

III

BAVLI TRACTATE BEKHOROT CHAPTER THREE

FOLIOS 19B-26B

3:1A-R

- A. [19B] He who purchases a beast from a gentile,
- B. and it is not known whether it has given birth or whether it has not given birth —
- C. R. Ishmael says, “A goat a year old [which produced an offspring] — it [the offspring] certainly belongs to the priest.
- D. “From that age and onward it is a matter of doubt [whether or not the offspring is a firstborn].
- E. “A sheep two years old [which produced an offspring] — it certainly belongs to the priest.
- F. “From that age and onward it is a matter of doubt.
- G. “A cow and an ass three years old [which produced offspring] — they certainly belong to the priest.
- H. “From that age and onward it is a matter of doubt.”
- I. Said to him R. Aqiba, “If by the offspring alone [and not by a discharge] the beast were exempted [from the law of the firstling], it would be in accord with your words.
- J. “But they have said:

- K. “The token of [having given birth to] an offspring,
- L. “in a small beast is womb-discharge,
- M. “in a large beast is afterbirth.
- N. “and in a woman are the foetus-sack and afterbirth.”
- O. This is the general principle:
- P. [In the case of] any [beast] of which it is known that it has given birth, the priest has nothing whatsoever here.
- Q. And [in the case of] any beast [of which it is known] that it has not given birth, lo, this goes to the priest.
- R. If it is a matter of doubt, let it [the new-born beast] be eaten by the owner when it is blemished.

- I.1** A. **From that age and onward** *why is it a matter of doubt?* Follow the rule of the majority of beasts, and the majority of beasts get pregnant and give birth in their first year, *so this one too certainly gave birth in the first year!*
- B. *May we say that R. Ishmael accords with the view of R. Meir, who takes account of the minority of cases [and not only of the rule to which the majority adhere]?*
- C. *You may even maintain that he accords with rabbis [who reject Meir's view]. When we follow the status of the majority, it is a majority that is present and ready at hand, for example, in the case of nine stalls [each selling valid meat, one stall selling terefah-meat, and a piece of meat is found on the ground nearby and we do not know whether it has come from a valid or an invalid source; we assume it came from the larger component of the whole], or in the case of a sanhedrin [twelve against eleven win the day]. But in the case of a majority which are not actually present, rabbis will not follow the status of the majority.*
- D. *And lo, there is the case of a minor boy and a minor girl [under thirteen and twelve, respectively], where the entire repertoire of cases is not before us, and yet rabbis follow the traits of the majority of such in that classification, as it has been taught on Tannaite authority:*
- E. “A minor boy or a minor girl do not go through the rite of removing the shoe [in the case of the death of a childless brother or brother-in-law], nor do they enter into levirate marriage [in such a case],” the words of R. Meir.
- F. They said to him, “You have ruled quite properly that they do not undertake the rite of removing the shoe, for Scripture referred to ‘man’ [at Deu. 25:9, excluding a minor], and we draw an analogy between the woman and the man. But why not

let them enter into levirate marriage [and ultimately produce the required child in the name of the deceased childless brother]?”

- G. He said to him, “The male may prove a eunuch, and the female may prove unable to conceive, so the two may turn out to verge upon an incestuous relationship [a consanguineous marriage].”
- H. *And rabbis?*
- I. *Follow the status of the majority of boys, and the majority of boys do not end up eunuchs, follow the majority of girls, and the majority of girls do not end up unable to conceive.*
- J. *Rather, said Raba, [20A] “It is better to explain that R. Ishmael accords with the view of R. Meir, who maintains that we take account of the status of the status of the majority.”*
- K. *Rabina said, “You may even say that he accords with the position of rabbis. When rabbis follow the status of the majority, it is in a case in which the matter does not depend upon an actual event, but in a case in which the majority depends upon an actual event [the pregnancy and birth, and it is possible that the beast was never impregnated to begin with], we do not do so.”*

I.2. A. *Our rabbis have taught on Tannaite authority:*

- B. **A goat a year old [which produced an offspring] — it [the offspring] certainly belongs to the priest. From that age and onward it is a matter of doubt [whether or not the offspring is a firstborn]. A sheep two years old [which produced an offspring] — it certainly belongs to the priest. From that age and onward it is a matter of doubt. A cow and an ass three years old [which produced offspring] — they certainly belong to the priest. From that age and onward it is a matter of doubt.** An ass is in the classification of a cow.
- C. R. Yosé b. R. Judah says, “An ass four years old [which produced an offspring] — it certainly belongs to the priest.”
- D. To this point are the opinions of R. Ishmael.
- E. When matters were repeated before R. Joshua, he said to them, “Go and tell R. Ishmael, ‘You have erred. **If by the offspring alone [and not by a discharge] the beast were exempted [from the law of the firstling], it would be in accord with your words. But the token of [having given birth to] an offspring, in a small beast is womb-discharge, in a large beast is afterbirth, and in a woman are the foetus-sack and afterbirth.**’”

- F. “But that is not how I view matters. Rather: a goat that at six months had a discharge from the womb can give birth in its first year, a ewe that had a discharge in its first year can give birth in its second year.”
- G. Said R. Aqiba, “For my part I do not accept this reasoning. Rather, **[in the case of] any [beast] of which it is known that it has given birth, the priest has nothing whatsoever here. And [in the case of] any beast [of which it is known] that it has not given birth, lo, this goes to the priest. If it is a matter of doubt, let it [the new-born beast] be eaten by the owner when it is blemished.**”
- H. *What is at issue between R. Ishmael and R. Joshua? May I say that at issue between them is whether or not a discharge exempts the beast from the law of the firstling. R. Ishmael holds [that the beast born of a goat in the first year is certainly a firstling even if there has been a discharge in the first year,] so the beast has not been exempted by the discharge], and R. Joshua takes the view that the discharge does exempt the mother from the law of the firstling.*
- I. *[Probably not, for] if we actually observe the discharge on our own, all parties will concur that the discharge does exempt the beast from the law of the firstling. Here at issue is whether we take account of the possibility of a discharge. R. Ishmael maintains that we do not take account of the possibility of a discharge, and R. Joshua maintains that we do take account of the possibility of a discharge.*
- J. *But does R. Ishmael not take account of the possibility of a discharge? But did not Raba state, “It is better to explain that R. Ishmael accords with the view of R. Meir, who maintains that we take account of the status of the status of the majority.”*
- K. *When one takes account of the status of the minority, it is only to impose a strict ruling, but to impose a lenient ruling, we do not take account of the minority.*
- L. *If you prefer, I shall say, whether it is to produce a strict or a lenient ruling, one does take account of the minority, but here what is at issue is the case of a beast that produces a discharge and then goes and gives birth, all within the first year. R. Ishmael takes the view that if a beast produces a discharge, it does not then go and give birth during the first year, and lo, if it has actually produced an offspring, that is evidence that it assuredly has not earlier produced a discharge. and R. Joshua maintains that if a beast produces a discharge, it does then go and give birth during the first year.”*
- I.3.** A. [Now to the language: Said R. Aqiba,] “For my part I do not accept this reasoning. Rather, **[in the case of] any [beast] of which it is known that it has given birth, the priest has nothing whatsoever here. And [in the case of] any**

beast [of which it is known] that it has not given birth, lo, this goes to the priest. If it is a matter of doubt, let it [the new-born beast] be eaten by the owner when it is blemished."

