

I

BAVLI TRACTATE BEKHOROT CHAPTER ONE

FOLIOS 2A-13A

1:1A-E

- A. [2A] (1) He who purchases the unborn offspring of the ass of a gentile, (2) and he who sells it to him (even though one is not permitted to do so), (3) and he who is a partner with him;
- B. (4) and [either] he who receives [asses] from him [under contract to rear them and share in the profit],
(5) and [or] he who delivers [asses] to him under contract [to rear them and share in the profit] —
- C. it [the foetus, when born] is exempt from the law of the firstling,
- D. since it is said, “[All the firstborn] in Israel” (Num. 3:13) —
- E. but not [the firstborn produced] among others.

- I.1** A. *Why was it necessary to specify all of these cases that are listed by the Mishnah?*
- B. *All were necessary. For if the Tannaite authority had listed only the matter of the purchaser of the embryo from a gentile, I might have supposed that that is because an [Israelite] purchaser in any event brings the offspring into a state of consecration, when it is born, but one who sells it [to a gentile] removes the embryo from a state of consecration, I might have supposed should be subjected to an extrajudicial sanction [and so forbidden to do so]. So we are informed that that is not the case.*

- C. *And why did I require the specification of one who is a partner with a gentile?*
- D. *It was necessary so as to exclude the position of R. Judah, for R. Judah said, "A beast held in partnership with a gentile is liable to the law of the firstborn." So we are informed that the beast is exempt from the law of the firstborn.*
- E. *And why was it necessary to specify he who receives [asses] from him [under contract to rear them and share in the profit]?*
- F. *It was because the framer of the passage wished to specify, and [or] he who delivers [asses] to him under contract [to rear them and share in the profit].*
- G. *And why was it necessary to specify, and [or] he who delivers [asses] to him under contract [to rear them and share in the profit]?*
- H. *It was necessary to do so. For it might have entered your mind to imagine that since the fundamental ownership of the animal is in the hands of the Israelite, one should apply an extra-judicial sanction, lest the matter come to an exchange with another beast. So we are informed that that is not the rule.*

- I.2. A. *We have learned in the Mishnah there: [In a place in which they are accustomed to sell small cattle to gentiles, they sell them. In a place in which they are accustomed not to sell [small cattle] to them, they do not sell them. And in every locale they do not sell them large cattle, calves, or foals, whether whole or lame.] R. Judah permits in the case of lame ones. And Ben Beterah permits in the case of a horse [M. A.Z. 1:6A-E].*
- B. *The question was raised: As to selling an embryo to a gentile, what is the rule? Is the operative consideration of R. Judah for permitted the sale of lame cattle to gentiles because the beast is maimed [and so not going to be used for idolatry]? The embryo also is in that classification. Or perhaps while the maiming of an animal is uncommon, an embryo is of course common and so is not comparable at all to the case of a maimed animal?*
- C. *Come and take note: and he who sells to him (even though one is not permitted to do so).*
- D. *Now R. Judah does not differ in this matter [so the second alternative is to be preferred].*
- E. *But according to your reasoning, with respect to these other cases, (3) and he who is a partner with him; (4) and [either] he who receives [asses] from him [under contract to rear them and share in the profit], (5) and [or] he who delivers [asses] to him under contract [to rear them and share in the profit], concerning which, also, R. Judah does not take issue, is it the fact that he does not differ? [Miller & Simon: he differs with reference to a partnership with a*

gentile, and he also differs as stated later in the cases where an Israelite undertakes to look after a gentile's animal where the gentile looks after an Israelite's animal]. *Rather, he does differ but that fact is not made explicit here, and with regard to this other case, he does differ but that fact is not made explicit [and so the first of the alternative readings is the valid one].*

- F. *Come and take note:* R. Judah says, "He who undertakes in partnership to raise a beast in behalf of a gentile and the beast gave birth to a firstling — a settlement is made with the gentile partner for what it is worth, and half of the value is handed over to a priest [but the animal is not consecrated for sacrifice on the altar, since half of it belongs to a gentile]. And an Israelite who hands over a beast in partnership with a gentile for the latter to raise the beast, even though it is not permitted to do so — they impose upon him an extrajudicial penalty of redeeming the beast [from the gentile], even up to ten times the value, and he gives its whole value to the priest. **[2B]** *Is not reference made here to the embryo [so we can deduce that it is forbidden to sell an embryo to a gentile]?*
- G. No, reference is made to the beast itself.
- H. *But does the passage not make reference to "its value" [the masculine ending then suggesting we speak of the embryo]?*
- I. *Read:* "her value" [the feminine ending referring to the beast].
- J. *And lo, the passage reads,* and he gives its whole value to the priest! *But if "its value" refers to the animal, what has the priest go to do with the case [since his claim is only on the firstborn, and not on the animal as a whole]?*
- K. *With what sort of a case do we deal here? It is with a case in which the Israelite handed over a pregnant beast to fatten it up. Since we impose an extrajudicial sanction by means of a fine as to the animal [which should not be sold to a gentile], we impose an equivalent sanction on account of the embryo. [Miller & Simon: but elsewhere, Judah may hold that an embryo may be sold to a gentile, just as he allows the selling of a maimed animal.]*
- L. *Said R. Ashi, "Come and take note: **R. Judah permits in the case of lame ones** because it cannot be healed. But if it could be healed, it would be forbidden to do so. Now is not an embryo in the classification of a beast that can be cured [since, after it is born, it will be fit for work, including work on the Sabbath, which is the operative consideration in this context]?"*
- M. *That proves the point [that Judah will forbid selling an embryo to a gentile.]*

The following addresses in its own terms, now in the established context of our Mishnah-rule, the issue of gentile ownership of a firstling. That is why the entire complex is relevant to Mishnah-exegesis.

- I.3.** A. *And there are those who repeat as a Tannaite version the statement of R. Judah in reference to our Mishnah-paragraph: and he who sells it to him (even though one is not permitted to do so):*
- B. *May we say that our Mishnah-paragraph's rule does not accord with the position of R. Judah? For we have learned in the Mishnah: [In a place in which they are accustomed to sell small cattle to gentiles, they sell them. In a place in which they are accustomed not to sell [small cattle] to them, they do not sell them. And in every locale they do not sell them large cattle, calves, or foals, whether whole or lame.] R. Judah permits in the case of lame ones. [And Ben Beterah permits in the case of a horse] [M. A.Z. 1:6A-E].*
- C. *You may even take the view that our Mishnah accords with the position of R. Judah. For while the maiming of an animal is uncommon, an embryo is of course common and so is not comparable at all to the case of a maimed animal.*
- D. *Come and take note: R. Judah says, "He who undertakes in partnership to raise a beast in behalf of a gentile and the beast gave birth to a firstling — a settlement is made with the gentile partner for what it is worth, and half of the value is handed over to a priest [but the animal is not consecrated for sacrifice on the altar, since half of it belongs to a gentile]. And an Israelite who hands over a beast in partnership with a gentile for the latter to raise the beast, even though it is not permitted to do so — they impose upon him an extrajudicial penalty of redeeming the beast [from the gentile], even up to ten times the value, and he gives its whole value to the priest. Is not reference made here to the embryo [so we can deduce that it is forbidden to sell an embryo to a gentile]?"*
- E. *No, reference is made to the beast itself.*
- F. *But does the passage not make reference to "its value" [the masculine ending then suggesting we speak of the embryo]?*
- G. *Read: "her value" [the feminine ending referring to the beast].*
- H. *And lo, the passage reads, and he gives its whole value to the priest! But if "its value" refers to the animal, what has the priest go to do with the case [since his claim is only on the firstborn, and not on the animal as a whole]?*
- I. *With what sort of a case do we deal here? It is with a case in which the Israelite handed over a pregnant beast to fatten it up. Since we impose an extrajudicial sanction by means of a fine as to the animal [which should not be sold to a*

gentile], we impose an equivalent sanction on account of the embryo. [Miller & Simon: but elsewhere, Judah may hold that an embryo may be sold to a gentile, just as he allows the selling of a maimed animal.]

- J. *Said R. Ashi, "Come and take note: **R. Judah permits in the case of lame ones** because it cannot be healed. But if it could be healed, it would be forbidden to do so. Now is not an embryo in the classification of a beast that can be cured [since, after it is born, it will be fit for work, including work on the Sabbath, which is the operative consideration in this context]?"*
- K. *That proves the point [that Judah will forbid selling an embryo to a gentile.]*
- I.4.** A. *The question was raised: if one sold a beast to a gentile as to its future offspring [the animal is not sold, only the offspring], what is the rule? This question may be addressed to both R. Judah and rabbis.*
- B. *The question is to be addressed to R. Judah in this way: granted that R. Judah permits doing so in the case of a lame beast, which will never be confused with some other animal, but as to a healthy beast, which he may confuse with some other beast, R. Judah may rule that it is forbidden to do so [since the offspring will also be subject to confusion]. Or perhaps if in the case of the sale of a lame beast, he severs all relationship with the beast [leaving himself no right to the beast after it is sold], all the more so in the case of the sale of a healthy beast, in which case he has not severed all connection to the beast [Miller & Simon: since the animal itself belongs to the Israelite and is not yet pregnant, and when the beast produces its offspring, it will be in the possession of the gentile, — he will have no qualms in permitting the sale].*
- C. *The question is to be addressed to rabbis in this way: granted that rabbis prohibit in the case of a lame beast, because the Israelite severs all connection with it [Miller & Simon: the selling is complete, and therefore there is the fear that one might sell also a whole animal to a gentile], but in the case of a healthy animal, in which instance he does not wholly sever his connection with the beast, it is permitted; or perhaps we say that, if in the case of a lame beast, where he will not end up confusing the beast with another animal, rabbis forbid the sale to a gentile, how much the more so in the case of a healthy beast, where there can be the consideration of confusion?*
- D. *But is the operative consideration in the mind of rabbis the one that has been specified? And has it not been taught on Tannaite authority:*
- E. *They said to R. Judah, "Is it not going to happen that they farmer will inseminate the lame beast, and it will give birth?"*

- F. *Therefore the operative consideration is the disposition of the future offspring.*
[Miller & Simon: we may therefore solve our query by concluding that according to rabbis it is forbidden to sell an animal to a gentile for the sake of its future offspring, and according to Judah, it is permitted to do so.]
- G. *This is the sense of what they said to him: “For us the operative consideration is the possibility that the farmer will end up confusing the beast with others. But as to you, what is on your mind in permitting the sale? Is it that the beast cannot be healed, and it is as though he had sold it only for slaughter for the meat? But in that context, Is it not going to happen that the farmer will inseminate the lame beast, and it will give birth? And since it is the fact that the farmer will inseminate the lame beast, and it will give birth, the purchaser will hold on to the beast [for the offspring] [Miller & Simeon: and one who sees it in the house of a gentile at the end of a year or two may conclude that it is permitted to sell an animal not for slaughter to a gentile]. And he said to them, “When it gives birth...,” because in fact it cannot be inseminated [because of its disability].*
- H. *Come and take note: **and [or] he who delivers [asses] to him under contract [to rear them and share in the profit]** and it does not state, **although one is not permitted to do so.***
- I. *But according to your reasoning, with respect to these other cases, **(3) and he who is a partner with him; (4) and [either] he who receives [asses] from him [under contract to rear them and share in the profit], (5) and [or] he who delivers [asses] to him under contract [to rear them and share in the profit], concerning which, also, even though it is not permitted to do so is not specified, is it the fact that one is permitted to do so?** And lo, said the father of Samuel, “A person is forbidden to form a partnership with a gentile, lest he come to be obligated to take an oath to him and so have to take an oath by the other’s idol, while the Torah has said, ‘And make no mention of the name of other gods, neither let it be heard out of your mouth’ (Exo. 23:13).” Rather, the Tannaite framer of the passage has made mention only of the prohibition as to selling, but that is the law as to partnership too. Here too he has made mention of the matter of selling, and that is the law as to contracting as well.*
- M. *Then why mention the prohibition explicitly only in connection with selling?*
- N. *Because the principal prohibition concerns selling.*
- O. *Come and take note: R. Judah says, “He who undertakes in partnership to raise a beast in behalf of a gentile and the beast gave birth to a firstling — a settlement is made with the gentile partner for what it is worth, and half of the value is handed*

over to a priest [but the animal is not consecrated for sacrifice on the altar, since half of it belongs to a gentile]. And an Israelite who hands over a beast in partnership with a gentile for the latter to raise the beast, — even though it is not permitted to do so — they impose upon him an extrajudicial penalty of redeeming the beast [from the gentile], even up to ten times the value, and he gives its whole value to the priest. And sages say, “So long as the gentile’s hand is in the middle, the beast is exempt from the law of the firstling altogether.” [3A] *Is not reference made here to the beast [so we can deduce that it is forbidden to sell a beast to a gentile for the future offspring; we punish him accord to the opinion of both Judah and rabbis, and the only difference has to do with the firstborn]?*

P. *No, reference is made to the embryo. That fact may be ascertained also from the language of the passage: they impose upon him an extrajudicial penalty of redeeming the beast [from the gentile], even up to ten times the value [which refers to the embryo].*

Q. *That proves it.*

I.5. A. *[The imposition of an extrajudicial sanction for selling the beast to a gentile] sustains the view of R. Simeon b. Laqish, for R. Simeon b. Laqish has said, “He who sells a large beast to a gentile — they impose upon him an extrajudicial penalty of up to ten times its value [to buy the beast back].”*

B. *Is the figure, “ten times its value,” meant to be precise, or is it simply an estimate?*

C. *Come and take note, for, said R. Joshua b. Levi, “He who sells his slave to a gentile — they impose upon him an extrajudicial penalty of up to a hundred times his value” [in that the seller may have to spend that amount of money to get the slave back from the gentile]. [So the figure is not a literal one.]*

D. *The case of a slave is exceptional, for day by day the gentile removes the slave from the observance of religious duties [but in the case of an animal, the rule is not so strict].*

I.6. A. *There are those who say:*

B. *Said R. Simeon b. Laqish, “He who sells a large beast to a gentile — they impose upon him an extrajudicial penalty of up to a hundred times its value [to buy the beast back].”*

C. *We have learned in the Mishnah: and he who hands over a beast to him on contract, although this is not permitted, we impose the penalty of forcing him to redeem the animal at even ten times its value.*

- D. In the case of a sale, the Israelite gives up all connection to the beast, but in the case of a contract to rear the beast, the Israelite has not give up all connection to the beast.
- E. *Is the figure, “ten times its value,” meant to be precise, or is it simply an estimate?*
- F. *Come and take note, for, said R. Joshua b. Levi, “He who sells his slave to a gentile — they impose upon him an extrajudicial penalty of up to ten times his value” [in that the seller may have to spend that amount of money to get the slave back from the gentile]. [So the figure is not a literal one.]*
- G. *The case of a slave is exceptional, for he does not go back to his master after he is redeemed.*
- H. *And what is the reason that a beast must be redeemed at even a hundred times its value?*
- I. *Because it comes back to its master.*
- J. *Then why not impose a sanction that he pay one more than ten [eleven times the value, in the theory that since the owner gets the money back, the value of the beast cannot be reckoned as part of the fine]?*
- K. *Rather, the operative consideration is that the sale of a slave is uncommon, and for any matter that is uncommon, rabbis imposed no decrees.*
- I.7.** A. “And sages say, ‘So long as the gentile’s hand is in the middle, the beast is exempt from the law of the firstling altogether.’”
- B. Said R. Joshua, “Both authorities expound the same verse of Scripture: ‘Sanctify to me all the firstborn, whatever opens the womb in Israel’ (Exo. 13: 2).
- C. *“Rabbis take the first that if the firstborn only partially belongs to an Israelite, it falls into the classification of a firstborn. So the All-Merciful has included the word ‘all,’ to indicate that the law applies only if the whole of the firstborn is the property of the Israelite. And R. Judah takes the view that the word ‘firstborn’ refers to the whole of the beast, and the All-Merciful has included the word ‘all,’ so as to indicate that even if a part of the beast belongs to an Israelite, that suffices.*
- D. *“If you prefer, I shall set matters forth in this way:*

- E. *“All parties concur that the word ‘firstling’ means, the greater part of the beast. One authority maintains that ‘all’ serves to complement [meaning, any part whatsoever], and the other authority takes the view that it means to limit the matter [so that only if an Israelite owns the whole of the beast is the firstborn subject to the law].”*
- I.8.** A. *And [in line with the view of Judah], how much of the beast must be shared in partnership with a gentile so that the beast may be exempt from the law of the firstborn?*
- B. Said R. Huna, “Even its ear.”
- C. *R. Nahman objected, “Then let the priest say to the gentile, ‘Take your portion, the ear, and go along’” [Miller & Simon: for a firstborn, even though blemished by the loss of an ear, is given to the priest, even though it is not fit for sacrifice on the altar].*
- D. *It has been stated:*
- E. R. Hisda said, “It must be a part of the beast loss of which renders the beast carrion.”
- F. And Raba said, “It must be a part of the beast the loss of which renders the beast terefah.”
- G. *What is at issue between them?*
- H. It is whether or not a terefah-beast can live.
- I. *The one who has said, “It must be a part of the beast the loss of which renders the beast terefah,” takes the view that a terefah-beast cannot live, and the one who has said, “It must be a part of the beast loss of which renders the beast carrion” holds that a terefah-beast can live.*
- J. *Our rabbis stated in the presence of R. Pappa, “There really is no conflict among the rulings of R. Huna on the one side and of R. Hisda, and Raba on the other [while Hisda and Raba do differ]. The one [Huna’s ruling] speaks to the firstborn [in which case, even if the gentile has a share in the ear of the beast, the law of the firstborn does not apply], and the rulings of Hisda and Raba speak of the mother [and they differ as to whether the blemish must be such as to render it carrion or terefah].”*
- K. *Said to them R. Pappa, “What leads to making this ruling in connection with the firstborn? It is because we require that it be*

‘all of the firstborn,’ and that condition has not been met. In regard to the mother too, we require the condition, ‘And of all your cattle you shall sanctify the males’ (Exo. 34:19), and that condition has not been met. In fact, there is no difference [Miller & Simon: between the mother and its firstborn, and Huna on the one side and Hisda and Raba on the other do differ].”

