

I.

BAVLI HULLIN CHAPTER ONE

FOLIOS 2A-26B

1:1 A-D

- A. (1) All slaughter, (2) and their act of slaughter is valid,
 - B. Except for a deaf-mute, an imbecile, and a minor
 - C. lest they impair [the fitness of the carcass] through their act of slaughter).
 - D. But all of them [=B] who performed an act of slaughter, with others watching them — their act of slaughter is valid.
- I.1** A. [The Mishnah presents us with a contradiction.] **All slaughter**, [implies that they may do so] *to begin with*. And **their act of slaughter is valid**, [implies that they may not do so to begin with but if they already performed the act of slaughter] *after the fact* [their actions are deemed proper].
- B. Said R. Aha the son of Raba to R. Ashi, “Does every use of the word **All** [imply they may do so] *to begin with*? Consider [the case in M. **Temurah 1:1**], **All effect a valid substitution [i.e., substitute a beast for one they have first designated as a sacrifice and the second beast enters the status of the originally consecrated one] — all the same men and women.**”
- C. *Here too does that [language] imply they may do so to begin with? But lo it is written*, “[If it is an animal such as men offer as an offering to the Lord, all of such that any man gives to the Lord is holy.] He shall not substitute anything for it or exchange it, a good for a bad or a bad for a good” (Lev. 27: 9-10).
- D. *In that case the reason the Mishnah states it in these terms [All...] is to inform us not that a person may substitute [one beast for another] to begin with, but if he already*

did substitute, the substitution is effective and the person who does so incurs the penalty of forty stripes.

- E. Rather [consider the case in M. **Arakhin 1:1**], **All pledge the Valuation [of others] and are subject to the pledge of Valuation [by others], vow [the worth of another] and are subject to the vow [of payment of their worth by another].** *Here too [does the language imply that he may do so] to begin with? But lo it is written, “But if you refrain from vowing, you will not incur guilt” (Deu. 23:22). And it is written, “It is better that you should not vow than that you should vow and not fulfill it” (Qoh. 5: 5).*
- F. *And it was taught on Tannaite authority, “Better than both alternatives that he does not vow at all,” the words of R. Meir. R. Judah says, “Better than both alternatives that he makes a vow and pays his vow.” And even R. Judah stated his opinion in a case of one who says, “Behold this one [item I designate holy].”* **[2b]** *But if he said, “Behold I take upon myself [a vow],” he does not [approve of making such a vow to begin with].*
- G. *So does this mean that every use of the language All... does not imply that he act to begin with [in the prescribed manner]? Rather [consider these cases], All are obligated in [the law of living in] the Sukkah; All are obligated in [the law of wearing a garment with] fringes [b. Arak. 3b]. Here too [does the language not imply that he act in the prescribed fashion] to begin with? But is it not stipulated [specifically in these instances], All are obligated [implying that they are obliged to begin with]?*
- H. *Rather [you may derive that the language All... implies an obligation to begin with] from the following case, All may lay hands, both men and women [b. Men. 93a]. Here too does not [the language imply that they do so] to begin with? But lo it is written, “You shall lay your hand [on the head of the offering], and it shall be acceptable [in your behalf as atonement for you]” (Lev. 1: 4). [This implies that they do so to begin with.]*
- I. *Yes, there are cases where the language All... implies [they may perform an obligation] to begin with and cases where the language All... implies [if they already performed an act] after the fact [their actions are deemed proper].*
- J. *Then the question must follow: what of the use of the language All... here [in our Mishnah]? Does it imply [they may perform the] obligation to begin with and thus present us with a contradiction [with the latter text of the Mishnah]? Or perhaps it implies that after the fact [if they performed the action it is deemed proper and hence it] does not present us with a contradiction?*

