaches us that this is not so.

⁵ And both of them said: Anywhere in this tractate that we learned in a mishna that a particular mitzva applies both to non-sacred animals and to sacrificial animals, it is stated necessarily. This is the case except for the mishna discussing the sciatic nerve, as it is obvious that the prohibition applies to sacrificial animals as well. Can it enter one's mind to say that because it was consecrated, the prohibition of eating the sciatic nerve is abrogated from the animal?

⁶ The Gemara asks: But didn't we establish that the mishna there (89b) is referring to offspring of sacrificial animals? Without the mishna, one might have thought that since the offspring was already prohibited as a sacrificial animal before its sciatic nerve was even formed, the prohibition with regard to the latter does not take effect where the former prohibition already exists. If so, it was in fact necessary to teach this halakha.

⁷ The Gemara responds: But what is the reason we interpreted that mishna as referring to offspring of sacrificial animals? Is it not due to the fact that the question: Let the mishna not teach that the prohibition applies to both non-sacred and sacrificial animals, is difficult for us? It is in response to this question that Rabbi Avin and Rabbi Meyasha stated that even from the outset, this should not pose a difficulty for you. Rather, since the phrase: Applies to both non-sacred and sacrificial animals, is taught necessarily with regard to the prohibition against slaughtering an animal itself and its offspring, it is also taught needlessly with regard to the prohibition against eating the sciatic nerve, to parallel the formula of the other mishna.

⁸ § The mishna states that the mitzva of sending away the mother bird from the nest applies to non-sacred birds, but not to sacrificial birds. The Gemara asks: Why does this mitzva not apply to sacrificial birds? The Gemara responds: As the verse states: "You shall send the mother" (Deuteronomy 22:7). The verse refers only to a bird that you are commanded to send away, i.e., a non-sacred bird; that excludes this sacrificial bird, which you are not commanded to send away, but rather to bring it to the custody of the Temple treasurer.

⁹ Ravina says: Therefore, with regard to a kosher bird that killed a person and must now be executed, one is exempt from sending it away. What is the reason for this? It is as the verse states: "You shall send the mother." The verse is referring only to a bird that you are commanded to send away, which excludes this bird that you are not commanded to send away, but rather to bring it to court. The Gemara asks: What are the circumstances of this case, i.e., how is this bird that killed a person now resting on its eggs? If this is a case where its verdict of execution was issued,

¹⁰ how could it be free to rest on its eggs? It is subject to being killed and should have been executed. Rather, it must be a case where its verdict was not yet issued, and one is required to bring it to the court to fulfill through it the verse: "And you shall eradicate the evil from your midst" (Deuteronomy 13:6).

¹¹ § With regard to the statement of the mishna that sacrificial birds are not included in the mitzva of sending away the mother bird from the nest, the Gemara asks: What are the circumstances of these sacrificial birds discussed in the mishna? If we say that the mishna is referring to a case where one had a nest in his house and consecrated it, is one obligated to send away even a non-sacred bird in

such a case? The verse states: “If a bird’s nest happens before you on the way” (Deuteronomy 22:6), which excludes a nest readily available in one’s home.

¹² Rather, perhaps the mishna is referring to a case where one merely saw a nest that did not belong to him, and he consecrated it. But this, too, is problematic: Is the nest consecrated in such a case? But the Merciful One states: “When a man shall sanctify his house to be holy” (Leviticus 27:14), indicating that just as his house is in his possession when he consecrates it, so too, any item that one wishes to consecrate must be in his possession when consecrating it. If so, one cannot consecrate a nest that does not belong to him.

¹³ Rather, say that the mishna is referring to a case where one lifted the chicks, taking possession of them, and then consecrated them, and then returned them to the nest. But this too cannot be, as even with regard to non-sacred birds one is not obligated to send the mother away in such a case, as is taught in a mishna (141a): If one sent the mother away and took the offspring and then returned them to the nest, and thereafter, the mother returned and rested upon them, one is exempt from sending the mother bird away, because he has acquired the offspring and they are now considered readily available.

¹⁴ The Gemara suggests: Rather, say that the mishna is referring to a case where one lifted the mother, taking possession of her, and then consecrated her, and thereafter returned her to the nest. The Gemara responds that this too cannot be, because he was initially obligated in the sending away of the mother bird before he consecrated her. Consequently, the consecration of the bird afterward cannot abrogate the requirement to send it away, as it is taught in a baraita: Rabbi Yoḥanan ben Yosef says: If one consecrated an undomesticated animal and then slaughtered it, he is exempt from covering its blood, because a consecrated animal is not subject to the obligation of covering the blood. But if he slaughtered it and then consecrated it, he is obligated to cover its blood, as he was already obligated in the mitzva of covering of the blood before it came into the possession of the Temple treasury.

¹⁵ Rather, Rav says: The mishna is referring to a case of one who consecrates the fruit, i.e., the chicks, of his dovecote for sacrifice on the altar, and they later rebelled and fled from the dovecote and nested elsewhere. The mishna teaches that although such birds are not considered readily available, one is exempt from sending away the mother because they are sacrificial birds. If they were non-sacred, one who finds them would be obligated to do so. And Shmuel says: The mishna is referring to a case of one who consecrates his chicken for Temple maintenance, and the chicken later rebelled and fled its owner’s home and established a nest elsewhere.

¹⁶ The Gemara objects: Granted, Shmuel did not state his explanation of the mishna in accordance with that of Rav, since he interprets it as referring even to birds consecrated for Temple maintenance, which do not have inherent sanctity. Accordingly, the mishna teaches that all consecrated birds are not included in the mitzva of sending away the mother bird. But what is the reason that Rav did not state his explanation in accordance with that of Shmuel?

¹⁷ The Gemara responds: Rav could have said to you: I specifically exempted one from sending the mother bird away in a case where the birds are the fruit of his dovecote, as they are consecrated for the altar. Since they are consecrated with inherent sanctity, their sanctity is not abrogated from them even when they flee from the dovecote. But in a case where one consecrates his chicken for Temple maintenance, where the chicken is not consecrated for the altar but merely has sanctity that inheres in

its value, once it rebels its sanctity is abrogated, and it is obligated in, i.e., subject to, the mitzva of sending away the mother bird.

¹⁸ And Shmuel could have said: Though it has rebelled, the chicken retains its sanctity, since wherever it is, it is in the treasury [bei gazza] of the Merciful One, as it is written: “The earth is the Lord’s, and its fullness thereof” (Psalms 24:1). And so Rabbi Yoḥanan says that the mishna is referring to a case where one consecrated his chicken for Temple maintenance, and the chicken then rebelled. Rabbi Shimon ben Lakish said to him: But once it rebels, its sanctity is abrogated. Rabbi Yoḥanan said to him: Wherever it is, it is in the treasury of the Merciful One, as it is written: “The earth is the Lord’s, and its fullness thereof.”

¹⁹ And the Gemara raises a contradiction between the statement of Rabbi Yoḥanan here and that of Rabbi Yoḥanan elsewhere, and the Gemara raises a contradiction between the statement of Rabbi Shimon ben Lakish here and that of Rabbi Shimon ben Lakish elsewhere.

²⁰ As it was stated: If one declares that these one hundred dinars are consecrated for Temple maintenance, and they were stolen or lost, Rabbi Yoḥanan says: He bears responsibility for them until they come into the physical possession of the Temple treasurer [gizbar]. Consequently, he must pay one hundred dinars to the treasury. And Reish Lakish says: One is not required to replace the lost money, since wherever it is, it is in the treasury of the Merciful One, as it is written: “The earth is the Lord’s, and its fullness.” Accordingly, the money is considered to have entered the possession of the treasury. If so, this statement of Reish Lakish poses a difficulty for the other statement of Reish Lakish, and this statement of Rabbi Yoḥanan poses a difficulty for the other statement of Rabbi Yoḥanan.

²¹ The Gemara responds: The apparent contradiction between this statement of Reish Lakish and that statement of Reish Lakish is not difficult. This statement, that the sanctity of a consecrated chicken that rebelled is abrogated, was made before he heard the statement from Rabbi Yoḥanan, his teacher, that wherever it is, it is in God’s treasury. That statement, that one is not liable to replace the missing consecrated funds, was made after he heard that statement from Rabbi Yoḥanan his teacher.

²² The Gemara objects: But still, this statement of Rabbi Yoḥanan poses a difficulty for that statement of Rabbi Yoḥanan. The Gemara responds: The apparent contradiction between this statement of Rabbi Yoḥanan and that statement of Rabbi Yoḥanan is also not difficult. This statement, that one bears responsibility for the missing consecrated funds, is referring to a case where the consecrator said: It is incumbent upon me to bring one hundred dinars to the Temple treasury. In such a case, one bears responsibility for the money until it reaches the Temple treasurer. That statement, that a consecrated chicken that rebelled remains consecrated, is referring to a case where the consecrator said: This chicken is consecrated for Temple maintenance. In such a case, the sanctity is not abrogated even after the chicken flees, because wherever it is, it is in God’s treasury.

²³ The Gemara objects: If it is so that when Rabbi Yoḥanan says that one bears financial responsibility for the missing consecrated funds, he is referring to a case where one said: It is incumbent upon me, by inference one may conclude that according to Rabbi Shimon ben Lakish, who says that one does not bear responsibility for the money, one does not bear financial responsibility even though one said: It is incumbent upon me.