- B. *What is the difference between what he had learned [which is Joshua's statement about what sages have said,] and what he had produced through his own processes of reasoning ["but I do not accept this..."]?*
- C. *A case in which an animal discharged at the end of six months [where we actually saw the discharge commence at the start of the seventh month (Miller & Simon)], in connection with the position of Zeiri is what differentiates the one from the other.*
- D. *For Zeiri said, "A period of discharge is not less than thirty days [and during that period there can be no sexual relations for the beast]. In [Aqiba's] received traditions, he accords with the view of Zeiri [and so the rule does not maintain, 'that of a goat in its first year...', thus implying that even if it gives birth on the first day of the second year, the offspring is a firstling, as we accept Zeiri's statement that its discharge is for thirty full days, after which there is a period of pregnancy of five complete months, so that it would give birth on the first day of the second year (Miller & Simon)], but on the basis of his own reasoning, he does not concur with the view of Zeiri [and so: a goat six months old that discharges gives birth in its first year; the discharge does not then last the full thirty days, as Zeiri says, allowing for the full months of pregnancy it could not give birth in the first year but only afterward (Miller & Simon)].*
- E. *If you prefer, I shall say all parties concur with the position of Zeiri, but here what is at stake between them is whether an animal gives birth before the due number of months is completed. [20B] In 'Aqiba's received tradition, he does not maintain that an animal gives birth before the due number of months is completed., but on the basis of his own reasoning, he does maintain that an animal gives birth before the due number of months is completed.*
- F. *If you prefer, I shall say all parties concur that he does not maintain that an animal gives birth before the due number of months is completed, and what is at issue here is whether or not part of a day is considered as the equivalent to a whole day. In 'Aqiba's received tradition, he does maintain that part of a day is considered as the equivalent to a whole day, but on the basis of his own reasoning, he does not maintain that part of a day is considered as the equivalent to a whole day.*

- I.4.** A. [Now to the language,] said R. Aqiba, “For my part I do not accept this reasoning. Rather, **[in the case of] any [beast] of which it is known that it has given birth, the priest has nothing whatsoever here. And [in the case of] any beast [of which it is known] that it has not given birth, lo, this goes to the priest. If it is a matter of doubt, let it [the new-born beast] be eaten by the owner when it is blemished.”**
- B. *What is at issue between R. Aqiba and R. Joshua?*
- C. *Said R. Hanina of Sura, “At issue between them is the question of whether giving milk [in the first year of life] exempts a beast from the law of the firstling. R. Aqiba takes the position that giving milk exempts the beast from the law of the firstling, because we follow the rule that pertains to the vast majority of beasts, and the vast majority of beasts give milk only if they have given birth. And R. Joshua maintains that lo, there is that minority that gives milk even though they have not given birth.”*
- D. *But does R. Joshua propose to take account of the minority of cases in formulating his rule? And have we not learned in the Mishnah: **A woman whose husband and co-wife went overseas and they came and said to her, “Your husband has died,” should not remarry [without carrying out the rite of removing the shoe] or enter into levirate marriage, until she ascertains whether her co-wife is pregnant. [If] she had a mother-in-law, [however] she does not have to scruple concerning her [the mother-in-law's possible pregnancy, which may bring forth a levir, on whom she then would have to wait]. [And if] she [the mother-in-law] went away full [of child], she must scruple [concerning her]** R. Joshua says, “She does not have to scruple [concerning her]” [M. **Yeb. 16:1A-E**]. And in this connection we said, “What is the operative consideration behind R. Joshua’s position? R. Joshua takes the view that the majority of those who are pregnant give birth, and the minority abort, and of all those who give birth, half produce males, half females. Put together the minority of miscarriages to the minority that produce females, and males then become the minority — and we do not take the minority into consideration!”*
- E. *Then reverse the names given above.*
- F. *And so it has been taught on Tannaite authority:*
- G. “Giving milk exempts the beast from the law of the firstling, [because we follow the rule that pertains to the vast majority of beasts, and the vast majority of beasts give milk only if they have given birth],” the words of R. Joshua.

- H. R. Aqiba says, “Giving milk does not exempt the beast from the law of the firstling.”

We now take up a topical appendix on the she-kid, invited by 4.G. We revert to Mishnah-exegesis only at No. 8.

I.5. A. *Our rabbis have taught on Tannaite authority:*

- B. **A she-kid that produced three females, and the females produced three at the end of their first year — all three enter the corral to be tithed.**
- C. **Said R. Simeon, “I saw a she-kid, the offspring of which was tithed in its first year.” If one had beasts two or three years old, if one recognizes those of one year as distinct from those of another, it enters the corral to be tithed; and if not, it does not enter the corral to be tithed [T. Bekh. 7:2A-F].**
- D. *Why specify that each gave birth to three? Let the framer say simply that one gave birth to three, and of the rest, each gave birth to two?*
- E. *Since [in order to make up the number of ten beasts that are subject to tithing, since the original she-kid is not tithed with the offspring, because it is assigned to the prior year,] each must of necessity produce three, the passage states that in each of the cases the beast gave birth to three.*
- F. *And why state that each gave birth to three at all? Why not say that each offspring gave birth to two, and the mother again gave birth, along with them?* [Miller & Simon: so there will be three mothers with six offspring and the additional offspring of the she-kid.]
- G. [Miller & Simon: Since the passage does not state that the mother gave birth again, but that the ten animals for tithing are composed of each of the daughters giving birth to three,] **[21A]** *may we therefore draw the conclusion that the framer of the passage maintains that an animal that discharges does not then give birth in the year of the discharge?* [Miller & Simon: and in that case it cannot bear, having given birth to three daughters in the beginning of the year; he mentions ‘discharging’ because he also wishes to solve the dispute between Ishmael and Joshua on whether there is a delay after a discharge as there is after an actual birth].
- H. [Not at all], for while you may hold that an animal that has a discharge can still give birth in the year of its discharge, you may still maintain that if it gave birth, it cannot again give birth in the same year [so no proof can be drawn from this passage].

I.6. A. Said R. Simeon, “I saw a she-kid, the offspring of which was tithed in its first year.” If one had beasts two or three years old, if one recognizes those of one year as distinct from those of another, it enters the corral to be tithed; and if not, it does not enter the corral to be tithed [T. **Bekh. 7:2A-F**].

- B. *What is at issue between R. Simeon and the initial authority of this composition?*
- C. *At issue between them is the statement of Zeiri [Zeiri said, “A period of discharge is not less than thirty days and during that period there can be no sexual relations for the beast]. The initial authority accepts the view of Zeiri and R. Simeon rejects the view of Zeiri.*
- D. *And if you prefer, I shall say, all parties concur with Zeiri’s position, and at issue here is whether an animal can give birth before term. The initial Tannaite authority maintains that an animal cannot give birth before term, while R. Simeon maintains that an animal can give birth before term.*
- E. *And if you prefer, I shall say, all parties concur that an animal cannot give birth before term, and at issue here is whether part of a day is considered as equivalent to the whole day. The first Tannaite authority maintains that we do not consider part of a day as equivalent to the whole day, and R. Simeon maintains that we do consider part of a day as equivalent to the whole day.*
- F. *And if you prefer, I shall say, all parties concur that we do consider part of a day as equivalent to the whole day, and at issue here is whether an animal prior to the eighth day after birth enter the corral to be tithed [with the initial Tannaite authority maintaining that they do not, and Simeon holding that they do].*
- G. **[21B]** *And is there not a Tannaite teaching to that effect, as follows:*
- H. *R. Simeon b. Judah says in the name of R. Simeon, “A beast that is under age [of eight days] enters the corral to be tithed, for it is equivalent to the case of a firstling: just as a firstling is consecrated before the due time [when it is born] and is sacrificed when it reaches its time, so an animal that is to be tithed can be consecrated before its due time but be offered up after its time has arrived.*
- I. *But instead of deducing the rule from the case of a firstling, why not deduce the rule from the case of Holy Things [where before its due time the animal is disqualified and if consecrated prior to the appropriate*

period, which is seven days after birth, it is not even held to be holy at all]?

- J. *It stands to reason that we should deduce the rule governing the animal to be tithed from the case of a firstling, because to both classes of beast apply rules regarding redemption, blemishes, the law of substitution, and the rules governing who may eat these beasts.*
- K. *To the contrary, the case of the animal to be tithed should follow the rule governing the animal that is to be consecrated, because to both pertain the rules affecting ordinary beasts [not firstborn], males, sanctification, and the priestly dues.*
- L. *Rather, R. Simeon derives the rule from the recurrence of the word “pass” with reference to both the firstborn and the beast that is to be tithed.*

I.7. A. *How may this “discharge” be defined?*

- B. *Said Rab, “It is in accord with that which the Shepherds of Salta have said, ‘The womb closes up [and the embryo is mashed (Miller & Simon)].’”*
- C. *And Samuel said, “It is cast-up blood, and one has to show it to a sage [to ascertain whether there was an embryo so as to exempt the beast from the law of the firstling].”*
- D. *And on what basis is the sage to know the answer?*
- E. *Said R. Pappa, “It must be a shepherd who is a sage.”*
- F. *Said R. Hisda, “Behold, sages have said, ‘The formation of the embryo in the woman takes forty days.’”*
 - G. *R. Hisda asked, “In the case of an embryo, how long does it take?”*
 - H. *Said R. Pappa to Abbaye, “Is this not what Zeiri said, for said Zeiri, ‘The period of discharge takes not less than thirty days’?”*
 - I. *That statement refers to receiving the male for sexual relations.*