- K. Say to him [who suggests the latter], “I then have a problem with the language [of the Mishnah], **And their act of slaughter is valid.** Since it taught, **And their act of slaughter is valid,** implying after the fact [this is the case], it is logical to assume that **All...** implies that they may do so to begin with. For if it implied to the case after the fact [of those who already performed the action], why would we need two [stipulations in the Mishnah that if they performed the action it is valid] after the fact?”
- L. Said Rabbah bar Ulla, “This is what the Mishnah taught: **All may slaughter**, even an unclean person may slaughter an unconsecrated animal.”
- M. An unclean person may slaughter an unconsecrated animal —*why must this be specified [it is obvious]? [Because it applies to a case of] an unconsecrated animal that was prepared in accordance with the purity necessary for a consecrated animal. [And the authority behind our Mishnah] assumes that an unconsecrated animal that was prepared in accordance with the purity necessary for a consecrated animal, resembles a consecrated animal [with regard to all its requirements].*
- N. What then should one [who is unclean] do [when slaughtering such an unconsecrated animal that was prepared in accordance with the purity necessary for a consecrated animal]? He should bring a long knife and slaughter with it so that he avoids touching the flesh. And he [who is unclean] should not slaughter a consecrated animal lest he touch the flesh [and render it unclean]. And if he did slaughter it and says, “I am certain that I did not touch it,” his act of slaughtering is valid.
- O. [How then are we to read the next clauses of the Mishnah in light of the proposed interpretation?] **Except in the cases of a deaf-mute, imbecile or minor [who slaughtered an unconsecrated animal that was prepared in accordance with the purity necessary for a consecrated animal].** For even [when they slaughter] an ordinary unconsecrated animal, even after the fact we do not [accept their act as valid]. We fear they may have paused, pressed, or thrust [the knife when slaughtering the animal].
- P. **But all of them [=B] who performed an act of slaughter (M. 1:1D), to whom does this refer? If we presume that it pertains to a deaf-mute, imbecile or minor, it should have stated, But if they performed an act of slaughter.**
- Q. Rather [it must pertain to a case of] an unclean person [who slaughtered] an unconsecrated animal. But lo we said that even to begin with he may slaughter.
- R. But rather [it must pertain to a case of] an unclean person who slaughtered a consecrated animal. [But in such a case we have already stated that if he said], “I am certain [that I did not touch the animal],” that is enough [of a basis for us

to declare the act valid]. [It must pertain to a case where] he is not around for us to ask him [whether he touched the animal].

I.2 A. This [rule regarding the procedures for] an unclean person who slaughtered a consecrated animal — *whence do we derive it? We derive it from the following:*

B. All unfit people [e.g., the ten types listed at M. Zeb. 2:1] who [in behalf of the Temple cult] slaughtered [an animal designated for a sacrifice] — their act of slaughter is valid.

C. For an act of slaughter [in general, not in the cult] is valid [when done] by non-priests, women, slaves, and unclean men—

D. Even in the case of [their slaughtering] Most Holy Things.

E. And [this is so] on the condition that the unclean people do not touch the meat [M. Zeb. 3:1 A-D].

F. *Here [in our text] is the primary source [of the ruling]. There [in M. Zeb.] since the Mishnah taught regarding the other unfit persons, it taught regarding the unclean person who slaughtered a consecrated animal.*

G. *But if you wish [we can argue that] there [in Zeb.] is the primary source [of the ruling] because there they deal with [the rules for] Holy Things. Here [in our text the reference to this case is incidental] since they taught regarding an unclean person who slaughtered an unconsecrated animal, they taught also regarding an unclean person who slaughtered a consecrated animal.*

I.3 A. This unclean person — how did he become unclean? If we say that he became unclean from contact with a corpse [thus unclean as a “father” or primary source of uncleanness], the Torah stated, “[Whoever in the open field touches] one who has been killed by a sword” (Num. 19:16) [3a]. Lo, the sword is equivalent to the corpse [in the degree of uncleanness it acquires]. So a person who has the status of primary source of uncleanness [who is slaughtering an animal] will impart uncleanness to the knife [he is using] and the knife will proceed to render the flesh of the animal unclean. {That is an impossible scenario.]