- L. *An objection was raised by Mar b. R. Ashi, “What differentiates the case of a gentile owning a share in an animal, the removal of which share would render the beast either carrion or terefah, from the case of the abortions of animals, which, though not viable, are sacred? For a master has said, “...and every firstling that is a male which you have coming from an animal shall be the Lord’s” (Exo. 13:12) — this refers to the embryo, which lives in the beast.”*
- M. *To that case [of a premature firstling], there is no confusion of an unconsecrated part of the beast, we invoke the language, “in the animal, “all the firstborn.” In this case, where there is the inclusion of the unconsecrated part of the beast, we do not invoke the language, “all the firstborn.”*
- I.9.** A. *[One day] R. Eleazar did not come to the house of study. He bumped into R. Assi and said to him, “What did rabbis say in the house of study today?”*
- B. *He said to him, [3B] “This is what R. Yohanan said, ‘Even if [a gentile owned in the firstling something that would add up to only] a minor blemish [the law of the firstling does not apply]. And as to that which we have learned in the Mishnah, **A sheep which gave birth [to an offspring] something like a goat, or a goat which gave birth [to an offspring] something like a sheep — it [the offspring] is exempt from the law of the firstling. But if it bears some of the traits [of the mother], it is liable [M. Bekh. 2:5A-D], [Yohanan said], ‘It is in the classification of a firstling with a permanent blemish, on account of which blemish the beast may be slaughtered [and treated as is any other blemished firstling].’”***
- C. *Now when R. Yohanan made his ruling with regard to a minor blemish, he informed us that he accords with the position of R.*

*Huna and excludes the rulings of R. Hisda and Raba. But as to his ruling with regard to a permanent blemish, what does he tell us? Is it to indicate that, since the animal is differentiated from others, it is regarded as subject to a permanent blemish? That we have learned on Tannaite authority: **or if the firstling's mouth is like that of a pig, it is a blemish.** And if you maintain that in the passage at hand [concerning the pig], the firstling in fact classified as a species of animal to which the sanctity of the firstling does not apply, while here the firstling is classified as a species in which the sanctity of the firstling does apply, we have learned this as well on Tannaite authority: **if one of the eyes is large and one is small, it is a blemish,** in which regard a Tannaite authority stated, "large" means, large like a calf's, and "small" means, small like a goose's — so if it is "small" as a goose's eye, then we have a species to which the sanctity of the firstling does not apply, but if it is as "large" as a calf's eye, then we have a species to which the sanctity of the firstborn does apply. So is it not because the operative consideration is that the animal is abnormal, and that on its own is deemed a blemish? [Miller & Simon: What new thing consequently does Yohanan tell us in his ruling that a change renders it blemished, since this may be inferred from the Mishnah?]*

- D. *No, the reason is that it falls into the category of an animal with one limb larger than another [Miller & Simon: therefore were it not stated in the house of study that a change in the offspring, e.g., where its wool resembles that of a goat, renders it blemished, I should not have been in a position to infer this from the Mishnah, as the classification of *sarua*, an animal with one limb larger than another, is a permanent blemish explicitly mentioned in Scripture].*
- E. *And that really stands to reason, for we have learned in the Mishnah: **These blemishes, whether permanent or transient, disqualify man [from serving in the Temple]. In addition to them in the case of man: [if he has unmatched [eyes] [M. 7:1A-B, 7:3F] — if both of them are large or both of them are small.** Now with reference to human beings it is written, "Whatsoever man of the descendants of Aaron" (Lev. 22: 4) — we require that "a man" belong to the descendants of Aaron [with normal features]. But in the case of an animal, two large or two small eyes are not*

also classified as a blemish. In the case of an animal with one large eye or one small eye, why is it a blemish? It is because it is an abnormality. Then the same rule should apply because it has two large eyes or two small eyes. So you have to concede that the operative consideration in the former case is because it falls into the class of that which has one limb larger than another?

- F. *No, I maintain that the operative consideration for treating as blemished an animal with one large eye and one small eye is that it is abnormal. And as to your question that the same ruling should pertain to an animal with two large eyes or two small eyes, the answer is that, in the latter case, if the differentiating trait is because of the animals' extra large size, then the two eyes are proportionate, and if it is because it is unusually thin,^m then the two eyes are proportionately small. [Miller and Simon: so the two large or two small eyes do not constitute a differentiating trait. Since we can deduce from the Mishnah that a change renders the animal blemished, one can still raise the question, what is new in Yohanan's ruling?]*

We turn to a set of illustrative cases on the matter of gentile ownership of firstlings in partnership with Israelites.

- I.10.** A. *There was a certain convert to Judaism to whom Tai-Arabs handed over an animal for fattening. She came before Raba [for a ruling on whether or not this was a permitted transaction]. He said to her, "You do not have to pay attention to the ruling of R. Judah, who has said, 'A beast held in partnership with a gentile is obligated to the law of the firstling.'"*
- I.11.** A. *R. Mari bar Rahel had a herd of beasts. He would transfer to a gentile the right of ownership of the ears of firstlings while they were still in the womb [so as to exempt the beasts from the law of the firstling]. Nonetheless, he would prohibit shearing and working the beasts, and he gave them over to the priests. The herd of R. Mari bar Rahel died.*
- B. *Now, even though he would prohibit shearing and working the beasts, and he gave them over to the priests, how come he gave ownership of the ears of the embryos in the womb to a gentile?*
- C. *It was to avoid committing an offence [in case willy-nilly someone should shear or work the beast; he rendered the best exempt by giving part of the embryo to a gentile].*

- D. *Then how come the herd of R. Mari bar Rahel died?*
- E. *It was because he removed the herd from the status of holiness.*
- F. But did not R. Judah say, “It is permitted for a person to inflict a blemish on a firstling before it comes forth to the air of the world”? [So what he did was permitted.]
- G. *In that case, while he removes from the animal the consecration involved in being sacrificed on the altar, he does not remove the animal from the consecration of belonging to the priesthood [while here he does].*
- H. *If you prefer, I shall say, R. Mari bar Rahel knew how to transfer complete ownership to a gentile, but we take account of the possibility that someone else may see him do so and go and do the same, in the assumption that R. Mari did nothing of consequence, and so he too will be led to do the same.*

I.1 provides a fine example of Mishnah-criticism characteristic overall, showing why each item was necessary in context. No. 2 proceeds to compare our Mishnah’s rule with a well-selected counterpart. No. 3 goes over the ground of No. 2. No. 4 continues Nos. 2-3. No. 5 is continuous with No. 4, and No. 6 goes over the ground of No. 5. No. 7 reverts back to 4.O, another mark of the complete unity of the entire composition. No. 8 then provides information required only in consequence of No. 7. No. 9 supplements No. 8, and continues the discussion inaugurated there. Nos. 10, 11 present pertinent cases.

1:1F-H

- F. **Priests and Levites are exempt [from the law of giving a lamb in redemption of the firstborn of an ass],**
- G. **by an argument a fortiori:**
- H. **If those of Israelites were exempted in the wilderness [by reason of the Levites, Num. 3:45], how much the more so should they exempt their own!**
- I.1** A. **[4A]** *Was it they themselves who exempted the firstborn of asses born in the wilderness?* Rather, a Levite man exempted another man, and a Levite’s animal exempted an Israelite’s ass’s firstborn, for it is written, “Take the Levites instead of all the firstborn among the children of Israel, and the cattle of the Levites instead of their cattle” (Num. 3:45).
- B. *Said Abbaye, “This is the sense of the Mishnah-passage: As for priests and Levites, their animals are exempt a fortiori: if the beast [the sheep] of a Levite released the beast of an Israelite in the wilderness [from the requirement of the redemption of the firstborn of an ass], it is a matter of reason that it should release*

their own [firstborn of their asses; similarly, just as the Levites themselves exempted the firstborn of Israelites in the wilderness, so a fortiori they should exempt their own firstborn (Miller & Simon)].”

- C. *Said to him Raba, “And lo, does it say, they exempt, meaning, the Levites themselves? Further, if it is as you say, they should be exempted even from liability for a clean animal [from the law of the firstling, for the Levites’ clean animals exempted the clean animals of Israelites in the wilderness]. Now why have we learned in the Mishnah: **Priests and Levites are liable [to the law of the firstborn]. They are not exempted from the law of the firstborn of a clean beast. But they are exempt only from the redemption of the firstborn son and from [the law of the firstling in regard to] the firstborn of an ass [M. 2:1].**”*
- D. *Rather, said Raba, “This is the sense of the passage: Priests and Levites exempt themselves from the law of the firstborn by an argument a fortiori:*
- E. *“It is, specifically, as follows: if the holiness of the non-firstborn Levites nullified the holiness of the firstborn Israelites in the wilderness, should it not nullify the requirement that their own firstborn be redeemed? So we find that the Levite firstborn son is exempt.*
- F. *“How do we know that the same rule applies also to an unclean animal [that is, priests and Levites are exempt from the law governing the firstborn of an ass]? Scripture says, ‘But the firstborn of man you shall surely redeem, and the firstling of unclean beasts you shall redeem’ (Num. 18:15) — **whoever is subject to the law covering the firstborn of man is subject to the law of the firstborn of the unclean beast, and whoever is not covered by the law of the firstborn of man is not subject to the law of the firstborn of a beast**” [T. Bekh. 1:2D]*
- G. *Said R. Safra to Abbaye, “In your view, which maintains that the a fortiori argument also refers to the Levites’ animals, a Levite who had a sheep in the wilderness to release the firstborn of an Israelite ass could thereby release his own as well, but he who did not have a sheep of his own to release the firstborn of an Israelite ass could not release his own. And further, according to both your view and that of Raba, a Levite a month old who released an Israelite first born a month old in the wilderness should therefore release himself from the necessity of redemption, while a Levite firstborn less than a month old who did not release a firstborn Israelite of the same age should not release himself. Also a Levite’s daughter who gave birth to a firstborn should not be exempt from the law. [Miller & Simon: Abbaye and Raba concur that we argue a fortiori that the firstborn of a Levite is exempt from the requirement of redemption. As to the Levite a month*

old, if the holiness of a Levite a month old who was not a firstborn released from holiness an Israelite firstborn a month old, as only the firstborn of a month old were counted, how much more so should the Levite firstborn a month old release himself from the requirement of being redeemed. But why does Scripture not say that the firstborn Levites in the wilderness who were at the time of counting less than a month old to be redeemed? As to the Levite's daughter, married to an Israelite, why should she not be exempt from the rule, since females were not included in the count in the wilderness?] *But why, in light of all this, did R. Ada bar Ahbah say, 'A Levite woman who gave birth — her son is exempt from the requirement to present five selas to a priest [to redeem the son].'*”

- H. *That is no problem, for it is in accord with that which Mar b. R. Joseph in the name of Raba said, “...the opening of the womb’ (Num. 18;15) is what Scripture has said, meaning that the All-Merciful has made the obligation to redeem the firstborn depend upon the opening of the womb. [Miller & Simon: we go by the status of the mother, and since she comes of a tribe that is exempt from the requirement of redeeming the first born, we link the son with the mother and not the father, that is provided the exemption in the wilderness extended to all Levites, even those who were not a month old at the time].”*
- I. *And what of Aaron, who was not counted in that census of the Levites, — the firstborn of his asses should not be released from the law of redeeming the firstborn. For it has been taught on Tannaite authority: Why in the Hebrew Scriptures are dots placed over the name of Aaron in the book of Numbers [at Num. 3:39]? It indicates that he was not counted in that census.*
- J. Scripture has said, “The Levites...,” drawing a comparison among all Levites [Miller & Simon: all Levites without regard to age, including anybody performing sacred functions, such as the priests, were exempt from the requirement to redeem the firstborn of an ass; this answers all the questions raised above].
- K. *How do we know the rule for the priests?*
- L. *It is in accord with that which R. Joshua b. Levi said, for said R. Joshua b. Levi, “In twenty-four passages priests are called Levites, and this is one of them: ‘But the priests the Levites sons of Zadok’ (Eze. 44:15). [So priests are called Levites, and when the word Levites occurs, it covers priests as well.]*
- I.2. A. [4B]** *How do we know that the exemptions of priests and Levites from the requirement to redeem firstborn applies for generations to come?*
- B. Scripture states, “and the Levites shall be mine” (Num. 3:45) — “and they shall be” means that the Levites will retain their status for all time.

- C. *And how do we know that the Levi exempted the Israelite's asses' firstborn in the wilderness with a sheep* [Miller and Simon: perhaps the verse, "and the cattle of the Levites instead of all the firstlings among the cattle of the children of Israel" (Num. 3:41) means that the firstborn of the Levite's ass exempted the Israelite's ass's firstborn, but not the sheep]?
 - D. Said R. Hisda, "We find reference to 'money' (Num. 18:16) with reference to redemption of the firstborn throughout all generations, and we find 'a sheep' written in connection with the redemption of the firstborn of an ass for all time. Just as with 'money' prescribed for all time they redeemed the firstborn at all times and also at that particular time, in the wilderness, so with sheep prescribed for all time the Levites redeemed firstlings at all times and also redeemed them at that particular time in the wilderness."
 - E. But the distinctive trait of 'money' is that it was with money that they redeem Holy Things and Second Tithe [Miller and Simon: whereas we do not as a rule redeem Holy Things with a sheep].
 - F. Rather, Scripture has said, "Nevertheless the firstborn of a man you shall surely redeem and the firstling of unclean beasts you shall redeem" (Num. 18:15) — just as, in the case of redeeming the firstborn of man, you have made no distinction between doing so for all generations to come and doing so at that particular moment in the wilderness, in both instances its being done with money, so in respect to unclean beasts, you should make no distinction between doing so for generations to come and doing so at that particular time, its being done with a sheep.
- I.3.** A. Said R. Hanina, "A single sheep of a Levite exempted any number of firstborn of asses for Israelites."
- B. Said Abbaye, "You may know that that is so, for lo, Scripture has counted the surplus of men [firstborn Israelites who had to be redeemed with money] [over the Levites, but it does not count the surplus of Israelite animals over Levite animals]. [Since Scripture does not mention the surplus of Israelite animals over Levite animals, we can infer that one Levite sheep exempted many Israelite animals.]"
 - C. *But what sort of proof is derived from that fact? Perhaps the Israelites in the wilderness did not own all that many asses that required redemption* [Miller and Simon: and this being the case, one Levite sheep did not have to redeem many firstborn of asses].
 - D. *Perish the thought! For it is written*, "Now the children of Reuben and the children of Gad had a very great multitude of cattle" (Num. 32: 1).

- E. *But even so, the ordinary [animals, not first-born] of the Israelites may still have corresponded to the number of the firstborn of the Israelites [so there still was no surplus, and so there is no evidence that the Israelites' firstlings outnumbered the animals of Levites who were not firstborn].*
- F. Scripture has said, "And the cattle of the Levites instead of their cattle" (Num. 3:45) — one beast in place of a great many beasts.
- G. *And might I say the word "cattle" means "a great many beasts"?*
- H. *If so, Scripture should have written, "cattle instead of cattle" or "their cattle instead of their cattle." Why say, "cattle of...instead of their cattle"? It is to make the point that a single sheep of a Levite exempted any number of firstborn of asses for Israelites.*
- I. *Said Raba, "We also have learned the same ruling: 'and he may redeem with a sheep many times the firstborn of asses.'"*
- J. *And R. Hanina [s explanation for the fact that the Mishnah states explicitly what he wishes to prove from Scripture]?*
- K. *He is setting out the scriptural basis for the position of the Mishnah, and this is the sense of his statement: what is the reason that **and he may redeem with a sheep many times the firstborn of asses?** It is because [in Scripture], a single sheep of a Levite exempted many asses' firstborn that belonging to Israelites."*

I.4. A. *It has been stated:*

- B. R. Yohanan said, "The firstborn [of men and beasts] in the wilderness were sanctified."
- C. R. Simeon b. Laqish said, "The firstborn [of men and beasts] in the wilderness were not sanctified."
- D. R. Yohanan said, "The firstborn [of men and beasts] in the wilderness were sanctified: *for the All-Merciful has said that they are to be sanctified*: 'Sanctify to me all the firstborn'" (Exo. 13: 2).
- E. R. Simeon b. Laqish said, "The firstborn [of men and beasts] in the wilderness were not sanctified: for it is written, 'And it shall be when the Lord shall bring you into the land of the Canaanites...you shall set apart to the Lord all that opens the womb' (Exo. 13:11, 12). From that formulation you may draw the conclusion that prior to their entering the land, the firstborn was not sanctified [and the reference 'sanctify to me all the firstborn' refers to those born in Egypt (Miller & Simon)]."
- F. R. Yohanan objected to R. Simeon b. Laqish, "**Before the tabernacle was set up, the high places were permitted, and the sacrificial service was carried out by**

the firstborn [Num. 3:12-13, 8:16-18] [M. Zeb. 14:4A]. [This indicates that the firstborn had been sanctified.]”

- G. He said to him, “It was done by those who had gone forth from Egypt. *That conclusion stands to reason, for if you do not say this, is a one-year-old suitable for carrying out the sacrificial service?*”
- H. *So if the other raised such an argument, on what basis could he have done so?*
- I. *This is the question that he raised: “Now if you take the view that the sanctification of the firstborn did not cease in the wilderness, there are no problems, because then those firstborn were originally born in Egypt and did not have their sanctification nullified. But if you hold that their sanctification did cease, that is to say, those firstborn produced in the wilderness were not sanctified, then the sanctification of the firstborn who were produced in Egypt should also have been nullified!”*
- J. *And the other?*
- K. *The ones who were originally sanctified [having been born in Egypt] remained sanctified, and those who were not sanctified were never sanctified.*
- L. *[Yohanan] raised the following objection: “On that day on which the tabernacle was raised, in Israel were sacrificed offerings brought by reason of vows, thanksgiving offerings, sin-offerings, guilt-offerings, firstlings, and animals designated as tithe of the flock or the herd” [and the tabernacle was raised in the wilderness, so firstborn were consecrated in the wilderness].”*
- M. *“Here too reference is made to those who had gone forth from Egypt, and from the statement itself you may draw that same conclusion: “On that day on which the tabernacle was raised, in Israel were sacrificed — meaning, from that day firstlings were sacrificed, but from that time onward in the wilderness there was no sacrifice of firstlings.”*
- N. *There are those who say that R. Simeon b. Laqish objected to R. Yohanan, “On that day on which the tabernacle was raised, in Israel were sacrificed offerings brought by reason of vows, thanksgiving offerings, sin-offerings, guilt-offerings, firstlings, and animals designated as tithe of the flock or the herd — meaning, from that day firstlings indeed were sacrificed, but from that time onward in the wilderness there was no sacrifice of firstlings.”*
- O. *Might I say, “From that day and onward”? And what does the framer of the passage propose to tell us? From that day onward, such sacrifices were made, but prior to that time they had not been made. Therefore obligatory sacrifices*

were not offered on a high place [encompassing sin-offerings, firstlings, and the like].

- P. *Come and take note:* You turn out to say, in three places firstlings were sanctified in Israel: in Egypt, in the wilderness, and when the Israelites entered the Land. In Egypt: “Sanctify to me all the firstlings” (Exo. 13: 2); in the wilderness: “For the firstborn of the children of Israel are mine” (Num. 8:17); when they entered the Land of Israel: “And it shall be when the Lord shall bring you into the land of the Canaanites...that you shall set apart...” (Exo. 13:11, 12). [Miller & Simon: we see therefore that, contrary to the view of Simeon b. Laqish, the firstlings were sanctified in the wilderness.]
- Q. Said R. Nahman bar Isaac, “[The sense is,] ‘in three places the Israelites were admonished concerning firstlings, that they should be sanctified, though they were not at that moment sanctified.’”
- R. *But were the firstborn in Egypt not sanctified? Have we not said that they were holy?*
- S. *This is the sense of the passage:* “In some of the three places the firstborn were sanctified, and in some they were not sanctified [in the wilderness in particular].”
- T. *R. Pappa objected,* “And in the wilderness were the firstborn not sacrificed? And has it not been written, ‘Number all the firstborn males of the children of Israel’ (Num. 3:40).”
- U. *Rather, if such a statement of matters ever was made, this is how it was made:*
- V. R. Yohanan said, “The firstborn [of men and beasts] in the wilderness were sanctified and did not cease to be sanctified.”
- W. R. Simeon b. Laqish said, “The firstborn [of men and beasts] in the wilderness were sanctified **[5A]** but they ceased to be sanctified.”
- X. *Now the position of R. Simeon b. Laqish poses no problems, for he has given scriptural support for his position [Exo. 13:11, 12]. But what scriptural support exists for the position of R. Yohanan?*
- Y. *Said R. Eleazar,* “R. Yohanan appeared in a dream to me, saying, ‘I said an excellent thing, for Scripture has said, ‘Mine shall they be’ (Num. 3:13) [Miller & Simon: indicating that there was no break in their holiness, even in the wilderness]. They shall remain as is.’”
- Z. *And how does R. Yohanan interpret the verse,* “And it shall be when the Lord shall bring you into the land of the Canaanites...that you shall set apart...” (Exo. 13:11, 12)?

