

V.

BAVLI HULLIN CHAPTER FIVE

FOLIOS 78A-83B

5:1-2

5:1

- A. [The prohibition against slaughtering on the same day] “it and its young” (Lev. 22:28) applies (1) in the Land and outside the Land, (2) in the time of the Temple and not in the time of the Temple, (3) in the case of unconsecrated beasts and in the case of consecrated beasts.
- B. How so?
- C. He who slaughters it and its offspring, (1) which are unconsecrated, (2) outside [the Temple courtyard] —both of them are valid. And [for slaughtering] the second he incurs forty stripes.
- D. [He who slaughters] (1) Holy Things (2) outside — [for] the first is he liable to extirpation, and both of them are invalid, and [for] both of them he incurs forty stripes.
- E. [He who slaughters] (1) unconsecrated beasts (2) inside [the Temple courtyard] — both of them are invalid, and [for] the second he incurs forty stripes.
- F. [He who slaughters] (1) Holy Things (2) inside — the first is valid, and he is exempt [from any punishment], and [for] the second he incurs forty stripes, and it is invalid.

5:2

- A. [He who slaughters] (1) unconsecrated beasts and (2) Holy Things outside [the Temple courtyard], the first is valid, and he is free [on its account of the penalty of extirpation], and [for] the second he incurs forty stripes, and it is invalid.
- B. [He who slaughters] (1) Holy Things and (2) unconsecrated beasts outside, [for] the first he is liable to extirpation, and it is invalid. And the second is valid. And [for] both of them he incurs forty stripes.

- C. [He who slaughters] (1) unconsecrated beasts and (2) Holy Things inside [the Temple], both of them are invalid. And [for] the second he incurs forty stripes.
- D. [He who slaughters] (1) Holy Things and (2) unconsecrated beasts inside, the first is valid. And he is free [on its account of the penalty of extirpation]. And [for] the second he incurs forty stripes, and it is invalid.
- E. [He who slaughters] unconsecrated beasts (1) outside and (2) inside, the first is valid, and he is free [of the penalty of extirpation]. And [for the second] he incurs forty stripes, and it is invalid.
- F. [He who slaughters] Holy Things (1) outside and (2) inside, [for] the first he is liable to extirpation, and both of them are invalid. And [for] both of them he incurs forty stripes.
- G. [He who slaughters] unconsecrated beasts (1) inside and (2) outside, the first is invalid. And he is free [of the penalty of extirpation]. And [for] the second he incurs forty stripes. And it is valid.
- H. [He who slaughters] Holy Things (1) inside and (2) outside, the first is valid. And he is free [of the penalty of extirpation]. And [for] the second he incurs forty stripes, and it is invalid.

- I.1** A. *Our rabbis taught on Tannaite authority: Based on what source do we say that [the prohibition against slaughtering on the same day] “it and its young” applies to Holy Things? it comes to teach us [in the verse], “When a bull or sheep or goat is born, [it shall remain seven days with its mother; and from the eighth day on it shall be acceptable as an offering by fire to the Lord]” (Lev. 22:27). And it is written after that, “And whether the mother is a cow or a ewe, you shall not kill both her and her young in one day” (Lev. 22:28). This teaches us that [the prohibition against slaughtering on the same day] “it and its young” applies to Holy Things.*
- B. *But it should makes sense to maintain [that the prohibition does apply] to Holy Things and not to unconsecrated beasts. [The repetition of the introductory phrase] “[And whether the mother is] a cow” breaks in to the matter. [The added phrase in the second verse suggests it deals with a separate subject.]*
 - C. *But then it should make sense to maintain [that the prohibition does apply] to unconsecrated beasts and not to Holy Things. It is written, “And [whether the mother is] a cow.” The conjunctive-vav “[And]” adds on to the original matter. [The conjunction suggests that the second verse stipulates the prohibition in the case of the first and second circumstances.]*
 - D. *If this is so [that there is a conjunction between the rules for Holy Things and unconsecrated beasts, then we should reason as follows]: What is the case with regard to Holy Things? A hybrid animal may not [become Holy]. So too with regard to [the prohibition against slaughtering on the same day] “it and its young” — a hybrid animal should not be [subject to the rule].*
 - E. *Why then was this taught on Tannaite authority: [The prohibition against slaughtering on the same day] “it and its offspring” applies to hybrid animals and to the koy [T. 5:1A]? And moreover, it is written [in the verse], “a sheep.”*

And said Raba, [78b] “This is a basic principle. Anywhere it says ‘sheep’ it is only to exclude [from the rule] a hybrid animal.”

- F. [But we do include a hybrid in the rule.] Scripture said, “or” to include [in the rule] a hybrid animal.
- G. [But is this the case?] *This use of “or” is needed in order to indicate a separation of the cases. For you might have said that it makes sense to maintain that until one slaughters [both] a cow and its offspring and a sheep and its offspring [on the same day] he is not liable to punishment. It comes to make the novel point [that we separate the cases].*
- H. *We could derive that we separate the cases from [the term] “its offspring.”* [The word “or” then would be extraneous and could be used to include a hybrid in the rule.]
- I. *But we still need [“or”] in accord with what was taught on Tannaite authority:* If it stated, “A cow or a ewe and its offspring” I would have said [you are not liable] until you slaughter a cow, a ewe and the offspring [of one of them]. It comes to teach us, “And whether the mother is a cow or a ewe, [you shall not kill] both her and her young [in one day].”
- J. *Is it not the case that we derive [that conclusion from the word] “or?”*
- K. *No. [It is just as reasonable to conclude that] we derive it from [the word] “it.”*
- L. *This would settle the matter in accord with the view of the rabbis who say that the word “it” is extraneous. But in accord with the view of Hananiah who does not say the word “it” is extraneous, based on what then would I conclude that we should separate the cases?*
- M. *To separate the cases he does not need a scriptural basis. For he reasons in accord with the view of R. Jonathan. As it was taught on Tannaite authority:* “For every one who curses his father or [lit. ‘and’] his mother [shall be put to death; he has cursed his father or his mother, his blood is upon him]” (Lev. 20: 9). [From this verse] I could deduce that [he is liable] only if he [curses] his father and his mother. What is the source of the rule for [one who curses] his father, but not his mother, or his mother, but not his father?
- N. It comes to teach us [the additional phrase], “He has cursed his father or his mother.” “[He is liable if] he cursed his father [or if] he cursed his mother,” the words of R. Oshaia. R. Jonathan says, “This implies [that he is liable if he curses] the two of them at the same time. And it implies [that he is liable if he curses] one of them unless Scripture specifies [that they be] ‘together.’”
- O. *What is [the view of] Hananiah and what is [the view of] the rabbis [referred to in L above]? As it was taught on Tannaite authority:* [The prohibition against slaughtering on the same day] “it and its young” applies to females but not to males [i.e., dams, but not sires and their offspring]. Hananiah says, “It applies to both males and females.”
- P. *What is the basis for the view of the rabbis. As it was taught on Tannaite authority:* You might want to infer that [the prohibition against slaughtering on the same day] “it and its young” applies to both males and females. But it is logical [to argue that this is not the case]. You are liable here [for transgressing the prohibition against slaughtering on the same day] and you are liable for [taking the

mother from the nest in the presence of the offspring, as it is written, “If you chance to come upon a bird’s nest, in any tree or on the ground, with young ones or eggs and the mother sitting upon the young or upon the eggs, you shall not take] the mother with the young” (Deu. 22: 6). What is the case where you are liable for [taking] “the mother with the young”? It is for females and not for males. So too the case where you are liable here [for the prohibition against slaughtering on the same day it is logical to argue that] it is for females and not for males.