²⁴ But isn’t it taught in a mishna (Kinnim 1:1): Which is the case of a vow offering, and which is the case of a gift offering? A vow offering is where one says: It is incumbent upon me to bring a burnt

offering. A gift offering is where one says: This animal is a burnt offering. And what is the difference between a vow offering and a gift offering? With regard to a vow offering, if it died or was stolen or lost, one bears financial responsibility for it. With regard to a gift offering, if it died or was stolen or lost, one does not bear financial responsibility for it.

²⁵ The Gemara responds that Reish Lakish could have said to you: This statement, that one who says: It is incumbent upon me, bears financial responsibility, applies only to an item consecrated for the altar, since one vowed to sacrifice it as an offering and it has not yet been sacrificed. But with regard to an item consecrated for Temple maintenance, which is not lacking sacrifice on the altar, even though one said: It is incumbent upon me, one does not bear financial responsibility for it.

²⁶ The Gemara objects: But didn't we learn in a mishna (Arakhin 20b) that in the case of one who says: This bull is consecrated as a burnt offering, or: This house is consecrated as an offering, and the bull died or the house collapsed, he does not bear financial responsibility for them; but in the case of one who says: It is incumbent upon me to give this bull as a burnt offering, or: It is incumbent upon me to give this house as an offering, if the bull died or the house collapsed, he is obligated to pay its value? Evidently, even with regard to items consecrated for Temple maintenance, if one says: It is incumbent upon me, one bears financial responsibility for them.

²⁷ The Gemara responds: With regard to this statement, that if one says: It is incumbent upon me to give an item for Temple maintenance, he bears financial responsibility, that applies only where the bull died or the house collapsed. In such a case he is obligated to pay, since they no longer exist. But where they still exist, e.g., in the case of an item or sum of money that was lost or stolen, one applies the principle: Wherever it is, it is in the treasury of the Merciful One, as it is written: "The earth is the Lord's, and its fullness thereof."

²⁸ § The Gemara above cited a dispute between Rabbi Yoḥanan and Reish Lakish as to the halakha about one who says: It is incumbent upon me to bring an item for Temple maintenance. With regard to this dispute, Rav Hamnuna says: Everyone concedes with regard to valuations that even if one said: It is incumbent upon me to donate my own valuation, and one set aside money that was then lost or stolen, one does not bear financial responsibility for it. What is the reason for this? It is because it cannot be stated by him without stating: Upon me. In other words, one cannot say: This is my valuation, since he has yet to accept upon himself any such obligation.

²⁹ Therefore, although one says: It is incumbent upon me to donate my valuation, this is not considered an acceptance of financial responsibility. After all, how shall he say it without stating: It is incumbent upon me? Shall he say only: My own valuation, without: Is incumbent upon me? If so, upon whom is the obligation placed to pay the money? Or shall he say only: The valuation of so-and-so? Still, upon whom is the obligation placed to pay the money?

³⁰ Rava objects to this: Let him say: I am encumbered with my own valuation, or: I am encumbered with the valuation of so-and-so. One need not say: Is incumbent upon me. Additionally, it is taught in a baraita with regard to the redemption of a purchased field that was consecrated that Rabbi Natan says about the verse: "Then the priest shall reckon for him the worth of your valuation until the Jubilee Year, and he shall give your valuation on that day, as a consecrated thing to the Lord" (Leviticus 27:23): Why must the verse state: "And he shall give your valuation"? It could have stated simply: And he shall give it. It is necessary because we have found with regard to consecrated property and tithes that they can be desacralized by transferring their sanctity onto non-sacred

money, and that if that money was stolen or lost, the owners do not bear financial responsibility for it.

³¹ One might have thought that with regard to this valuation too, the halakha should be so, i.e., if money from a valuation is stolen or lost, the owner does not bear financial responsibility for it. Therefore, the verse states: “And he shall give your valuation on that day,” indicating that the valuation money is non-sacred until it enters the possession of the Temple treasurer, and that the owner bears responsibility for it until that time. Evidently, even with regard to valuations, the consecrator bears financial responsibility, in contradiction to the statement of Rav Hamnuna.

³² Rather, if a statement was stated, this is what was stated: Rav Hamnuna says that everyone concedes with regard to valuations that even if one did not say: It is incumbent upon me, one bears financial responsibility for it, as it is written: “And he shall give your valuation,” indicating that the valuation money is non-sacred until it enters the possession of the Temple treasurer.

³³ § The mishna states: There are more stringent elements in the covering of the blood than in the sending away of the mother from the nest, as the covering of the blood applies to undomesticated animals and birds, to animals and birds that are readily available in one’s home, and to animals and birds that are not readily available; and the sending of the mother from the nest applies only to birds that are not readily available. With regard to the mitzva of sending away the mother, the Sages taught in a baraita: The verse states: “If a bird’s nest happens before you on the way, in any tree or on the ground, with fledglings or eggs, and the mother is resting upon the fledglings, or upon the eggs, you shall not take the mother with the young; you shall send the mother, but the young you may take for yourself” (Deuteronomy 22:6–7). What is the meaning when the verse states all the various details contained in it?

³⁴ Since it is stated: “You shall send [shalle’ah teshallah] the mother, but the young you may take for yourself,” one might have thought that the doubled verb “shalle’ah teshallah” indicates that one must search even in the mountains and hills in order to find a nest with which to perform this mitzva. Therefore, the verse states: “If a bird’s nest happens,” indicating that one is obligated to send away the mother only when it confronts you; one is not required to seek out a nest.

³⁵ The baraita continues: The word “nest” indicates that this mitzva applies in any case, even to a nest with only a single chick or egg. The word “bird’s” indicates that the mitzva applies only to kosher birds, and not to non-kosher birds. The term “before you” indicates that the mitzva applies to a nest that is on private property, e.g., an unguarded orchard or field, such that the owner’s property does not acquire the nest for him. The term “on the way” indicates that the mitzva also applies to a nest found in a public thoroughfare. From where is it derived that the mitzva also applies to nests found in trees? The verse states: “In any tree.” And with regard to nests found in pits, ditches, and caves, from where is it derived that the mitzva also applies to them? The verse states: “Or on the ground,” indicating that the mitzva applies to a nest on any type of ground.

³⁶ The baraita continues: And since, in the end, we will include everything, i.e., every location of the nest, from the verse: “In any tree or on the ground,” why do I need the earlier statement: “Before you on the way”? It is to say to you: Just as a nest on the way is a case in which the bird’s nest is not in your possession and is not readily available for you, so too, with regard to all other cases, one is obligated only when its nest is not in your possession. From here the Sages stated: With regard to pigeons of a dovecote or pigeons of an attic that nested in small wall niches or in buildings, and

geese or chickens that nested in an orchard, one is obligated in the mitzva of sending the mother bird away, because such birds are not in one's possession. But with regard to birds that nested inside the house, and likewise with regard to domesticated pigeons, one is exempt from the mitzva of sending the mother bird away.

³⁷ § The Gemara analyzes the above baraita: The Master said: Just as a nest on the way is a case in which the bird's nest is not in your possession, so too, with regard to all other cases, one is obligated only when its nest is not in your possession. The Gemara asks: Why do I need this derivation? It may be derived from: "If a bird's nest happens," as it is taught: "If a bird's nest happens" excludes a nest that is readily available. And furthermore, why do I need the term "before you" to include even a nest found on private property? It is already derived from the verse: "In any tree or on the ground."

³⁸ Rather, the term "before you" is necessary to include a case where the birds were before you, i.e., they had an owner and were readily available to him, and they then rebelled and fled and nested elsewhere. "On the way" is necessary for that which Rav Yehuda said that Rav said, as Rav Yehuda said that Rav said: If one found a nest in the sea, e.g., in a case where a tree was washed out to sea with a nest in its branches, one is obligated in the mitzva of sending the mother bird away, as it is stated: "So said the Lord, who makes a way in the sea, and a path in the mighty waters" (Isaiah 43:16). The term "way" applies even to the sea.

³⁹ The Gemara challenges: If that is so, then if one found a nest in the sky, e.g., in a case where a bird carries the nest as it flies, about which it is written: "The way of an eagle in the sky" (Proverbs 30:19), one should also be obligated in the mitzva of sending away the mother bird from the nest. The Gemara responds: The sky is called "the way of an eagle," but it is not called: A way, in an unspecified manner. The sea, by contrast, is referred to simply as: A way.

⁴⁰ § The residents of Pappunya said to Rav Mattana: If one found a nest on the head of a person, what is the halakha with regard to the mitzva of sending away the mother? Is the nest considered to be on the ground, such that one is obligated in the mitzva? Rav Mattana said to them that one is obligated in the mitzva in such a case because the verse states: "And earth upon his head" (II Samuel 15:32), rather than: Dirt upon his head, indicating that one's head is considered like the ground. They also asked Rav Mattana: From where in the Torah is the existence of Moses [Moshe] alluded to before his birth? He replied that the verse states: "For that he also [beshaggam] is flesh; therefore shall his days be one hundred and twenty years" (Genesis 6:3). The numerical value of beshaggam is the same as that of the Hebrew name Moshe, and it is known that Moses lived a total of 120 years (see Deuteronomy 34:7).