I.8. A. *We have now found the rule for the case of one who purchases a beast from a gentile. But what is the rule governing one who purchases such a beast from an Israelite?*

- B. *Said Rab, “It is a firstling without any doubt, for if the beast had already given birth to a firstling, the seller would have praised the beast for that reason.”*

- C. And Samuel said, “It may or may not be a firstling, *for the seller may have supposed that the buyer wanted the beast to slaughter it for the meat.*”
- D. R. Yohanan said, “It is assuredly unconsecrated in all respects. *Why so? If it were the fact that the beast had not given birth to a firstling already, since there would then have been a prohibition involved [for the Israelite cannot eat a beast that belongs to a priest], the seller would most certainly have informed the buyer.*”
- E. *It has been taught on Tannaite authority in line with the view of R. Yohanan that the beast is treated as an ordinary unconsecrated beast.*
- F. If the seller did not inform the buyer, the latter can go ahead and kill the beast and does not have to refrain.
- G. *May we then say that this refutes the positions of both Rab and Samuel?*
- H. *In that case the matter depends on the seller [who has to inform the public, and the buyer interprets silence to indicate there is no danger of violating the law], but here the matter depends on the buyer [to ask about the condition of the beast; and the person who possesses the animal has to identify the firstling; so the inquiries were not made, and the offsprings are subject to doubt].*

I.1 investigates the reasoning behind the positions of the Mishnah, once more linking one case to another via a shared principle, a favorite mode of Mishnah-exegesis in the Bavli and unknown to the Tosefta's authorship. No. 2 moves on to a complementary Tannaite rule, which establishes three positions out of the materials of our Mishnah-paragraph. The connection, at J, to No. 1 is simply stunning and proves that the long and protracted discourses in fact are tightly composed and unitary fabrics. Nos. 3, 4 form appendices to No. 2. No. 5 in a round-about way reverts to the issue with which we commenced. No. 6 is tacked on as an appendix to No. 5. No. 7 forms yet another appendix, providing information required for the full comprehension of the earlier discussion of the Mishnah. No. 8 is the first fresh initiative, referring us back to the Mishnah for an amplification of the required law.

3:1S

- S. **R. Eliezer b. Jacob says, “A large beast which discharged a clot of blood — lo, this [the clot] is to be buried. And the mother thereby is exempted from the law of the firstling.”**

I.1 A. *R. Hiyya taught on Tannaite authority:*

- B. **The clot does not impart uncleanness to one who touches it nor to one who carries it [and that which is born after the mother is exempt from the law of the firstling on account of doubt] [T. Bekh. 2:13B].**

- C. Then if **it does not impart uncleanness to one who touches it nor to one who carries it**, then why does it have **to be buried**?
- D. **[22A]** That is so as to make public that **the mother is exempt from the law of the firstling**.
- E. *Is that then to imply that this is a genuine offspring? Then why is it the fact that the clot does not impart uncleanness to one who touches it nor to one who carries it?*
- F. *Said R. Yohanan, "It is because we apply here the principle of neutralization by reason of the character of the larger part of the mixture [Miller & Simon: the blood and multi-colored substance are the larger portion, and that neutralizes the flesh of the embryo, and therefore that is not susceptible of uncleanness]."*
- G. *And R. Yohanan is consistent with views expressed elsewhere, for said R. Yohanan, "R. Eliezer b. Jacob and R. Simeon have made the same statement of principle. That of R. Eliezer b. Jacob is the one that we have just considered. The one of R. Simeon is as follows. If there is a placenta in a house, the house is unclean. The reason is not that the placenta is the child, but because there is no placenta which does not contain part of the child. R. Simeon says, "The child was mashed before it [the afterbirth] came out" [M. Nid. 3:4D-E].*

Topical Appendix: The Uncleanness of the Still-Born Offspring, the Placenta, and other Discharges

- I.2.** A. *There we have learned in the Mishnah: The still-born child has not opened the womb unless the head is rounded like a spindle-top [M. Oh. 7:4C].* [Miller & Simon: the opening of the uterus for untimely births is not until the embryo on leaving the uterus forms a round head like a coil].
- B. *What kind of coil?*
- C. Said R. Huna, "Like a coil of wool."
- D. Said Hiyya bar Rab to R. Huna, "Has Rabbi explained whether the coil of wool containing warp or one containing woof is meant [the latter is thicker]?"
- E. *He said to him, "It has been taught on Tannaite authority [as follows]:"*
- F. **Abortions do not indicate an opening of the womb until the head is rounded**
—
- G. **"like the spindle top of the warp,"** the words of R. Meir.
- H. **R. Judah says, "Like the spindle top of the woof."**

- I. **R. Eliezer b. R. Sadoq** says, “From the time the travailing has reached that stage when ringlike formations at the mouth of the vagina are visible [indicating passage of the embryo’s head].” [Said R. Yosé, “I say one thing and they said one thing. I say to them that the way of uncleanness — its way is to exude and its way is not to seep in.’ And they said to me, ‘The abortion is not unclean until it comes forth into the air of the world’” (T. **Ahilot 8:8A-F**)].
- J. *What are these “ringlike formations”?*
- K. Said R. Judah said Samuel in the name of R. Eliezer b. R. Sadoq, “This is how they would explain the matter in Jerusalem: [Miller & Simon:] ‘like a mule that bends to urinate, and it has the appearance of a coil coming out of a coil.’”
- L. Said R. Huna, “I have heard reference to two sizes of coils, one of the warp and the other of the woof, but I cannot explain [the point of these measurements].”
- M. When R. Dimi came, he said R. Yohanan [said], “I have heard of three sizes of coils, one of warp, one of woof, and one large coil, but I cannot explain [the point of these measurements].”
- N. When Rabin came, he explained in the name of Yohanan, “In the case of a woman [just now given], the coil is like a warp; in the case of an animal, the size of the coil is the woof; as to the large-size coil of sacks, it is in accord with what we have learned in the Mishnah: **‘Dirt of a grave area and dirt from abroad which came in vegetables join together to reach the measure of the seal of packing bags,’** the words of R. Eliezer. And sages say, **‘[It is not joined together but conveys uncleanness] only if in one place is sufficient to serve as a seal of packing bags’** [M. **Oh. 17:5D-E**]. And the top part of the stopper of a Bethlehem wine jug is of the same size.”

A Free-standing Discussion on the Principle of Neutralization, in which Eliezer b. Jacob’s Mishnah-Saying Figures

The following is included in continuation of No. 1, that is, interest in the principle of neutralization. It is a valid inclusion, since Eliezer b. Jacob’s saying is introduced in evidence on just the issue of principle to which his statement pertains, that is, in line with the following: Said R. Yohanan, “It is because we apply here the principle of neutralization by reason of the character of the larger part of the mixture.”

- I.3.** A. Said R. Simeon b. Laqish in the name of R. Judah the Prince, “He who buys brine from a person who does not observe the laws of cultic cleanness when dealing with unconsecrated food must bring the brine into contact with water [in an immersion pool, so that the water in the brine mingles with that in the immersion pool] and then the brine is deemed cultically clean.
- B. *“For one way or the other [the result is the same, namely,] if the larger portion of the brine is made up of water, since that water is brought into contact with the water of the immersion pool, he has rendered it clean, and if the greater part of the brine is made up of brine, brine is to begin with not susceptible to uncleanness. So the only matter subject to doubt is the small volume of water in the brine [which is unclean, and which is not cleaned by contact with the water of the immersion pool, for the larger portion is brine and purification by the union of water does not serve for food], which is neutralized in the larger portion of brine.”*
- C. Said R. Jeremiah, “That rule pertains only so far as dipping bread in the brine, but, so far as cooking in it is concerned, the brine is not permitted, for like finds like and [the uncleanness] is thereby intensified [Miller & Simon: shaken from the law of neutralization].”
- D. *In session R. Dimi made that statement.* Said to him Abbaye, “But is uncleanness that has been nullified once more going to be intensified?”
- E. *He said to him, “Don’t you think so? And have we not learned in the Mishnah: A seah of unclean heave offering which fell [22B] into a hundred [seahs] of clean [unconsecrated] produce [and so is neutralized] — R. Eliezer says, “Let it be raised up and burned. For I say, ‘The seah which fell [into the unconsecrated produce] is the [same] seah that is raised up.” But sages say, “[The heave offering] is raised up [out of the mixture] and is eaten dry, or roasted, or kneaded with fruit juice, or divided into lumps [of dough], so that there is not in a single place as much as an egg’s bulk [of produce]” [M. Ter. 5:2A-E]? And in this connection it has been taught: as to that unconsecrated food, [23A] in the opinion of R. Eliezer, what is to be done with it? It is to be eaten dry, or roasted, or kneaded with fruit juice, or divided into lumps [of dough], so that there is not in a single place as much as an egg’s bulk [of produce]. And said Ulla, ‘What is the operative consideration? It is a precaution against the possibility of his bringing so much as a qab of unclean unconsecrated food from some other place as well as a qab and a bit more of this kind. So he takes the view that he neutralizes it by the larger portion, but since*

there is this very small quantity of unclean heave-offering, like finds like and [the uncleanness] is thereby intensified.”