- AA. *He requires that verse in connection with that which has been set forth by the Tannaite authority of the household of R. Ishmael: "Carry out this religious duty, for on its account you will enter the land."*
- BB. *Said R. Mordecai to R. Ashi, "You have repeated the Tannaite teaching on this matter to us in that way, but for our part, we repeat it contrariwise:*
- CC. *"R. Yohanan said, 'The firstborn were not sanctified in the wilderness.'*
- DD. *"And R. Simeon b. Laqish said, 'The firstborn were sanctified in the wilderness.'"*
- EE. *He said to him, "And do you plan also to reverse the name of the source of the refutation [Yohanan refuted Simeon b. Laqish] in regard to the statement of R. Eleazar?"*
- FF. *He said to him, "'They were not sanctified' [in my version of Yohanan's statement] means, it was not necessary for the firstborn to be sanctified in the wilderness [since they were sanctified at birth, as Yohanan said above, so no firstborn was sanctified in the wilderness]."*
- GG. *He said to him, "If so, then that is the same version as ours!"*
- HH. *Thus we learn that a person is obligated to state a teaching in the exact language of his master.*

- I.5.** A. General Quntroqos asked Rabban Yohanan b. Zakkai, "When the Levites were counted out, you find the total to be 22,300, but in the sum total you find only 22,000. What happened to the other three hundred?"
- B. *He said to him, "Those three hundred were firstborn, and a firstborn cannot cancel the holiness of a firstborn."*
 - C. *How come?*
 - D. *Said Abbaye, "It suffices for a firstborn to cancel out the sanctification that pertains to him himself."*
 - E. *And further he asked him, "With reference to the collection of money [when every Israelite gave half a shekel] you count out two hundred and one kikkars [talents of silver. Each kikkar contains sixty manehs, each maneh, twenty-five selas or holy shekels; so we have 1500 in a kikkar. 603,550 half shekels were collected from the people, to make 301775 shekels. Divide 1500 into this and we have two hundred and one kikkars, with the remainder of 275 shekels, eleven maneh (Miller & Simon)]. For it is written, 'A beka for every man, that is, half a shekel after the shekel of the sanctuary' (Exo. 38:26). But when the money was handed over and accounted for, you find only one hundred kikkars: 'And the hundred talents of*

silver were for casting' (Exo. 38:27). Your lord, Moses, was a thief or he was a swindler or he was bad at numbers. He gave half, took half, and did not even hand over a complete half [Miller & Simon: for a complete half would have been one hundred and a half *kikkars* and five and a half *manehs*, and he only returned one hundred *kikkars*].”

- F. He said to him, “Our lord, Moses, was a faithful trustee and expert at numbers, but the *maneh* of the sanctuary was double the ordinary one [and therefore 120 *maneh* made up a *kikkar*; the hundred *kikkar* were really two hundred, and the remaining *kikkar* and eleven *maneh* were 1,775 shekels mentioned, from which hooks were made (Miller and Simon)].”
- G. *R. Ahai considered the matter: “Now what was the general’s problem? ‘And the hundred talents that were for casting’ — these were used for casting [and would be separate from the 201 kikkars that are mentioned]. And the other [201 kikkars] were for the treasury.”*
- H. *Scripture presented yet another verse: “And the silver of those who were numbered of the congregation was a hundred talents” (Exo. 38:25) [Miller and Simon: and here no mention is made of being used for casting purposes].*
- I. *And as to his reply, “but the maneh of the sanctuary was double the ordinary one,” how did he know that fact? If you say [that it derives from the verse at hand], for here we have seventy-one manehs, since Scripture has said, “And of the thousand seven hundred seventy five shekels he made hooks for the pillars” and he counted them only in units of shekels, if the value of the maneh is not higher, Scripture should have written, “One hundred and one kikkars and eleven manehs” [Miller & Simon: if all manehs consisted of sixty shekels, then seventy-one manehs is one kikkar more, plus eleven manehs]. But since Scripture records them only in units of shekels, you may deduce from here that the sacred maneh was double the ordinary one [Miller and Simon: and therefore the seventy-one manehs, the one thousand seven hundred seventy-five shekels, could not be counted in terms of kikkars, as there would then be one hundred and twenty manehs in a kikkar].*
- J. *But perhaps it is the intention of Scripture to count only the sum total of a hundred kikkars, but the change of a kikkar or so is not counted?*
- K. *Then prove the same point from the following [which will also show that the sacred maneh was twice the ordinary one]: “And the brass of the*

offering was seventy talents and two thousand and four hundred shekels” (Exo. 38:29) — for here are ninety-six manehs, and Scripture records them only in units of shekels. Derive from here the fact, therefore, that the sacred maneh was double the ordinary one [Miller & Simon: one hundred twenty *manehs* in a *kikkar*, and therefore Scripture could not count this in terms of *kikkars*].

- L. *Bur perhaps while Scripture will record a large odd number of kikkars* [Miller & Simon: like seventy *kikkars*, although they cannot be counted in terms of one hundred *kikkars*], *a small odd number it will not record?*
- M. *Rather, said R. Hisda, “Proof derives from here: ‘And the shekel shall be twenty gerahs, twenty shekels, five and twenty shekels, fifteen shekels shall be your maneh” (Eze. 45:12) [Miller & Simon: we therefore see that there were sixty shekels in a maneh].”*
- N. **[5B]** *And lo, would this maneh not be two hundred and forty denars* [Miller & Simon: and a *maneh* has only one hundred *denars* or *zuz*, for there are twenty-five shekels to a *maneh*, and four *denars* to a shekel]? Therefore draw the conclusion that the sacred maneh was double the ordinary one [fifty shekels would add up to a maneh; this is two hundred *denars*, and the remaining forty were added later on] (Miller & Simon)]
- O. *And this further yields the proposition that measures may be augmented, but not by more than a sixth.*
- P. *And this further yields the proposition that the added sixth is a sixth of the total [over and above the principal, that is, to five portions one is added, that is, 20%; here too the addition to the two hundred denars which add up to the maneh used by the sanctuary was 20%, that is, forty].*

I.6. A. Said R. Hanina, “I asked R. Eliezer *in the great session*: what differentiates firstborn of asses from firstborn of horses and camels?”

- B. “He said to me, ‘It is merely a scriptural decree.’
- C. “‘Moreover, asses helped the Israelites when they left Egypt, for not a single Israelite failed to possess ninety Libyan asses loaded with the silver and gold of Egypt.’
- D. “And I further asked him, ‘What is the meaning of the word ‘Rephidim’?”
- E. “He said to me, ‘It is a place-name.’”
- F. *A Tannaite dispute concerns the same matter:*
- G. R. Eliezer says, “Rephidim is a place-name.”

- H. R. Joshua says, “They relaxed [a word that uses the same letters as the word] their hold on the teachings of the Torah, and so Scripture says, ‘The fathers shall not look back to the children on account of feebleness of hand’ (Jer. 47: 3).”
- I. “I further asked him, “What is the meaning of the word, Shittim?”
- J. “He said to me, ‘It is a place name.’”
- K. *A Tannaite dispute concerns the same matter:*
- L. R. Eliezer says, “Shittim is a place-name.”
- M. R. Joshua says, “It means that they gave themselves up to stupidity [a word that uses the same consonants as Shittim]: ‘And they called to the people to the sacrifices of their gods’ (Num. 25: 2).”
- N. R. Eliezer says, “That verse means that the Israelites came into contact with naked bodies [since ‘they called them’ uses the same letters that stand for ‘meet’].”
- O. R. Joshua says, “All of them were affected with seminal emissions.”

I.1 amplifies the Mishnah’s allusion to an argument a fortiori. No. 2 carries forward the inquiry of No. 1. No. 3 continues the interest of Nos. 1, 2, and No. 4 addresses the same subject. The issue of importance to the Bavli is the contrast between the laws that prevailed in the wilderness and those that prevailed once the Israelites had entered the land and for all time thereafter. No. 4 gives us three versions of the same matter. I see no compelling reason for the inclusion of No. 5; it intersects with the basic composition only in the rather generalized theme of the census of the wilderness. No. 5 carries No. 6 in its wake.

1:2A-H

- A. A cow which bore [an offspring] like an ass, or an ass which bore [an offspring] like a horse —
- B. it [the offspring] is exempt from the law of the firstling,
- C. since it is said, The firstling of an as (Exo. 13:13), The firstling of an ass (Exo. 34:20) —
- D. two times, [meaning that the rule applies] only when that which gives birth is an as and that which is born is an ass.
- E. What is the rule as to eating them?
- F. A clean beast which bore [an offspring] like an unclean beast — it [the offspring] is permitted as to eating.
- G. And an unclean beast which bore [an offspring] like a clean beast — it [the offspring] is prohibited as to eating.

H. For that which comes forth from the unclean is unclean, and that which comes forth from the clean is clean.

I.1 A. *We have learned in the Mishnah there: A sheep which gave birth [to an offspring] something like a goat, or a goat which gave birth [to an offspring] something like a sheep — it [the offspring] is exempt from the law of the firstling. But if it bears some of the traits [of the mother], it is liable [M. Bekh. 2:5A-D].*

B. *What is the source of this rule?*

C. Said R. Judah, “Scripture has said, ‘But the firstling of an ox’ (Num. 18:17) — both it and the firstling must be an ox; ‘firstling of a sheep’ — both it and its firstling must be a sheep; ‘firstling of a goat’ — both it and its firstling must be a goat.

D. “Might one suppose that even if the offspring possesses only some of the traits similar to the mother [the rule of the firstling applies]? Scripture states, ‘but....,’ so imposing a distinction [between total physical difference between the offspring and the mother and partial resemblance].”

E. *And lo, the Tannaite tradition contains a different proof, namely, the proof from the exemption of a cow that gave birth to a species of an ass [since it is said, “The firstling of an ass” (Exo. 13:13), “The firstling of an ass” (Exo. 34:20) — two times, [meaning that the rule applies] only when that which gives birth is an as and that which is born is an ass] [so why does Judah present a different proof?]*

F. *He states matters in accord with the view of R. Yosé the Galilean, for it has been taught on Tannaite authority:*

G. R. Yosé the Galilean says, “Scripture has said, ‘But the firstling of an ox’ (Num. 18:17) — both it and the firstling must be an ox; ‘firstling of a sheep’ — both it and its firstling must be a sheep; ‘firstling of a goat’ — both it and its firstling must be a goat.

H. “Might one suppose that even if the offspring possesses only some of the traits similar to the mother [the rule of the firstling applies]? Scripture states, ‘but....,’ so imposing a distinction [between total physical difference between the offspring and the mother and partial resemblance].”

I. *What is at issue between these two ways of proving the same proposition?*

J. *The Tannaite framer of our Mishnah takes the view that the All-Merciful reveals to us the rule that applies in the case of that which is consecrated for its value — that if there is a change in the offspring from the appearance of the mother, the offspring is exempt from the law of the firstling, and the same is so of that which*

itself was consecrated [Miller and Simon: the case of a cow or any clean animal where it is holy as such and is irredeemable; in such an instance, the law of the firstling should certainly apply only where the offspring resembles its mother, since it is irredeemable, the offspring should be required all the more to resemble its mother]. *R. Yosé the Galilean maintains the view that Scripture has revealed the rule governing a beast that is sanctified as to its body, and the same rule pertains to the consecration of the value of the beast, and he derives the law governing the consecration of the value of the beast from the rule governing the consecration of the body of the beast.*

- K. *And our Mishnah's Tannaite framer — how does he deal with the duplicated reference to “firstling” [the threefold repetition of firstling at Num. 18:17]?*
- L. *He requires it with reference to that which R. Yosé b. R. Hanina stated, for said R. Yosé b. R. Hanina, “Why does Scripture speak of the portion of the animal that is sacrificed on the altar [‘You shall dash their blood against the altar and shall make their fat smoke for an offering by fire,’ a verse that refers to all three cases of firstlings mentioned in the text; a single allusion would have sufficed for all three] in referring to the firstling of an ox, the firstling of a sheep, and the firstling of a goat? All three references are absolutely necessary. For if Scripture had referred only to the firstling of an ox, which is accompanied by a great volume of libations, [I might have supposed that that is the reason that the sacrificial parts have to be sacrificed on the altar, but the same rule would not apply to the firstlings of sheep or goat, which are not accompanied by substantial libations]. And as to the sheep, the special reason might have been that the fat tail is also offered up [which would not pertain in the other cases]. And if Scripture had spoken only of the goat, the special reason is that a great many goats are offered up in connection with unwitting acts of idolatry by an individual. Accordingly, one could not have derived one case from any other case.*
- M. *“Then could one have derived the rule governing one from that governing the two others? If I should propose that route, which two should I take? Let Scripture not speak of the rule governing the firstling of the ox, and derive it from the other two [sheep, goat]? But the exceptional characteristic of these other two species of firstling, accounting for the fact that their sacrificial parts have to be burned up on the altar, is that they may serve as Passover offerings [but an ox may not]. If Scripture should omit reference to the sheep, so that we may derive the rule governing the firstling of the sheep from these others, one may response that the exceptional trait of the others is that they serve as suitable offerings for the sin of idolatry when it is committed by the community [a bull for a burnt offering, a*

goat for a sin offering]. And if Scripture should omit reference to the goat, the rule governing the disposition of the firstling of which would then derive from the other two, it might be countered that the exceptional trait of the other two, accounting for the fact that they are offered on the altar, is that in common these others have the quality that they involve substantially greater offerings on the altar [the ox has the larger volume of libations, the sheep contributes in addition its fat-tail]. Therefore all three cases have to be explicitly set forth.”

- N. And R. Yosé the Galilean [how does he explain the multiple references to the sacrifice of the offerings on the altar that derive from all three species of firstlings]?
- O. *If that were the operative consideration, Scripture could just as well have written, “But the firstling of an ox, sheep, and goat.” Why bother to write, “But the firstling of an ox, the firstling of a sheep, and the firstling of a goat”? Is it not to bear the inference: ‘But the firstling of an ox’ (Num. 18:17) — both it and the firstling must be an ox; ‘firstling of a sheep’ — both it and its firstling must be a sheep; ‘firstling of a goat’ — both it and its firstling must be a goat.”*
- P. And how does R. Yosé the Galilean interpret the references to **[A cow which bore [an offspring] like an ass, or an as which bore [an offspring] like a horse — it [the offspring] is exempt from the law of the firstling, since it is said,] The firstling of an as (Exo. 13:13), The firstling of an ass (Exo. 34:20) — [two times, meaning that the rule applies only when that which gives birth is an as and that which is born is an ass]**?
- Q. *He requires it in line with that which has been taught on Tannaite authority:*
- R. Yosé the Galilean says, “Since it is said, ‘But the firstborn of man you shall surely redeem, and the firstling of unclean beasts you shall redeem’ (Num. 18:15), might I infer that even the firstborn of horses and camels [are subject to the rule of the firstborn]? Scripture states, ‘the firstborn of the ass.’ ‘It is in particular of the firstling of an ass that I have spoken when I required an act of redemption, but not the firstling of horses and camels.’ And still might I say, ‘the firstborn of an ass is to be redeemed with a sheep, but the firstborn of horses and camels may be redeemed with anything at all? **[6A]** Scripture states, ‘The firstling of an ass’ (Exo. 13:13), ‘The firstling of an ass’ (Exo. 34:20) — two times, meaning, ‘I have spoken to you concerning the firstlings of asses, and not concerning the firstlings of horses or camels.’”
- S. R. Ahai raised a problem with that proof, “[The repetition of ‘firstling of an ass’ had to be set forth,] for if the All-Merciful had made reference to that matter only one time, I might have thought that the law governing the firstling of an ass’s

requiring redemption is a matter that had been covered in an encompassing rule and then was made subject to an explicit statement, so that the explicit statement is not limited to its own class alone but pertains to the entire class of unclean animals, with the result that in all cases of unclean animals, redemption is to be carried out with a sheep. *Scripture elsewhere therefore made reference to 'the firstling of an ass,' to make the point that only firstlings of asses are to be redeemed with sheep, but not the firstlings of horses and camels.*"

- T. *But might I say that the purpose of the limitation with respect to horses and camels was only to indicate that redemption is not to be done with a sheep, but they may be redeemed with any object?*
- U. *If so, Scripture should have written, 'The firstling of an ass you shall redeem with a sheep,' and 'an ass you shall redeem with a sheep.' Why did Scripture repeat the matter: "The firstling of an ass you shall redeem with a sheep" (Exo. 13:13), "the firstling of an ass you shall redeem with a sheep" (Exo. 34:20)? It was to indicate, it is the firstlings of asses of which I have spoken to you, and not the firstlings of horses or camels.*
- V. *And as to the Tannaite authority of our Mishnah [who uses the repetition for his own purposes, as we have seen], how does he prove the proposition that horses and camels are not subject to the same law?*
- W. Said R. Pappa, "'And of all the cattle you shall sanctify the males' (Exo. 34:19) forms a general proposition; 'the firstling of an ox and sheep...and the firstling of an ass you shall redeem' is a particularization of the foregoing. When you have a generalization followed by a particularization, the generalization encompasses only what is covered by the particularization. That then indicates that the ox, sheep, and ass are subject to the law of the firstling, but no other animal."
- X. And R. Yosé the Galilean [who derives the ruling that the horse and camel are not subject to the law of the firstling in the way that the ass is, why does he not derive that proposition from the verse quoted by Pappa]?
- Y. "The word 'firstborn' interrupts the subject" [Miller & Simon: we do not interpret the verse as a general proposition complemented by a particularization, as the word firstborn indicates a break in the subject].
- Z. *And rabbis?*
- AA. *The "and" that occurs joins it again to the prior verse.*
- BB. And R. Yosé the Galilean?
- CC. *Then let Scripture not write either the 'and' or the 'firstborn.'*
- DD. *And rabbis?*

EE. *Since the general proposition [“All that opens the womb” is mine, including the ass, which is not holy as such and must be redeemed with a sheep] deals with objects that are holy in respect to their value [but not offered up on the altar], and the other part deals with objects that are holy in themselves [not only as to their value], Scripture at first interrupts the subject and then reconnects it with the prior verse.*