⁴¹ They also asked Rav Mattana: From where in the Torah can one find an allusion to the hanging of Haman? He replied: The verse states after Adam ate from the tree of knowledge: "Have you eaten of [hamin] the tree, about which I commanded you that you should not eat?" (Genesis 3:11). Hamin is spelled in the same manner as Haman: Heh, mem, nun.

⁴² They also asked Rav Mattana: From where in the Torah can one find an allusion to the events involving Esther? He replied to them that the verse states: "Then My anger shall be kindled against them on that day, and I will forsake them, and I will hide My face from them, and they shall be devoured, and many evils and troubles shall come upon them; so that they will say in that day: Have not these evils come upon us because our God is not among us? And I will hide [haster astir] My face on that day for all the evil which they shall have wrought, in that they are turned to other gods"

(Deuteronomy 31:17–18). They also asked him: From where in the Torah can one find an allusion to the greatness bestowed upon Mordecai? He replied: As it is written with regard to the anointing oil in the Tabernacle: “And you shall also take the chief spices, of flowing myrrh [mor deror]” (Exodus 30:23); and we translate mor deror into Aramaic as: Mira dakhya, which resembles the name Mordecai.

⁴³ § The mishna states: And which are considered birds that are not readily available? They are any birds such as geese or chickens that nested in the orchard. But if the geese or chickens nested in the house, one is exempt from sending them away, and likewise with regard to domesticated pigeons. The Gemara relates: With regard to the correct name of the domesticated pigeons referred to in the mishna, Rabbi Ḥiyya and Rabbi Shimon disagree. One teaches that the correct name is yonei hadrisei’ot, and the other one teaches that the correct name is yonei hardisei’ot. According to the one who teaches that the correct name is yonei hardisei’ot, they are called so on account of King Herod, who was involved in breeding these pigeons; and according to the one who teaches that the correct name is yonei hadrisei’ot, they are called so on account of their location.

⁴⁴ Rav Kahana said: I myself saw these pigeons, and they were standing in sixteen rows, each a mil wide, and they were calling out: My master, my master. There was one of them who was not calling out: My master, my master. Another one said to it: Blind one, i.e., fool, say: My master, my master, so that you will not be punished for refusing to acknowledge the authority of the king. The pigeon said in response: Blind one, you should say: My master, my slave, as Herod is not a king but a slave. They brought that pigeon to a slaughterhouse and slaughtered it for speaking against the king.

⁴⁵ Rav Ashi said: Rabbi Ḥanina said to me: This story is no more than mere words, as no such incident took place. The Gemara asks: Can it enter your mind that Rabbi Ḥanina dismisses as mere words an incident reported by Rav Kahana? Rather, say that Rabbi Ḥanina said that those pigeons acted as described above through words of witchcraft.

⁴⁶ § The mishna states: If one encounters a nest of a non-kosher bird, one is exempt from sending away the mother bird. The Gemara asks: From where is this matter derived? Rabbi Yitzḥak said: As the verse states: “If a bird’s [tzipor] nest happens before you” (Deuteronomy 22:6), and not: If a bird’s [of] nest happens before you. The word of indicates to us that all birds are included, whether kosher or non-kosher. But with regard to the word tzipor, we have found that a kosher bird is called a tzipor, but we have not found that a non-kosher bird is called a tzipor.

⁴⁷ The Gemara attempts to reject the above assertion: Come and hear that which is stated in the verse with regard to the prohibition against fashioning idols: “The likeness of any winged bird [tzipor]” (Deuteronomy 4:17). What, is it not that the word “tzipor” is referring to any bird, whether kosher or non-kosher, and the word “winged” adds the likeness of grasshoppers to the prohibition? If so, we have found that a non-kosher bird is called a tzipor. The Gemara rejects this: No, the word “tzipor” means a kosher bird, while the word “winged” is referring to non-kosher birds and to grasshoppers.

⁴⁸ The Gemara suggests: Come and hear that which is stated in the passage describing how all of creation praises God: “The undomesticated animal and all domesticated animals, creeping things and winged birds [tzipor]” (Psalms 148:10). What, is it not that the word “tzipor” is referring to all birds, whether kosher or non-kosher, and the word “winged” is referring to grasshoppers? The Gemara rejects this: No, the word “tzipor” means a kosher bird, while the word “winged” is referring to non-kosher birds and to grasshoppers.

⁴⁹ The Gemara suggests: Come and hear that which is stated in the verse about the animals that entered Noah's ark: "Every bird [tzipor] of every type of wing" (Genesis 7:14). What, is it not the same difficulty that we posed previously, that the word "tzipor" is referring to all birds, kosher and non-kosher, and the word "wing" is referring to grasshoppers? The Gemara rejects this as well: No, it is actually as we resolved it, that the word "tzipor" is referring only to kosher birds, and the word "wing" is referring to non-kosher birds and to grasshoppers.

⁵⁰ The Gemara suggests: Come and hear that which is stated in the passage describing the war of Gog and Magog: "And you, son of man, so said the Lord God: Speak to the birds [tzipor] of every type of wing, and to every animal of the field: Assemble yourselves, and come" (Ezekiel 39:17). What, is it not the same difficulty that we posed previously? The Gemara responds: No, it is actually as we resolved it.

⁵¹ The Gemara suggests: Come and hear that which is

⁵² stated in the verse describing a tree: "And in its branches will dwell the birds [tzipparei] of the heaven" (Daniel 4:9). The verse states only: "The birds [tzipparei]," and not: The birds of any type of wing. Accordingly, the term "the birds [tzipparei]" must be referring to all birds, whether kosher or non-kosher, since all birds dwell in tree branches. The Gemara rejects this: Non-kosher birds are called: Birds [tzipparei] of the heaven, but they are not called: Tzipparei, in an unspecified manner.

⁵³ The Gemara suggests: Come and hear that which is stated in the passage discussing kosher and non-kosher animals: "Every kosher bird [tzipor] you may eat" (Deuteronomy 14:11). Since it was necessary for the verse to specify that it is referring to a kosher bird [tzipor], by inference, one may conclude that there is a non-kosher bird [tzipor], in contradiction to the statement of Rabbi Yitzhak. The Gemara rejects this: No, this is not the correct inference. Rather, by inference one may conclude that there is a tzipor that is prohibited for consumption, despite its being a kosher bird.

⁵⁴ The Gemara asks: What is this kosher bird whose prohibition must be derived from this verse? If it is a bird with a wound that will cause it to die within twelve months [tereifa], that would be superfluous, as that is written explicitly in the verse: "An unslaughtered animal carcass, or a tereifa, he shall not eat" (Leviticus 22:8). And if it is referring to the slaughtered bird from the purification ritual of a leper, which is prohibited for consumption despite being kosher, that would also be superfluous, since it is derived from the latter clause of the verse in Deuteronomy, as the verse states: "But these are they of which you shall not eat" (Deuteronomy 14:12), which serves to include the slaughtered bird of the leper.

⁵⁵ The Gemara responds: Actually, the verse: "Every kosher bird you may eat," is referring to the slaughtered bird of a leper, and the verse indicates that one transgresses the positive mitzva of: "You may eat," in addition to the prohibition of: "But these are they of which you shall not eat," on account of it. The Gemara objects: But why not interpret the verse as referring to a tereifa, and explain that the verse teaches that one transgresses a positive mitzva and a prohibition on account of it? The Gemara responds: The verse should be interpreted as referring to the slaughtered bird of a leper, since it is a matter derived from its context, as that verse is written in the context of a slaughtered bird. By contrast, a tereifa is not properly slaughtered, and interpreting the verse in that manner does not fit the context.

⁵⁶ The Gemara suggests: Come and hear that which is stated in the passage discussing the purification ritual of a leper: "Then shall the priest command to take for him that is to be cleansed

two living birds [tzipporim] that are kosher” (Leviticus 14:4). Since the birds are obviously alive before the purification ritual begins, what is the meaning of the word “living”? Is it not that they are living in your mouth, i.e., permitted for consumption? If so, by inference, one may conclude that there are birds [tzipporim] that are not living in your mouth, i.e., that are not kosher. The Gemara rejects this: No, that is not its meaning. Rather, what is the meaning of the word “living”? It means that their extremities are living, i.e., attached to their bodies. The verse indicates that the kosher birds must have all their limbs attached to their bodies in order to be used in the purification ritual.

⁵⁷ The Gemara suggests: Come and hear a proof from the latter clause of that verse: “Two living birds [tzipporim] that are kosher.” Since it was necessary for the verse to specify that it is referring to kosher birds, by inference one may conclude that there are non-kosher birds, in contradiction to the statement of Rabbi Yitzḥak. The Gemara rejects this: No, that is not the correct inference. Rather, by inference one may conclude that there are other birds of kosher species that may not be used for this ritual, i.e., tereifot.

⁵⁸ The Gemara objects: But the disqualification of tereifot is already derived from the word “living” in that verse. The Gemara elaborates: Granted, this works out well according to the one who says that a tereifa can live (see 42a); it is therefore necessary for the verse to state “kosher” to exclude tereifot, because one could not have derived it from the word “living.” But according to the one who says that a tereifa animal cannot live, what is there to say? Let it be derived from the word “living.” And furthermore, whether according to the one who says that a tereifa can live or according to the one who says that a tereifa cannot live, it is not necessary to derive the exclusion of tereifot from the word “kosher,” since it is derived from that which the school of Rabbi Yishmael taught.