- Q. No. [This is not the case.] You may say regarding [the prohibition of taking] “the mother with its young” that [the rule] does not apply to [birds that are] already captured as it does to those that are not already captured. You will say that [with regard to the prohibition against slaughtering on the same day] “it and its young” [the parameters of the law are different] because it equates [the cases of animals that are] already captured and animals that are not already captured.
- R. It comes to teach [the word], “It.” [He needs to slaughter] one [parent] and not two. Now that Scripture has separated the cases I am warranted to draw a logical conclusion [in the other direction]. He is liable here [if he slaughters the mother and offspring on the same day] and he is liable in the case where he takes “the mother with its young.” What is the case? Where he is liable for taking “the mother with its young” [the prohibition applies] to females and not to males. So too where he is liable here [if he slaughters the mother and offspring on the same day], [he is liable] for females and not for males [i.e., for the mother and offspring].
- S. And if you wish, you may say [that the verse specifies the prohibition for] “its young” [and that implies] one [animal] whose young trails after it [i.e., the mother], that excludes a male [parent] whose young do not trail after it.
- T. What does it mean: ‘And if you wish, you may say’? *Will you maintain that “it” [masculine pronoun] implies it is a male?* Lo it says, “its young.” [And that implies] one [animal] whose young trails after it [i.e., the mother], that excludes a male [parent] whose young do not trail after it.
- U. **[79a]** And in accord with the view of Hananiah [in L] it is written [both] “it” [masculine pronoun] that implies it is a male. And it is written “its young” [that implies] one [animal] whose young trails after it [i.e., the mother] a female. Therefore the rule applies to both males and females.
- V. Said R. Huna bar Hiyya, said Samuel, “The law follows in accord with the view of Hananiah.”
- W. *And Samuel is consistent with his view elsewhere. For it was taught in the Mishnah on Tannaite authority: R. Judah says, “All offspring of a [female] horse, even though their sires are asses, are permitted [to mate] with one another... But the offspring of a [female] ass are prohibited [to mate] with the offspring of a [female] horse” [M. Kil. 8:4 C, E].*
- X. And said R. Judah, said Samuel, “These are the words of R. Judah who said that we do not take into account the seed of the sire [to determine the category of the offspring].” But sages say, “All the varieties of mules are one category.”
- Y. *And who is the authority behind the view of sages?*

Z. *It is Hananiah who said, “We do take into account the seed of the sire.” And this one that is the offspring of a horse and a [female] ass or this one that is the offspring of an ass and a [female] horse, they are all one category. [This implies that the law follows in accord with Hananiah.]*

I.2 A. *They posed a question: Is it obvious to R. Judah that we do not take into account the seed of the sire? Or perhaps does he have some doubt about it?*

B. *What difference does it make [with regard to the law]? [The difference is whether we] permit the offspring [of a female horse and an ass, i.e., a mule] to mate with [the species of] its mother. If you say that it is obvious [that we do not take into account the seed of the sire], then we should permit the offspring to mate with its mother. But if you say that he has some doubt, then we should prohibit the offspring to mate with the mother.*

C. *What is the law?*

D. *Come and take note: R. Judah says, “All offspring of a [female] horse, even though their sires are asses, are permitted [to mate] with one another” [M. Kil. 8:4 C]. What is the situation? If you say that the sire of this one is an ass and the sire of that one is an ass, do you need to spell this out [that it is permitted]? Rather is it not the case that the sire of this one is a horse and the sire of that one is an ass. And it was taught that they are, “permitted [to mate] with one another.” It seems [logical to conclude] that it is obvious [that we do not take into account the seed of the sire in the determination of the offspring].*

E. *No. It is consistent to say that the sire of this one is an ass and the sire of that one is an ass.*

F. *And what [about the objection that] was stated, “Do you need to spell this out?” [It was necessary to state the matter in accord with this reasoning]. What might I have maintained? The side [of the animal that derives from the] horse mates with [the side of the animal that derives from the] ass. Or the side of [the animal that derives from] the ass mates with [the side of the animal that derives from the] horse. It makes the novel point [that with regard to the law we do not suppose this to be the case].*

G. *Come and take note: R. Judah says, “A [female] mule that was in heat — they mate with it neither a horse nor an ass [but] only with its own species” [T. Kil. 1:8 A-B]. And if you say that it is obvious [that we do not take into account the seed of the sire in the determination of the offspring], then why not mate it with the species of the*

mother? [They cannot do this because] they do not know what is the species of the mother.

- H. *But lo it was taught, “**but only with its own species**” [implying that they know the parentage]. This is how you should state matters: **They mate with it neither a horse nor an ass** — because they do not know its species.*
- I. *So why do they not inspect its tokens [to determine the parentage]?*
 - J. *For Abbayye said, “If it has a thick voice, it is the offspring of a she-ass. if it has a thin voice, it is the offspring of a [female] horse.”*
 - K. *And said R. Pappa, “If it has big ears and a short tail, it is the offspring of a she-ass. If it has small ears and a long tail, it is the offspring of a [female] horse.”*
- L. *In this case what are we dealing with? [An animal that is] mute and mutilated [and accordingly they could not inspect its tokens to determine the parentage].*
- M. *What is the result [of our inquiry begun at I.2A]? Come and take note: For said R. Huna the son of R. Joshua, “All agree that it is prohibited [to mate] the offspring with [the species of] its mother.”*
- N. *We derive from this the conclusion that he [Judah] has some doubt [about whether we take into account the seed of the sire]. We derive it.*

I.3 A. *Said R. Abba to his servant, “When you hitch up the mules to the wagon, look for those that are alike [in their ears and tails] and hitch them up for me.” It seems [logical to conclude] that he reasons that we do not take into account the seed of the sire [79b] and that the [determination of parentage through these] tokens is based on the authority of the Torah.*

I.4 A. *Our rabbis taught on Tannaite authority: [The prohibition against slaughtering on the same day] “it and its offspring” applies to hybrid animals and to the koy. R. Eleazar says, “To the hybrid of a ewe and a goat — it applies. But to that of a koy it does not apply” [T. 5:1].*

- B. *Said R. Hisda, “What is the [parentage of the] koy that is the subject of the dispute between R. Eliezer and sages? It is that offspring that comes out of the union of a goat and a [female] deer.”*
- C. *What is the situation? If you maintain that a goat mated with a [female] deer and she gave birth and he slaughtered her and her offspring [on the same day] — lo, said R. Hisda, “All agree [in the case where] she [the mother] is a deer and her offspring is a goat, that he [who slaughters them on the same day] is free [of any liability for slaughtering the mother and offspring on the same day]. The [basis*

for this is the assumption that] Torah stated [the prohibition in the case of] a sheep and its offspring and not in the case of a deer and its offspring.”