- I.2.** A. *The question was raised: “If a cow gave birth to a species of an ass, which had some of the traits of the mother, what is the law? If a goat gave birth to a species of a ewe, and a ewe gave birth to a species of a goat, the rule is that, when the offspring has some of the traits of the mother, it is subject to the law of the firstling, since the mother is clean and the offspring is clean, the mother is consecrated as to its body, and the offspring is consecrated as to the body. But here, where the offspring is unclean while the mother is clean, the mother can be consecrated as to her body, but the offspring can be consecrated only as to its value, so the ruling should not be the same. Or perhaps, since in both cases, the offspring belong to a category of animals that are subject to the sanctity of the firstborn, may we say that it is sanctified?*
- B. *“And if you should conclude that, since both of them belong to a category of animals that are subject to the sanctity of the firstborn, it is sanctified, then, if an ass gave birth to a species of a horse, what is the law? In this case, most certainly, the offspring does not belong to the class of animals that are sanctified as firstlings. Or perhaps we say that since the horse belongs to the same class, namely, that of unclean animals, it is sanctified?*
- C. *“And if you should conclude that since the horse belongs to the same class, namely, that of unclean animals, it is sanctified, then if a cow gave birth to a species of a horse, what is the law? Here the cow certainly belongs to the class of a clean animal, while the offspring is an unclean animal, the cow belongs to the class of animals that are subject to the sanctification of the firstling, and the horse does not belong to the category of animals that are subject to the sanctification or the firstling. Or perhaps we invoke the criterion of the distinguishing traits of the mother?”*
- D. **Come and take note: A clean beast that gave birth to a species of an unclean beast — the latter is exempt from the law of the firstling. If it possesses some of the traits of the mother, it is liable to the law of the firstling [cf. T. Bekh. 1:6B]. Does this not mean, even in the case of a cow that gave birth to a species of a horse?**

- E. No, it refers to the case of a cow that gave birth to a species of an ass.
- F. *Come and take note: A cow which bore [an offspring] like an ass, or an ass which bore [an offspring] like a horse — it [the offspring] is exempt from the law of the firstling. [M. above]. If it exhibits some of the traits of the dam, it is liable to the law of the firstborn [T. 1:6B]. Does this not refer to both cases [where a cow gave birth to a species of an ass or an ass gave birth to a species of a horse, if the offspring resembled the mother, it is liable to the law of the firstling]?*
- G. No, this refers only to a cow that gave birth to a species of an ass.
- H. *Then an ass that gave birth to a species of a horse — for what purpose is that case introduced anyhow? If it is to declare it exempt from the laws of the firstling, that is self-evident. If a cow which produced a species of an ass, both of which are subject to sanctification as firstlings, is adjudicated so that if it possesses the traits of the mother, it is subject to the law of the firstling, and if not, it is not subject to the law of a firstling, then an ass that gave birth to a species of a horse should surely not be a question at all!*
- I. *It was indeed necessary to raise that question, for otherwise I might have thought that in the case of the cow that gave birth to the species of an ass, the operative consideration is that the cow has horns but the ass has no horns, the cow has cloven hoofs but the ass's hooves are closed. But here, in regard to the ass that gave birth to a species of a horse, in both instances the beasts have no horns and the hooves of both are closed, I might have said that the offspring, a species of horse, was merely a red ass [not a horse at all, since it is assumed that a horse is red and an ass is black, so the horse has some features of the parents and we ought to regard it as a kind of red ass, making it liable to the law of the firstling (Miller & Simon)]. So we are informed that that is not the case.*

- II.1 A. What is the rule as to eating them? A clean beast which bore [an offspring] like an unclean beast — it [the offspring] is permitted as to eating. And an unclean beast which bore [an offspring] like a clean beast — it [the offspring] is prohibited as to eating [For that which comes forth from the unclean is unclean, and that which comes forth from the clean is clean]:**
- B. *What need was there to specify, For that which comes forth from the unclean is unclean, and that which comes forth from the clean is clean?*
 - C. *It serves as a mnemonic, so that you should not revise the Mishnah's version and so that you should not say, "follow the status of the offspring, and this is a perfectly clean animal and that is a perfectly unclean animal" [Miller & Simon:*

therefore where a clean animal is born from an unclean animal, it should be available for eating]. *Rather, follow the status of the mother.*

II.2. A. *And what is the scriptural source for this rule?*

B. *It accords with that which our rabbis have taught:*

C. “Nevertheless, these you shall not eat of them that chew the cud or of them that divide the hoof” (Lev. 11: 4) — there are beasts that chew the cud and divide the hoof that you are not to eat. And what is it? It is a clean beast that is born of an unclean beast.

D. But perhaps it is only an unclean beast that is born of a clean beast?

E. And how might one interpret the verse, “Nevertheless, these you shall not eat of them that chew the cud or of them that divide the hoof” (Lev. 11: 4)?

F. **[6B]** This is the sense of the verse: that which is born of those that chew the cud and divide the hoof you shall not eat.

G. But the text goes on to say, “The camel...he is unclean” (Lev. 11: 4), bearing the implication, he is unclean, but an unclean animal born from a clean animal is not unclean but clean.

H. **R. Simeon says, “The word camel occurs twice [at Lev. 11:4 and at Deu. 14:7], once referring to a camel born from a camel, which is forbidden, the other, to a camel born of a cow” [T. Bekh. 1:9A-C].**

I. *And as to rabbis who disagree with R. Simeon, how do they interpret the repetition of the word camel?*

J. One serves to prohibit utilization of the camel itself, the other to prohibit its milk.

K. *And as to R. Simeon, how does he know on the basis of Scripture that there is a prohibition against the use of the camel’s milk?*

L. *He derives it from the use of the accusative particle, “et,” [deemed an augmentative] with the word “camel.”*

M. *And rabbis?*

N. *They derive no lessons from the use of the accusative particle. That is in accord with what has been taught on Tannaite authority:*

O. Simeon the Imsonite would derive a lesson from the use of every accusative particle that is in the Torah. When he reached the verse that places the accusative particle before the word “Lord,” namely, “the Lord your God you shall fear” (Deu. 10:20), he refrained from doing so [since he did not wish to suggest there was more than one God]. He disciples said to him, “My lord, what then will be the fate of all the other accusative

particles from which you have drawn lessons [if you pick and choose among them]?”

P. He said to them, “Just as I have received a reward for the lessons that I have derived, so I shall receive a word for refraining from deriving a lesson.”

Q. [And that was the situation that prevailed] until R. Aqiba came along and taught concerning the verse that places the accusative particle before the word “Lord,” namely, “the Lord your God you shall fear” (Deu. 10:20), “The accusative particle serves to encompass within the commandment the disciples of sages themselves.”

R. [Reverting to the discussion broken off at G,] *Said R. Aha b. Raba to R. Ashi, “Then if the operative consideration of rabbis derives from the duplication of the work camel, and that of R. Simeon derives from the use of the accusative particle prior to the word camel, then, were it not for these modes of demonstration of the particular rule, should I have derived the conclusion that the milk of an unclean domesticated beast is permitted for Israelites? Then how is the camel’s milk differentiated from the classification of milk dealt with in that which has been taught on Tannaite authority?”*

S. “These are unclean” (Lev. 11:31) — that statement serves to prohibit [not only the unclean beasts themselves but also] brine, soup, and jelly [made from their parts].

T. *It was necessary [to prove the prohibition of milk in its own terms nonetheless,] for otherwise I might have reached the conclusion that since the fact that it is permitted to use the milk even of clean domesticated beasts is itself an [Miller & Simon:] anomaly, for a master has said, “[The reason there is no menstruation during nursing is that] blood during the nursing period decomposes and turns into milk” [so milk derives from what is classified as otherwise prohibited!], and, since permitting milk is itself anomalous, the milk of an unclean beast likewise ought to be permitted. So we are informed that that is not the case.*

U. *That argument is fine for him who maintains, “Blood during the nursing period decomposes and turns into milk,” but in accord with the view of him who says [that the reason there is no menstruation during nursing is that] the mother’s limbs become disjointed and she does not return to normality for twenty-four months [so the milk does not derive from blood, and the use of milk is not an anomaly at all (Miller & Simon)], what is to be said?*

V. *It was necessary nonetheless to provide such a proof [as rabbis and Simeon have formulated concerning camel’s milk, for] otherwise what might I have supposed?*

Since there is nothing that derives from a living being that the All-Merciful has permitted, and yet milk is comparable to a part of a living beast and is permitted, so along these lines, even milk from an unclean animal likewise is to be permitted. So we are informed that that is not the case.

- W. *And how on the basis of Scripture do we know that milk that derives from a clean animal is permitted?*
- X. *Might I say that, since the All-Merciful has forbidden eating meat together with milk, lo, milk by itself is permitted? But I might take the position that milk by itself would be forbidden for eating, but permitted only for sale to third-parties, while meat together with milk would be forbidden for all purposes. And even in line with the position of R. Simeon, who maintains that meat together with milk is permitted for sale to third-parties, the prohibition itself can be interested as required so as to indicate the sanction of lashes that are inflicted on account of the act of cooking meat in milk in any event!*
- Y. *Rather, since the All-Merciful revealed in the context of Holy Things that have become unfit, “Nonetheless, you may kill” (Deu. 12:15) — but not shear; “meat” but not milk, this bears the implication that milk from an unconsecrated beast for its part is permitted.*
- Z. *But [as before] might I say that that which derives from unconsecrated beasts is forbidden as to consumption but permitted only as to sale to third parties, while that which derives from Holy Things is forbidden also as to sale to third parties?*
- AA. *But rather, since it is written, “And you shall have goats’ milk enough for your food, for the food of your household and for the maintenance of your maidens” (Pro. 27:27) [we learn that the milk of clean animals is permitted for consumption.]*
- BB. *But perhaps this means, only in connection with commerce [in milk, not in connection with use]?*
- CC. *But rather, since it is written, “And carry these ten cheeses to the captain of their thousand” (1Sa. 17:18) [Miller & Simon: and Jesse instructs David to bring them to the captain of their thousand in the war, which shows that it is permitted to eat milk].*
- DD. *But perhaps this means, only in connection with commerce [in milk, not in connection with use]?*
- EE. *Is it commonplace in war time to sell [food to the other side]?*

- FF. *And if you prefer, proof derives from the following: “A land flowing with milk and honey” (Exo. 3: 8) — if milk were not permitted, would Scripture commend to us a country rich in something not suitable for eating?*
- GG. *And if you prefer, proof derives from the following: “Come and buy and eat, yes, come buy wine and milk without money and without price” (Isa. 55: 1).*
- HH. *[Now if, according to rabbis and Simeon, who derive lessons from the fact that Scripture speaks twice of the camel,] how about the equivalent repetition [in Leviticus and in Deuteronomy] of “rockbadger,” two times, “hare,” two times, “pig,” two times — is there some purpose in these repetitions as well?*
- II. *Rather, it is in accord with that which has been taught on Tannaite authority:*
- JJ. *Why does Scripture repeat the lists of clean and unclean animals in Leviticus and in Deuteronomy? It is on account of the shesuah-beast [which has two backs and two spinal columns, not mentioned in Leviticus as forbidden]. Why with reference to birds? On account of the raah [an unclean bird not in Leviticus].*
- KK. *Then perhaps camel is repeated for the same purpose [that is, only to accommodate the inclusion of one new animal and bird not mentioned in Leviticus]?*
- LL. *Wherever we can derive a lesson from a verse of Scripture we do derive that lesson.*

II.3. *A. Our rabbis have taught:*

- B. **A sheep which gave birth [to an offspring] something like a goat, or a goat which gave birth [to an offspring] something like a sheep — it [the offspring] is exempt from the law of the firstling. But if it bears some of the traits [of the mother], it is liable [M. Bekh. 2:5A-D].**
- C. **R. Simeon says, “That is the case only if its head and the greater part of its body bear the traits of the mother” [T. Bekh. 1:9B-C].**
- D. *The question was raised: to settle the question of whether or not the animal may be eaten, does R. Simeon require that the head and the greater part of the body bear the traits of the mother? As to the law of the firstling, Scripture says, “But the firstling of an ox” (Num. 18:17), meaning, that the law of the firstling applies only if the mother is an ox and the firstling is an ox too [in that the head and the greater part of the body must be like those of the mother]. But when it comes to whether or not a beast is permitted for eating, Scripture has said that it is the camel that is forbidden. [7A] The meaning then is that, if it was changed from that form and does not look like a camel, there is no problem. Or perhaps, there*

is no difference at all [even for permission to eat the beast, and here too, we require that the head and greater part of the body resemble the mother's].

- E. *Come and take note: a clean beast that gave birth to a species of an unclean beast — the latter is forbidden as to eating. But if the head and greater part of the body resemble that of the mother, it is liable to the law of the firstling. That yields the inference, then, that as to whether or not it can be eaten, the same criteria are required by R. Simeon.*
- F. *Not at all, it is in particular with reference to the status of the beast as to a firstling that these criteria pertain. That conclusion may be derived from a close reading of the text, which has omitted reference to eating altogether and addressed itself only to the matter of the firstling. That proves that it is specifically with reference to the status as to the firstling that R. Simeon requires that the head and greater part of the body resemble those of the mother, but as to eating, he does not invoke that criterion at all.*
- G. *Not at all, quite to the contrary, I shall tell you that also as to whether or not the beast may be eaten, he requires the same traits to be in evidence. But it was necessary to make reference in particular to the matter of the firstling. For otherwise I might have thought that, since it is written, “But the firstling of an ox” (Num. 18:17), the rule is that only if it is an ox and its offspring is an ox does the rule apply, so it does not suffice that only the head and greater part of the body resemble those of the mother, but the whole of the beast must resemble the mother. So we are informed to the contrary.*
- H. *Come and take note: ““nevertheless these you shall not eat of them that chew the cud or of them that divide the hoof” (Lev. 11: 4) — This you must not eat [for instance, a camel born of a cow], but you may eat an animal which bears one of the two validating traits that its mother has. And what is a beast that has one of the two validating traits? It is an unclean animal that was born of a clean animal that had been impregnated by a clean animal.*
- I. *“Might one suppose that the same rule would apply even if the mother had been impregnated by an unclean animal?”*
- J. *“Scripture says, ‘A sheep born from a pair of lambs, a goat born from a pair of goats’ (Deu. 14: 4) — the father must be a sheep and the mother a sheep,” the words of R. Joshua.*
- K. *R. Eliezer says, “This verse of Scripture does not come in order to permit what is already permitted, but to add to the list of what is already permitted. And what*

might that be? It is an unclean beast born of a clean beast that had been impregnated by an unclean beast.

- L. “But might the passage refer only to one that had been impregnated by a clean beast? Scripture states, ‘a sheep of lambs,’ a sheep of goats, — in any circumstance [Miller & Simon: from the repetition of the word for sheep, it is inferred that even if the unclean animal has only a mother that is a clean animal, the father being an unclean animal, it is still permitted].”
- M. *So he refers to the beast as unclean, just as does R. Simeon* [Miller & Simon: the language used, “an unclean animal,” but not “that which issues from a clean animal,” is in accordance with the view of Simeon, who forbids the offspring as definitely unclean if it has not got marks resembling the mother; and it says here that if it has one mark similar to its mother, it is permitted; hence we see that we do not require the head and so on to resemble the mother, so far as Simeon is concerned], and he goes on to say, “But you may eat an animal that possesses one validating trait like that of its mother.”
- N. *The Tannaite version at hand accords with R. Simeon in one aspect but differs from him in another.*
- O. *There are those who present this question and work it out in a different way, as follows:*
- P. *Is it possible for impregnation to take place by an unclean animal?* For has not R. Joshua b. Levi said, “**Impregnation does not take place of an unclean mother by a clean father, or of a clean mother by an unclean father, or of a fat beast by a thin one, or of a thin beast by a fat one, or of a domesticated beast by a wild beast, or of a wild beast by a domesticated beast** [T. Bekh. 1:9E], except for the case under discussion by R. Eliezer and those who differ from him, for they would say, “A wild beast may be impregnated by a domesticated beast.” And in this connection, said R. Jeremiah, “It refers to a case in which the mother became pregnant by an animal with closed and uncloven hoofs, born of a cow,” and that view is in accord with the position of R. Simeon [who holds that an unclean animal born of a clean animal is unclean]. And the passage further states, “But you may eat an animal that possesses one validating trait like that of its mother.”
- Q. *The Tannaite version at hand accords with R. Simeon in one aspect but differs from him in another.*
 - R. *Does this formulation then bear the implication that R. Eliezer takes the view that the product of two heterogeneous factors is permitted* [the offspring is the result of the impregnation is from an unclean animal,

because since it is a produce of combined causes, and one of these, the mother, is clean, the animal is permitted (Miller & Simon)], *while R. Joshua maintains the view that the product of two heterogeneous factors is forbidden? Now lo, we have a tradition from them that reverses these positions:*

- S. **The offspring of a terefah animal — R. Eliezer says, “It is not to be offered on the altar.” And sages [Bavli: R. Joshua] say, “It is to be offered.” [M. Tem. 6:5B-D].**
- T. *In general, R. Eliezer takes the view that the product of two heterogeneous factors is permitted, but he treats the present case as exceptional, for if the rule applied here, Scripture should write, “the sheep of lambs and goats.” Why say, “the sheep” two times? That yields the conclusion — sheep, under all circumstances.*
- U. And R. Joshua?
- V. *He will say to you, “In general, the product of two heterogeneous factors is permitted, but the present case is exceptional, for if it were the case, Scripture should have written, ‘Ox, sheep of a lamb, sheep of a goat. Why write, ‘lambs, goats’? That yields the deduction that the father must be a sheep and the mother likewise must be a sheep.”*
- W. *Come and take note: R. Simeon says, “Scripture states, ‘camel’ two times, one to refer to a camel that is born of a camel, the other to refer to a camel that is born of a cow. But if the head and the greater part of the body resemble those of the mother, then it is permitted to eat such a beast.”*
- X. *That statement yields the conclusion, does it not, that even as whether or not one may eat the beast, R. Simeon requires that the head and the greater part of the body resemble those of the mother?*
- Y. *That indeed settles the question.*

III.1 A. For that which comes forth from the unclean is unclean, and that which comes forth from the clean is clean:

- B. *The question was raised before R. Sheshet, “As to the urine of an ass, what is the law [on its status, unclean or clean]?”*
- C. *Why not ask about the urine of horses or camels?*
- D. *The urine of horses and camels is not a question, for it is not turbid and so is not like milk. It is just water coming in, water going out. But the question does pertain to the urine of an ass, which is turbid and like milk.*

- E. *What is the rule? Since it is drained from the body of the ass itself, is it forbidden? Or perhaps it is water coming in and water going out, and the thickness comes about because of the body's exhalation?*
- F. *Said to them R. Sheshet, "You have yourselves learned the rule of the Mishnah: **that which comes forth from the unclean is unclean, and that which comes forth from the clean is clean.** What the Mishnah states is not, 'from what is unclean' but rather, **[7B] from the unclean.** This too is from that which is unclean."*
- G. *There are those who say:*
- H. *The urine of horses and camels is not a question, for it is not something that people drink, but that from asses is a question, because that is something that people drink and that is good for jaundice. So what is the law?*
- I. *Said to them R. Sheshet, "You have yourselves learned the rule of the Mishnah: **that which comes forth from the unclean is unclean, and that which comes forth from the clean is clean.** This too is from that which is unclean."*
- J. *The following objection was raised: **On what account [then] did they rule that the honey of bees is permitted? For they do not bring it forth [from their own bodies] but store it up. [The honey of gazin-bees is prohibited, for it is only saliva] [T. Bekh. 1:8].** [If the substance that proceeds from an unclean creature is thick, although it does not drain from the body, it is prohibited; but here in the case of honey the reason that it is allowed is that it does not drain the body; honey comes from an unclean creature and so should be forbidden].*
- K. *This accords with R. Jacob, who said, "It is the All-Merciful that, in Scripture, permitted honey," [so divine law explicitly permits honey, although it may come from the body of the beast, and no reason is given at all], for it has been taught on Tannaite authority:*
- L. *R. Jacob says, "'Yet these you may eat among all the winged swarming things' (Lev. 11:21) — this you may eat, but you may not eat an unclean winged swarming thing.*
- M. *"Now does not Scripture explicitly mention as forbidden an unclean winged swarming thing? Rather, this is the sense of the passage: An unclean fowl that swarms you must not eat, but you may eat an unclean fowl that casts forth something from its body, and what might that be? It is bees' honey.*
- N. *"Might one think that one is permitted also to eat gazin-honey or hornets' honey? Hardly. Then why include bees' honey but exclude gazins' honey and hornets'*

honey? I include bees' honey, which has no special name, but I exclude gazins' honey and hornets' honey, since they have a special name."