⁵⁹ As the school of Rabbi Yishmael taught: It is stated in the Torah that there are offerings that enable one to partake of sacrificial foods, e.g., the sin offering of a woman who has given birth or the guilt offering of a leper, and there are offerings that atone, e.g., a sin offering or guilt offering, all of which are brought inside the Temple. And it is also stated in the Torah that there are offerings that enable one to partake of sacrificial foods, e.g., the birds of a leper’s purification ritual, and offerings that atone, e.g., the scapegoat of the Yom Kippur service, that are brought outside the Temple.

⁶⁰ The baraita continues: Therefore, the offerings brought outside the Temple are compared to those offered inside: Just as with regard to the offerings that enable or atone stated in the Torah that are offered inside the Temple, the Torah made the offering that enables like the offering that atones, as even the former has portions of it that are burned on the altar, so too, with regard to offerings that enable or atone stated in the Torah that are offered outside the Temple, the Torah made the offering that enables like the offering that atones. Accordingly, just as the scapegoat must not be a tereifa, so too, the birds of a leper’s purification ritual must not be tereifot. If so, there is no need to derive the exclusion of tereifa birds from the word “kosher.”

⁶¹ Rather, Rav Naḥman bar Yitzḥak said: The word “kosher” serves to exclude birds from an idolatrous city. Such a city must be burned to the ground, and it is prohibited for one to derive benefit from any of its contents. The verse indicates that such a bird is unfit for use in the leper’s purification ritual. The Gemara asks: For what function are such birds rendered unfit by the word “kosher”? If the verse means to render them unfit for sending away as part of the ritual, this is unnecessary, since the Torah did not say to send a bird only to create a stumbling block. It is obvious that any bird prohibited for consumption is unfit for sending, since the Torah would not allow for the possibility

that the bird sent away will be trapped and consumed by unwitting individuals. Rather, the verse means to render them unfit for use as the bird intended for slaughter.

⁶² Rava said: The word “kosher” serves to exclude the repeated use of a bird, i.e., a leper may not pair a bird with another bird from a previous leper, before its being sent away. The Gemara asks: For what function does the word “kosher” indicate that a bird may not be reused? If it means to indicate that the bird intended for being sent away by the first leper may not be used for slaughter by the second leper, the verse is unnecessary, as this bird requires being sent away as part of the first leper’s purification ritual. Rather, the verse means to indicate that the bird intended for being sent away by the first leper may not be used for sending simultaneously by the second leper.

⁶³ Rav Pappa said: The word “kosher” serves to exclude the use of birds that were exchanged for birds of idol worship, i.e., a gentile paid a Jew for his idol by giving the Jew birds. Such birds are prohibited from use in the leper’s ritual, as it is written about objects of idol worship: “And you shall not bring an abomination into your house, and become [vahayita] accursed like it” (Deuteronomy 7:26), indicating that anything that you generate [mehayye] from it, e.g., through exchange, is prohibited like it. The Gemara asks: For what function does the word “kosher” indicate that such birds are prohibited? If it serves to exclude such birds from being sent away, this is unnecessary, because the Torah did not say: Send it away, if doing so could lead to a mishap. If the bird were prohibited, the Torah would not have commanded one to send it away, as others might eat it unwittingly. Rather, the word “kosher” serves to disqualify such birds for slaughter.

⁶⁴ Ravina said: Here we are dealing with a bird that killed a person and is therefore subject to being killed. The verse indicates that such a bird is unfit for use in the leper’s ritual. The Gemara asks: What are the circumstances of this case? If this is a case where its verdict of execution was issued, then it is subject to being killed, and there is no need for the verse to teach that it cannot be used in the ritual. Rather, it must be referring to a bird before its verdict of execution was issued. And for what function does the verse exclude such a bird? If it serves to exclude the bird from sending away, this is unnecessary, since one is required to bring it to the court to fulfill the verse: “And you shall eradicate the evil from your midst” (Deuteronomy 13:6). Obviously, one may not send it away. Rather, the verse serves to disqualify such a bird for slaughter.

⁶⁵ § The mishna states: If a non-kosher bird is resting upon the eggs of a kosher bird, or a kosher bird is resting upon the eggs of a non-kosher bird, one is exempt from sending away the bird. The Gemara objects: Granted, it is understandable that one is exempt in a case where a non-kosher bird is resting upon the eggs of a kosher bird, since we require a kosher bird, as the verse uses the word “tzippor” (Deuteronomy 22:6) in this context, which the Gemara earlier (139b) interpreted as a reference to a kosher bird, and this bird is not kosher. But in a case where a kosher bird is resting upon the eggs of a non-kosher bird, it is a tzippor, a kosher bird, and one should be required to send it away.

⁶⁶ The Gemara responds that this is in accordance with that which Rav Kahana said in a different context: The verse states: “But the young you may take for yourself” (Deuteronomy 22:7), indicating that one is required to send away the mother only if the eggs are fit for consumption, but not if they are fit only for your dog. Here too, with regard to non-kosher eggs, the mitzva applies only if you may take for yourself, but not if they are fit only for your dog because they are not kosher.

⁶⁷ The Gemara asks: And where was this statement of Rav Kahana stated? The Gemara answers that it was stated with regard to that which is taught in a baraita: Even if the mother bird is a tereifa, one

is obligated to send away the mother from the nest. But if the fledglings are tereifot, one is exempt from sending away the mother. From where is this matter derived? Rav Kahana said: As the verse states: “You may take for yourself,” indicating that you are required to send away the mother only if the fledglings are fit for consumption, but not if they are fit only for your dog because they are tereifot.

⁶⁸ The Gemara objects: But why not compare a tereifa mother bird to tereifa fledglings and say: Just as with regard to tereifa fledglings one is exempt from sending away the mother, so too, with regard to a tereifa mother one should also be exempt from sending her away.

⁶⁹ The Gemara responds: If so, that the mother should be compared to the fledglings, then why do I need the word “tzippor” to exclude a non-kosher bird? One could simply derive it from the fact that one is exempt from the mitzva in the case of non-kosher fledglings, since they are not fit for consumption. Rather, since it was necessary for the verse to teach that non-kosher birds are not included in the mitzva of sending away the mother, it must be that no such comparison is to be drawn.

⁷⁰ The Gemara questions the statement of Rav Kahana that the mitzva of sending away the mother bird from the nest does not apply in the case of fledglings unfit for consumption: But isn’t it taught in a baraita: With regard to a mother of fledglings, in the case of a tereifa, one is obligated to send away the mother bird from the nest? The baraita appears to teach that even if the fledglings themselves are tereifot, one is obligated in the mitzva. Abaye said in response: The word tereifa is not referring to the fledglings. Rather, this is what the baraita is saying: In the case of a fledgling whose mother is a tereifa, one is obligated to send away the mother bird. This baraita, then, is in accordance with the statement of Rav Kahana.

⁷¹ § With regard to the statement of Rav Kahana above, Rav Hoshaya raises a dilemma: If one stretched his hand into a nest containing a mother bird and its fledglings and slaughtered, i.e., severed, a minority of the two organs that must be severed in ritual slaughter [simanim], i.e., the windpipe and the gullet, of the fledglings, what is the halakha with regard to sending away the mother bird?

⁷² The two sides of the dilemma are explained: Do we say: Since if those fledglings are left as they are, with only partially severed simanim, they will eventually be rendered tereifot, one is therefore exempt from sending away the mother because we require that the fledglings be taken “for yourself,” and not for your dog? Or perhaps, since it is in his power to complete the act of slaughter, thereby permitting the fledglings for consumption, we may call this case: “Take for yourself,” and one is obligated to send away the mother bird. Since no answer is given, the Gemara concludes: The dilemma shall stand unresolved.

⁷³ § Rabbi Yirmeya raises a dilemma: In a case where a rag is lying in the nest between the mother bird and the eggs, what is the halakha? Does it interpose between them, such that the mother is not considered to be resting upon the eggs? If so, one would be exempt from sending away the mother. Similarly, if feathers are detached from a bird’s wings and are lying between the mother bird and the eggs, what is the halakha? Do they interpose between the eggs and the mother?

⁷⁴ Rabbi Yirmeya continues: If unfertilized [muzarot] eggs separate between the mother bird and fertilized eggs, what is the halakha? Additionally, in a case where two sets of fertilized eggs are lying one on top of the other, what is the halakha? Does the upper set of eggs interpose between the mother

and the lower set? Furthermore, what is the halakha in a case where a male bird is resting on top of the eggs and a female bird is resting on top of the male? Does the male bird interpose between the female and the eggs? No answers are given, so the Gemara concludes: The dilemma shall stand unresolved in all of these cases.

⁷⁵ § Rabbi Zeira raises a dilemma: If a pigeon is resting upon the eggs of a tasil, a kosher bird resembling a pigeon, what is the halakha with regard to sending away the mother bird from the nest? Likewise, if a tasil is resting upon the eggs of a pigeon, what is the halakha?