- F. He said to him, “So if cultic uncleanness intensifies cultic uncleanness, will cultic cleanness intensify cultic uncleanness? [Miller & Simon: that a minute quantity of uncleanness may stir up other uncleanness, as in the case of the heave offering, is feasible; but in the case of the brine, we certainly do not assume that the clean water in the pot will combine with the small quantity of unclean water in the brine in order to neutralize the latter and thus make it unclean.]
- G. *An objection was raised: **Suitable ash which became mixed with ash of a stove — they follow the majority [of the ash in the mixture], so far as rendering [a person] unclean. [And they do not mix with it. R. Eliezer says, “They mix with the entire quantity”] [M. Par. 9:7A-D]. But if the greater part is ash, they should not impart uncleanness. If you say that uncleanness that has been neutralized is considered as though it still existed, then, while it does not impart uncleanness by contact, still it should impart uncleanness if it is carried [for the man has carried all of the ashes, including those that impart uncleanness]!***
- H. *Lo, it has been stated in this connection, said R. Yosé b. R. Hanina, “It is clean so far as imparting uncleanness through contact, but it is unclean through imparting uncleanness to one who carries it.”*
- I. But has not R. Hisda stated, “Carrion is neutralized in a larger quantity of properly slaughtered meet, for it is not possible for properly slaughtered meat to become carrion. *Now once more, granting that it will not impart uncleanness by contact, still, let it impart uncleanness to one who carries it!*
- J. *He [Dimi] said to him, “You have repeated the matter in connection with what R. Hisda said, and we repeat it in connection with what R. Hiyya said.”*
- K. *For it has been taught on Tannaite authority by R. Hiyya:*
- L. Carrion and properly slaughtered meat are neutralized by one another [when mixed together]. *And in this connection it has been stated, said R. Yosé b. R. Hanina, “It is clean so far as imparting uncleanness through contact, but it is unclean through imparting uncleanness to one who carries it.”*
- M. *But have we not learned in the Mishnah: **R. Eliezer b. Jacob says, “A large beast which discharged a clot of blood — lo, this [the clot] is to be buried. And the mother thereby is exempted from the law of the firstling.” And in this regard R. Hiyya taught on Tannaite authority: It does not impart uncleanness either if it is touched or if it is carried. Why is that the case? Granting that it***

should not impart uncleanness in contact, surely it should impart uncleanness if it is carried!

- N. *[Dimi] shut up. [But there is a possible reply:] perhaps the case is exceptional, because the form of uncleanness is a putrid one.*
- O. *That poses no problem to Bar Peda, who has said, “Principal uncleanness [e.g., that conveyed to one who carries the substance] applies to it so long as it can be eaten by a proselyte, but secondary uncleanness [which is conveyed to one who merely touches it] pertains so long as it can be eaten by a dog; and in this case it surely is not suitable to be eaten by a proselyte!*
- P. But as to R. Yohanan, who has said, **[23B]** “In both cases the same rule applies: uncleanness in both forms pertains so long as it is fit for a dog to eat — *in this case, is it not fit for a dog to eat [and should the person who carries it not be unclean.]*” *[This refutes Jeremiah’s ruling].*

I.4. A. *Reverting to the body of the previous text:*

- B. Bar Peda, who has said, “Principal uncleanness [e.g., that conveyed to one who carries the substance] applies to it so long as it can be eaten by a proselyte, but secondary uncleanness [which is conveyed to one who merely touches it] pertains so long as it can be eaten by a dog; *and in this case it surely is not suitable to be eaten by a proselyte!* But R. Yohanan said, “In both cases the same rule applies: uncleanness in both forms pertains so long as it is fit for a dog to eat.”
- C. *What is the scriptural basis for the position of Bar Pada?*
- D. “You shall not eat anything that dies of itself, you shall give it to a stranger” (Deu. 14:21) — what is still appropriate for a proselyte to eat is called carrion, and what is no longer appropriate for a proselyte to eat is not called carrion.
- E. *And the other?*
- F. *That verse serves to exclude a case in which the food was putrid at the outset* [Miller & Simon: although it is fit for dogs, it does not make the carrier unclean, for it never had this uncleanness; but where it was at first fit for a stranger and possessed the power of making the one who carried it unclean, then it retains this uncleanness until it is unfit for a dog to eat].
- G. *And the other?*
- H. *If the food was putrid at the outset, there is no requirement that Scripture itself exclude such food, for it is no more than dirt.*

- I. *We have learned in the Mishnah: R. Eliezer b. Jacob says, “A large beast which discharged a clot of blood — lo, this [the clot] is to be buried. And the mother thereby is exempted from the law of the firstling.” And in this regard R. Hiyya taught on Tannaite authority: It does not impart uncleanness either if it is touched or if it is carried. But R. Yohanan said, “We apply the principle here that the larger part neutralizes the other part.” What point is there in introducing the issue of neutralization in the greater part of a mixture? Why not simply deduce that position from the fact that it was not suitable for a stranger?*
- J. *Here too, it was suitable to be eaten by a stranger because of the mother* [Miller & Simon: for if the animal had not discharged a clot but was slaughtered, and a clot of blood was discovered, the clot of blood would have been fit for the proselyte to eat along with the meat, and since in this case it is made fit by reason of the slaughter of the mother, it is fit even now, when it has been discharged; consequently, were it not for the fact that it is neutralized by the larger portion, it would have been susceptible to uncleanness].
- K. *There we have learned in the Mishnah: R. Eliezer b. Jacob says, “Insusceptible brine into which fell any amount at all of water is deemed susceptible to uncleanness” [M. Mak. 6:3J].*
- L. Said R. Nahman said Rabbah bar Abbuha, “That is to say that people who do not observe the rules of cultic cleanness in connection with ordinary food are assumed to make a mixture of brine with a half portion of water [so that when a bit more fell into the brine, the parts were equal, and the water is now more than the brine, so the mixture is susceptible to cultic uncleanness].”
- M. *Why specify half? Even less than half would yield the same result, for with a bit more water here, the mixture is a half, and a half of the whole cannot be neutralized by the other half [but has to be placed into contact with water in an immersion pool in order to be purified]?*
- N. *Rather: up to half [nearly half of water makes up the brine and water mixture, and this with the further small volume of water makes up the half, the water is not neutralized, and it is subject to uncleanness].*

O. *If you prefer, I may say: the cultic uncleanness that applies to persons who do not keep cultic cleanness in connection with unconsecrated food is merely a decree imposed by rabbis, and the uncleanness pertaining to liquid likewise is a decree made by rabbis, so where the water is the larger portion, rabbis decreed uncleanness; where the mixture is half and half, their decree does not apply.*

I.1 clarifies the contradictions contained in the rule at hand. The result is to identify the principle that is operative in a number of cases, a commonplace program for our authorship. My guess on why No. 2 is included is that the discussion of discharges of clots of blood has led the framers to include a topical appendix on that subject. But the connection is extremely tenuous, and were the bulk of the Bavli to be composed of materials put together in this way, a strong case could be made for its agglutinative — and not merely sedimentary — character. The use, in No. 3, of a line of the Mishnah-passage at hand is the sole reason for the inclusion of this vast and contextually irrelevant composition. No. 4 is tacked on as an appendix to No. 3. No. 5 reverts to another component of No. 3.