O. *According to whom is the following statement: **The honey of gazin-bees is prohibited, for it is only saliva?***

P. It is not R. Jacob.

III.2. A. [**The honey of gazin-bees is prohibited, for it is only saliva**] —it is clean, *and therefore it requires intention that it be used as a food [since it is not ordinarily regarded as food].*

B. *So too it has been taught on Tannaite authority:*

C. Honey that is in its honeycomb imparts uncleanness as food, without an intervening stage of intentionality.

III.3. A. *As regard to [Miller & Simon:] the gall-like concretions in a fallow-deer, rabbis considered stating that they are classified as eggs and therefore are forbidden [like a limb from a living animal, having been communicated from the male organ to the womb (Miller & Simon)].*

B. *Said R. Safra, "It is the seed of a deer that went after a hind, but since the hind's womb is narrow, the deer is unable to copulate and so couples with a fallow-deer, releasing the semen into the latter's womb [Miller & Simon: owing to the delay in copulation, the semen has hardened, and although it enters the womb, it has no effect and issues later in the animal's excrements, in the form of ball concretions]."*

III.4. A. Said R. Huna, "The skin that covers the face of an ass at birth may be eaten."

B. *How come?*

C. *It is [Miller & Simon] a mere secretion.*

D. *Said to him R. Hisda, "There is a Tannaite version that supports your position: Skin that covers the face of man, whether alive or dead, is clean [not a source of uncleanness]. Does this not mean, whether the offspring and the mother are alive, or the offspring and the mother are dead [Miller and Simon: and even if both are dead, the skin is clean; so it is a false membrane and not considered an afterbirth of either the mother or the offspring]?"*

E. *No, what it means, is whether it is alive and the mother is dead, or it is dead and the mother is alive.*

F. *But is it not taught on Tannaite authority: "whether the offspring and the mother are alive, or the offspring and the mother are dead"?*

G. *If that has been taught on Tannaite authority, so it has been taught.*

I.1 immediately directs our attention to the pertinent passage of the Mishnah that intersects with the one under consideration. We begin by finding the scriptural source for the rule of that passage. No. 2 proceeds to ask a question on a particular case, amplifying the general principle of the Mishnah. II.1 again clarifies the language of the Mishnah, and No. 2 proceeds to identify the source for the ruling at hand. It is really a protracted appendix, parachuted here because it can serve to fill out an otherwise fairly thin discussion. No. 4 reverts to the problem of I.1. II.1 provides a concrete problem in response to the abstraction of the Mishnah's statement. No. 2 serves as a minor footnote to II.1.O. No. 3 pursues the basic problem of the clause of our Mishnah that is under discussion here. No. 4 follows suit.

1:2I-K

- I. An unclean fish which swallowed a clean fish — it [the clean fish] is permitted as to eating.**
- J. A clean fish which swallowed an unclean fish — it [the unclean fish] is prohibited as to eating,**
- K. for it is not its product.**

- I.1** A. *The operative consideration [that allows eating the clean fish at I] is that we have seen that the unclean fish swallowed it. But if we had not seen it, we might say that the clean fish had been bred by an unclean fish. How do we know that fact?*
- B. *It is in line with that which is taught on Tannaite authority: **An unclean fish casts forth young. A clean fish lays eggs** [T. Bekh. 1:11].*
- C. *If that is the case, then even if we see that the unclean fish had actually swallowed the clean one, we still should say that the clean fish has been absorbed, and the fish found inside had been bred by the unclean fish [which should be ruled unclean as the offspring of an unclean beast].*
- D. Said R. Sheshet, "For instance, if one found it in the bowels [not in the womb]."
- E. [Miller & Simon omit:] R. Pappa said, "For example if one found it in the esophagus."
- F. R. Nahman said, "For example, if one found it whole."
- I.2.** A. R. Ashi said, "Most fish breed their own species, so [if we discover a different kind of fish inside] *it is as though* the unclean fish had swallowed the clean one in our very presence."
- I.3.** A. *Our rabbis have taught on Tannaite authority:*
- B. **An unclean fish casts forth young. A clean fish lays eggs** [T. Bekh. 1:11].

- C. Any creature that gives birth also gives suck.
- D. Whatever lays eggs supports the brood by picking up food for it, except for the bat, for, while it lays eggs, it gives suck to the brood.
- E. **[8A] Dolphins give birth and raise [their young] as does man [T. Bekh. 1:11A].**
 - F. *What are dolphins?*
 - G. *Said R. Judah, "They are human beings in the sea [half fish, half human]."*

The Classification of Fauna: Sexual Traits

A systematic presentation of facts concerning the sexual traits of fauna is now undertaken, independent of the foregoing matter.

- I.4.** A. Any creature that has its testicles outside gives birth, and any creature that has its testicles inside casts forth eggs.
- B. *Is this so? But has not Samuel said, "The domestic goose and the wild goose are classified as hybrids if they are paired." And we gave thought to the matter: what is the operative consideration here? Said Abbaye, "This one has its testicles on the outside, and that one has its testicles on the inside, but both of them lay eggs."*
- C. Rather, [the statement of H should be as follows:] Any species the male of which has its penis on the outside gives birth, and any that has its penis on the inside lays eggs.
- D. Any species that has sexual relations by day gives birth by day, and any that does so by night gives birth by night, and any that does so by day and by night gives birth whether by day or by night.
- E. Any species that has sexual relations by day gives birth by day: the cock.
- F. and any that does so by night gives birth by night: the bat.
- G. and any that does so by day and by night gives birth whether by day or by night: man and all species that are like man.
- H. *What are the practical consequences of these facts?*
- I. *The answer accords with what R. Mari b. R. Kahana said for said R. Mari b. R. Kahana, "If one inspected the chicken coop on the eve of the festival day and found no egg therein, and the next day he got up early and found an egg therein, it is permitted to eat the egg on the festival." [Miller & Simon: since the hen does not lay eggs at night, the egg must have been*

laid on the previous day. A newly laid egg on a festival cannot be eaten on that day.]

- J. But did the man not search?
- K. *I might say that* he did not search carefully.
- L. But lo, he searched carefully?
- M. *I might say that* the greater part had come forth and then retreated.
- N. *And that accords with what R. Yohanan said, for* said R. Yohanan, “An egg the greater part of which emerged on the eve of the festival and then retreated may be eaten on the festival.”

I.5. A. All animals that copulate and are pregnant in accord with a common rule [e.g., dogpatch-style, pregnancy for five months, such as sheep and goats] give birth from one another and can nurse one another’s offspring.

B. All animals have intercourse dogpatch style, except three, which do it face to face: fish, man, and serpent.

C. *Why are these three exceptional?*

D. *When R. Dimi came, [he said,] “In the West, they say, ‘Since with them the Presence of God engaged in speech.’”*

E. *A Tannaite authority states:*

F. The camel does it back to back.

I.6. A. *Our rabbis have taught on Tannaite authority:*

B. A chicken lays eggs after twenty-one days, and corresponding to the hen is the almond tree among trees [from the time it blossoms to when the fruits ripen, twenty-one days pass].

C. A dog takes fifty days, and its counterpart among trees is the fig-tree.

D. A cat takes fifty-two days, and its counterpart among trees is the mulberry.

E. A pig takes sixty days, and corresponding among trees is the apple tree.

F. A fox and all kinds of snakes take six months, and corresponding among trees is wheat.

G. Small clean animals take five months, and corresponding among trees is the vine.

H. Large unclean cattle take twelve months, and corresponding among trees is the palm.

I. Clean large cattle take nine months, and corresponding among trees is the olive.

J. The wolf, lion, bear, leopard, hyena, elephant, money, and long-tailed ape take three years, and corresponding among trees is the white fig.

- K. A viper takes seventy years, and corresponding among trees is the carob.
- L. From the time of planting the carob to its ripening takes seventy years, and its pregnancy [from the blossoming to the ripening of the fruit] takes three years.
- M. A serpent is pregnant for seven years, and for that wicked animal there is no counterpart among trees.
- N. Some say that there is a corresponding tree, the white fig.
- O. *How do we know it?*
- P. Said R. Judah said Rab, *and some assign it to the name of R. Joshua b. Hanania*, “Because Scripture has said, ‘You are more cursed than all other cattle and all the beasts of the field’ (Gen. 3:14) — if it is more cursed than a cattle, then all the more so than a wild beast! But the purpose is to tell you, just as the animal is cursed to be pregnant longer than a wild beast in the proportion of one to seven — *and how so? An ass is pregnant longer than a cat* — so the serpent is cursed to be pregnant in a proportion of one in seven, *hence seven years.*”
- Q. *Then why not phrase matters in this way:* “Just as a wild beast is cursed with pregnancy more than a domesticated beast by a ratio of one to three — *and what is an example? a lion is pregnant more than an ass, three years to one* — so it is cursed more than a wild beast in the ratio of one to three, which is then nine years”?
- R. **[8B]** *Does Scripture state, “More than all beasts and more than all cattle”? What it states is, “More than all cattle and more than all beasts,” meaning, the serpent is cursed by pregnant more than all animals that are cursed, [Miller & Simon: in that it takes longer to produce their young] than the beasts.*
- S. *Then why not phrase matters in this way:* “Just as a domesticated beast has been cursed with pregnancy more than a wild beast in the ratio of one to three — *and what is an example? a bat is pregnant longer than a cat, three years to one* — so the serpent has been cursed in the proportion of one to three, *thus fifteen months*”?
- T. *If you wish, I shall reply:* “Scripture states, ‘More than all cattle’ [Miller & Simon: the animal most cursed, an unclean large animal, like an ass, pregnant longer than the beast, i.e., the cat, thus the ratio is one to seven as stated earlier].”
- U. *If you wish, I shall reply:* “It is a curse, and therefore we assign the curse so far as is possible to the snake.”
- I.7.** A. Said Caesar to R. Joshua b. Hananiah, “How long is the pregnancy and parturition of a snake?”

- B. *He said to him, "It takes seven years."*
- C. *"But did not the sages of the Athenian academy mate a male serpent with a female and the pregnancy and parturition took three years?"*
- D. *"They had already been pregnant for four years."*
- E. *"But did the sages not see that they had sexual relations?"*
- F. *"They are like human beings."*
- G. *"But are the Athenian sages not wise?"*
- H. *"We are smarter than they are."*
- I. *"If you are so smart, go and win an argument with them and bring them to me."*
- J. *He said to him, "How many are there?"*
- K. *"Sixty."*
- L. *"Then make me a ship with sixty compartments, each compartment with sixty cushions."*
- M. *He did it for him.*
- N. *When R. Joshua got to Athens, he found a slaughter-house and said to a certain man who was dressing an animal, "Is your head for sale?"*
- O. *He said to him, "Yes."*
- P. *He said to him, "How much?"*
- Q. *He said to him, "Half a zuz."*
- R. *He paid the money.*
- S. *In tie he said to him, "Give me your head."*
- T. *[He gave him the animal's head.] R. Joshua said, "Did I say the head of an animal? I said, your head."*
- U. *Joshua said to him, "If you want me to give up the case, walk in front of me and show me the door of the academy of the Athenian sages."*
- V. *The man replied, "I am afraid to do so, for whoever points them out is put to death."*
- W. *Joshua said to him, "Take a bundle of reeds and when you get there, throw it down as if to take a rest."*
- X. *He went and found guards inside and guards outside the academy; for when the sages saw somebody come in, they would kill the guards outside, and when they saw someone leave, they killed the guards inside.*
- Y. *He reversed the heel of his shoe and they killed the inside guards.*
- Z. *He reversed the shoe to the normal position, and they killed all of them.*

- AA. *He went along and found the young men sitting high up and the elders below.*
- BB. *He said, "If I greet the ones below, the young men will kill me, saying, 'we are the more important, for we sit high up and they sit down below. And if I greet the young men, the elders will kill me, saying, 'we are older and they are younger.'"*
- CC. *He said, "peace be unto you."*
- DD. *They said to him, "What are you doing here?"*
- EE. *He said to them, "I am the sage of the Jews, I want to learn wisdom from you."*
- FF. *"If so, we will ask you questions."*
- GG. *He said to them, "Well and good. If you defeat me then do to me anything you like, but if I defeat you, eat bread with me in a ship."*
- HH. *They said to him, "If a man went and asked a woman to marry him and did not get consent, can her seek someone of higher birth?"*
- II. *He took a peg and stuck it below on a stone wall, and it would not join, but he stuck it higher up and it went in.*
- JJ. *He said, "Here too it may be that the second woman is the one that is destined for him."*
- KK. *"If a man lends money and is forced to seize what is owing to him by force, will he be expected to lend again?"*
- LL. *"A man goes into a forest, cuts the first load of wood and cannot lift it; he continues cutting until someone comes along and helps him lift the bundle."*
- MM. *They said to him, "Tell us some jokes."*
- NN. *He said to them, "There was a mule that gave birth, and around its neck was a document in which was inscribed, 'there is a claim against my father's house of one hundred thousand zuz.'"*
- OO. *They asked him, "Can a mule give birth?"*
- PP. *He said to them, "It's just one of those jokes."*
- QQ. *"When salt loses its flavor, how do you salt the salt?"*
- RR. *He said to them, "With the afterbirth of a mule."*
- SS. *"And does a mule have an afterbirth?"*
- TT. *He said to them, "And does salt lose its flavor?"*
- UU. *"Build a house in the sky."*
- VV. *He pronounced the Divine Name and suspended himself between heaven and earth. He said to them, "Bring me bricks and clay from down there."*
- WW. *"And is it possible to do that?"*

- XX. *And is it possible to build a house between heaven and earth? "*
- YY. *"Where is the center of the world? "*
- ZZ. *He raised his fingers and said to them, "Here."*
- AAA. *They said to him, "Prove it."*
- BBB. *He replied, "Bring ropes and a measure."*
- CCC. *They said, "We have a pit in the field. Bring it to town."*
- DDD. *He replied, "Knot ropes of bran flour for me and I will bring it."*
- EEE. *We have a broken millstone. Fix it."*
- FFF. *[Miller & Simon: he took a detached portion from it and threw it before them,] saying, "Take out the threads for me like a weaver and I shall mend it."*
- GGG. *"A bed of knives — how can we cut it? "*
- HHH. *"With the horns of an ass."*
- III. *"But does n ass have horns?""*
- JJJ. *"And is there a bed of knives."*
- KKK. *They brought him two eggs: "Which comes from the black clucking hen, which from the white?"*
- LLL. *He brought them two cheeses: "Which is from a black goat and which is from a white one?"*
- MMM. *"A chicken dead in its shell — where has the spirit gone? "*
- NNN. *"From whence it came, to there it went."*
- OOO. *"Show us something the value of which is not worth the loss that it causes."*
- PPP. *He brought a mat of reeds and spread it out. It could not get through the door.*
- QQQ. *He said, "Bring a rake and a pickaxe," and he demolished the door. "Here is an example of something the value of which is not worth the loss that it causes."*
- RRR. *He brought them to a meal on the ship. each one into his own chamber. When they saw the sixty cushions, each thought that everyone was coming to this room. He ordered the captain to set sail. As they were about to make the trip, he took some earth from their native soil. [9A] When they came to the straits, they filled a jug of water from the waters of the straits. When they arrived, they were presented to Caesar. He noticed that they were depressed. He said, "These are not the same people."*
- SSS. *He took some of the earth of their country and threw it at them. They acted in a haughty way towards Caesar. He said to R. Joshua, "Do whatever you want to them."*

TTT. *He took water that the Athenians had taken from the straits and poured it into a ditch. He said to them, "Fill this and go your way."*

UUU. *They tried to fill it by casting water in it, one after another, but it was absorbed. So they went on filling it until the joints of their shoulders became dislocated and they perished.*

I.1 clarifies the law of the Mishnah by appeal to information in the Tosefta. No. 2 takes its own tack on the interpretation of the Mishnah and need not be read as a continuation of the foregoing. No. 3 reverts to the analysis of the Tosefta's complement, and then moves on to a list of further observations along the same lines. No. 4-7 continues with further collections of well-organized facts on the same general theme.

1:3-4

1:3

- A. An ass which had not given birth and which bore two males [and it is not known which of them came forth first] —
- B. the farmer gives a single lamb to the priest.
- C. [If it bore] male and female [and it is not known which of them came forth first] —
- D. one separates a single lamb [but keeps it] for himself.
- E. Two asses which had not given birth and which bore two males —
- F. one gives two lambs to the priest.
- G. [If they bore] (1) a male and a female or (2) two males and a female,
- H. one gives a single lamb to the priest.
- I. [If they bore] (1) two females and one male, (2) or two males and two females,
- J. there is nothing whatsoever here for the priest.

1:4

- A. [Two asses], one [of which] had given birth and one which had not given birth, and which bore two males —
- B. one gives a single lamb to the priest.
- C. [If they produced] a male and a female, the farmer separates a single lamb for himself.
- D. For it is said, "And every firstling of an ass you shall redeem with a lamb" (Exo. 34:20) —

- E. (1) [a lamb deriving] from sheep or from goats,
- F. (2) male or female,
- G. (3) large or small,
- H. (4) blemished or unblemished.
- I. (1) And one redeems with [a single lamb] many firstlings.
- J. (2) And it enters the fold to be tithed.
- K. (3) And if it dies, they derive benefit from it.