⁷⁶ Abaye said: Come and hear that which is taught in the mishna: In a case where a non-kosher bird is resting upon the eggs of a kosher bird, or a kosher bird is resting upon the eggs of a non-kosher bird, one is exempt from sending away the bird. One may infer from the mishna that in a case involving a kosher bird and kosher eggs, e.g., a tasil resting on the eggs of a pigeon, one is obligated to send away the mother bird. The Gemara rejects this: Perhaps this inference applies only to the case of a female pheasant, which normally rests upon the eggs of other birds. Since this is its normal behavior, one is obligated to send it away even if it rests upon the eggs of another kosher bird. This may not be the case with regard to a tasil or pigeon.

⁷⁷ § The mishna teaches: With regard to the case of a male pheasant that rests upon the eggs of its species, Rabbi Eliezer deems one obligated to send away the pheasant, and the Rabbis deem one exempt from sending it away. With regard to this dispute, Rabbi Abbahu said: What is the reasoning of Rabbi Eliezer? According to Rabbi Eliezer, a verbal analogy between brooding stated with regard to a male pheasant and brooding with regard to a female bird comes to indicate that the resting of a male pheasant upon its eggs is considered an effective resting. It is written here: “As the pheasant that broods over young that he has not brought forth” (Jeremiah 17:11), and it is written elsewhere about a female bird: “There shall the great owl make her nest, and lay, and hatch, and brood under her shadow” (Isaiah 34:15). Just as a female bird broods over its nest, so too, a male pheasant broods over a nest. Therefore, one is required to send away the male bird from the nest as well.

⁷⁸ With regard to this dispute between Rabbi Eliezer and the Rabbis, Rabbi Elazar says: Their dispute is only with regard to a male pheasant, but with regard to a female pheasant all agree that one is obligated to send away the bird. The Gemara asks: Isn't that obvious, given that we learned in the mishna: A male pheasant? The Gemara responds: Lest you say that the Rabbis deem one exempt from the mitzva of sending away the mother bird even in the case of a female pheasant, and as for that which the mishna teaches the dispute in the case of a male pheasant, the reason is to convey to you the far-reaching nature of the opinion of Rabbi Eliezer, in that he requires one to send away even a male pheasant, therefore, Rabbi Elazar teaches us that the Rabbis agree that one must send away a female pheasant.

⁷⁹ And Rabbi Elazar also says: The dispute between Rabbi Eliezer and the Rabbis is only with regard to a male pheasant, but with regard to male birds in general, all agree that one is exempt from the mitzva of sending away the bird from the nest. The Gemara asks: Isn't that obvious, given that we learned in the mishna: A male pheasant? The Gemara responds: Lest you say that Rabbi Eliezer deems one obligated to send away even male birds in general, and that which the mishna teaches: A male pheasant, is to convey to you the far-reaching nature of the opinion of the Rabbis, in that they also deem one exempt from sending a male pheasant, therefore, Rabbi Elazar teaches us that even according to Rabbi Eliezer, one is exempt from sending away male birds in general.

⁸⁰ The Gemara notes: This explanation of Rabbi Elazar is also taught in a baraita: With regard to a male bird in general, one is exempt from the mitzva of sending it away, but with regard to a male pheasant, Rabbi Eliezer deems one obligated to send it away from the nest, and the Rabbis deem one exempt from sending it away.

⁸¹ MISHNA: If the mother bird was hovering over the eggs or fledglings in the nest, when its wings are touching the eggs or fledglings in the nest, one is obligated to send away the mother. When its wings are not touching the eggs or fledglings in the nest, one is exempt from sending away the mother. Even if there is only one fledgling or one egg, one is obligated to send away the mother, as it is stated: “If a bird’s nest happens before you” (Deuteronomy 22:6), indicating that one is obligated to send away the mother bird from the nest in any case.

⁸² If there were fledglings capable of flying, or unfertilized eggs from which a fledgling will not hatch, one is exempt from sending away the mother bird from the nest, as it is stated in the same verse: “And the mother is resting upon the fledglings or upon the eggs.” From the juxtaposition of the fledglings and the eggs one derives: Just as the fledglings are living, so too, the eggs must be capable of producing living fledglings. This excludes unfertilized eggs, which cannot produce a living fledgling. And furthermore, just as the eggs need their mothers to hatch them, so too, the fledglings must be those that need their mothers. This excludes fledglings that are capable of flying.

⁸³ GEMARA: The mishna discusses the case of a mother bird that hovers over the nest. With regard to this, the Sages taught in a baraita: The verse teaches that one is obligated to send away the mother bird only when it is at rest, as it states: “And the mother is resting upon the fledglings” (Deuteronomy 22:6), and not when it is hovering. One might have thought that one is exempt even if the mother is hovering and its wings are touching the nest. Therefore, the verse states: “Resting,” indicating that in fact one is obligated in the mitzva in such a case. The Gemara asks: What is the biblical derivation, i.e., how is this derived from the word “resting”? The Gemara responds: It is derived from the fact that the word sitting is not written in the verse. Although a bird whose wings are touching the nest is not sitting upon it, such a bird is considered to be resting upon it.

⁸⁴ § Rav Yehuda says that Rav says: If the mother bird was sitting above the eggs or fledglings between two tree branches, one looks at the following factor in order to determine whether the obligation to send away the mother applies: In any case where if the branches were to separate, the bird would slip between them and fall upon the eggs or fledglings, one is obligated to send away the mother bird. And if the bird would not fall upon them, but to the sides, one is exempt from the mitzva of sending away the mother bird.

⁸⁵ The Gemara raises an objection to the statement of Rav from that which was taught in a baraita: If the mother bird was sitting among the eggs or the fledglings, one is exempt from sending it away, as the verse states: “And the mother is resting upon the fledglings, or upon the eggs” (Deuteronomy 22:6), i.e., upon and not among. If it was sitting above them, one is obligated to send it away. If it was hovering, even if its wings are touching the nest, one is exempt from sending it away.

⁸⁶ What, is it not that the case of sitting above them is similar to the case of sitting between them? The Gemara elaborates: Just as in the case of sitting between them one is exempt where she is touching them, so too, in the case of sitting above them one is obligated where she is touching them. If so, conclude from this baraita that one is obligated only if the bird is touching the fledglings or

eggs, but if it is sitting between two tree branches above the eggs or fledglings without touching them, one is exempt from sending her away.

⁸⁷ The Gemara rejects this: No; actually, the case of sitting above them is similar to that of sitting between them in the following manner: Just as the case of sitting between them is one where she is not touching them from above, but from the side, so too, the case of sitting above them is one where she is not touching them from above. Accordingly, the baraita teaches that one is obligated to send away the bird if it is resting on branches above the nest, even though it is not touching the eggs or fledglings. And that is the case where the mother is sitting between two tree branches.

⁸⁸ The Gemara notes: This, too, stands to reason, that one is obligated to send away a mother bird that is sitting between two tree branches above the nest. As, if it should enter your mind that one is exempt when the mother bird is sitting between two tree branches, then one may ask: Rather than teaching that if it was hovering, even if its wings are touching the nest, one is exempt from sending it away, let the baraita teach that one is exempt in the case of a mother bird that is sitting between two tree branches, and all the more so if the mother is hovering.

⁸⁹ The Gemara rejects this: Perhaps one is exempt from sending the mother bird if it is resting between two tree branches. Nevertheless, it was necessary for the tanna to teach the case of a hovering bird, in order to teach that even if its wings are touching the nest, one is exempt from sending away the mother bird. Had the tanna taught the exemption in a case of a bird resting between two tree branches, one might have thought that this is because the bird's wings are not touching the nest.

⁹⁰ The Gemara now questions the baraita itself: How can the baraita state that even if the hovering bird's wings are touching the nest, one is exempt from sending the bird away? But didn't we learn in the mishna: When its wings are touching the nest, one is obligated to send away the mother? Rabbi Yirmeya said: When the case of the hovering mother bird is taught in the baraita, it is referring to a bird touching the nest from the side. In such a case, one is exempt because its wings are not touching the nest from above. By contrast, the mishna is referring to a case where the bird is hovering directly above the nest and touching the nest with its wings from above.

⁹¹ There are those who say that the discussion proceeded as follows: Let us say that the following baraita supports the opinion of Rav: If the mother bird was sitting among the eggs or the fledglings, one is exempt from sending it away. If it was sitting above them, one is obligated to send it away. If it was hovering, even if its wings are touching the nest, one is exempt from sending it away.

⁹² What, is it not that the case of sitting above them is similar to that of sitting between them in the following manner: Just as the case of sitting between them is one where she is not touching them from above but from the side, so too, the case of sitting above them is one where she is not touching them from above? If so, the baraita teaches that if the bird rests on branches over the eggs or fledglings without touching them, one is obligated in the mitzva. And that is the case where the mother is sitting between two tree branches.