- B. *Rather, let us say that he became unclean through contact [in the first degree] with a dead creeping thing [that is unclean as a father of uncleanness. Then he would not render the knife unclean as a primary source of uncleanness and the flesh would not be rendered unfit.]*
- C. *Or if you prefer [another possibility], let us say that the person did become unclean [as a primary source] through contact with a corpse. But the case in question may be one where he examined a reed and [found it to be sharp enough and] slaughtered with that. For it was taught on Tannaite authority, **With anything do they slaughter [M. Hul. 1:2B] — even with a flint, even with glass, even with the point of a reed [T. 1:5].** [Unlike a knife, a reed will not become unclean as a primary source of uncleanness.]*

- I.4** A. *Abbaye said, “Interpret the Mishnah as follows: **All may slaughter** even a Samaritan. Of what circumstance do we speak? When an Israelite was standing over him [supervising his actions]. But [if the Israelite was] coming and going [and not constantly supervising him] he is not permitted to slaughter. And if he did slaughter, they cut off an olive’s bulk of meat and offer it to him. If he eats it, then others are permitted to eat from [animals] he slaughtered. And if he does not eat it, then others are forbidden to eat from [animals] he slaughtered.”*
- B. [Continuing the interpretation of the Mishnah from the present perspective:] **“Except for a deaf-mute, an imbecile, and a minor [M. 1:1 B] —even after the fact you are not [permitted to eat from animals they slaughtered because we fear] lest they paused, pressed or thrust [the knife, invalidating their act of slaughter].”**
 - C. [But then, continuing the interpretation of the Mishnah from the present perspective:] **“But all of them [=B] who performed an act of slaughter, [with others watching them — their act of slaughter is valid [M. 1:1 D]]. To which [case does this statement apply]? If you say that it applies to [the case of] a deaf-mute, imbecile and minor, then it should have [phrased matters], “But if they performed the act of slaughter” [rather than, “But all of them...”].**
 - D. *Rather it must refer to [the case of slaughter by] a Samaritan. But lo we said that when an Israelite is standing over him he may slaughter even to begin with. There is a contradiction [in the M.].*
 - E. *Said Raba, “[In the case of a Samaritan who slaughtered when an Israelite supervising him was coming and going, did we say] to begin with he may not*

*[slaughter]? But lo it was taught on Tannaite authority, **He who leaves a gentile in a store, even though he is going out and coming in all the time — it is permitted** [M. A.Z. 5:4 E-G].*

- F. *“There is it taught **He may leave?** [The phrase] **He who leaves** is taught, implying after the fact [this is acceptable, but to begin with it is not sanctioned].*
- G. *“Rather derive the matter from this case [of one in a condition of cleanness, who prepared wine belonging to a gentile, and leaves it in his domain, in a house opened to the public domain, in a town where all the residents are gentiles, and he sets up a guard to watch the wine]: **And the guard need not sit there and watch [the room all the time]. Even though he comes in and goes out, [the wine] is permitted** [M. A.Z. 4:11 E-F].”*
- H. Rather Raba said, *“Teach the matter as follows: **All Slaughter**, even a Samaritan. In what case? When an Israelite [supervising him] is coming and going. But if one came and found that he did slaughter, they cut off an olive’s bulk of meat and offer it to him. If he eats it, then others are permitted to eat from [animals] he slaughtered. And if he does not eat it, then others are forbidden to eat from [animals] he slaughtered.*
- I. [Continuing the interpretation of the Mishnah from the present perspective:] *“**Except for a deaf-mute, an imbecile, and a minor** [M. 1:1 B] — even after the fact you are not [permitted to eat from animals they slaughtered because we fear] lest they paused, pressed or thrust [the knife invalidating their act of slaughter].*
- J. [Continuing the interpretation of the Mishnah from the present perspective:] *“**But all of them [=B] who performed an act of slaughter, [with others watching them — their act of slaughter is valid** [M. 1:1 D]]. To which [case does this statement apply]? If you say that it applies to [the case of] a deaf-mute, imbecile and minor, then it should have [phrased matters], ‘But if they performed the act of slaughter’ [rather than, ‘But all of them...’].*
- K. *“Rather it must refer to [the case of slaughter by] a Samaritan. But lo we said that when an Israelite is standing over him he may slaughter even to begin with. There is a contradiction [in the M.].”*
- L. R. Ashi said, *“Teach the matter as follows: **All Slaughter**, even an apostate Israelite. An apostate in what respect? One who eats carrion to satisfy his craving. And this accords with the teaching of Raba. For Raba said, ‘[If] an Israelite apostate who eats carrion to satisfy his craving [slaughters an animal] [3b] one may examine a knife and give it to him [to use for slaughtering]. And you are permitted to eat from [animals] he has slaughtered. But if he did not examine the knife and he*