- I.1 A. *Who is the Tannaite authority behind this formulation of the rule [An ass which had not given birth and which bore two males and it is not known which of them came forth first — the farmer gives a single lamb to the priest]?*
- B. *Said R. Jeremiah, “It is not R. Yosé the Galilean, for it does not accord with the principle of R. Yosé the Galilean, who has said, ‘It is possible to determine exactly [what both heads came forth simultaneously, in which case, both would be deemed firstborn].’”*
- C. *Said Abbaye, ‘You may even claim that it accords with the principle of R. Yosé the Galilean. The case here is exceptional when it deals with the firstborn of a clean animal, for Scripture is explicit in referring to the plural, ‘The males shall be the Lord’s’ (Exo. 13:12) [even two males, but in the case of firstborn of asses, the singular is used throughout, so even if it were possible to make sure both heads came forth simultaneously, they are not sanctified (Miller & Simon)].’*
- D. *But why not derive the case of the firstborn of an unclean animal from the firstborn of a clean animal?*
- E. *Lo, Scripture itself has excluded that possibility when it refers with the definite article to “the males.”*
- F. *Some state matters in this way:*
- G. *May one say that this does not accord with the principle of R. Yosé the Galilean, for if it accorded with the principle of R. Yosé the Galilean, lo, he has said, “It is possible to determine exactly [what both heads came forth simultaneously, in which case, both would be deemed firstborn].”*
- H. *Said Abbaye, ‘You may even claim that it accords with the principle of R. Yosé the Galilean. The case here is exceptional when it deals with the firstborn of a clean animal, for Scripture is explicit in referring to the plural, ‘The males shall be the Lord’s’ (Exo. 13:12).’*
- I. *Now there is no problem for R. Jeremiah, who does not propose to maintain that the passage accords with R. Yosé the Galilean, since that explains why the*

Mishnah does not make explicit, “And both their heads came forth simultaneously.” But from the viewpoint of Abbaye, should not the passage state, “And both their heads came forth simultaneously”?

- J. *And furthermore, has it not been taught on Tannaite authority:*
- K. In the case of one’s ass, which had not given birth before, which gave birth to two males, and the two of their heads came forth simultaneously —
- L. R. Yosé the Galilean says, “Both of them are given to the priest, as it is said, ‘The males shall be the Lord’s’ (Exo. 13:12).”
- M. *But does not the verse of Scripture refer to the consecration of the body of the animal itself [and that can only be a clean animal, so how can this prove anything about the ass, which is an unclean animal]?*
- N. Rather, because it is written, “The males are the Lord’s” [Miller & Simon: the inference from the verse is indirect. Since Scripture has indicated in this verse that it is possible to ascertain that both heads came forth simultaneously in connection with a clean animal, we apply the same to the firstborn of an ass; it is clear then that Yosé’s ruling refers even to the firstborn of an ass.]
- O. *Does that not represent a refutation of Abbaye’s view?*
- P. *It indeed represents a refutation of Abbaye’s view.*

I.2. A. **[9B]** *And as to rabbis [represented by the rule, An ass which had not given birth and which bore two males [and it is not known which of them came forth first] — the farmer gives a single lamb to the priest], may one say that rabbis take the view that even if a portion of the womb has touched the firstling, it consecrates the beast? For if it consecrates only when the whole womb has touched the firstling, while it is impossible to ascertain that both heads came forth at once, still, there is an interposition [Miller & Simon: for before one male wholly emerges, the other is on its way out; therefore although one came forth prior to the other and was sacred, it did not have the whole womb to consecrate it, owing to the other male, which was coming out at the same time; there was, consequently, an interposition between the first male and the womb].*

- B. Said R. Ashi, “Where it is a pair of the same species, we do not deem one to form an interposition to the other.”

II.1 A. **[If it bore] male and female [and it is not known which of them came forth first] — one separates a single lamb [but keeps it] for himself.**

- B. *Since he keeps the lamb for himself, why does he have to bother to designate it in any event?*

- C. *It is so as to remove from the beast the prohibitions that attach to the firstborn of an ass [not to work with it, not to shear it].*
- D. *It follows that, until it is released from those prohibitions, it is subject to the prohibitions against beneficial use. Then who is the authority behind our Mishnah's rule? It is R. Judah, for it has been taught on Tannaite authority:*
- E. "It is forbidden to derive benefit from the firstborn of an ass," the words of R. Judah.
- F. R. Simeon declares it permitted.
The systematic inquiry into the two positions before us is now undertaken, a sizable secondary expansion of the foregoing.
- G. *What is the operative consideration behind the position of R. Judah?*
- H. Said Ulla, "Do you have something that has to be redeemed and nonetheless is permitted for benefit even before it has been redeemed?"
- I. And is there no such thing? And lo, there is the firstborn of man, who has to be redeemed, and yet who is permitted prior to redemption [in that, even if unredeemed, one may derive benefit from him].
- J. Rather, "Do you have something concerning which the Torah has explicitly specified that the redemption must be with a sheep, and yet which can be used prior to redemption?"
- K. And has the Torah been so meticulous as to the character of that which must be used for redemption? *And did not R. Nehemiah b. R. Joseph redeem an ass through an exchange of boiled herbs of equivalent value?*
- L. *[Redeeming the firstling of an ass is not subject to restrictions of a more severe order than redeeming other consecrated objects, and, therefore] at issue here is not redeeming it with an object of equivalent value. What is at stake here is redeeming the object not with its equivalent value, and the point of Ulla is as follows: "Is there anything concerning which the Torah has shown special concern in such a way as to release the prohibitions affecting it only with a sheep — even though not its equivalent in value — and yet which one may use for one's own benefit?"*
- M. Lo, there is the redemption of produce that has been designated as second tithe, concerning which the Torah has shown special interest in specifying that it is to be redeemed with coined money, and yet we have learned on Tannaite authority: R. Judah says, "If one has deliberated betrothed a woman with produce in the status of second tithed, she has been validly betrothed." [Miller & Simon: therefore we

see that it is permitted to benefit from an object even before its appropriate redemption; we conclude that, according to R. Judah, it is permitted to use it.]

N. *Also with a firstborn of an ass a woman can be betrothed, in line with the view of R. Eleazar, for R. Eleazar said, "A woman knows that produce that has been designated second tithe through being exchanged with her as a token of betrothal has not been rendered secular in such an exchange, so she for her part will take the produce with her up to Jerusalem and eat it there." Here too, a woman knows that the firstborn of an ass is subject to prohibitions, so she redeems it with a lamb, and she is betrothed with the difference in the value between an ass and a sheep* [Miller & Simon: therefore no objection can be cited to Ulla's reading of Judah's views from the case of second tithe].

O. *And as to R. Simeon, what is the operative consideration behind his position?*

P. Said Ulla, "Is there something the redemption-exchange for which is permitted for use while the object itself remains forbidden?" [Miller & Simon: here the lamb with which the ass is redeemed is permitted for secular purposes.]

Q. And is there no such thing? And lo, there is the matter of produce of the Seventh Year, for that which is given to redeem it may be used, but the produce itself remains forbidden. [Miller & Simon: if one sold fruit of the Sabbatical Year, the object purchased may be used, but the produce itself is forbidden and must be removed from the house when the beasts in the field have consumed the produce in the field].

R. *That which is given in redeeming produce of the Seventh Year in point of fact also is forbidden, for a master has said, "The prohibition attaching to produce of the Sabbatical Year effects the very last thing bought"* [Miller & Simon: if one purchased meat in exchange for fruit of the Sabbatical Year, both are liable to the law of removal pertaining to the Sabbatical Year; if he then bought wine in exchange for the meat, the meat may be used but not the wine; if he exchanged oil for the wine, the oil is forbidden, as well as the produce of the Sabbatical Year itself]."

S. *And if you prefer, I shall say, "R. Judah and R. Simeon differ as to the interpretation of verses of Scripture. For it has been taught along those lines on Tannaite authority:"*

T. "'You shall not do work with the firstling of your ox' (Deu. 15:19) — but you may do work with an ox that belongs to you and to a gentile.

- U. “‘You shall not shear the firstling of your flock,’ (Deu. 15:19), but you may shear what belongs to you and to a gentile,” the words of R. Judah. [Miller & Simon: since the verse does not exclude the firstborn of an ass, we do not permit its use prior to its redemption and it is on a par with a firstling of a clean animal.]
- V. R. Simeon says, “‘You shall not do work with the firstling of your ox’ (Deu. 15:19) — but you may do work with the firstling of man.
- W. “‘You shall not shear the firstling of your flock,’ (Deu. 15:19), but you may shear the firstling of an ass.”
- X. *Now there is no problem, from R. Simeon’s perspective, in the fact that Scripture has set forth two verses. But from the perspective of R. Judah, why did Scripture have to employ two verses so as to exclude a firstling belonging to both you and to a gentile, and, moreover, from R. Judah’s perspective, in the case of the firstborn of man, also, we should say that it is forbidden to work with that class of persons before redemption.? Rather, all parties must concur that the reference to “your ox” suffices to exclude the firstborn of man [which one may use for work, even though he has not been redeemed]. Where there is a dispute, it concerns the reference to “your flock.” The opinion of R. Judah is consistent with views expressed elsewhere, for he has said, “A beast held in partnership with a gentile is liable to the law of a firstborn,” on account of which a verse of Scripture is required to indicate that it is permitted to shear and work a firstling subject to such a partnership. R. Simeon takes the position, “A beast held in partnership with a gentile is exempt from the law of a firstborn,” on account of which a verse is hardly required to exempt the matter of sheering and working the beast. Where a verse is needed, it has to do with the firstborn of an ass.*
- Y. *That poses no problem from the perspective of R. Judah, for that explains why Scripture had to specify, “your sheep,” and “your ass” is added because of the reference to “your ass.” But in the perspective of R. Simeon, why make reference to “your ox and your sheep”? [Miller & Simon: if Scripture had merely written, “the firstling of an ox and the firstling of a sheep, Simeon could still have expounded the verse in the manner that he does].*
- Z. *That is a real question.*

II.2. A. Said Rabbah, “And R. Simeon concedes that after the breaking of the neck [of an ass that is a firstborn which has not been redeemed with a lamb], it is forbidden to derive benefit from it. *What is the scriptural basis for his opinion? He derives that lesson from the analogy to be drawn with ‘the breaking of the neck’ stated also with reference to the heifer the neck*

of which is to be broken in the case of a neglected corpse.” [One cannot make use of the carcass of that heifer, so also not of this one.]

- B. *Said Rabbah, “On what basis do I make that claim? It is on the basis of that which has been taught on Tannaite authority:*
- C. *“The fruit of fruit trees in the first three years after planting, mixed seeds in a vineyard, an ox that is to be put to death by stoning, a heifer that has had its neck broken, the birds of the leper’s offering, the firstborn of an ass, and a mixture in which meat and milk have been boiled together — all of them are in the class of food so far as the rules of uncleanness are concerned [even though they may not be used for any sort of benefit, they still contract and convey uncleanness as food].*
- D. *“R. Simeon says, ‘None of them receives uncleanness as food. [What cannot be eaten also is not deemed food so far as cultic uncleanness is concerned.]’ [Thus in any event after the breaking of the neck [of an ass that is a firstborn which has not been redeemed with a lamb], it is forbidden to derive benefit from it.]*
- E. *“But R. Simeon concedes in respect to the mixture of meat and mil that it does receive uncleanness as soon, since at one point it was suitable to be subject to such uncleanness [before the cooking took place].’ And R. Assi said R. Yohanan said, ‘What is the operative consideration of R. Simeon? It is written, ‘All food therein which may be eaten’ (Lev. 11:34) — food you can give to gentiles to eat is classified as food, but food you cannot give to gentiles to eat is not classified as food.’”*
- F. **[10A]** *If so, then in respect to the mixture of meat and milk, why invoke the consideration that at one point it was valid? Derive the rule from the fact that it is food that you can feed to gentiles! For it has been taught on Tannaite authority:*
- G. *R. Simeon b. Judah says in the name of R. Simeon, “Meat cooked in milk may not be eaten, but one may derive benefit from it [e.g., by selling it to gentiles to eat], as it is said, ‘For you are a holy people to the Lord your God’ (Deu. 14:21), [which is followed by the prohibition of cooking a kid in its mother’s milk, bearing the sense that you may not eat it but you may give it to others to eat]. And further, ‘And you shall be holy to me’ (Exo. 22:30) [in regard to terefah-meat].” Just as in that latter case, the food may not be eaten but one may derive benefit from it, so here too, the food may not be eaten but one may derive benefit from it.”*

- H. *[In reply to the question of F:] the sense of the matter is, "This and yet another proof..." first of all comes the reason, "food you can give to gentiles to eat is classified as food, but food you cannot give to gentiles to eat is not classified as food," and, furthermore, comes the reason, for the Israelite himself too there was a time before boiling when this food was susceptible to uncleanness as food [Miller & Simon: unlike the case of the ox and heifer mentioned above, since they have forbidden status when alive].*
- I. *Now if it is the fact that R. Simeon declares the beast permitted [for benefit] after the breaking of the neck, then the passage cited should state, "And R. Simeon concurs in the case of the firstborn of an ass as well as in the case of meat in milk that they are subject to the uncleanness of food."*
- J. *If one had determined to use the ass as food, it would be as you say [Miller & Simon: that the ass with a broken neck would have received the uncleanness relating to food]. But here with what sort of a case do we deal? It is one in which he had formed no such intention [Miller & Simon: and that is the reason that the passage does not include the case of an ass in the statement of Simeon on receiving uncleanness as food, for ordinarily, without expressing the intention of regarding it as food, it is not considered food].*
- K. *And for what reason do rabbis [contrary to Simeon] declare it unclean?*
- L. *Rabbis stated before R. Sheshet, "The fact that Scripture declares it prohibited makes it sufficiently important to be classified as food."*
- M. *But from the viewpoint of rabbis, do we really invoke the conception, "The fact that Scripture declares it prohibited makes it sufficiently important to be classified as food"? And have we not learned in the Mishnah: **Thirteen matters regarding the carrion of the clean bird: (1) It requires intention and does not require preparation. And (2) it renders unclean with food uncleanness when it is the size of an egg, and (3) [it conveys food uncleanness] when it is the size of an olive in the [eater's] gullet. And (4) he who eats it requires waiting until sunset. And (5) they are liable on its account for entering the sanctuary. And (6) they burn heave offering on its account. And (7) he who eats a limb from the living [bird] from it is smitten with forty stripes. "Slaughtering it and wringing its neck render it no longer unclean even if it is terefah, " the words of R. Meir. R. Judah says, "They do not render it clean." R. Yosé says, "Slaughtering it renders***

clean but not wringing its neck” [M. **Toh. 1:1**]. And this is then one of them: **It requires intention and does not require preparation.** Now if it were the case that the fact that Scripture declares it prohibited makes it sufficiently important to be classified as food, why in the world would I require intentionality here?

- N. *Lo, who is the authority of the passage? It is none other than R. Simeon himself.*
- O. *Come and take note of the following: **The carrion of an unclean beast located anywhere, and the carrion of clean fowl in the villages require intention but do not require preparation** [M. **Uqs. 3:3**].* Now if it were the case that the fact that Scripture declares it prohibited makes it sufficiently important to be classified as food, why in the world would I require intentionality here?
- P. *Lo, who is the authority of the passage? It is none other than R. Simeon himself.*
- Q. *Come and take note of the following: **The carrion of a clean beast located anywhere, and the carrion of clean fowl, and fat in the markets do not require intention or preparation** [M. **Uqs. 3:3**].* *Lo, that which is unclean does require intention, and should you claim once more, Lo, who is the authority of the passage? It is none other than R. Simeon himself, since R. Simeon makes his appearance at the conclusion of the same passage, R. Simeon says, “Also: the [carcass of] a camel, rabbit, cony, and pig do not require intention or preparation,” the opening lines of the passage cannot also represent him as well! And R. Simeon further spelled matters out: “What is the operative consideration? Since these classes of animal exhibit the marks of a clean animal...” [Miller & Simon: the first passage with reference to the carcass of an unclean animal’s requiring intention of being used as food must accord with the view of rabbis. Hence we infer that rabbis do not hold that its prohibition marks it out as fit to receive food uncleanness, and therefore the passage cited by Rabbah, where rabbis say that the firstborn of an ass receives uncleanness as food, must deal with a case in which a person has expressed the intention of using it as food. Simeon maintains that it does not receive uncleanness as food, because it is food that cannot be given to a gentile to eat and therefore cannot be used. Rabbah therefore is able to deduce from this that an ass that had its neck broken because it was not redeemed may not be used for any sort of benefit.]*

- R. *Rather, said Raba, "All parties concur that we do not invoke the principle, 'The fact that Scripture declares it prohibited makes it sufficiently important to be classified as food.' And as to rabbis' reason, if the ass's neck is broken, it would be the fact [Miller & Simon: that rabbis would concur that it does not receive uncleanness as food, since it was not intended for use as food]. [10B] But here with what sort of a case do we deal? A case in which the animal was slaughtered for the purpose of learning how to carry on the act of slaughter [but not for the purpose of eating the meat at all]. And at issue is the dispute between Onymus and R. Eleazar. For it has been taught on Tannaite authority:*
- S. **"Said R. Yosé, 'Onymus, brother of R. Joshua the grits-dealer, said to me, 'He who slaughters a raven in order to practice slaughtering on it — its blood imparts susceptibility to uncleanness.' And R. Eleazar says, 'All blood deriving from slaughter invariably imparts susceptibility to uncleanness'" [T. Makh. 3:13E, 3:14A-C].** *Now R. Eleazar's view is the same as that of the opening authority [Onymus}! So is it not the case that at issue between the two of them is whether or not we invoke the principle, 'The fact that Scripture declares it prohibited makes it sufficiently important to be classified as food.' The first Tannaite authority before us takes the position, **its blood imparts susceptibility to uncleanness to other food**, but, as to the raven itself, there must be intention to use the raven as food. Now R. Eleazar comes along to say, 'All blood deriving from slaughter invariably imparts susceptibility to uncleanness,' and even as to the body of the raven itself, there is no requirement of intentionality to render the beast susceptible to uncleanness as food."*
- T. *But what makes you so sure? Perhaps the operative consideration of R. Eleazar in the dispute with Onymus concerns the case of the raven in particular, since that is exceptional in that it bears marks of cleanness [having a crop, a mark of a clean bird]. [Miller & Simon: hence it is considered food as regards levitical uncleanness; but in the case of a firstborn of an ass, which has none of the marks of cleanness, unless the man intended to use it as food, rabbis would not hold that it receives uncleanness pertaining to food, and Simeon would maintain that even if he had thought of it as food, it is not subject to uncleanness as food, since it may not be used after the neck is broken].*

- U. *The reason I am so sure is that it says in connection with the passage cited above [Q], R. Simeon further spelled matters out: "What is the operative consideration? Since these classes of animal exhibit the marks of a clean animal..." And should you object that, if the reason were only because of marks of cleanness, then why should the passage say, he killed the raven in order to practice slaughtering, since, even if he had slaughtered it unintentionally, the case would be the same, the answer is this: indeed so, but it is on account of the position of Onymus that he does not make that statement.*
- V. *An objection was raised:*
- W. "If one did not want to redeem the ass, one breaks its neck with a hatchet from the back, and one buries it, and it is not permitted for any sort of advantage," the words of R. Judah. But R. Simeon permits it to be used [and this yields the opposite of Rabbah's thesis on Simeon's position concerning the disposition of the ass that had its neck broken. For said Rabbah, "R. Simeon concedes that after the breaking of the neck [of an ass that is a firstborn which has not been redeemed with a lamb], it is forbidden to derive benefit from it."]
- X. *State matters in this way: "When it is alive, it is forbidden to be used, and R. Simeon permits doing so."*
- Y. *But since the second part of the cited passage speaks of the beast when it is alive, the first part should refer to the beast when it is not alive. For the second part states: "He should not kill it with a cane, sickle, spade, or saw; nor may he let it go into an enclosure to be locked in and left to die; and one may not shear it or work with it," the words of R. Judah. And R. Simeon permits.*
- Z. *Both the opening clause and the concluding clause refer to the ass when it is alive; the first permit refers to deriving benefit from the value of the beast [renting out the beast or selling it to others], the second part, to benefit deriving from the body of the beast [shearing it and working with it]. And it is necessary to make both points, for if the Tannaite version made reference only to deriving benefit from the value of the beast, I should have thought that it is in particular in that case that R. Simeon permits doing so, but as to deriving benefit from the body of the beast itself, I might have supposed that he concurs with R. Judah. And if the Tannaite authority had referred only to deriving benefit from the body of the beast, I might have thought that it is in particular in that matter that*

R. Judah prohibits deriving benefit, but as to deriving benefit from the value of the beast, I might have supposed that he concurs with R. Simeon.