⁹³ The Gemara rejects this: No, the case of sitting above them is similar to that of sitting between them in the following manner: Just as the case of sitting between them is one where she is touching them, so too, the case of sitting above them is one where she is touching them. Accordingly, one is obligated only if the bird is touching the nest from above; but if it is sitting between two tree branches without touching the eggs or the fledglings, one is exempt from sending it away. The

Gemara objects: If that is so, rather than teaching in the last clause: If it was hovering, even if its wings are touching the nest, one is exempt from sending it away,

⁹⁴ let the baraita teach that one is exempt in a case where the bird is sitting between two tree branches, which resembles a case where the bird is resting upon the nest itself in that the bird is sitting in both cases, and it would be clear all the more so that one is exempt if the mother is hovering. The Gemara responds: It was necessary for the baraita to teach the case of a hovering bird in order to teach that even if its wings are touching the nest, one is exempt from sending away the mother bird. Had the baraita taught the exemption in a case of a bird resting between two tree branches, one might have thought that this is because the bird's wings are not touching the nest.

⁹⁵ The Gemara now questions the baraita itself: How can the baraita state that even if the hovering bird's wings are touching the nest, one is exempt from sending the bird? But didn't we learn in the mishna: When its wings are touching the nest, one is obligated to send away the mother? Rav Yehuda said: When the case of the hovering mother bird is taught in the baraita, it is referring to a bird touching the nest from the side. In such a case, one is exempt because its wings are not touching the nest from above. By contrast, the mishna is referring to a case where the bird is hovering directly above the nest and touching the nest with its wings from above.

⁹⁶ § The mishna teaches: Even if there is only one fledgling or one egg, one is obligated to send away the mother, as it is stated: "If a bird's nest happens before you" (Deuteronomy 22:6), indicating that one is obligated to send the mother bird away from the nest in any case. Additionally, if there were fledglings capable of flying or unfertilized eggs, one is exempt from sending away the mother bird, as it is stated in the same verse: "And the mother is resting upon the fledglings or upon the eggs." From the juxtaposition of the fledglings and the eggs, one derives that the eggs or fledglings must be capable of living and they must require their mothers. With regard to this, one of the Sages said to Rava: Say the opposite, that if there is only one fledgling or one egg, one is exempt from sending away the mother, since we require that the mother be "resting upon the fledglings or upon the eggs," and this condition is not fulfilled with fewer than two.

⁹⁷ Additionally, if there were fledglings capable of flying or unfertilized eggs in the nest, say that one is obligated to send the mother bird away, as it is stated in that verse: "Nest," indicating that one is obligated to send the mother bird away from the nest in any case. Rava responds: If so, let the verse write: And the mother is resting upon them. For what reason does the verse state: "And the mother is resting upon the fledglings or upon the eggs"? It is to compare the fledglings to the eggs and the eggs to the fledglings, i.e., to indicate that the eggs or fledglings must be capable of living and must require their mothers. Fledglings that can fly and unfertilized eggs are therefore not included in the mitzva. Consequently, the word "nest" serves to indicate that one is obligated to send away the mother bird even if there is only one egg or fledgling in the nest.

⁹⁸ MISHNA: If one sent away the mother bird and it returned to rest on the eggs, even if it returned four or five times, one is obligated to send it away again, as it is stated: "You shall send [shalle'ah teshallah] the mother" (Deuteronomy 22:7). The doubled verb indicates that one must send away the mother bird multiple times if needed. If one said: I am hereby taking the mother and sending away the offspring, he is still obligated to send away the mother even if he sent away the offspring, as it is stated: "You shall send the mother." If one sent away the mother and took the offspring and then

returned them to the mother's nest, and thereafter the mother returned and rested upon them, one is exempt from sending away the mother bird.

⁹⁹ GEMARA: The mishna teaches that if the mother bird returned to rest on the eggs, even if it returned four or five times, one is obligated to send it away again, as it is stated: "You shall send [shalle'aḥ teshallah]." With regard to this, one of the Sages said to Rava: But say instead that the word "shalle'aḥ" indicates that one must send away the mother once, and the word "teshallah" indicates that one must do so twice, and beyond that there is no obligation.

¹⁰⁰ Rava said to him: Actually, the halakha that one must send away the mother multiple times is not derived from the phrase "shalle'aḥ teshallah." Rather, the word "shalle'aḥ" indicates that one must send away the mother bird even one hundred times, and the word "teshallah" teaches another matter: I have derived only the obligation to send away the mother bird in a case where one takes the eggs or the fledglings and wants to take the mother bird for a discretionary purpose, e.g., to eat it. In a case where one takes the eggs or the fledglings and needs the mother bird for a matter involving a mitzva, e.g., the purification of a leper, from where is the halakha that he must send away the mother derived? The verse states: "Teshallah," to teach that in any case one must send away the mother bird.

¹⁰¹ Rabbi Abba, son of Rav Yosef bar Rava, said to Rav Kahana: But according to this explanation, the only reason that one must send away the mother bird even when needed for a matter involving a mitzva is that the Merciful One wrote: "Teshallah"; but if not for this, I would say that when the mother is needed for a matter involving a mitzva, one is not obligated to send her away. But this is difficult, as the sending of the mother bird is both a positive mitzva and a prohibition, as the verse states: "You shall not take the mother with the young; you shall send the mother" (Deuteronomy 22:6–7), and there is a principle that a positive mitzva cannot override both a prohibition and a positive mitzva.

¹⁰² Rav Kahana replied: No, the word "teshallah" is necessary for a case where one transgressed and took the mother with the fledglings. In such a case, he has already transgressed the prohibition, and there is now only a positive mitzva to send away the mother. Perhaps one might say: Let the positive mitzva performed with the mother, e.g., the purification of the leper, come and override the positive mitzva of sending away the mother. Therefore, the word "teshallah" teaches us that this is not so, and one is obligated to send away the mother.

¹⁰³ The Gemara notes: This works out well according to the one who teaches that the criterion for determining whether one is flogged for violating a prohibition that entails fulfillment of a positive mitzva is whether he fulfilled the mitzva immediately afterward or did not fulfill it. If he does not fulfill the mitzva immediately, he is flogged when he fails to do so. Consequently, if one does not send away the mother bird immediately after taking her with the fledglings, he has immediately violated the prohibition, and only the requirement to fulfill the positive mitzva remains.

¹⁰⁴ The Gemara continues: But according to the one who teaches that the criterion for determining whether one is flogged in that case is whether he negated the possibility of fulfilling the positive mitzva or did not negate it, and one is flogged only if he performed an action that renders it impossible to fulfill the mitzva, this explanation does not work out well. After all, as long as one has not slaughtered the mother bird, he has not transgressed the prohibition, since he may still send her away. Consequently, even if one takes the mother, as long as he has not slaughtered her, the

prohibition remains in addition to the positive mitzva. If so, there is no need for the Torah to teach that the obligation to send away the mother bird applies in the case of a mitzva.

¹⁰⁵ And furthermore, one may ask: According to the opinion of Rabbi Yehuda, who said that the word “shalle’ah” indicates that the mitzva to send away the mother bird applies only at the outset, i.e., before taking the fledglings, one who takes the mother together with the fledglings violates both the prohibition and the positive mitzva associated with it, such that even a positive mitzva does not remain.

¹⁰⁶ Rather, Mar bar Rav Ashi said: The word “teshallah” is necessary to indicate that the mitzva to send away the mother bird applies in a case where one took her in order to send her away immediately. In such a case, there is no prohibition, as one intends to send her away, but there is still a positive mitzva to send her away. And therefore, one might have said: Let another positive mitzva, e.g., taking the mother for the purification of a leper, come and override the positive mitzva of sending the mother. Therefore, the word “teshallah” indicates that the mitzva of sending the mother bird applies even in such a case.

¹⁰⁷ The Gemara asks: What is the strength of that other positive mitzva over this positive mitzva of sending away the mother bird? Why might the former override the latter? The Gemara responds: It might enter your mind to say that since the Master said: Great is peace between a man and his wife, as the Torah said that the name of the Holy One, Blessed be He, which is written in sanctity, shall be erased on the waters as part of the ritual of a woman suspected by her husband of adultery (see Numbers 5:23) in order to clear her from suspicion and restore peace between her and her husband, therefore, perhaps the halakha should be more lenient with regard to the leper.

¹⁰⁸ The Gemara explains: And with regard to this leper, since as long as he is not purified he is prohibited from engaging in marital relations, as it is written: “But he shall dwell outside his tent seven days” (Leviticus 14:8), and when the verse states: “His tent,” this is referring to his wife, such that one may derive from here that a leper is prohibited from engaging in marital relations, perhaps his purification ceremony should take precedence. This is because perhaps you will say: Since he is prohibited from engaging in marital relations, let his positive mitzva of purification come and override the positive mitzva of the sending away of the mother bird from the nest. Therefore, the word “teshallah” teaches us that even so, one may not take the mother bird.

¹⁰⁹ MISHNA: With regard to one who takes the mother bird with its fledglings, Rabbi Yehuda says: He is flogged for taking the mother bird, and he does not send away the mother. And the Rabbis say: He sends away the mother and is not flogged, as this is the principle: With regard to any prohibition that entails a command to arise and perform a mitzva, one is not flogged for its violation.

¹¹⁰ GEMARA: The mishna teaches that according to Rabbi Yehuda, one who takes the mother with the offspring is flogged. With regard to this, Rabbi Abba bar Memel raises a dilemma: Is the reasoning for the ruling of Rabbi Yehuda that he holds that one is flogged for violation of a prohibition that entails fulfillment of a positive mitzva? Accordingly, one is flogged for transgressing the prohibition: “You shall not take the mother with the young,” which entails the fulfillment of: “You shall send the mother.”