3:2

- A. **Rabban Simeon b. Gamaliel says, “He who purchases from a gentile a beast that was nursing does not scruple lest it [the sucking animal] be the offspring of another [beast].**
- B. **“[If] he went into his fold and saw beasts which had not previously given birth nursing, and those which had previously given birth nursing, he does not scruple lest the offspring of one has come to another or that the offspring of the other has come to this one.”**
- I.1** A. *Said R. Nahman in the name of Rab, “The decided law throughout this chapter is in accord [with what is stated in the Mishnah], except where there is a dispute.”*
- B. *Said R. Sheshet, “I say that Rab was drowsy or sleeping when he made that statement. For to what does he make reference? It cannot be that he refers to the beginning of the chapter, for are there not the disputes between R. Ishmael and R. Aqiba? And if he speaks of what R. Eliezer b. Jacob has said, is not the Mishnah-tradition of R. Eliezer called ‘small in quantity, high in quality’? [So the law follows him whether Rab says so or not!] And if he speaks of what Rabban Simeon b. Gamaliel says in the Mishnah, in associated Tannaite versions there are differing viewpoints! Then if he refers to what R. Yosé b. Hammeshullam*

states [in the paragraph that is coming], has Rab not already told us this? For Rab said, ‘The law is in accord with R. Yosé b. Hammeshullam.’ And if he speaks of the Mishnah-paragraph concerning the hair of a blemished firstling, are there not different opinions assigned to Aqabya b. Mahalalel and rabbis?”

- C. *In point of fact, he makes reference to Rabban Simeon b. Gamaliel, and what he means to imply is that the difference of opinion recorded in the associated Tannaite version in point of fact does not represent a disagreement at all.*
- D. *But since Rab has said, “The decided law throughout this chapter is in accord [with what is stated in the Mishnah], except where there is a dispute,” [24A] what need do I have for the statement, “The law is in accord with R. Yosé b. Hammeshullam”?*
- E. *Had Rab made the statement, “The decided law throughout this chapter is in accord [with what is stated in the Mishnah], except where there is a dispute,” but not made the statement, “The law is in accord with R. Yosé b. Hammeshullam,” I might have thought that he referred to R. Yosé b. Hammeshullam, and that when he said, “the entire chapter,” he was referring to the fact that R. Yosé made two statements [later on], and that the difference of opinion in the alternative Tannaite formulation of Rabban Simeon b. Gamaliel’s position represents a genuine difference of opinion. So Rab tells us that the law conforms with the position of R. Yosé, so as to imply as well that in the other statement he is referring to Rabban Simeon b. Gamaliel, with the result that the difference of opinion between what he says here and the other version is of no consequence.*

I.2. A. *What is this alternative Tannaite formulation of matters? It is in accord with that which is taught on Tannaite authority:*

- B. He who purchases a nursing beast from a gentile — the following offspring is deemed possibly a firstborn, because the beast can nurse a beast even if it had not given birth to it.
- C. **Rabban Simeon b. Gamaliel says, “He who enters his corral by night and saw ten or fifteen animals, both those that had not given birth in the past and those that had already given birth, and next day he gets up early and finds males clinging to the animals that had given birth in the past, and females clinging to those that were giving birth for the first time — he need not take into account the possibility that the offspring of the one have come to nurse with the other [but owes no firstlings to the priest]” [T. Bekh. 2:15].**

- I.3.** A. *The question was raised: Is Rabban Simeon b. Gamaliel's ruling based upon the presumption that a beast will give suck only if it has already given birth [so he makes reference [he need not take into account the possibility that the offspring of the one have come to nurse with the other] to beasts that had not previously given birth, but if it had given birth we take account of the possibility that it nurses an animal that was not its own? Or perhaps he takes as his premise that it will nurse its own, and one that is not its own it will not nurse?*
- B. *What is at stake in this question?*
- C. *Whether or not one should inflict a flogging on account of the offspring that clings to the animal, should the farmer slaughter both on the same day, so violating the law against killing the mother and the offspring on the same day. If you take the view that it will nurse its own, and one that is not its own it will not nurse, then should he do so, he will be flogged, but if you take the view that it nurses an animal that was not its own, then he will not incur a flogging. What is the rule?*
- D. *Come and take note of the following: Rabban Simeon b. Gamaliel says, "He who purchases a beast from a gentile does not take account of the possibility that it was the offspring of another [but takes for granted that the offspring belongs to that animal; hence it nurses only its own offspring]."*
- E. *But does he state that it is so? He states, it was so! The sense then is this: he takes account of the possibility that it is the offspring of some other beast only if it had already given birth.*
- F. *Come and take note of the following: Rabban Simeon b. Gamaliel says, "He who enters saw those that had already given birth nursing, and those that had not given birth nursing as well, he need not take into account the possibility that the offspring of the one have come to nurse with the other [but owes no firstlings to the priest]."* *But why not? Why not take account of the possibility that the beast may nurse an offspring not its own [so even if it were not now bearing for the first time, it would suck only its own, and that answers the question (Miller & Simon)].*
- G. *Where a beast has its own offspring, it will not abandon its own and nurse a beast not its own.*
- H. *Come and take note of the following: We confirm the prevailing assumption, and so... now does not the first part of the formulation cited earlier [He who purchases a beast from a gentile does not take account of the possibility that it was the offspring of another] bear comparison with the second part? Just as the second part refers to a case in which the offspring certainly belongs to the beast that is nursing it, so the first part also refers to the beast that is nursing it?*

- I. *No way! This refers to its case, and that refers to its case. And what the formulation means by “and so” is to refer to exemption from the law of the firstling [Miller & Simon: in that respect alone are the two parts alike; just as in the second part they are certainly exempt from the law of the firstling as certainly the females cling to those that have now given birth for the first time, for they would not leave their own offspring and nurse strangers, in the first part also, they are exempted in the future from the law of the firstling; and in the first part, even if they are not their own offspring, they are exempted, having already given birth, since otherwise they would not have given suck to strangers; but in respect of the prohibition of killing the mother and its young on the same day, there may still be a doubt].*
- I.4.** A. Said Rabbah bar bar Hana said R. Yohanan, “If one saw a creature that looked like a pig clinging to a ewe, the ewe is exempt from the law of a firstling, but [the pig-like creature] may not be eaten ‘until he come and teach righteousness to you’ (Hosea 10:12).”
- B. “...the ewe is exempt from the law of a firstling:” *in accord with whom is that ruling?* It is in accord with Rabban Simeon b. Gamaliel.
- C. “...but [the pig-like creature] may not be eaten.” *in accord with rabbis* [who take account of the possibility that the ewe nurses a beast not its own; Simeon would permit it to be eaten like an unclean animal that comes from a clean one].
- D. *And further, if the rule is in accord with rabbis, then why add, “until he come and teach righteousness to you” (Hos. 10:12)?*
- E. *The sense is, “until it is known to you what is required” [as to this particular beast, whether it is the offspring of the ewe or not].*
- F. *And if you should say that R. Yohanan was in doubt whether the law followed Rabban Simeon b. Gamaliel or rabbis, if he is in doubt, then why is the ewe exempt from the law of the firstling?*
- G. *And further more, is he in doubt and all?* And has not Rabbah bar bar Hana said R. Yohanan said, “In any passage in our Mishnah in which Rabban Simeon b. Gamaliel has repeated a statement, the decided law is in accord with his view, except for his view in respect to the matters of serving as a pledge, Sidon, and the case dealing with final evidence.”
- H. *In point of fact, it is obvious to him that the law is in accord with the position of Rabban Simeon b. Gamaliel, but he is in doubt as to whether Rabban Simeon b. Gamaliel maintains that an animal that has given birth will nurse an offspring of a stranger or will not nurse an offspring of a stranger.*