- D. *Rather it must be maintained that a [male] deer mated with a female [goat] and she gave birth and he slaughtered her and her offspring [on the same day] — lo, said R. Hisda, “All agree [in the case where] she [the mother] is a goat and her offspring is a deer, that he [who slaughters them on the same day] is liable [for slaughtering the mother and offspring on the same day.] [The basis for this is the assumption that] the Torah stated [the prohibition in the case of] a sheep and any kind of offspring from it at all [including a deer].”*
- E. *It is consistent to maintain that [the case is one where] a goat mated with a [female] deer. And she gave birth to a female offspring. And that female offspring gave birth to a male offspring. And he slaughtered her and her offspring [on the same day]. Our rabbis reasoned in accord with the principle that we do take into account the seed of the sire. And the specification that it be a sheep [to be liable to the prohibition means] even if it is partly a sheep. And R. Eliezer reasoned in accord with the principle that we do not take into account the seed of the sire. And the specification that it be a sheep [to be liable to the prohibition means] we do not say that [an animal that is] partly a sheep [is included].*
- F. *But why not stipulate that the dispute [hinges on whether the authorities hold the principle that] they take into account the seed of the sire as in the dispute between Hananiah and the rabbis [1.1 U]? [And say that according to Eliezer it does not apply to males and according to the rabbis it does apply (Rashi).]*
- G. *If we stipulate that they disputed regarding this [principle], I would have reasoned that in this case even the rabbis agreed that the specification that it be a sheep [means] we do not say that [an animal that is] partly a sheep [is included in the prohibition]. It makes the novel point [that this is not the case].*
- H. *But lo it was taught in the Mishnah on Tannaite authority: **A koy... they may not slaughter it on a festival. But if one slaughters it [on a festival], they do not cover up its blood [since it is only partly a wild animal, cf. M. 6:1 and M. Bik. 2:9 C-D].** In that case what are we dealing with? If we maintain that it is a case of a goat that mated with a [female] deer and it gave birth, then in accord with the views of both the rabbis and R. Eliezer he should be permitted to slaughter it and obligated to cover its blood. [The Torah stipulated (Lev. 17:13) that one must cover the blood of] a deer and that means even [an animal that is] partly a deer.*
- I. *Rather it must be that it is a case of a deer that mated with a [female] goat and it gave birth. If we hold in accord with the view of the rabbis, then he should be permitted to slaughter it and obligated to cover its blood [since in regard to the law, it is part wild animal]. And if we hold in accord with the view of R. Eliezer, then he should be permitted to slaughter it and not obligated to cover its blood [since in regard to the law, it is not a wild animal at all].*
- J. *It is consistent to maintain that it is a case of deer that mated with a [female] goat. And the rabbis were in doubt whether or not we take into account the seed of the sire. And since we say that the rabbis were in doubt about this, [is it fair to assume that] R. Eliezer holds the view that it is obvious [that we do not take into account the seed of the sire in the determination of the offspring].*

- K. *And [consider] what was taught on Tannaite authority: [The requirement to give to the priest] the shoulder, the two cheeks, and the maw [M. Hul. 10:1A] applies to hybrid beasts and to the koy. R. Eleazar says, “To the hybrid beast born of ewe and the goat it does apply. To that of the koy — it is exempt from the gifts. [He who lays claim against his fellow must bring proof of the validity of his claim]” [T. 9:1]. What case are we dealing with? If we maintain that it is a case of a goat that mated with a [female] deer and gave birth, it makes perfect sense in accord with the view of R. Eliezer that it be exempt [it from the gifts]. He would reason that the specification that it be a sheep [to be liable to the prohibition means] we do not say that [an animal that is] partly a sheep [is included].*
- L. *But in accord with the view of the rabbis, let it be the case that the specification that it be a sheep [to be liable to the prohibition means] we do say that an animal that is] partly a sheep [is included]. It makes perfect sense that they do not give half [the gifts the derive from the deer to the Priest]. Regarding the other half [of the gifts that derive from the sheep] let us say to him [the Priest] that he should bring evidence that we do take account of the seed of the sire and take [the gifts].*
- M. *Rather it must be [that the case is] a deer that mated with a [female] goat and it gave birth. It makes perfect sense in accord with the view of the rabbis. What is he obligated to give? Half of the gifts. But in accord with the view of R. Eliezer let him be obligated to give all of the gifts! [We do not take into account the seed of the sire.]*
- N. *It is consistent to say [that the case is] a deer that mated with a [female] goat and it gave birth. And R. Eliezer is also in doubt as to whether or not we take into account the seed of the sire. But if according to the view of the rabbis we are in doubt about this, and according to the view of R. Eliezer we are in doubt about this, then in what case then do they dispute?*
- O. **[80a]** *[They dispute over the issue of whether] the specification that it be a sheep [to be liable to the prohibition means] we say that [an animal that is] partly a sheep [is included]. The rabbis reason that the specification that it be a sheep [to be liable to the prohibition means] we do say that [an animal that is] partly a sheep [is included]. And R. Eliezer reasons that the specification that it be a sheep [to be liable to the prohibition means] we do not say that [an animal that is] partly a sheep [is included].*
- P. *Said R. Pappa, “Therefore with regard to the matter of covering the blood and gifts [to the Priest] we find only [that the obligation applies for a koy in the case of] a deer that mated with a [female] goat. For both in accord with the view of the rabbis and of R. Eliezer there is a doubt about whether or not we take into account the seed of the sire. And they dispute over whether or not we say the specification that it be a sheep [to be liable to the prohibition means] that [an animal that is] partly a sheep [is included].”*
- Q. *Regarding the matter of [the prohibition of slaughtering on the same day] “it and its young” we find that [they dispute] both in the case of a goat that mated with a [female] deer and in the case of a deer that mated with a [female] goat.*
- R. *In the case of a goat that mated with a [female] deer [they dispute] regarding the prohibition. For the rabbis reason that perhaps we do take account of the seed of*

the sire and that the specification that it be a sheep [to be liable to the prohibition means] we do say that [an animal that is] partly a sheep [is included] and it is prohibited.