¹¹¹ The second possibility is now presented: Or perhaps in general Rabbi Yehuda holds that one is not flogged for violation of a prohibition that entails fulfillment of a positive mitzva; and here, this is the reason one is flogged for taking the mother: It is because he holds that when the verse states:

“You shall send the mother [shalle’ah teshallah]” (Deuteronomy 22:7), the word “shalle’ah” indicates that the mitzva to sending the mother bird applies only at the outset, i.e., when encountering the nest. Accordingly, this is not a case of a prohibition that entails the performance of a positive mitzva, but an independent prohibition, for which one is liable to receive lashes.

¹¹² The Gemara suggests: Come and hear a resolution to the dilemma from that which is taught: A thief and a robber are included among those who are liable to receive lashes by Torah law. A thief violates the prohibition of: “You shall not steal” (Leviticus 19:11), and a robber violates the prohibition of: “You shall not rob” (Leviticus 19:13); this is the statement of Rabbi Yehuda. The Gemara continues: But here, the prohibition against robbing is a prohibition that entails fulfillment of a positive mitzva, as the Merciful One states: “You shall not rob” (Leviticus 19:13), and: “And he shall restore the robbed item” (Leviticus 5:23). And nevertheless, Rabbi Yehuda deems one liable to receive lashes for transgressing the prohibition against robbing. Therefore, conclude from it that the reasoning of the ruling of Rabbi Yehuda in the mishna is that he holds that one is flogged for violation of a prohibition that entails fulfillment of a positive mitzva.

¹¹³ Rabbi Zeira said to him: Didn’t I already tell you that any baraita that is not taught in the study hall

¹¹⁴ of Rabbi Ḥiyya or the study hall of Rabbi Oshaya, who were precise in the formulation of their baraitot, is corrupted, and you may not raise objections based upon it in the study hall? Since this baraita was not taught in either of the aforementioned study halls, you may not cite it as proof. After all, perhaps the phrase: Are not included among those who are liable to receive forty lashes by Torah law, was taught by Rabbi Yehuda in the baraita, but the text was corrupted. It is therefore possible that according to Rabbi Yehuda, one is not flogged for violation of a prohibition that entails fulfillment of a positive mitzva, and his reasoning of his ruling in the mishna is that the word “shalle’ah” indicates that the mitzva to send away the mother bird applies only at the outset.

¹¹⁵ The Gemara suggests: Come and hear a resolution from that which is taught in a baraita by Rabbi Oshaya and Rabbi Ḥiyya: It is written with regard to forgotten sheaves left for the poor: “When you reap your harvest in your field and forget a sheaf in the field, you shall not return to fetch it” (Deuteronomy 24:19). If one transgressed this prohibition and one returned to fetch it, he is liable to receive lashes. Likewise, it is written with regard to produce in the corner of the field [pe’a], which is given to the poor: “And when you reap the harvest of your land, you shall not wholly reap the corner of your field” (Leviticus 19:9). If one transgressed this prohibition and reaped the corner of his field, such individuals are included among those who are liable to receive lashes by Torah law. This is the statement of Rabbi Yehuda.

¹¹⁶ The Gemara concludes the resolution: Since the mitzvot of leaving pe’a and forgotten sheaves are prohibitions that entail fulfillment of a positive mitzva, as the verse states with regard to both of them: “For the poor and for the stranger you shall leave them” (Leviticus 19:10), conclude from the baraita that the reasoning of the ruling of Rabbi Yehuda in the mishna is that he holds that one is flogged for violation of a prohibition that entails fulfillment of a positive mitzva.

¹¹⁷ The Gemara rejects this: Perhaps there, with regard to pe’a and forgotten sheaves, this is the reason that Rabbi Yehuda deems one liable to receive lashes: Because he holds that the positive mitzva: “For the poor and for the stranger you shall leave them,” indicates that these mitzvot apply only at the outset. Accordingly, these are not cases of prohibitions that entail fulfillment of a positive

mitzva, but of independent prohibitions. Similarly, it is possible that the reasoning of the ruling of Rabbi Yehuda in the mishna is that the mitzva of the sending away of the mother bird applies only at the outset.

¹¹⁸ Ravina said to Rav Ashi: Come and hear a resolution from that which is taught in a baraita: The verse states with regard to the Paschal offering: “You shall let nothing of it remain until the morning; but that which remains of it until the morning you shall burn in fire” (Exodus 12:10). The verse comes to position the positive mitzva of burning the leftover meat after the prohibition against leaving over the meat, in order to say that one is not flogged for its violation; this is the statement of Rabbi Yehuda.

¹¹⁹ Ravina continued: Conclude from the baraita that according to Rabbi Yehuda, one is not flogged for violation of a prohibition that entails fulfillment of a positive mitzva, and that the reasoning of the ruling of Rabbi Yehuda in the mishna is that he holds that the word “shalle’ah” indicates that the mitzva to send away the mother applies only at the outset. Consequently, the prohibition against taking the mother with the offspring is not one that entails fulfillment of a positive mitzva, but an independent prohibition that is punishable by lashes. The Gemara concedes: Conclude from it that this is the reasoning of Rabbi Yehuda.

¹²⁰ Rav Idi said to Rav Ashi: The language of the mishna is also precise, as it teaches: With regard to one who takes the mother with the offspring, Rabbi Yehuda says: He is flogged and there is no longer a mitzva to send away the mother. But if it enters your mind to say that the reasoning of the ruling of Rabbi Yehuda in the mishna is that one is flogged for violation of a prohibition that entails fulfillment of a positive mitzva, then Rabbi Yehuda should have said: He is flogged and sends away the mother. Rather, conclude that according to Rabbi Yehuda, this is not a prohibition that entails fulfillment of a positive mitzva.

¹²¹ The Gemara rejects this: One cannot infer anything from the language of the mishna, since perhaps this is what Rabbi Yehuda is saying in the mishna: There is still a mitzva to send away the mother, but one is not absolved of guilt for transgressing the prohibition against taking the mother until the court flogs him.

¹²² § The mishna teaches that according to the Rabbis, if one transgressed the mitzva and took the mother bird with the young, one must send away the mother. The Gemara asks: How far from the nest must he send her? Rav Yehuda says: Far enough that she leaves his grasp and can no longer be caught immediately. The Gemara asks: In what manner does he send her away? Rav Huna says: He holds the mother by her feet and sends her away. Rav Yehuda says: He holds her by her wings [baagappeha] and sends her away. The Gemara elaborates: Rav Huna says that one holds the mother by her feet, as it is written: “That send forth freely the feet of the ox and the donkey” (Isaiah 32:20), indicating that the sending of an animal is associated with its feet. Rav Yehuda says that one holds her by her wings, because the feet of the mother bird are her wings, as it is by means of her wings that she moves about.

¹²³ § The Gemara relates: A certain person clipped a mother bird’s wing and sent it away and thereafter caught it. Rav Yehuda flogged him for transgressing the prohibition: “You shall not take the mother with the young” (Deuteronomy 22:6). Rav Yehuda also said to him: Go and let its wings grow back and then send it away.

¹²⁴ The Gemara asks: In accordance with whose opinion did Rav Yehuda act in this case? If he acted in accordance with the opinion of Rabbi Yehuda, then there was no need to send away the mother, because according to Rabbi Yehuda, he is flogged for taking the mother bird, and he does not send away the mother. If he acted in accordance with the opinion of the Rabbis, then he should not have flogged this individual, since according to the Rabbis, he sends away the mother and is not flogged. The Gemara responds: Actually, he acted in accordance with the opinion of the Rabbis, and the lashes administered by Rav Yehuda were not for transgressing a Torah prohibition; rather, they were rabbinic lashes for rebelliousness [makkat mardut], as this individual acted inappropriately.

¹²⁵ The Gemara relates that a certain man came before Rava and said to him: What is the halakha with regard to a certain kosher bird known as the teima? Is it included in the mitzva of sending away the mother bird from the nest? Rava said: Doesn't this man know that with regard to any kosher bird one is obligated to send away the mother? The man responded: Nevertheless, I am uncertain with regard to the halakha. Rava said to him: Perhaps you are uncertain about a case where a single egg is placed in the nest, since the Torah states: "Upon the fledglings or upon the eggs" (Deuteronomy 22:6). The man replied in the affirmative. Rava said to him: That too should be known to you, as it is stated in the mishna (140b): Even if there is only one fledgling or one egg, one is obligated to send away the mother.

¹²⁶ The man sent away the bird, and Rava then surrounded her with nets [perastekei] and caught her. The Gemara asks: But shouldn't Rava be concerned about arousing suspicion that he required the sending away of the bird only so that he might catch it for himself? The Gemara responds: The nets were positioned far from the nest in an unusual manner that did not arouse suspicion.

¹²⁷ § The Sages taught in a baraita: Pigeons of a dovecote and pigeons of an attic are subject to the obligation of sending away the motherbird, because they are ownerless and therefore not considered readily available. But nevertheless, they are subject to the prohibition of robbery due to a rabbinic ordinance to maintain the ways of peace.