- I. *If that is the case, then instead of telling us about the case of the pig-like creature, let him tell us the rule concerning the case of a lamb, and with respect to flogging on account of violating the rule against killing the mother and the offspring on the same day!*
- J. *It was necessary for him to tell us the case of the pig-like creature, for had he told us only the case involving the lamb, I might have reached the conclusion that if you should conclude that he takes the view that a beast that has given birth will nurse to a stranger's offspring, that would apply only to an offspring of its own species, but an offspring not of its own species it will not nurse. So it was necessary to include the case of the pig-like creature, to indicate that even an offspring not of its own species will it be prepared to nurse. So he states the case of the swine to indicate that, even here, perhaps it gave suck, and that is the sense of what R. Yohanan has said.*
- I.5.** A. *The question was raised [24B] by Ahai Beribbi: "If one saw a pig-like creature clinging to a ewe, what is the law?"*
- B. *What's the point of his question? If we say that it has reference to the matter of the firstling, and he raises the question of whether the law follows Rabban Simeon b. Gamaliel or whether the law follows rabbis, then let him raise the question in terms of a lamb [for reasons that have already been spelled out above]!*
- C. *When he raises his question, it has to do with the law of the firstling, and it is within the context of the position of rabbis so far as eating the creature is concerned, and within the context of the position of Rabban Simeon b. Gamaliel so far as the matter of the status of the mother as to the firstling is concerned.*
- D. *As to the firstling: even within the premise of rabbis, who say that a beast will give suck to a stranger, is this the case only if the offspring belongs to its own species, but as to one that does not belong to its own species, to such as that it does not give suck? Or perhaps we hold that even to an offspring not of its own species, it will also give suck?*
- E. *And as to eating, even within the position of Rabban Simeon b. Gamaliel, while he holds that an animal that has already produced an offspring will nurse even a stranger, is this the case only when the offspring belongs to the same species as the mother, but where it does not belong to the same species, it will not nurse? Or perhaps even if the offspring is not of the same species as the nursing beast, it will nurse?*
- F. *The question stands.*

I.1 raises a question of consistent interest to the Talmud but never addressed in the Tosefta: the adjudication of the decided law. Nos. 2, 3, 4, 5 — drawing to a close a long and complex discussion — form footnotes to No. 1.

3:3

- A.** [With reference to Deu. 15:19: You shall do no work with the firstling of your herd, nor shear the firstling of your flock,"] **R. Yosé ben Hammeshullam says, “He who slaughters the firstling makes a place with the hatchet on either side and pulls out the hair.**
- B..** **“And [this is so] on condition that he does not remove it [the wool] from its place.”**
- C.** **And so he who pulls up the hair to examine the place of a blemish.**
- I.1** A. Rab said, “The law is in accord with R. Yosé b. Hammeshullam.”
- I.2.** A. *The question was addressed to R. Huna: “What is the rule concerning the festival day? Is the operative consideration of R. Yosé b. Hammeshullam that he conceives that tearing out the hair is not considered tantamount to shearing, but on a festival day it would be forbidden to do so, since it would be detaching something from the place in which it grows? Or perhaps in general R. Yosé b. Hammeshullam takes the view that tearing up is tantamount to shearing, but the reason that in the Mishnah’s version he permits doing so is that it is a forbidden act that was done without intent [and the sense of ‘tearing’ to pull the hair on both sides is so as to clear a place, but not to tear or pluck the hair, and if the hair should be plucked or torn, that is a violation of the law carried out without improper intentionality], and doing a forbidden act without improper intentionality is permitted on a festival day?”*
- B. *He said to them, “Go ask R. Hananel. If he says to you, ‘The law is in accord with R. Yosé b. Hammeshullam,’ then I shall settle the question for you.”*
- C. *They went and asked R. Hananel. He said to them, “This is what Rab said: ‘The law is in accord with R. Yosé b. Hammeshullam.’”*
- D. *They came to R. Huna. He said to them, “It is permitted [25A] to act in a corresponding manner on the festival day [since there is no intent to violate the law].”*
- E. *And so it has been stated:*
- F. Said R. Hananiah bar Shelamayya in the name of Rab, “It is permitted to act in a corresponding manner on the festival day [since there is no intent to violate the law].”

- G. *But has Rab made such a statement? And lo, said R. Hiyya bar Ashi in the name of Rab, "It is forbidden to squeeze the stopper of the brewery boiler on a festival day"* [Miller & Simon: for fear of breaking the law against squeezing and wringing on the holy day].
- H. *To that ruling even R. Simeon would concur, for both Abbaye and Raba said, "R. Simeon concurs that if it is a case of 'let his head be cut off but let him not die' it is forbidden."* [Miller & Simon: This is a term denoting the unavoidable result of an act; here since he closes the boiler with the stopper, it is inevitable that there should be squeezing, and therefore even Simeon, who elsewhere holds that an unintended forbidden act is not prohibited, admits in such an instance that it is prohibited].
- I. *But lo, said R. Hiyya bar Ashi in the name of Rab, "The decided law accords with R. Judah." And R. Hanan bar Ammi said Samuel said, "The decided law is in accord with R. Simeon." And R. Hiyya bar Abin repeated the Tannaite version without naming an authority: "The decided law accords with R. Judah, and Samuel said, the decided law accords with R. Simeon."*
- J. *To be sure, Rab maintains the view that it is forbidden even without improper intention to perform a forbidden act, and that tearing up the hair is not tantamount to shearing, and the reason that it is permitted on the festival day because it is detaching something from the place where it grows only in an unusual way [since it is not usual to tear or pluck wool, but only to shear it]."*
- K. *But is tearing the hair not tantamount to shearing it? And has it not been taught on Tannaite authority:*
- L. **He who pulls a wing from a bird, trims it, and plucks the down, is liable for sin offerings on three counts [T. [Shab. 9:20A](#)].** And said R. Simeon b. Laqish, "The liability as to pulling the wing is on the count of shearing; the liability for cutting is on the count of severing; and the liability for smoothing is on the count of scraping" [so plucking or tearing are the same as shearing].
- M. *Plucking the wing is exceptional, for that is the ordinary way* [in which the act is done, but it is not usual to shear it, and plucking is therefore considered tantamount to shearing; but plucking or tearing wool is not usual and therefore is not considered the same as shearing (Miller & Simon)].
- N. *Now since Rab takes the same view as R. Yosé b. Hammeshullam, then R. Yosé b. Hammeshullam takes the same view as Rab. But then does R. Yosé b. Hammeshullam maintain that it is forbidden to carry out a prohibited act if that is done without intentionality? And has it not been taught on Tannaite authority:*

- O. **If there were on a red cow two black hairs or white ones in one follicle, it is unfit; in two follicles — it is fit. R. Judah says, “Even in two follicles and they are adjacent to one another, it is unfit.” If there were on it two hairs, with a red root and a black head, R. Yosé b. Hammeshullam says, “One shaves the top and does not reckon with the possibility that he is liable on account of shearing the red cow” [T. Parah 2:7A-E].**
- P. *The case of the red cow is exceptional, because it in general is not there to be sheared.*
- Q. *But has it not been taught on Tannaite authority:*
- R. “You shall do no work with the firstling of your ox nor shear the firstling of your flock” (Deu. 15:19) —
- S. I know only that it is forbidden to work with the ox and forbidden to shear the flock. How do I know that the rule stated with respect to the one applies to the other, and the rule stated with respect to the other applies to the one?
- T. Scripture states, “You shall not work nor shear the firstling of your flock.”
- U. *But: the case of the red cow is exceptional, for it belongs to the class of Holy Things consecrated for the upkeep of the house.*
- V. But has not R.,. Eliezer said, “Holy Things consecrated for the upkeep of the house may not be sheared or worked”?
- W. *That is only on the authority of rabbis.*
- X. *So there is a prohibition by reason of the authority of the rabbis! [And that too must be respected.]*
- Y. *Rather: the case of the red cow is exceptional, because it is an unusual event.*
- Z. *Then why not redeem the red cow, then treat it as unconsecrated, shear it, and then sanctify it once again?*
- AA. *It is a very costly beast.*
- BB. *Then why not act in this case in line with the view of Samuel, for Samuel has said, “Holy Things worth a maneh which one has deconsecrated for something worth a penny are deemed to have been deconsecrated.”*
- CC. *I concede that Samuel has said that after the fact, they are treated as deconsecrated, but as an action de novo, has he made such a statement? [Surely not!]*
- DD. *And if you wish, I shall say, “Rab concurs with R. Yosé b. Hammeshullam, but R. Yosé b. Hammeshullam does not concur with Rab.”*

II.1 A. ...and pulls out the hair. And [this is so] on condition that he does not remove it [the wool] from its place:

B. Said R. Assi said R. Simeon b. Laqish, "That statement [**and pulls out the hair**] has been made only if it is done by hand, but it is forbidden to do so with a utensil."