- S. *And R. Eliezer reasons that we allow also that we take account of the seed of the sire but that the specification that it be a sheep [to be liable to the prohibition means] we do not say that [an animal that is] partly a sheep [is included].*
- T. *And in the case of a deer that mated with a [female] goat [they dispute] regarding whether they flog [the violator]. The rabbis reason that we allow that we take account of the seed of the sire and that the specification that it be a sheep [to be liable to the prohibition means] we do say that [an animal that is] partly a sheep [is included] and they flog him.*
- U. *And R. Eliezer reasons that there is a prohibition [against slaughtering them on the same day] but they do not flog him [for violating it]. There is a prohibition because perhaps we do not take account of the seed of the sire and then this [animal] is a perfectly complete sheep. They do not flog him because perhaps we do take account of the seed of the sire and the specification that it be a sheep [to be liable to the prohibition means] we do not say that [an animal that is] partly a sheep [is included].*

I.5 A. Said R. Judah, “The *koy* is sui generis [another category of creature unto itself]. And the sages did not decide whether it is a kind of beast or a kind of wild animal.”

B. Said R. Nahman, “The *koy* is the wild ram.”

C. *And this accords with the Tannaite [dispute]: The **koy** is the wild ram. And some say that it is the offspring of the goat that mates with the [female] deer.*

D. **R. Yosé says, “The *koy* is another category of creature unto itself. And the sages did not decide whether it is a kind of beast or a kind of wild animal.”**

E. **Rabban Simeon b. Gamaliel says, “It is a kind of beast and the people of Bet Doshai raised many flocks of them” [cf. T. [Bekh. 2:9](#)].**

I.6 A. Said R. Zira, said R. Safra, said R. Hamnuna, “These goats of Lebanon are valid to be brought upon the altar.”

B. *He reasons regarding this in accord with what R. Isaac said, “Scripture enumerated ten kinds of beasts [that are valid for slaughtering and eating].” And no more. And these [goats], since they were not understood to be classed together with the wild beasts, we derive from this that they are [in the general category of] goat.*

C. *R. Aha bar Jacob raised a contradiction to this: It makes sense to say that [the verse], “The hart, the gazelle, [the roebuck, the wild goat, the ibex, the antelope, and the mountain-sheep]” (Deu. 14: 5) —is a specification [of the rule]. [The verse], “Every animal [that parts the hoof and has the hoof cloven in two, and chews the cud, among the animals, you may eat]” (Deu. 14: 6) — is a general rule. [Where there is] a specification and a general rule, it is the case that the general rule adds on to the specification. There are many [kinds of beasts that are valid that are not enumerated by Scripture].*

D. *If this is the case, then why do I need these specifications [in the verse at all]?*

- E. *R. Aha the son of R. Iqa raised a contradiction: But perhaps [this goat of Lebanon] is a kind of the wild goat (Deu. 14: 5).*
- F. *Said R. Aha the son of Raba to R. Ashi, but some say that R. Aha the son of R. Avya said to R. Ashi, "Perhaps it is a kind of antelope or mountain-sheep."*
- G. *Said R. Hanan to R. Ashi, "Amemar permitted [them to eat] the fat [of these goats, as if they were wild beasts]."*
- H. *Abba the son of R. Minyamin bar Hiyya posed a question to R. Huna bar Hiyya, "These goats of Lebanon, what is the law regarding whether they may be brought upon the altar?"*
- I. *He said to him, "On this point R. Yosé and the rabbis disputed only with regard to the wild ox." As it was taught in the Mishnah on Tannaite authority: **A wild ox is [considered] a kind of domesticated animal. And R. Yosé says, "[It is considered] a kind of wild animal" [M. Kil. 8:6A-B].** For the rabbis reason that since "wild ox" was translated into the Aramaic equivalent of "goat of Lebanon," it is deemed to be a [domesticated] beast. And R. Yosé reasons that since it was understood to be classed together with those wild beasts, it is a kind of wild beast. But these [goats of Lebanon] according to all views are a kind of goat.*
- J. *R. Aha the son of R. Iqa raised a contradiction: But perhaps they are a kind of "wild goat"?*
- K. *Said Rabina to R. Ashi, "But perhaps they are a kind of 'antelope' or 'mountain-sheep'?"*
- L. *Said R. Nahman to R. Ashi, "Amemar permitted [them to eat] the fat [of these goats, as if they were wild beasts]."*

- II.1** A. **How so? He who slaughters [it and its offspring, (1) which are unconsecrated, (2) outside [the Temple courtyard] — both of them are valid. And [for slaughtering] the second he incurs forty stripes] [M. 5:1B-C].** *Said R. Oshaia, "The entire Mishnah does not accord with the view of R. Simeon."*
- B. *In what way is this the case? Since it teaches, [He who slaughters] (1) Holy Things (2) outside — [for] the first is he liable to extirpation, and both of them are invalid, and [for] both of them he incurs forty stripes [M. 5:1D], consider and take note that R. Simeon said, "An act of slaughter that is improper is not a valid act of slaughter." [80b] [On the basis of this principle we may reason that] the first [animal he slaughtered] he just killed it [because the act was not deemed valid]. The second one should be acceptable inside [the Temple]. He should be liable to extirpation [for slaughtering it outside] as well.*
- C. *[And along these same lines:] [He who slaughters] (1) unconsecrated beasts (2) inside [the Temple courtyard] — both of them are invalid, and [for] the second he incurs forty stripes [M. 5:1E]. Consider and take note that R. Simeon said, "An act of slaughter that is improper, is not a valid act of slaughter." [On the basis of this principle we may reason that] the first [animal he slaughtered] he just killed it [because the act was not deemed valid]. For the second one then why should he incur forty stripes?*

- D. [And along these same lines:] **[He who slaughters] (1) Holy Things (2) inside — the first is valid, and he is exempt [from any punishment], and [for] the second he incurs forty stripes, and it is invalid [M. 5:1F].** *Consider and take note that R. Simeon said, “An act of slaughter that is improper, is not a valid act of slaughter.” [On the basis of this principle we may reason that] the slaughter of Holy Things is also deemed improper. For as long as he did not sprinkle the blood [on the altar], the meat is not permitted [for eating]. For the second one then why should he incur forty stripes?*
- E. *Rather we must derive from this [line of reasoning] that the law does not follow in accord with R. Simeon.*
- F. *But this is obvious.*
- G. *But because we deal here with an act of slaughtering Holy Things we needed to state the matter. I might have thought that it makes sense to say that this act of slaughter of a Holy Thing is a proper act. For lo, if he pierced [the organs] and sprinkled the blood, the meat would not be permitted [for eating]. And now that he performed an act of slaughter [and sprinkled the blood], the meat is permitted and it is a proper act of slaughter. It makes the novel point [that this is not the case].*