¹²⁸ The Gemara objects: But if it is so that this ruling is correct that Rabbi Yosei, son of Rabbi Hanina, says, i.e., that a person's courtyard effects acquisition for him of an item placed in it even without his knowledge, then a dovecote or attic will effect acquisition for its owner of any eggs inside them. Accordingly, one should apply here the principle that the mitzva to send away the mother bird from the nest applies only in the case described in the verse: "If a bird's nest happens before you" (Deuteronomy 22:6), which excludes from the mitzva a bird or egg readily available in one's home. Yet the baraita rules that the mitzva does apply in this case.

¹²⁹ Rav says: It is from the time of the emergence of the majority of an egg from a mother bird's body that one becomes obligated to send away the mother from the nest. On the other hand, the owner of a courtyard does not acquire the egg until it fully emerges and falls into his courtyard. And therefore, when the baraita teaches that in the case of the pigeons in a dovecote or an attic, they are subject to the obligation of sending away the mother bird, it is referring to a time before the egg falls into his courtyard.

¹³⁰ The Gemara asks: If that is so, that the baraita is referring to a case where the egg has not fully emerged, why does the baraita rule that the eggs are forbidden by rabbinic law for others to take due to the prohibition of robbery? The eggs have not yet been acquired by the owner of the courtyard. The Gemara answers: That ruling of the baraita is referring to their mother, i.e., the mother bird. Or,

if you wish, say instead: Actually, that ruling is referring to the egg. And the reason the Sages rendered it prohibited to take the eggs due to the prohibition of robbery is that once the majority of an egg emerges from the body of the mother bird, the owner's mind is upon the eggs to acquire them, although technically he will not acquire them until they fully emerge.

¹³¹ The Gemara adds: And now that Rav Yehuda said that Rav said: It is prohibited to acquire eggs whose mother is resting upon them, as it is stated: "You shall send the mother," and only then: "The young you may take for yourself" (Deuteronomy 22:7), you may even say: Even though the eggs fully emerged and fell into his courtyard, he must still send away the mother bird. This is because in any case in which a courtyard owner is capable of acquiring an item by himself, his courtyard can also effect acquisition of it for him. But in any case in which he is incapable of acquiring an item by himself, his courtyard cannot effect acquisition of it for him either. Since one is incapable of acquiring the eggs so long as the mother bird is resting upon them, one's property does not acquire the eggs for him even if they have already fallen into it.

¹³² The Gemara asks: If that is so, that the baraita is referring to a case where the courtyard cannot effect acquisition of the eggs for him, why does the baraita rule: They are subject to the prohibition only due to the rabbinic ordinance to maintain the ways of peace? If one sent away the mother bird before taking the eggs, then it is full-fledged robbery by Torah law, since the courtyard has effected acquisition of the eggs on behalf of its owner, and if one did not send away the mother bird, he needs to send her away before it is permitted to take the eggs. Either way, one will have transgressed Torah law and not a rabbinic prohibition.

¹³³ The Gemara answers: The baraita is referring to a case where a minor took the eggs without sending away the mother. A minor is not obligated in the mitzva of sending away the mother bird. The Gemara asks: Is a minor subject to a rabbinic ordinance concerning robbery enacted to maintain the ways of peace? The Gemara responds: This is what the latter clause of the baraita is saying: The father of a minor who took such eggs is obligated to return them to the owner of the dovecote or attic, due to the rabbinic prohibition concerning robbery instituted to maintain the ways of peace.

¹³⁴ § The Gemara relates an additional incident with regard to pigeons of a dovecote that were discussed above: Levi bar Simon transferred ownership of the produce of his dovecote, i.e., the fledglings and the eggs contained in it, to Rav Yehuda. Rav Yehuda came before Shmuel and told him of his acquisition. Shmuel said to him: Go, bang on the nest, i.e., the dovecote, so that the fledglings will rise up and you will acquire them.

¹³⁵ The Gemara asks: For what purpose did Shmuel tell Rav Yehuda to do this? If he meant for Rav Yehuda to finalize the acquisition so that Levi bar Simon could not retract, let him do so through acquisition by means of a cloth. There is no need for him to bang on the dovecote. If this incident occurred on the eve of a Festival, and Rav Yehuda came to ask what action to take in order to render the birds permitted for slaughter on the Festival, then banging on the dovecote should not be necessary,

¹³⁶ because by standing on the eve of the Festival and saying: This bird and that bird I will take on the Festival, he would have effected sufficient preparation for their use on the Festival. The Gemara responds: These, the offspring and the eggs, were new produce, which Levi bar Simon himself had not yet acquired. And this is what Shmuel was saying to him: Go and bang on the nest so that the

mothers will rise up, and Levi bar Simon will have then acquired the young in the nest, and consequently, he may then transfer ownership to you through acquisition by means of a cloth.

¹³⁷ MISHNA: A person may not take the mother bird with the offspring even if he takes the mother for use as part of the ritual to purify the leper. The mishna compares the reward for performing the mitzva of sending away the mother bird from the nest to the reward for performing other mitzvot: And if with regard to the sending away of the mother bird, which is a mitzva whose performance is simple, as it entails a loss of no more than an issar, i.e., the value of the mother bird, the Torah says: “That it may be well with you, and that you may prolong your days” (Deuteronomy 22:7), it may be derived by a fortiori inference that the reward is no less for the fulfillment of the mitzvot in the Torah whose performance is demanding.

¹³⁸ GEMARA: The school of Rabbi Ya’akov taught that Rabbi Ya’akov says: There is not a single mitzva written in the Torah whose reward is stated alongside it, which is not dependent on a belief in the resurrection of the dead, i.e., the reward is actually bestowed in the World-to-Come, after the resurrection of the dead. How so? With regard to honoring one’s father and mother, it is written: “That your days may be long, and that it may go well with you” (Deuteronomy 5:16). With regard to the sending away of the mother bird from the nest, it is written: “That it may be well with you, and that you may prolong your days” (Deuteronomy 22:7).

¹³⁹ Despite this, it occurred that there was one whose father said to him: Climb to the top of the building and bring me fledglings; and he climbed to the top of the building and sent away the mother bird and took the offspring, thereby simultaneously fulfilling the mitzva to send away the mother bird from the nest and the mitzva to honor one’s parents, but as he returned he fell and died. Where is the length of days of this one? And where is the goodness of the days of this one? Rather, the verse “that your days may be long” is referring to the world that is entirely long, and “that it may be well with you” means in the world where all is well.

¹⁴⁰ The Gemara suggests: But perhaps this incident described by Rabbi Ya’akov never occurred. It is possible that everyone who performs these mitzvot is rewarded in this world, and the situation described by Rabbi Ya’akov never happened. The Gemara answers: Rabbi Ya’akov himself saw an incident of this kind. The Gemara suggests: But perhaps that man was contemplating sin at the time, and he was punished for his thoughts. The Gemara responds: There is a principle that the Holy One, Blessed be He, does not link a bad thought to an action, i.e., one is not punished for thoughts alone.

¹⁴¹ The Gemara objects: But perhaps the son was contemplating idol worship at the time, as it is written with regard to idol worship: “So I may take the house of Israel in their own heart” (Ezekiel 14:5), and Rav Aha bar Ya’akov says: This is referring to punishment for the thought of performing idol worship.

¹⁴² The Gemara responds: This is what Rabbi Ya’akov was saying after witnessing the incident mentioned above: If it is so that there is reward for performance of mitzvot in this world, it should be effective for the son and protect him so that he not come to contemplate idol worship and be harmed. Rather, one must conclude that there is no reward for performance of mitzvot in this world. The Gemara asks: But didn’t Rabbi Elazar say: Those on the path to perform a mitzva are not susceptible to harm? How is it possible that this individual, who was sent by his father to perform a mitzva, could have died? The Gemara answers: When they return it is different, as after one has performed the mitzva, one is susceptible to harm.

¹⁴³ The Gemara asks: But didn't Rabbi Elazar say: Those on the path to perform a mitzva are not susceptible to harm, neither when they are on their way to perform the mitzva nor when they are returning from performing the mitzva? The Gemara answers: In that case, it was a rickety ladder on which the son ascended and descended, and a place where danger is established is different, and even those on the path to perform a mitzva are susceptible to harm. This is apparent from the incident where the prophet Samuel traveled to anoint David as king in place of Saul, as it is written: "And Samuel said: How can I go? If Saul hears of it, he will kill me" (I Samuel 16:2). Although Samuel was on the path to perform a mitzva, he feared that harm would befall him from established dangers.

¹⁴⁴ Rav Yosef said: Had Aher, literally Other, the appellation of the former Sage Elisha ben Avuya, interpreted homiletically this aforementioned verse: "That it may go well with you" (Deuteronomy 5:16), as referring to the World-to-Come, as did Rabbi Ya'akov, the son of his daughter, he would not have sinned. The Gemara asks: What did Aher see that led him to heresy? Some say that he saw an incident like this one witnessed by Rabbi Ya'akov, and some say that he saw the tongue of Rabbi Hutzpit the disseminator, which was cast in a garbage dump after he was executed by the government. Aher said: Will a mouth that produced pearls of wisdom lick the dust? But he did not know that the phrase "that it may be well with you" means in the world where all is well, and that the phrase "that your days may be long" is referring to the world that is entirely long.