C. *But has it not been stated in the Mishnah: **He who slaughters the firstling makes a place with the hatchet on either side and pulls out the hair?***

D. *Read: "makes a place **for** the hatchet."*

III.1 A. **And so he who pulls up the hair to examine the place of a blemish:**

B. *The question was raised: is this procedure applicable to begin with or only after the fact?*

C. *Said R. Jeremiah, "Come and take note: wool that is entangled in the ear [where there will be no possibility of identifying a consequential blemish] — R. Yosé b. Hammeshullam says, 'One tears up the hair to reveal the blemish.' That yields the inference that that procedure is applicable to begin with, does it not?"*

D. *It yields that very inference.*

E. *Said R. Mari, "We too have learned the same rule as a Tannaite version: **he who pulls up the hair to examine the place of a blemish.**"*

III.2. A. *What is the meaning of the phrase, "And so"? If we say that the meaning is, he must not remove it from its place, [then we may argue as follows:] if in the case of slaughtering the beast, in which case the act of slaughter shows the man's true intention [which is not to shear the beast, you maintain that the hair must not be removed], then can there be any question about the other alternative, namely, to do so in order to examine the place in which a blemish may be concealed [which surely must be forbidden, since nothing will prove the character of the intentionality here, since the blemish is not immediately visible one way or the other]!*

B. *So is it not the case that **And so** refers to tearing the hair, and that is permitted even to begin with, as is the case in the opening clause?*

C. *That is decisive.*

I.1 goes over a familiar entry-point. No. 2 then undertakes to extend the coverage of the law. II.1 provides a minor gloss to the Mishnah's statement, harmonizing the qualification with the received language. III.1 amplifies the law by extending it to a fresh case. No. 2 clarifies the language of the concluding clause of the Mishnah-paragraph.

3:4

- A. “The hair of a blemished firstling which fell out, and which one put in a wall-niche, and which [firstling] one afterward slaughtered —
 - B. “Aqabya b. Mahalalel permits [the priest to use the wool, for as killing the beast makes the meat and skin and wool attached to the animal available for priestly use, so the part that was detached can also be used], [25B] and sages prohibit [Miller & Simon: if you permit the use of wool plucked when the animal is alive, people may hold the firstling to benefit from the wool, and this may ultimately break the law against working and shearing the beast],” the words of R. Judah.
 - C. Said R. Yosé, “Not in this case did Aqabya declare permitted, but in the case of:
 - D. “The hair of a blemished firstling which fell out, and which one put in a wall-niche, and which [firstling] afterward died —
 - E. “in this case
“Aqabya b. Mahalalel permits and sages prohibit.”
 - F. The wool which dangles from a firstling[‘s hide after the firstling is slaughtered] —
 - G. that which appears [distinct] from the [rest of the] wool is permitted. And that which does not appear [distinct] from the [rest of the] wool is prohibited.
- I.1** A. [Not in this case did Aqabya declare permitted:] *is it then to be inferred that the wool is forbidden? If in the case of a dead firstling, the wool is permitted, then how can it be any question that in a case in which the beast is slaughtered, the wool that is torn away is permitted?*
- B. Rather: “**Not in this case did Aqabya declare permitted, and sages prohibit.** *If one slaughtered it, all parties concur that it is permitted. Where there is a dispute, it concerns a case in which the beast had died.*”
- I.2.** A. Said R. Assi said R. Simeon b. Laqish, “The dispute concerns a case in which an acknowledged expert had permitted the firstling, *and one party maintains that we prohibit utilizing the wool as a precaution, lest the owner turn out to detain the beast so he can use the wool, while the other authority holds that we do not make such a precautionary ruling.* But where an expert had not yet permitted use of the beast, all parties concur that use of the wool is forbidden [Miller & Simon: for it is like an unblemished firstling, and in such a case even Aqabya agrees, for if the

wool may be used, the man will keep the animal until a blemish appears on it, and it will be held back from the altar].”

- B. *R. Sheshet objected, “If blemished animals that had been designated as sacrifices were confused with unblemished ones, they are forbidden in any number at all. R. Yosé says, ‘The case requires examination.’ And we considered the matter, what is the meaning of the statement, The case requires examination? If one should maintain that it is the blemished animal that is to be removed, then shall we infer that the initial Tannaite authority does not take the same view [Obviously he does, for if the blemished animal can be identified, why should there be any further doubt (Miller & Simon)]? And said R. Nahman said Rabbah bar Abbuha, ‘Here we deal with a case involving the wool of a blemished firstling [which had been torn off the animal while it was still alive], which was confused with the wool of unconsecrated sheep.’ And who is the Tannaite authority? It is R. Judah, who has said, ‘If one has slaughtered the animal, the rabbis prohibit the use of the wool [and slaughtering does no good],’ while R. Yosé is consistent with views expressed elsewhere, where he maintains that, if he slaughtered the beast, rabbis permitted use of the wool [pulled off prior to slaughter]. Now what does, “the case requires examination’ mean? Does it mean that the examination is by reference to whether or not the beast has suffered from a permanent blemish [in which case, killing the beast will make it permissible to use everything], or does it mean a transitory blemish?” [Miller & Simon: According to Yosé slaughtering the animal makes the wool permissible to be used even according to rabbis. Therefore, just as according to Yosé, rabbis allow use of the wool when the animal is slaughtered, whether the expert had permitted the firstling or not, for Yosé says that the animal has yet to be examined, similarly Aqabya with regard to a dead firstling makes no distinction whether the expert had permitted it or not, for Aqabya makes no distinction between a case of slaughtering it and a dead firstling; hence we see that even without the expert permitting the firstling, there is yet a difference of opinion].”*
- C. Said Raba, “No, the language, ‘The case requires examination,’ means if an expert had permitted using the firstling before the wool was torn away, the wool is allowed, and if not, it is not allowed.”
- I.3.** A. *When Rabin came up [from Babylonia to the land of Israel,] he reported the statement of R. Nahman before R. Jeremiah. He said, “Foolish Babylonians! Because they live in a land of darkness, they repeat obscure traditions. Have they not heard what R. Hiyya bar Abba said R. Yohanan said? It is, “The dispute concerns a case in which one searched and did not find the blemished animal,’ and*

at issue is what is under dispute between R. Meir and rabbis, for we have learned in the Mishnah: R. Meir would say, ‘Anything which was assumed to be unclean remains perpetually in its condition of uncleanness until the source of the uncleanness is located.’ [Miller & Simon: similarly here if the blemished animal cannot be identified, then, according to the first Tannaite authority, all the animals are forbidden]. **But sages say, ‘One digs until he reaches rock or virgin soil [and that suffices] [M. Nid. 9:5K-L].’**”

- B. R. Assi said R. Yohanan said, “The dispute concerns a case in which one searched and found the lost beast, *and at issue is what is subject to dispute between Rabbi and Rabban Simeon b. Gamaliel, for it has been taught on Tannaite authority: ‘A field in which a grave has been lost — he who enters the field is unclean. If a grave is found in that field, he who enters the field is clean. For I say, “The very grave that had originally been lost is the one that has now been found,”*” the words of Rabbi, And Rabban Simeon b. Gamaliel says, ‘The entire field must be examined.’” [Miller & Simon: according to the first Tannaite authority, we take account of the possibility that the blemished animal that was found was really another, and therefore all the animals have to be examined, while Yosé maintains that making a search is adequate, and having discovered a blemished animal, we presume that it is the one that became mixed up with the rest].
- C. *And for what reason does R. Assi not accept the reading of R. Hiyya bar Abba?*
- D. *He will say to you, “Now with respect to the matter of uncleanness, there is no problem [rabbis regard reaching rock as enough, for although one does not find the corpse, one may say that the corpse has been removed (Miller & Simon)], for I say that a raven came and took away the corpse matter, or a rat came and dragged it off. But here where has the blemished beast gone? [Miller & Simon: therefore Yosé might not permit in this case, as the blemished animal is undoubtedly among them].”*
- E. *And the other party?*
- F. *He will say, “It was a transitory blemish and has been healed.”*
- G. *And for what reason does R. Hiyya bar Abba not accept the reading of R. Assi?*
- H. *He will say to you, “Now there are no problems [in Simeon’s maintaining that a search should be made of the entire field] in regard to a field in which a grave was lost, for just as it is possible for this person to bury there, so someone else can have done so. But as to animals that have*

been designated as Holy Things, once they have been examined, is it all that common that a blemish should occur in them? [So the initial Tannaite authority need not have prohibited the action in such a case.]”