- II.2 A.** And should he not incur stripes also on account of [offering a sacrifice] at the wrong time? *For it was taught on Tannaite authority:* On what basis do they rule that all invalid [animals that are offered as sacrifices] of oxen or sheep are subsumed under the prohibition [established by the phrase], “It cannot be accepted” (Lev. 22:23)? It comes to teach [in the verse], “A bull or a lamb which has a part too long or too short you may present for a freewill offering; but for a votive offering it cannot be accepted” (Lev. 22:23). This teaches us about the invalid [animals that are offered as sacrifices] of oxen or sheep that they are subsumed under the prohibition [established by the phrase], “It cannot be accepted.” [Why then does the Mishnah not specify that he be liable for stripes for this violation?]
- B. *What was understood [as pertinent to the Mishnah] were the prohibitions against slaughtering it and its offspring on the same day. Other prohibitions were not understood [as pertinent to the concerns of the Mishnah here].*
 - C. *But this is not so. For lo, [the case of slaughtering] **Holy Things outside** involves other prohibitions and it was understood [as pertinent to the Mishnah]. For it was taught in the Mishnah: **[He who slaughters] (1) Holy Things (2) outside — [for] the first is he liable to extirpation, and both of them are invalid, and [for] both of them he incurs forty stripes [M. 5:1D].** Now it makes perfect sense [that he incurs stripes for slaughtering] the second one on account of the prohibition against slaughtering it and its offspring on the same day. [And the Mishnah is justified in specifying it.] But for the first one, why does he incur stripes? Is it not because of the prohibition against slaughtering [Holy Things] outside? [Why then does the Mishnah specify it?]*
 - D. [We can explain it as follows.] *In any instance where there is no prohibition against slaughtering it and its offspring on the same day, it is understood that the other prohibitions are not [pertinent to the concerns of Mishnah]. And in any instance where there is a prohibition against slaughtering it and its offspring on*

the same day, it is understood that the other prohibitions are [pertinent to the concerns of Mishnah].

- E. R. Zira said, “Leave out [of our discussion] the prohibition of [offering a sacrifice] at the wrong time. For Scripture **[81a]** has linked that [prohibition] to a positive commandment.” [That puts it into a different category of prohibition.]
- F. *What is the basis for this assertion? For Scripture stated, “[When a bull or sheep or goat is born, it shall remain seven days with its mother]; and from the eighth day on it shall be acceptable [as an offering by fire to the Lord]” (Lev. 22:27). “From the eighth day on” — yes [it is acceptable]. From before this time — no [it is not acceptable]. [That makes this into] a prohibition that derives from a positive commandment, that is deemed itself to be a positive commandment.*
- G. *But do we not need this [verse] in accord with [the view of] R. Aptoriqui? For R. Aptoriqui raised in contradiction [the following]: It is written, “It shall remain seven days with its mother.” Lo, [this implies that] at night [after the seventh day] it is fit. And it is written, “From the eighth day on it shall be acceptable.” “From the eighth day on” — yes [it is acceptable]. From the night [before] — no [it is not acceptable].*
- H. *Lo, what then is the case? At night [it is fit] to be sanctified. On the day [it is fit] to be accepted. It is written in another verse [along the same lines], “You shall do likewise with your oxen and with your sheep: seven days it shall be with its dam; on the eighth day you shall give it to me” (Exo. 22:30).*

II.3 A. Said R. Hamnuna, “R. Simeon used to say, ‘The prohibition against slaughtering it and its offspring on the same day does not apply to Holy Things.’” *What is the basis for this assertion? It is based on the fact that R. Simeon said, “An act of slaughter that is improper, is not a valid act of slaughter.”*

- B. [Any act of] slaughtering Holy Things is [by definition] an act of slaughter that is improper [and is therefore not a valid act of slaughter].
- C. *Raba objected:* [With regard to the] prohibition against slaughtering it and its offspring on the same day for animals that are Holy Things slaughtered outside — R. Simeon says, “The second one is subject to a prohibition.” For R. Simeon used to say, “Any [sacrifice slaughtered outside] that it is proper to bring after its specified time is subject to a prohibition [that incurs stripes] but is not subject to the punishment of extirpation.” And sages say, “Any act that is not subject to the punishment of extirpation is not subject to a negative prohibition [that incurs stripes].”
- D. *And what is difficult for us is the case of [both mother and offspring slaughtered on the same day] that were Holy Things outside [the Temple and the ruling is that] for [slaughtering] the second one he violates a prohibition. [But this is not logical on the following basis.] The first one he just killed [because the act of slaughter was not deemed valid]. The second one would have been accepted inside [as a valid sacrifice]. He therefore should be liable also to the punishment of extirpation [for slaughtering a Holy Thing outside].*
- E. *But Raba said, and some say Kadi [said] that there is a lacuna in the text. And this is how you should teach matters:* The case is [both mother and offspring that

were slaughtered on the same day] that were Holy Things outside [the Temple and the ruling is that] according to the view of the rabbis for [slaughtering] the first he is subject to the punishment of extirpation. The second is rendered invalid but he is exempt from the prohibition against slaughtering outside. According to the view of R. Simeon, for [slaughtering] both of them he is subject to the punishment of extirpation.

- F. *If [he slaughtered] one outside and one inside, according to the view of the rabbis, for the first one [the act of slaughter is valid] and he is exempt from punishment. For the second one, it [the act of slaughter] is invalid and he is exempt [from punishment]. According to the view of R. Simeon, for the second he is subject to a prohibition.*
- G. *And if you wished to conclude that the prohibition against slaughtering it and its offspring on the same day does not apply to Holy Things, then why is the second one subject to a prohibition? Should he not also be liable for the punishment of extirpation?*
- H. *Rather said Raba, “Here is how R. Hamnuna stated matters. The punishment of stripes for slaughtering it and its offspring on the same day does not apply to Holy Things. Because as long as he has not sprinkled the blood, he has not rendered the meat permitted [for eating]. At the time that he slaughters [any warning he receives that the act he is about to perform is prohibited] is a warning subject to doubt. [Perhaps he will not sprinkle the blood.] And [we have a principle that] any warning that is subject to doubt is not a valid warning.”*
- I. *And Raba is consistent with his view elsewhere. For said Raba, “If she [the mother] was an unconsecrated beast, and the offspring was a Peace-offering — if he slaughtered the unconsecrated beast and then slaughtered the Peace-offering, he is exempt [from violating the prohibition against slaughtering it and its offspring on the same day]. If he slaughtered the Peace-offering and then slaughtered the unconsecrated beast, he is liable.” [There is no longer a doubtful warning.]*
- J. *And said Raba, “If she is an unconsecrated beast and the offspring is a Burnt-offering, there is no question that where he slaughtered the unconsecrated beast and afterward slaughtered the Burnt-offering that he is exempt. [81b] But even where he first slaughtered the Burnt-offering and then slaughtered the unconsecrated beast, he is exempt. Because the first act of slaughtering is not one that will lead to any eating.”*
- K. *But [contrary to this, said] R. Jacob, said R. Yohanan, “The consumption [of meat] on the altar is deemed a valid act of ‘eating.’” What is the basis for this view? For Scripture stated, “If any of the flesh of the sacrifice of his Peace-offering is eaten [on the third day, he who offers it shall not be accepted, neither shall it be credited to him; it shall be an abomination, and he who eats of it shall bear his iniquity]” (Lev. 7:18). The verse states matters [in emphatic terms that suggest] two acts of eating — whether the eating done by a person or the ‘eating’ done by the altar —[that they are equivalent].*

5:3 A-I

- A. (1) He who slaughters [a beast], and it turns out to be terefah,
- B. (2) he who slaughters a beast for idolatrous purpose,
- C. (3) and he who slaughters a cow [to be burned] for purification [water], and an ox which is to be stoned, and a heifer whose neck is to be broken [none of these is eaten] —
- D. R. Simeon declares exempt [from punishment for violating the prohibition against slaughtering it and its offspring on one day].
- E. And sages declare liable.
- F. (1) He who slaughters [a beast], and it is made carrion by his own deed,
- G. (2) he who pierces [the windpipe],
- H. (3) and he who tears out [the windpipe]
- I. is exempt on account of violating the prohibition against slaughtering it and its offspring on one day.