AA. And so said R. Nahman said Rabbah bar Abbuhā, “R. Simeon concurs that, after the breaking of the asses neck, it is forbidden.”

BB. *And said R. Nahman, “On what basis do I make that statement? For it has been taught on Tannaite authority:*

CC. *““Then you shall break its neck” (Exo. 13:13) — we find a reference to breaking of the neck here, and elsewhere in connection with the heifer the neck of which is broken in the case of the discovery of a neglected corpse] we find reference to breaking the neck as well. Just as in that case the beast may not be used for any beneficial purpose, so here the beast may not be used for any beneficial purpose.’ Now whose position does that formulation represent? Shall I say that it represents the view of R. Judah? But since he forbids utilization of the beast even when it is alive, [why would he have to say that it is forbidden when it is dead, which is an obvious point from his perspective]? Rather, you must say, it stands for the position of R. Simeon.”*

DD. *Said to him R. Sheshet, “Your colleague Safrā sets matters out in this way: in point of fact, the formulation may be that of R. Judah, but it is necessary to make that point nonetheless. For I might have thought that since the breaking of the neck stands instead of redemption, just as redeeming the beast renders it available for beneficial use, so breaking the neck renders it permissible for beneficial use. So he tells us that it is not the case.”*

EE. *Said R. Nahman, “On what basis then do I maintain that Simeon agrees that it is forbidden to use the beast after the neck is broken? It derives from what R. Levi taught on Tannaite authority: ‘He has caused a loss of money to the priest, therefore let him lose some money too.’ Now who stands behind this statement? Shall I say it is R. Judah? Lo, so far as he is concerned, the loss is well established [even when the ass is alive, it is forbidden for beneficial use anyhow].. Rather, is it not R. Simeon?”*

FF. *If you wish, I shall say it represents the view of R. Judah, and if you wish I shall say it represents the position of R. Simeon.*

- GG. *If you wish, I shall say it represents the view of R. Judah: he makes reference to the loss [Miller & Simon:] entailed in the difference [between the value of the beast when alive and when dead; for while when alive, although it could not be used, it could be redeemed, but now he loses everything].*
- HH. *and if you wish I shall say it represents the position of R. Simeon: he speaks of the loss incurred by its death [for it can be fed to the dogs alone and there has been a considerable loss (Miller & Simon)].*
- II. And so did R. Simeon b. Laqish state, “R. Simeon agrees that it is forbidden to use the beast after the neck is broken.”
- JJ. And R. Yohanan and some say, R. Eleazar, said, “The disagreement remains in force.”
- KK. *There are those who report R. Nahman’s ruling in the context of the following:*
- LL. He who betroths a woman in exchange for the firstborn of an ass — the woman is not deemed betrothed.
- MM. *May I say that that formulation of the Tannaite rule is not in accord with R. Simeon?*
- NN. Said R. Nahman said Rabbah bar Abbuha, “This passage refers to the disposition of the animal the neck of which had been broken, and all parties concur.”
- OO. *There are those who say, “Now who is the authority behind this ruling? It is not R. Judah nor is it R. Simeon.*
- PP. *“It is not R. Simeon, for in his view, let her become betrothed with the entire value of the ass [all of which may be utilized for gain], nor is it the position of R. Judah, for in his view, let her be betrothed with the difference in value [between the ass of the value of a shekel and a sheep of the value of a sixth of a denar].”*
- QQ. Said Rabbah bar Abbuha said Rab, “It indeed does represent the position of R. Judah, and it deals with a case in which the beast is worth no more than a shekel. *And he concurs with that which R. Yosé b. R. Judah has said, as has been taught on Tannaite authority: ““You shall redeem...you shall redeem” (Exo. 13:13) — “you shall redeem” the beast immediately; “you shall redeem the*

beast” at any unspecified value [there being no fixed sum; and redemption may be done with even less than a shekel].

RR. “R. Yosé b. R. Judah says, ‘Redemption cannot take place with something worth less than a shekel.’”

II.3. A. A master has said, “‘You shall redeem...you shall redeem’ (Exo. 13:13) — ‘you shall redeem’ the beast immediately; ‘you shall redeem’ the beast at any unspecified value [there being no fixed sum; and redemption may be done with even less than a shekel].”

B. *Is this not self-evident?*

C. *It was necessary and had to be spelled out. For otherwise I might have thought that since an unclean animal is treated as comparable to the firstborn of man, it would follow that, just as the firstborn of man is to be redeemed after the passage of thirty days and for the sum of five selas, so the redemption here of the ass should take place after thirty days and with the sum of five selas. So Scripture states, “You shall redeem...you shall redeem” (Exo. 13:13) — “you shall redeem” the beast immediately; “you shall redeem” the beast at any unspecified value [there being no fixed sum; and redemption may be done with even less than a shekel].*

II.4. A. R. Yosé b. R. Judah says, “Redemption cannot take place with something worth less than a shekel.”

B. [Why should that be so obvious?] *Which way do you want it? If the matter is treated as comparable to the firstborn of man, then he should require the sum of five shekels. And if the matter is not treated as comparable, then how does he know that a shekel is involved at all?*

C. *In point of fact, he draws no such comparison.*

D. Said Raba, “Scripture has said, ‘And all your valuations shall be according to the shekel of the sanctuary’ (Lev. 27:25) — all valuations that you make shall be worth at least a shekel.” [That proves Yosé b. R. Judah’s proposition.]

E. *And rabbis?*

F. *That verse [11A] is written with reference to assessing the amount of one’s means [and if one vows his own value, his valuation is accepted only if his means are*

worth more than a shekel. But in respect to the redemption of the firstling of an ass, it may be with anything of any value whatsoever (Miller & Simon)].

- II.5.** A. Said R. Nahman, “The decided law is in accord with the opinion of sages.”
- B. And how much [must be the worth of the lamb exchanged for the ass’s firstborn]?
- C. *Said R. Joseph, “Even [Miller & Simon:] a puny lamb, worth no more than a danqa.”*
- D. *Said Raba, “We too have learned [the same rule on Tannaite authority:] [a lamb deriving] from sheep or from goats, male or female,] large or small, [blemished or unblemished].”*
- E. *That [statement, that it can be a puny lamb, worth no more than a danqa] is perfectly obvious!*
- F. *What might you otherwise have supposed? That if it were of such slight value it would not be adequate, or that a puny lamb would not be acceptable at all? So we are told that that is perfectly acceptable for the purpose.*
- II.6.** A. *R. Judah Nesiah had the firstborn of an ass. He sent it to R. Tarfon and said to him, “How much do I have to give to a priest?”*
- B. He said to him, “Lo, sages have said: a liberal person gives a sela; a stingy person, a shekel; an average person, a *rigia*.”
- C. Said Raba, “The decided law is that it must be with a *rigia*.”
- D. *And how much is that? It is three zuz, one zuz less than a sela, one zuz more than a shekel.*
- E. *Is there not a conflict between one statement of the decided law and another [that it may be something worth as little as a danqa]?*
- F. *There is no contradiction, the one rule refers to how one advises someone who comes and consults about the matter, the other speaks of someone who acts on his own initiative.*
- II.7.** A. Said R. Simeon b. Laqish, “One who has the firstling of an ass and has no sheep with which to redeem it may redeem it with something of equivalent value.”
- B. *According to whom does he make this ruling? Shall I say it is R. Judah [who says a lamb must be used]? Lo, he has said, “The Torah was meticulous in the matter in insisting that a lamb must be used. Then it must be in accord with R. Simeon.*
- C. *This is how R. Aha repeated the matter. But Rabina raised this difficulty: “When there is a dispute between R. Judah and R. Simeon, the decided law is in accord with R. Judah. And the Tannaite version in hand gives the anonymous version of the law [which is the authoritative version] in accord with R. Judah. And yet you*

maintain that the decided law accords with R. Simeon? Rather, you may even maintain that it is the view of R. Judah. For the rules governing the redemption of the firstborn of an ass should not be more strict than those governing other Holy Things [which may be redeemed by what is equivalent to their value, not necessarily something of their own species or some other specified species]. And the reason that the Torah has spoken of a lamb is not to impose a strict ruling on the farmer but to impose a lenient ruling on him.”

- D. *R. Nehemiah b. R. Joseph redeemed the firstborn of an ass with boiled herbs equivalent in value to it.*

II.8. A. Said R. Shizbi said R. Huna, “He who redeems the firstling of an ass belonging to another party — his act of redemption is valid.”

- B. *The question was raised: Is it the rule that his act of redemption is valid for the one who carries out the act of redemption [who then owns the ass], or perhaps his act of redemption is valid for the owner of the firstling itself [who then retains ownership of the firstling, so the one who has redeemed it may not dispose of it]? The question is not raised with respect to the position of R. Simeon, for, since he has said, “The ass is permitted for benefit,” it is classified as the property of the owner. Where we do have to raise the question, it is vis à vis R. Judah, who has said, “It is forbidden to be used for one’s own benefit.” Does he compare it with Holy Things, concerning which the All-Merciful has said, “And he shall give money and it shall be assured to him” (Lev. 27:19), or perhaps, since the owner retains the possession of the difference between the value of the ass and that of a sheep, it is not comparable to Holy Things at all?*

- C. *Said R. Nahman, “Come and take note: he who steals the firstborn of an ass belonging to another party has to pay the double payment to the owner, for even though he had not got the right of ownership in the beast now, he will have it in time to come [after it is redeemed]. Now who stands behind this rule? If we should suppose it is R. Simeon, why has he not got rights of ownership even now? But it is obvious that in hand is the opinion of R. Judah. And if you then say that we compare the matter to the case of Holy Things, then what Scripture has said is, ‘if it be stolen out of a man’s house’ (Exo. 22: 6) — not out of the sanctuary [which is not compensated with double payment]. [So we do not compare the case to the redemption of a Holy Things.] and there is nothing else on the subject.”*

III.1 A. **Two asses, one [of which] had given birth and one which had not given birth, and which bore two males — one gives a single lamb to the priest. [If they produced] a male and a female, the farmer separates a single lamb for**

himself. For it is said, “And every firstling of an ass you shall redeem with a lamb” (Exo. 34:20) — (1) [a lamb deriving] from sheep or from goats, (2) male or female, (3) large or small, (4) blemished or unblemished. (1) And one redeems with [a single lamb] many firstlings. (2) And it enters the fold to be tithed:

- B. *Our rabbis have taught on Tannaite authority:*
- C. Under what circumstances is it the case that **it enters the fold to be tithed**? You cannot maintain that the firstling has come into the possession of a priest [and then went back to an Israelite, e.g., as a gift], for lo, we have learned in the Mishnah: **a beast that is purchased or given to him as a gift is exempt from the law of tithing animals** [M. Bekh. 9:3A]. Rather, we speak of an Israelite who possessed in his household ten firstlings of asses that were subject to doubt, in which case he sets aside as their counterparts ten lambs, tithes them, but then keeps them.
- C. *This supports the view of R. Nahman, for R. Nahman said Rabbah bar Abbuha said, “An Israelite who possessed in his household ten firstlings of asses that were subject to doubt sets aside as their counterparts ten lambs, tithes them, but then keeps them.”*

III.2. A. And said R. Nahman said Rabbah bar Abbuha, “An Israelite who possessed in his household ten firstlings of asses that were in no way subject to doubt, which he received as an inheritance from his maternal grandfather, who was a priest, who himself had received the animals from his maternal grandfather who was an Israelite [and therefore was required to redeem the animals, which were born in the domain of an Israelite] sets aside as their counterparts ten lambs, tithes them, but then keeps them.”

- B. And said R. Nahman said Rabbah bar Abbuha, “An Israelite who possessed in his household produce from which the priestly and levitical dues had not yet been set aside, which had been piled up and smoothed [and so is liable for tithing], received as an inheritance from his maternal grandfather, a priest, who had received it from his maternal grandfather, an Israelite, tithes it and retains possession of the tithes.”
- C. *And it was necessary to specify the rule for these several cases, for had we had only the initial ruling, I might have supposed that the operative consideration was that the lambs and asses had already been designated* [Miller & Simon: therefore it is as if the asses and the lambs had come to him by inheritance from his maternal grandfather, a priest, already separated]. *But in the second case, we deal with gifts for the priests that had not yet been taken by the priest, and they are not treated*

as thought they have been given, so I might have assumed that the same rule does not pertain [Miller & Simeon: and the tithes have to be given to the priest; so we are told that the tithes belong to the man, and he does not have to give them to another priest]. And had we been given only the second case, I might have supposed that the reason that the man keeps the tithes of the produce is that he can tithe the untithed but liable produce as is, for it lies there in hand, but in the other case, since the lamb derives from some other source, we do not maintain that it is as though it were already set aside [Miller & Simon: for special action is needed to procure the lamb in order to redeem the firstlings of the asses with it, while in the case of the untithed produce, no such effort is necessary]. So it was important to give the rule in both cases.

- III.3.** A. Said R. Samuel bar Nathan said R. Hanina, “He who purchases from a gentile produce from which the priestly and levitical dues had not yet been set aside, **[11B]** which had been piled up and smoothed [and so is liable for tithing], tithes the produce but keeps ownership of the part of the crop designated for the required tithes [Miller & Simon: the priest’s share of the crop he sells to a priest].”
- B. *Now who was it who had piled up the produce [and so rendered it liable for the separation of tithes]? If we say that a gentile had done so, Scripture states, “your grain” (Deu. 14:23), meaning, not the grain of a gentile! So, rather, it is a case in which Israelites had smoothed out the pile in the domain of the gentile [the Israelite being a sharecropper; he had stored up the grain, and the Israelite had acquired the grain in exchange for his labor].*
- C. “He tithes it,” on the principle that a gentile has no valid write of possession of any land in the Land of Israel in such wise as to release from produce the obligation of tithing.
- D. “...but keeps ownership of the part of the crop designated for the required tithes,” *for he says to the priest, “I have gained my rights to this crop from someone against whom you cannot establish a claim in law.”*
- E. *There in the Mishnah we have learned: [He who brings his tithed wheat to a Samaritan miller or to an am haares miller — the wheat remains in its presumed status with regard to tithes and with regard to Seventh-Year produce; to a gentile miller — the wheat is deemed to be] demai.] He who leaves his tithed produce in the keeping of a Samaritan or an am haares — the produce remains in its presumed status with regard to tithes and with regard to Seventh-Year produce; [if it is left] in the keeping of a gentile —*

the produce is deemed to be like his [viz., the gentile's] produce. R. Simeon says, "It is deemed to be doubtfully-tithed produce" [M. Dem. 3:4A-I].

- F. *Said R. Eleazar, "All parties concur that the priest's share has to be set aside from the produce. They differ on whether or not it has to be handed over to the priest [in line with the principle of D, above]. The initial Tannaite authority takes the view that since he has certainly exchanged the produce for his own, the farmer has to handed over the priest's share to the priest, and R. Simeon takes the view that it is deemed to be subject to doubt and hence doubtfully-tithed produce."*
- G. *R. Dimi was in session and stating this tradition. Said Abbaye to him, "The operative consideration then is that we are in doubt as to whether or not he has exchanged the produced. But if he had certainly exchanged the produce, all parties would concur that he has to give the priest's share to the priest? And yet did not R. Samuel say R. Hanina said, 'He who purchases from a gentile produce from which the priestly and levitical dues had not yet been set aside, which had been piled up and smoothed [and so is liable for tithing], tithes the produce but keeps ownership of the part of the crop designated for the required tithes'?"*
- H. *"Perhaps the one rule [Dimi's] refers to the principal heave-offering, and R. Samuel's speaks of the heave offering of tithe [owed to the priest]?"*
- I. *"That matter reminds me of something that R. Joshua b. Levi said, namely, 'How do we know that one who bought untithed grain, properly piled up, from a gentile, is exempt from having to designate the heave-offering of tithe? Because Scripture has said, "Moreover, you shall speak to the Levites and say to them, when you take of the children of Israel" (Num. 18:26) — from untithed grain that you purchase from the children of Israel to you separate the heave offering of the tithe and hand over to the priest; but from untithed grain that you purchase from a gentile, you do not have to separate heave offering of the tithe and hand it over to the priest.'"*

IV.1 A. And if it dies, they derive benefit from it:

- B. *How shall we say that it died? If we say that it died when in the domain of a priest, and he is permitted to derive benefit from the beast, that is self-evident, since the beast belongs to him anyhow! Rather, that it died in the domain of the owner and the priest derives benefit from it? This too is obvious!*
- C. [Not at all!] *You might have thought that so long as the beast has not reached the possession of the priest, the priest does not really possess it. So we are informed*

that, from the moment that the Israelite has designated the beast for that purpose, the beast is held to be within the domain of the priest.

I.1 begins with a question on the Tannaite authority behind the rule, which helps us to identify the principle embedded within the rule. II.1 goes through exactly the same process, with the same result. No. 2 complements the foregoing, though it sets off in its own direction. The composition is entirely independent of the program of II.1, and it has its own focus and direction. Nos. 3, 4, 5 form footnotes to No. 2. No. 6 then brings the matter to a close with a case, followed by some secondary rules dealing with special cases or problems, Nos. 7, 8. III.1 clarifies one of the Mishnah's clauses by appeal to an appropriate amplification of the matter. No. 2 is of course integral to 1.C, but I treat it as separate from the foregoing for an obvious reason: the exposition of 2.A, B, ignores 1.C entirely. No. 3 is tacked on to No. 2. IV.1 asks an obvious question about the clarification of the Mishnah's statement.