- I. *And the other party?*
- J. *He will say, “Since animals commonly attack one another, blemishes may very often follow even after an examination.”*
- K. *An objection was raised: **He who plucks wool for an unblemished firstling, even though afterward a blemish should appear on the beast and one slaughtered the animal lo, this will is forbidden [cf. T. Bekh. 2:17A-C].***
- L. *The operative consideration is that the beast was unblemished. [26A] Lo, if it had been blemished, it would have been permissible to use the wool, and that is the case even though an expert had not permitted the firstling [Miller and Simon: and the passage follows the view of Yosé, who says that when he slaughtered the beast, the rabbis permitted use of the wool; or Aqabya as Judah reads the Mishnah, and even though the expert did not permit the firstling before the wool was plucked; hence there is a difficulty here with reference to the reading of R. Simeon b. Laqish].*
- M. *So long as the expert has not permitted it, the Tannaite version describes it as an unblemished firstling [even though it may in fact have been blemished].*
- N. *May one say that [the position of Simeon b. Laqish] represents a point at issue among Tannaite versions?*
- O. **He who uproots wool from an unblemished firstling and leaves it in a wall niche, even though a blemish appeared in the firstling afterward and one slaughtered it, lo, this wool that he had plucked is to be buried. A blemished firstling from which one plucked hair and which afterward died —**
- P. **Aqabya b. Mahalalel permits, and sages prohibit.**
- Q. **Said R. Judah, “Aqabya concedes in this case that it is prohibited. Concerning what case did they differ? Concerning one which was made unclean [that is, blemished] from which hair was plucked, and which afterward was slaughtered, for Aqabya b. Mahalalel permits and sages prohibit.”**
- R. **Said R. Yosé, “Abba Halafta concedes in this case that it is permitted. But most emphatically did sages say, ‘Let him leave it in a wall niche, as there may be some sort of way of righting matters. For if it should die, it is**

prohibited; if one slaughters it, all parties concur that it is permitted. Concerning what did they dispute? Concerning one which was made unclean [blemished], from which hair was plucked, and which afterward died, for Aqabya b. Hallel permits, and sages prohibit" [T. Bekh. 2:17-19].

S. *Is it not the case, then, that the view of R. Yosé is the same as that of the initial Tannaite authority here?* [Miller & Simon: From the first Tannaite authority mentioned above we deduce that if he slaughtered a blemished firstling, the wool is allowed to be used according to all the authorities concerned, and the difference of opinion relates to where the firstling dies; and Yosé also declares that the point at issue is where the animal dies.] *So is it not the case that at issue between them is whether or not an expert has declared the beast permitted? The initial authority maintains that if an expert has permitted using the beast, it is permitted, and if not, it is not permitted, and R. Yosé comes along to say that even though an expert has not permitted using the beast [it still is permitted]?*

T. *Said Raba, "All parties concur that, if an expert had permitted the animal, the animal is permitted for use, and if the expert had not done so, it is not permitted for use. There are, in point of fact, three matters on which there are differences of opinion at issue between Aqabya and sages. The first Tannaite authority holds that at issue between Aqabya and sages concerns a dead firstling, and the same pertains to the case in which the farmer slaughtered the animal, and the reason that they differ in regard to the dead firstling is to show how far Aqabya is prepared to go. And R. Judah maintains that, in connection with a dead firstling, all parties concur in prohibiting its use, and the difference of opinion pertains to the case in which he slaughtered the beast. R. Yosé for his part comes along and maintains that, where the farmer slaughtered the beast, all parties concur that the hair is allowed. They differ where the firstling died."*

U. *Said R. Nahman, "The decided law accords with the view of R. Judah, since we have learned in the Mishnah of tractate Eduyyot [here: the selected Mishnah] that the law is in accord with him. For we have learned in the Mishnah: He [Aqabya] would permit use of the wool which fell out in the case of a firstling which was blemished, and which one put away in a niche, and [which firstling] one afterward slaughtered. And sages prohibit [M. Eduyyot 5:6G-H]."*

V. *Said R. Nahman bar Isaac, "The Mishnah itself that is before us, when properly read, yields the same conclusion, for we have learned in the Mishnah: The wool*

which dangles from a firstling[‘s hide after the firstling is slaughtered] — that which appears [distinct] from the [rest of the] wool is permitted. And that which does not appear [distinct] from the [rest of the] wool is prohibited. Now whose view is represented here? Shall I say that it is R. Yosé? If so, in what circumstances will this rule pertain? If I say it is in a case in which one has slaughtered the beast, then whether Aqabya or rabbis, both parties will concur in permitting use of the wool. Then does it refer to a case in which the firstling had died? Then if the Mishnah-formulation stands for the view of rabbis, then in both instances they forbid, but if it is Aqabya’s view, then the passage should be reversed and repeated in the following language: **that which appears on a level with the [rest of the] wool is forbidden, for death renders it forbidden, and what did not appear on the level with the rest of the wool, it is allowed,** since it was torn away previously. So it is self-evident that we deal with the view of R. Judah. Under what conditions? If we say that the beast had died, then from R. Judah’s perspective, whether Aqabya or rabbis, both parties forbid use of the wool. Is it not then a case in which the beast has been slaughtered, and if the Mishnah speaks for Aqabya’s view, then in both instances he permits use. You must then admit that the Mishnah stands for the view of rabbis and draw the conclusion that the point at issue is a case in which he slaughtered the firstling.”

W. That is a decisive argument.

- I.4.** A. R. Yannai raised the question, “He who plucks wool from an unblemished burnt-offering — what is the rule? [The burnt offering was alive and was blemished and redeemed. From rabbis’ perspective, what is the law?]”
- B. But as to plucking the wool, is there anyone who would permit doing so?
- C. Rather, as to wool that was uprooted from an unblemished burnt offering, what is the law?
- D. As to an animal designated as a sin-offering or as a guilt-offering, you have no problem, for, since these come for the purpose of atonement, one will not detain them [but will offer them immediately]. And as to a firstling and an animal designated as tithe, there also is no problem, for, since they are not for purposes of atonement, someone will surely detain them as long as he can [for purposes of shearing]. But where there is a problem, it concerns a burnt-offering. What, then, is the law?
- E. Since **[26B]** the main point of the burnt offering is not for atonement, one may turn out to postpone offering the animal, or perhaps, since a burnt-offering also may serve as atonement, one will not postpone making the offering?

- F. *Come and take note:* He who plucks wool from an unblemished firstling, even though a blemish should appear on it, if one has slaughtered the beast, the wool remains forbidden. *The operative consideration here is that one has himself plucked the wool. Lo, if it had simply come out on its own, it would have been permitted — and all the more so would the rule apply to the case of a burnt offering, which one will not postpone offering.*
- G. *Not at all. Here too the law would be that even if the wool became detached from an unblemished animal, it would be forbidden. The reason that the passage says, “He who plucks...,” is to show you how far Aqabya is prepared to go, that in the case of a blemished animal designated as a sacrifice, one is allowed to pluck the wool.*
- H. *But have we not learned in the Mishnah: **which became torn away?***
- I. That shows you the full extent to which rabbis are prepared to go, and it says, if one plucks, to show you the full extent to which Aqabya was ready to go.

- II.1** A. **The wool which dangles from a firstling[‘s hide after the firstling is slaughtered] — that which appears [distinct] from the [rest of the] wool is permitted. And that which does not appear [distinct] from the [rest of the] wool is prohibited:**
- B. *How are we to understand the formulation, **that which does not appear [distinct] from the [rest of the] wool?***
- C. Said R. Eleazar said R. Simeon b. Laqish, “It refers to any in which the root of the wool is turned toward the head [Miller & Simon: the wool being folded up in the center so that the two tops of the wool appear outside].”
- D. R. Nathan bar Oshaia said, “It is any in which the wool is not attached to the skin on a line with the rest of the wool [but some of the wool appears higher than the rest].”
- E. *How come R. Simeon b. Laqish does not state matters as does R. Nathan bar Oshaia?*
- F. *Said R. Ela, “R. Simeon b. Laqish takes the position that it is not possible for wool to be free of loosely connected threads” [Miller & Simon: so if we adopted Nathan’s interpretation, there would scarcely be any wool that would be allowed to be used in such circumstances].*

I.1 clarifies the point of disagreement that the Mishnah adumbrates. No. 2 then proceeds along a familiar line, which is to try to show the unity of the law by claiming that subject to dispute in one area is a principle pertinent to another. No. 3 continues No. 2 but moves in its own direction. No. 4 asks a question that flows

from No. 3. II.1 then glosses the clause of the Mishnah by identifying a pertinent case to which the passage makes reference.