- I.1 A. Said R. Simeon b. Laqish, “They taught this rule [that he is liable] only where he slaughtered the first one for idolatrous purposes and the second one for consumption at his table. But where he slaughtered the first one for his table and the second one for idolatrous purposes, he is exempt from punishment because of the principle that [with regard to his liability to punishment] *the greater [violation] overrides the lesser [violation and cancels its punishment]*.”
- B. Said to him R. Yohanan, “Even little schoolchildren know this. But there are times when even if he slaughtered the first for his table and the second for idolatrous purposes that he is liable. The case in question may be one where they warned him about the prohibition of slaughtering it and its offspring on the same day but they did not warn him about the prohibition of [slaughtering the animal for] idolatrous purposes.”
- C. And R. Simeon b. Laqish said, “Since where they warned him [about idolatry] he is exempt [from the punishment for the lesser violation of slaughtering it and its offspring on the same day], where they did not warn him [about idolatry], he is also exempt [from the lesser punishment].”
- D. *And they [Yohanan and Simeon] are consistent with their views elsewhere. For when R. Dimi came [from Israel] he said, “Those who inadvertently violated a prohibition [that had he violated deliberately he would have been] subject to the death penalty, and those who inadvertently violated a prohibition [that had he violated deliberately he would have been] subject to stripes, and [he violated] another act [involving a monetary payment] — R. Yohanan says he is liable [to pay]. And R. Simeon b. Laqish says he is exempt [from paying].”*
 - E. R. Yohanan says is he liable *because lo, they did not warn him [about the greater punishment]*. And R. Simeon b. Laqish says he is exempt *because since where they warn him [about the greater punishment] he is exempt, where they do not warn him, he also is exempt.*
- F. *And it is necessary [to teach both rules in the cases of C and of D]. For if we had been instructed in this [first case, we would say that] in this case*

does R. Simeon b. Laqish state [that he is exempt]. But in the other it would make sense to say that he agrees with the view of R. Yohanan. And if we had been instructed in this [second case, we would say that] in this case does R. Yohanan state [that he is liable]. But in the other it would make sense to say that he agrees with the view of R. Simeon b. Laqish. It is necessary [to teach both rules].

II.1 A. And is [the slaughter of] **a cow [to be burned] for purification [water] [M. 5:3C]** and act of slaughter that is invalid? *But lo, it was taught on Tannaite authority: R. Simeon says, “A cow [for purification] renders foodstuffs and liquid unclean if there was [at least] a moment when it was fit” [T. Parah 7:9A].*

B. **[82a]** And said R. Simeon b. Laqish, “R. Simeon used to say that a cow could be redeemed even when it was laying upon the pile of wood [after it was already slaughtered. Therefore the act is valid. Cf. M. **Parah 3:9**].”

C. Said R. Shaman bar Abba, said R. Yohanan, “The cow of purification is not supposed to be in our Mishnah.”

III.1 A. And is the [slaughter of] **a heifer whose neck is to be broken [M. 5:3 C]** an act of slaughter that is invalid? *But lo, it was taught in the Mishnah on Tannaite authority: [If] the murderer was found before the neck of the heifer was broken, it [simply] goes forth and pastures in the herd [M. Sotah 9:7A].* [If it is then slaughtered, it is valid.]

B. Said R. Simeon b. Laqish in the name of R. Yannai, “The heifer whose neck is to be broken is not supposed to be in our Mishnah.”

C. But did R. Yannai say this? But lo, said R. Yannai, “I learned that there was some limitation to this rule. But I forgot what it was. *But the associates turned out to say, ‘When it is taken down to the rugged valley, it is rendered prohibited.’*”

D. *And if you have it [listed in our Mishnah] teach as follows: This one [the rule in M. Sotah] refers to [the heifer] before it went down [into the rugged valley and is still valid for eating]. And this one [the rule in our Mishnah] refers to [the heifer] after it went down [into the rugged valley and is no longer valid].*

E. Said R. Phineas the son of R. Ammi, “*I taught in the name of R. Simeon b. Laqish, ‘The heifer whose neck is to be broken is not supposed to be in our Mishnah.’*”

F. *Said R. Ashi, “When I was in the house of R. Pappi we had a question as to whether R. Simeon b. Laqish said this.”*

G. *But lo, it was stated: The birds [for the sacrifices] of the leper —from what time do they become prohibited? R. Yohanan said, ‘From the time they are slaughtered.’ R. Simeon b. Laqish said, ‘From the time they are taken [as a sacrifice]’ [b. Qid. 57a].*

H. *And we say, “What is the basis for the view of R. Simeon b. Laqish? He derives it from the common use of the term ‘take’ [with regard to the birds of the leper and with regard to] the heifer whose neck is broken.” [The verses are: “The priest shall command then to take for him who is to be cleansed two living clean birds and cedar wood and scarlet stuff and hyssop” (Lev. 14: 4); “And the elders of the city which is nearest to the slain man shall take a heifer which has never been worked and which has not pulled in the yoke” (Deu. 21: 3).]*

- I. Rather said R. Hiyya bar Abba, said R. Yohanan, “The heifer whose neck is to be broken is not supposed to be in our Mishnah.”

5:3J-L

- J. Two who purchased, [one] a cow, and [the other] its offspring —
K. that one who purchased the first slaughters first.
L. But if the second did it first, he has acquired the right [to do so].

- I.1 A. Said R. Joseph, “*The Mishnah taught this with regard to the legal rights* [of the purchasers and not with regard to the prohibition itself (Rashi)].”
B. *It was taught on Tannaite authority: If the second on [slaughter his animal] first, lo he is astute and he gains an advantage. He is astute in that he did not violate a prohibition. And he gains an advantage in that he gets to eat meat [that day].*

5:3 M-Q

- M. [If] he slaughtered a cow and afterward its two offspring, he incurs eighty stripes.
N. [If] he slaughtered its two offspring and afterward slaughtered it, he incurs forty stripes.
O. [If] he slaughtered it, its daughter, its granddaughter, he incurs eighty stripes.
P. [If] he slaughtered it and its granddaughter and afterward slaughtered its daughter, he incurs forty stripes.
Q. Sumkhos says in the name of R. Meir, “He incurs eighty stripes.”