1:5

- A. [12A] They do not redeem [a firstling of an ass] with (1) a calf, or (2) with a wild beast, or (3) with an animal which has been properly slaughtered, or (4) with an animal which is *terefah*, or (5) with a hybrid [of a he-goat and a ewe], or (6) with a koy [the offspring of a he-goat and a hind].
- B. R. Eliezer permits in the case of a hybrid, because it is deemed a lamb, and prohibits in the case of the koy, because it is a matter of doubt [whether it is deemed a lamb].
- C. [If] one gave it [the offspring of an ass directly] to the priest, the priest is not permitted to keep it unless he sets aside and designates a lamb in its place [which he also, of course, keeps].
- I.1 A. [They do not redeem a firstling of an ass with (1) a calf, or (2) with a wild beast, or (3) with an animal which has been properly slaughtered, or (4) with an animal which is *terefah*, or (5) with a hybrid [of a he-goat and a ewe], or (6) with a koy:] *Who is the authority behind the anonymous rule of the Mishnah? It is Ben Bag Bag, for it has been taught on Tannaite authority:*
- B. Ben Bag Bag says, "Here we find a reference to 'lamb' [Exo. 13:13, with reference to the redemption of the firstborn of an ass], and elsewhere, with reference to the Passover offering, we find reference to the word 'lamb' (Exo. 12: 5). Just as in that context excluded are all those who have been named in the Mishnah, none of which may be used for the Passover offering, so lamb here is meant to excluded all

those classes of beasts listed in the Mishnah, which may not serve in redemption of the firstling of an ass.

- C. “Might one say, just as the Passover offering must be a male, unblemished, a year old, so here too, the beast used for the redemption of the firstborn of an ass must be a male, unblemished, a year old?”
- D. “Scripture states, ‘you shall redeem...you shall redeem,’ in that way encompassing a beast that is not male, blemished, and not a year old.”
- E. If then the language, “you shall redeem...you shall redeem,” serves to encompass, *then why not include all of these classes of beasts as well?*
- F. *If so, why refer to the analogous meaning of the references to “lamb” in both contexts? [That analogy excludes the proposition just now proposed.]*

I.2. A. *The question was raised: how about redeem the firstborn of an ass with an animal that has been taken live from the slaughtered mother’s womb? That question cannot be raised within the premises of R. Meir, for, since R. Meir has said, “An animal taken live from a slaughter mother’s womb has itself to be slaughtered,” here we have a perfectly valid sheep. The question arises only within the premise of rabbis, who have said, “The act of slaughter of the mother renders the beast valid, as though it were flesh in the cooking pot” [and since this beast is then deemed properly slaughtered, we cannot use it to redeem the firstborn of an ass]. Or perhaps, since at this moment, the beast is there running and walking about, it may be classified as a lamb?*

- B. Mar Zutra said, “It may not be used for redeeming the firstling of an ass.”
- C. And R. Ashi said, “It may be used for redeeming the firstling of an ass.”
- D. *Said R. Ashi, “What’s in your mind? Do you infer this from the case of the Passover offering [which cannot be made from an animal taken live from its slaughtered mother’s womb]? Then why not go further: just as the Passover offering must be a male, unblemished, a year old, so here too, the beast used for the redemption of the firstborn of an ass must be a male, unblemished, a year old? Scripture states, ‘you shall redeem...you shall redeem,’ in that way encompassing a beast that is not male, blemished, and not a year old — and if that is the case, then even a beast removed live from its slaughtered mother’s womb should be acceptable!”*
- E. *“If that were the case, then why derive the analogy from the repeated reference to ‘lamb’?” [Miller & Simon: and since that is the case, we include the beast taken live from the slaughtered mother’s womb as unsuitable, for this falls into the category of a properly slaughtered beast].*

- I.3.** A. *The question was raised: what is the law as to redeeming the firstling of an ass with an animal that appears to be a hybrid [the father a ram, the mother a ewe, and the offspring looks like some other species]? The question cannot be raised within the premises of R. Eliezer, for if he actually permits redemption with a hybrid beast, will the beast that merely appears to be a hybrid cause him any problems? The question may be raised only within the premises of rabbis. We may say that it is in particular with hybrids that we may not redeem the firstling of an ass, but with a beast that merely looks like a hybrid, we do so. Or perhaps there is no difference anyhow?*
- B. *Come and take note: A cow that gave birth to a species of a goat — they do not redeem the firstling of an ass with it. Then it follows that if a ewe gave birth to a species of a kid, we do redeem the firstling of an ass with it. Whose opinion is before us? If we say that it is R. Eliezer, so far as he is concerned, we do also redeem the firstling of an ass with a hybrid. So is it not the view of rabbis [and that answers our question]?*
- C. *No, in point of fact it is the view of R. Eliezer, and this is the very point that he wishes to teach us [without any further deduction as to redeeming with an offspring that looked like a kid produced by a ewe], that if a cow gave birth to a species of a goat, one may not redeem with it, and you are not to say, ‘make the decision by appeal to the criterion of the traits of the offspring itself, and this is a genuine kid,’ but rather say, ‘make the decision by appeal to the criterion of the traits of the mother, and this is a calf.’”*
- D. *Come and take note: for Rabbah bar Samuel taught as a Tannaite version: “What is the definition of a hybrid? A ewe that gave birth to a species of a kid, though the father was a sheep.”*
- E. *But if the father was a sheep is this a hybrid? Is it not merely a beast that appears to be a hybrid? Rather: “What is the definition of that which is so similar to a hybrid that rabbis have treated it as equivalent to a hybrid? A ewe that gave birth to a species of a kid, though the father was a sheep.”*
- F. *Now for what purpose have rabbis treated it as equivalent to a hybrid? Should I say that it is in respect to sanctifying it for the purpose of an offering [indicating that a beast that looks like a hybrid may not be offered as a sacrifice]? The very passage that excludes the use of hybrids from the altar also yields the exclusion of the beast that appears to be a hybrid as well. For it has been taught on Tannaite authority:*
- G. *“When a bullock of a sheep” (Lev. 22:27) — excluding a hybrid;*

- H. “or a goat” (Lev. 22:27) — excluding a beast that looks like a hybrid.
 - I. And if it is for the purpose of excluding a beast that appears to be a hybrid from the rule of the firstling, Scripture has said, “But the firstling of an ox” (Num. 18:17) — the All-Merciful has said that the beast must be an ox, and its firstborn must also be an ox.
 - J. And if it is for the purpose of excluding a beast that appears to be a hybrid from the rule of tithing the herds, Scripture has expressly excluded both the hybrid and the beast that appears to be a hybrid from that classification because the word “under” appears in both contexts.
 - K. So it must be that the purpose of that statement can only have been to refer to the firstborn of an ass [and to indicate that one may not use a beast that appears to be a hybrid for that purpose].
 - L. *No, in point of fact at issue is the matter of tithing of the herd, and we deal with a case in which the beast that appears to be a hybrid still has some of the characteristics of the mother. You might have said that, because the word “under” appears in both contexts, [it is liable to tithing], but so we are informed that that is not the case, for we draw an analogy between the use of the word “under” here and that same usage in connection with Holy Things [so we exclude the animal that appears to be a hybrid from the tithe of the herb, comparing it with a hybrid].*
- I.4.** A. *The question was raised: what is the law as to redeeming the firstling of an ass with beasts that are invalid for serving as Holy Things [and that have been redeemed]? Within the premises of R. Simeon it is not a question, for, since he has said, “Such beasts are available for one’s own benefit,” he deems them to be unconsecrated. The question arises solely from the position of R. Judah, who has said, “Such beasts are not available for one’s own benefit [but have to be redeemed].” What is the rule? Do we maintain that since the beast is forbidden for use for one’s own benefit, we invoke the principle that one prohibition does not take effect where another prohibition is already in place [Miller & Simon: the prohibition attaching to the firstborn of an ass cannot be transferred to a consecrated animal that is unfit for the altar which is liable to the prohibitions regarding shearing or working]? Or perhaps, since the redemption serves only for releasing the ass from being subject to a prohibition [and to allow people to use the firstling of the ass, but the sanctity of the ass does not then affect the object with which the ass has been redeemed], [and so it would be permitted to use the invalid Holy Things for that purpose]?*

- B. *Said R. Mari b. R. Kahana, “And do we treat as inconsequential what is written in regard to beasts that were consecrated but became unfit for use on the altar: ‘As the gazelle and the hart’ (Deu. 12:22)? Just as we do not redeem the firstling of an ass with a gazelle or a hart [but only with a sheep], so we do not redeem the firstling of an ass with animals that were sanctified but then became unfit for the altar.”*
- C. *Now that you have come so far, [12B] then even according to the view of R. Simeon, it should be forbidden to redeem the firstling of an ass with animals that were sanctified but then became unfit for the altar [Miller & Simon: for although it is permitted according to him to benefit from the firstborn of an ass, we are still not allowed to redeem it with an animal of that classification], since, after all, Scripture states, “As the gazelle and the hart” (Deu. 12:22). [Just as we do not redeem the firstling of an ass with a gazelle or a hart but only with a sheep, so we do not redeem the firstling of an ass with animals that were sanctified but then became unfit for the altar.]*
- I.5.** A. *The question was raised: what is the law as to redeeming the firstling of an ass with an animal purchased with produce of the Seventh Year? With respect to an ass that is beyond doubt a firstborn, there is no basis for raising the question, since the All-Merciful has specified that the produce of the Seventh Year is to be used “for food” (Lev. 25: 6), — meaning, for food but not for commerce. The question arises with regard to a firstborn of an ass that is subject to doubt as to its status.*
- B. *And in regard to the position of R. Simeon, there is no basis for raising the question, for he maintains that a firstborn of an ass that is subject to doubt is not subject to redemption.*
- C. *Where there is a basis for raising the question, it is within the premise of R. Judah. Now what is the ruling? Since one sets aside a lamb and it remains for the farmer’s own use, we may say that it meets the criterion of being used for food. Or perhaps, since so long as the prohibition affected the ass has not been nullified the ass is not permitted, the act is tantamount to commercial trading with produce of the Seventh Year?*
- D. *Come and take note, for said R. Hisda, “With a beast that has been purchased with produce of the Seventh Year, one may not redeem the firstling of an ass that is not subject to doubt, but one may redeem with such produce the firstling of the seventh year that is subject to doubt.”*

- E. And said R. Hisda, “The beast purchased with produce of the seventh year is exempt from the law of the firstborn and it is liable for the designation of the gifts that are owing to the priesthood.
- F. “It is exempt from the law of the firstborn, for the All-Merciful has said, ‘for food,’ but not for burning [and certain portions of the firstling are burned on the altar].
- G. “It is liable for the designation of the gifts that are owing to the priesthood for in that case, we can meet the requirement that the beast be used only for food [the priest will eat the meat].”
- H. *An objection was raised:* He who eats from dough made from produce of the Seventh Year prior to the dough-offering’s having been designated and removed is liable to the death penalty. *But why should that be the rule? The rule is that if the dough became unclean, it would have to be burned, but the All-Merciful has said, ‘for food,’ but not for burning, [so there should be no liability to dough-offering at all]!*
- I. *That case is exceptional, for* Scripture says, “Throughout your generations” (Num. 15:21) [Miller & Simon: implying that even in the Seventh Year, dough-offering must be given].
- J. *So too it has been taught on Tannaite authority:*
- K. How on the basis of Scripture do we know that he who eats from dough made from produce of the Seventh Year prior to the dough-offering’s having been designated and removed is liable to the death penalty? It is because it is said, “Throughout your generations” (Num. 15:21).
 - L. *Then why not derive the rule that the firstling bought with the produce of the Seventh Year is liable to the law of the firstling from the case of dough offering itself?*
 - M. *The difference is that, in the case of dough-offering, one designates dough as dough offering principally so the priests can eat it, but in the case of the firstling, the principal purpose of the firstling is to yield the part that is burned on the altar.*

II.1 A. If] one gave it [the offspring of an ass directly] to the priest, the priest is not permitted to keep it unless he sets aside and designates a lamb in its place [which he also, of course, keeps]:

- B. *We have learned here as a Tannaite version that which our rabbis have taught:*
- C. An Israelite who had in his household a firstling of an ass, and a priest said to him, “Give it to me and I shall redeem it” — lo, he should not hand it over to him unless the priest redeems the animal in his presence.

- D. Said R. Nahman said Rabbah b. Abbuha, “That is to say that priests are suspect concerning the redemption of firstlings of asses.”
 - E. *Obviously!*
 - F. *No, you might otherwise have thought that that is so only where the priest is known to be under suspicion, but, in general, we do not suspect priests. So we are told that the priest will commonly decide that it is entirely legitimate [not to set aside a lamb for the redemption of the firstling of an ass, since the lamb remains his property].*
- I.1 goes through the familiar process of clarifying the authorship of the passage, and in that way, identifying the operative principle or consideration. No. 2 presses a secondary problem suggested by the classes of beasts listed in the Mishnah, and No. 3, 4, 5 do the same. A single pattern governs throughout. II.1 raises a minor point of extension of the rule.

1:6

- A. **He who separates a redemption-lamb for a firstborn of an ass and who died —**
 - B. **R. Eliezer says, “(1) They [the heirs] are responsible for it [to give the redemption-lamb to the priest], (2) as [the heirs are liable for replacing, should the money be lost] the five selas [paid in the redemption of the firstborn] son.”**
 - C. **And sages say, “(1) They are not liable for it [to give the redemption-lamb to the priest], (2) as [the are not liable in the case of] the redemption of second tithe.”**
 - D. **Testified R. Joshua and R. Sadoq concerning the redemption-lamb which was set aside for the firstling of an ass [and] which had died,**
 - E. **that there is nothing whatsoever for the priest here [=C].**
 - F. **[If] the firstling [of an ass] died,**
 - G. **R. Eliezer says, “It is to be buried. And [the owner] is permitted to derive benefit from the lamb [which had been set aside to redeem it].”**
 - H. **And sages say, “It need not be buried. And the lamb belongs to the priest.”**
- I.1** A. *Said R. Joseph, “What is the scriptural basis for the position of R. Eliezer? It is written, ‘Nevertheless the firstborn of man you shall surely redeem and the firstling of unclean beasts you shall redeem’ (Num. 18:15) — just as in the case of the firstborn of man, one is responsible to make up the redemption money that has*

been set aside, should it get lost, so in the case of the firstborn of an unclean animal, he is responsible to make up the lamb set aside for redemption if it dies.”

- B. *Said to him Abbayye, “Might one then say, ‘just as in the case of the firstborn of man, one is permitted to derive benefit from the person before he is redeemed, so in the case of the firstborn of an unclean animal, it should be permitted likewise to derive benefit from it’? And if you should say, that is indeed so, have we not learned, [If] the firstling [of an ass] died, R. Eliezer says, “It is to be buried”? What is the meaning of, It is to be buried? Is it not, it is forbidden to derive benefit from it?”*
- C. “No, simply, **It is to be buried** as the firstling of man is to be buried.”
- D. *“And is it only the firstborn of man that is to be buried but an ordinary one does not have to be buried? And has it not been taught on Tannaite authority, R. Eliezer concedes that one who has in his household a firstling of an ass that is subject to doubt, one designates a lamb on its account, but the lamb remains his? [Miller & Simon: And while with reference to an ass that is a firstborn beyond doubt, he maintains that so long as the lamb is not in the possession of the priest, the firstborn is not redeemed, he agrees with regard to a firstborn subject to doubt that he need not give its redemption to the priest but sets aside a lamb, thus implying that the firstborn of an ass otherwise cannot be used; and since we do not compare an unclean animal with the firstborn of a man in this respect, the same should apply in respect to his responsibility to make it up if it should be lost. So what is the reason behind Eliezer’s position?]*
- E. Rather, said Raba, “Scripture says, ‘Nevertheless the firstborn of man you shall surely redeem and the firstling of unclean beasts you shall redeem’ (Num. 18:15) — it is in particular in connection with the responsibility for redemption that I have drawn a comparison between an unclean animal and the firstborn of man, but not with respect to any other matter.”

I.2. A. *It has been taught on Tannaite authority in another regard:*

- B. Valuations are assessed in accord with the situation prevailing when he made the pledge of valuation [even though the pledge is paid later on]; the redemption of a firstborn son is to take place after thirty days have passed; the redemption of the firstborn of an ass takes place immediately.
- C. Is it the fact that the redemption of the firstborn of an ass takes place immediately? *But a contradiction to that position may be cited in the following:* at least thirty days must be assigned to the period of valuation, redemption of the firstborn, spell of Naziriteship,¹ and redemption of the firstborn of an ass, and one may add to the

time in which action is taken in each of these matters indefinitely [so, valuation accords with the increase in one's age, a Nazirite can vow for years, the firstborn of an ass may be redeemed even after years; the contradiction is that the redemption of the firstborn of an ass takes place only thirty days after birth, not immediately].

- D. Said R. Nahman, "The statement, 'the redemption of the firstborn of an ass takes place immediately,' indicates that if one has actually redeemed it forthwith, the act of redemption is valid."
 - E. *Does this then imply that in the case of his son, if he redeemed him immediately [and not after thirty days], the act of redemption is invalid? And has it not been stated: He who redeems his son within the first thirty days — Rab said, "His son is validly redeemed."*
 - F. *But has it not been stated in that same connection, said Raba, "All parties concur [that if he said that the firstborn will be redeemed] from now [before thirty days have passed], his son is not validly redeemed."*
 - G. **[13A]** R. Sheshet said, "The passage indicates that if one has done so, he does not violate the law."
 - H. *Rami bar Hama objected, "The religious duty pertains for the first thirty days. After that time has passed, the farmer must either redeem the firstling or break its neck' [T. 1:14B-C]. Is the meaning not, the religious duty is to retain the animal for the entire period of thirty days?"*
 - I. No. It is, the religious duty is to redeem it during the thirty days.
 - J. *If so, then the passage should read, "from that point on, the farmer must either redeem the firstling or break its neck."*
 - K. *Rather, said Raba, "There is no contradiction. The one statement [redemption is done after thirty days] is the opinion of R. Eliezer, who treats the unclean animal's firstborn as equivalent to that of man, and the other statement [that redemption takes place immediately] represents the opinion of rabbis, who draw no such analogy.*
- I.1 commences with the usual inquiry into the scriptural basis for an aspect of the Mishnah's rule. No. 2 proceeds to clarify the span of time in which the firstborn of an ass may, or must, be redeemed, a detail that does not intersect with any salient point of our Mishnah-paragraph. The reason for the inclusion is shown at the end, the dispute on the pertinent analogy.

1:7

- A. [If] one did not want to redeem it [the firstling of an ass], he breaks its neck from behind with a hatchet, and buries it.
- B. The requirement of redemption takes precedence over the requirement of breaking the neck,
- C. since it is said, “And if you will not redeem it, then you will break its neck” (Exo. 34:20).
- D. The requirement of espousing [a Hebrew bondwoman] takes precedence over the requirement of redemption,
- E. since it is said, “So that he has not espoused her, then he shall let her be redeemed” (Exo. 21: 8).
- F. The requirement of Levirate marriage takes precedence over the ceremony of halisah —
- G. at first, when they would consummate the Levirate marriage for the sake of fulfilling a commandment.
- H. But now, that they do not consummate the Levirate marriage for the sake of fulfilling a commandment, they have ruled:
- I. The requirement of halisah takes precedence over the requirement of Levirate marriage.
- J. The requirement of redeeming [an unclean beast dedicated to the Temple] is incumbent upon the master.
- K. He takes precedence over every other person [M. Ar. 8:2],
- L. since it is said, “[Then he shall ransom it...] or if it is not redeemed, then it shall be sold according to thy estimation” (Lev. 27:27).

No Talmud serves this passage.