- I.1 A. *Why is it the case [that he is liable]? The Torah stated, “It and its offspring” (Lev. 22:28) and not “Its offspring and it.”*
B. *No. You cannot have concluded that. For it was taught on Tannaite authority: [From the verse], “It and its offspring” I may derive only [that it is prohibited to slaughter in order], “It and its offspring.” What is the source [of the prohibition of slaughtering in the reverse order], It and its mother? When it says, “[And whether the mother is a cow or a ewe], you (plural) shall not kill [both her and her young in one day]” (Lev. 22:28). Lo, here you have reference to two [people who are liable to punishment].*
C. *Lo, what is the case? Where one person slaughtered the cow and one person slaughtered its mother and one person slaughtered its offspring, the last two are liable [for transgressing the prohibition against slaughtering it and its offspring on the same day].*
D. **[82b]** *But is this phrase not needed for defining the prohibition itself?*
E. *If that is all [that Scripture intended] it should have written, “You (singular) shall not kill.” Why does it say, “You (plural) shall not kill”?*
F. *But we still would need to state it [in the plural]. For if the Torah had written, “You (singular) shall not kill” I would have reasoned that if one [person slaughtered both animals then] yes [he would be liable for violating the prohibition]. But if two [people slaughtered, each slaughtering one animal then] no [neither would be liable]. The Torah [therefore] wrote, “You (plural) shall not kill.” This implies that even two [people who each slaughtered one animal are liable].*

- G. If this is the case, *then let [the Torah] write, "They shall not kill." Why does it say, "You (plural) shall not write"? We derive from this two [rules. Two may slaughter and it may be in either order.]*.

II.1 A. [If] he slaughtered it and its granddaughter and afterward slaughtered its daughter, he incurs forty stripes. Sumkhos says in the name of R. Meir, "He incurs eighty stripes" [M. 5:3 P-Q].

- B. *Said Abbaye to R. Joseph, "What is the basis for the view of Sumkhos. Does Sumkhos reason in accord with the view that one who ate two olive-bulks of forbidden fat in one inadvertent violation is liable to bring two sin-offerings [b. Shab. 93b]?*
- C. *"And it is logical to conclude that we may be instructed of this [opinion of Sumkhos] in general [wherever there is a possibility of multiple transgressions]. And the reason that it makes the novel point [of specifying his view] in regard to our rule is to apprise you of the authority of the opinion of the rabbis. For even though [he commits the act of slaughter on] two separate entities, the rabbis exempted him [of the additional forty stripes].*
- D. *"Or perhaps Sumkhos reasons in accord with the view that one who ate two olive-bulks of forbidden fat in one inadvertent violation is liable to bring only one sin-offering. But here the basis for his view [that he incurs the penalty of eighty stripes] is because [he commits the act of slaughter on] two separate entities."*
- E. *He [Joseph] said to him, "Yes. He holds the view that one who ate two olive-bulks of forbidden fat in one inadvertent violation is liable to bring two sin-offerings. Why do we draw this conclusion? Based on what was taught on Tannaite authority: One who plants seeds of diverse kinds, [and again plants seeds] of diverse kinds, incurs the penalty of stripes. What does it mean that he incurs the penalty of stripes? If you say that it means he incurs the penalty of one set of stripes, that is obvious [and need not be stated]. And furthermore, what does it mean [by repeating] of diverse kinds, of diverse kinds? But it is obvious that it means he incurs the penalty of two sets of stripes. What case are we dealing with? If you say that the case is where he [sowed them] one after another and with two [separate] warnings [that the act is prohibited], this was taught on Tannaite authority: A Nazirite who was drinking wine all day long is liable for only one [violation]. If they said to him, "Do not drink it," and he drank it, [and again they said to him], "Do not drink it," and he drank it, he is liable for each and every one [M. Makkot 3:7]. But it is obvious then that we are dealing with a case where he sows them all at once and with one warning. In accord with whose opinion is this? If we say in accord with the opinion of the rabbis that dispute the view of Sumkhos, let us now consider the matter. What is the case there [in our Mishnah]? There are separate entities and the rabbis exempted him [from multiple punishments]. Here [where he sows all at once] is it not more logical to conclude [that he be exempt from multiple punishments]? Then rather do we not interpret [the rule stated in F] in accord with the view of Sumkhos?*
- F. *No. It is [at least equally] consistent to say that we interpret in accord with the view of the rabbis. And it makes the novel point of teaching us about one matter incidental to another, [that is that] there are two types of diverse kinds. And this*

serves to disclaim the view of R. Oshaia. For said R. Oshaia, “[One is not liable for violating the prohibition of sowing diverse kinds] until he sows wheat, barley and grape seeds in one throw” [b. Qid. 39a]. It makes the novel point [here] that if he sowed wheat and grape seeds or barley and grape seeds he also would be liable.

- G. *Come and take note: [If] he ate two sinews from two thighs from two beasts, he incurs eighty stripes. R. Judah says, “He incurs only forty stripes” [T. 7:5E-F]. What is the situation? If we say that [he ate in two acts] one after the other and he received two warnings, then what is the basis for the view of R. Judah. [Each time he eats] it is a warning that is subject to doubt. [Judah holds the view that only one of the thighs is prohibited and we do not know which one. Each warning then is subject to doubt.] And we learned of [a principle that] R. Judah held. For he said, “Any warning that is subject to doubt is not a valid warning” [M. 5:1, b. 81a].*
- H. *For it was taught on Tannaite authority: [Concerning a son who is not certain which of two men is his father]: If he struck one [man who might be his father] and then he struck the other [who might be his father]; If he cursed one and then he cursed the other [he is exempt from punishment. But] if he hit them both at the same time; or if he cursed both of them at the same time, he is liable [to the death penalty in accord with Exod. 21]. R. Judah says, “[If he hit them] at the same time he is liable. [If he hit them] one after the other, he is exempt” [cf. T. Yeb. 12:7 H-K, for a variant version].*
- I. *But it is obvious that we deal with a case where he did both acts [of eating the thigh] at the same time and he had one warning. And in accord with whose view is that of the first Tannaite authority? If we say in accord with the opinion of the rabbis that dispute the view of Sumkhos, let us now consider the matter. What is the case there [in our Mishnah]? There are separate entities and the rabbis exempted him [from multiple punishments]. Here [where he performs the acts all at once] is it not more logical to conclude [that he be exempt from multiple punishments]? Then rather do we not interpret [the rule] in accord with the view of Sumkhos?*
- J. *No. It is consistent to say that we interpret that it is a case [where he performed the acts] one after the other and it is in accord with the view of the rabbis. And this Tannaite authority reasons in accord with the view of another Tannaite authority, in accord with R. Judah who said that a warning that is subject to doubt is a valid warning. As it was taught on Tannaite authority: [The verse says:] “And you shall let none of it remain until the morning, anything that remains until the morning you shall burn” (Exo. 12:10). [83a] “The verse comes to connect a commandment to a prohibition to tell us that they do not incur stripes for violating it [i.e., for letting it remain past the appointed time],” the words of R. Judah. R. Jacob says, “This is not the reason [that they do not incur stripes for violating it]. But it is because [violating] the prohibition [of leaving over the sacrifice] does not require an overt act. And [we have a principle that for violating] any prohibition that does not require an overt act, they do not incur stripes.”*
- K. *Come and take note: [If] he ate two sinews from two thighs form two beasts, he incurs eighty stripes. R. Judah says, “He incurs only forty stripes” [T.*

7:5E-F. *What is the situation? If we say that [he ate in two acts] one after the other and he received two warnings, then what is the basis for the view of R. Judah who says he incurs forty stripes and no more? But it is obvious that the case is that he ate them [both] at once and with one warning. And in accord with whose view is that of the first Tannaite authority? If we say in accord with the opinion of the rabbis that dispute the view of Sumkhos, let us now consider the matter. What is the case there [in our Mishnah]? There are separate entities and the rabbis exempted him [from multiple punishments]. Here [where he performs the acts all at once] is it not more logical to conclude [that he be exempt from multiple punishments]? Then rather do we not interpret [the rule] in accord with the view of Sumkhos?*

- L. *No. It is consistent to say that we interpret that it is a case [where he performed the acts] one after the other and [how do we respond to] what was stated, “What is the basis for the view of R. Judah [who says he incurs forty stripes and no more?]*” *The case in question must be on where there was not an olive’s bulk. For it was taught on Tannaite authority: [If] he ate it and it does not contain an olive’s bulk, lo, this one is liable [M. Hul. 3:3B]. R. Judah declares exempt until there will be an olive’s bulk therein [T. 7:5 C-D].*

5:3 R-V

- R. *At four seasons in the year does he who sells a beast to his fellow have to inform him, “Its mother did I sell for slaughter, its daughter did I sell for slaughter,” and these are they: (1) On the eve of the last festival day of the Festival [of Sukkot]; (2) on the eve of the first festival day of Passover; (3) on the eve of Aseret [Shabuot], (4) and on the eve of the New Year.*
- S. *And in accord with the opinion of R. Yosé the Galilean, “Also on the eve of the Day of Atonement in Galilee.”*
- T. *Said R. Judah,”Under what circumstances? When there is no space of time [between sales]. But if there is a space of time [between sales] he does not need to inform him.”*
- U. *And R. Judah agrees in the case of one who sells the dam to the bridegroom and the daughter to the bride, that he needs to inform him.*
- V. *For it is certain that both will slaughter [them] on the same day.*

5:4

- A. *At these four seasons do they force the butcher to slaughter [an animal] against his will.*
- B. *Even if it was an ox worth a thousand denars, and the purchaser has only one denar, they force him to slaughter it.*
- C. *Therefore if it dies, the loss is that of the customer.*
- D. *But on the rest of the days of the year, it is not so.*
- E. *Therefore if it dies, the loss is that of the seller.*
- I.1** A. *It was taught on Tannaite authority: If they did not inform him, he may go and slaughter and does not have refrain [from slaughtering in any way].*
- II.1** A. *Said R. Judah,”Under what circumstances? When there is no space of time [between sales]. But if there is a space of time [between sales] he does not*

need to inform him.” And R. Judah agrees in the case of one who sells the dam to the bridegroom and the daughter to the bride, that he needs to inform him. For it is certain that both will slaughter [them] on the same day [M. 5:3 T-V].

- B. *Why must I teach, the dam to the bridegroom and the daughter to the bride?*
- C. *This teaches us a novel point about one matter incidental to another. That is, it is normal that the house of the bridegroom makes a more elaborate [celebration] than the house of the bride. [Because the Mishnah speaks of a case where the bridegroom slaughter the dam and the bride slaughter the offspring.]*

- III.1**
- A. **At these four seasons do they force the butcher to slaughter [an animal] against his will [M. 5:4 A].** *But lo, he did not yet draw it [the animal toward him as a means of acquiring possession]. [Therefore the customer should not take any loss.]*
 - B. *Said R. Huna, said Rab, “[We deal with a case where] he did draw it to him.”*
 - C. *If this is so then consider the last text of the Mishnah: **But on the rest of the days of the year, it is not so. Therefore if it dies, the loss is that of the seller [D-E].** But lo [why is this the case]? He already drew it to him [thus acquiring it]!*
 - D. *Said R. Samuel bar Isaac, “It is consistent to say that he did not draw it to him. And the case in question is one where he became the owner through the action of another party.”*
 - E. *“[How so?] **At these four seasons**, since it is a benefit for him [to own the animal, we act in accord with the principle,] they may accept a benefit on behalf of a person [even] in his absence. But during **the rest of the days of the year**, since it is a loss to him [they do not accept it on his behalf in accord with the principle,] they may not accept a loss on behalf of a person in his absence.”*
 - F. *R. Eleazar says, said R. Yohanan, “**At these four seasons** the sages supported their words with the authority of the Torah.”*
 - G. *For said R. Yohanan, “On the basis of the law of the Torah money effects acquisition of title in a transfer of property [while a formal act of drawing does not (b. Bekh. 13b)].” And on what basis did they [the rabbis] say that an act of drawing effects acquisition? It is a decree [to protect the buyer] lest he[the seller] say to him, “Your wheat was burned up in a fire in the attic.”*

5:5

- A. **[Concerning the phrase], “One day” which is stated in connection with “it and its young” [with regard to the law this means] the day [accords] with the preceding night.**
- B. **This did Simeon b. Zoma expound: “It is stated with reference to the works of creation, ‘One day’ (Gen. 1: 5), and it is stated with reference to ‘it and its young,’ ‘One day’ (Lev. 22:28). Just as ‘One day’ stated with reference to the works of creation means [as to the law] the day [accords] with the preceding night, so ‘One day’ stated with reference to ‘it and its young’ [means] the day [accords] with the preceding night.”**

I.1 A. *Our rabbis taught on Tannaite authority:* R. Simeon b. Zoma expounded this: “Because the entire context [of the rules of our prohibition] speaks only about Holy Things, and because in regard to Holy Things the night follows the day, you might infer that even here that is the case [that the night follows the day]. [Therefore] it is stated here, ‘One day’ and stated with reference to the works of creation, ‘One day.’ **Just as ‘One day’ stated with reference to the works of creation means [as to the law] the day [accords] with the preceding night, so ‘One day’ stated with reference to ‘it and its young’ [means] the day [accords] with the preceding night.**”

B. **[83b]** Rabbi says, “‘One day’ means [to specify] the special requirement of the one day on which you must announce [four times a year that you sold the mother to be slaughtered, warning thereby the buyer of the offspring not to slaughter it on that day].” Based on this [teaching] they said, **At four seasons in the year does he who sells a beast to his fellow have to inform him, [“Its mother did I sell for slaughter, its daughter did I sell for slaughter”] [M. 5:3 R].**