gave it to him, he should not slaughter. And if he did slaughter, then one should examine the knife afterward. If you find the knife is undamaged, then you may eat from the animals he slaughtered. And if not, you may not eat from the animals he slaughtered.

- M. [Continuing the interpretation of the Mishnah from the present perspective:] **“Except for a deaf-mute, an imbecile, and a minor [M. 1:1 B] —even after the fact you are not [permitted to eat from animals they slaughtered because we fear] lest they paused, pressed or thrust [the knife invalidating their act of slaughter].**
- N. [Continuing the interpretation of the Mishnah from the present perspective:] **“But all of them [=B] who performed an act of slaughter, [with others watching them — their act of slaughter is valid [M. 1:1 D]].** *To which [case does this statement apply]? If you say that it applies to [the case of] a deaf-mute, imbecile and minor, then it should have [phrased matters], ‘But if they performed the act of slaughter’ [rather than, ‘But all of them...’].*
- O. *“Rather it must refer to [the case of slaughter by] an Israelite apostate. If he examined the knife and gives it to him, lo we said, he may slaughter to begin with. Rather it must be that he did not examine the knife [first]. If the knife is around, let it be examined now [after]. And if the knife is not around, what difference does it make if others were watching him? Perhaps we are dealing with a case of one who slaughters with a defective knife. [Accordingly] there is a contradiction [in the M.]”*
- P. Rabina said, *“Teach the matter as follows: All Slaughter, all experts may slaughter. [This implies that] experts [may slaughter] even if they are not professional. This is the case if we know about him that he can recite the laws of slaughtering. But if we do not know about him that he can recite the laws of slaughtering, he should not slaughter. And if he does slaughter they examine him. If he does know to recite the laws of slaughtering, we are permitted to eat from [animals] he slaughtered. And if not, then we are forbidden to eat from [animals] he slaughtered.*
- Q. [Continuing the interpretation of the Mishnah from the present perspective:] **“Except for a deaf-mute, an imbecile, and a minor [M. 1:1 B] —even after the fact you are not [permitted to eat from animals they slaughtered because we fear] lest they paused, pressed or thrust [the knife, invalidating their act of slaughter].**
- R. [Continuing the interpretation of the Mishnah from the present perspective:] **“But all of them [=B] who performed an act of slaughter, [with others watching them — their act of slaughter is valid [M. 1:1 D]].** *To which [case does this statement*

apply]? If you say that it applies to [the case of] a deaf-mute, imbecile and minor, then it should have [phrased matters], ‘But if they performed the act of slaughter’ [rather than, ‘But all of them...’].

- S. “Rather it must refer to [the case of slaughter by] one who is not an expert. [But we said] it is enough if they examined him. [It is a case where] he is not present for them to examine him.”
- T. And there are those who say Rabina said, “Teach the matter as follows: **All Slaughter**, all experts may slaughter. [This implies that] professionals [may slaughter] even if they are not experts. This is the case if he slaughtered in our presence two or three times and he did not faint. But if he did not slaughter in our presence two or three times, he should not slaughter lest he faint. And if he does slaughter and says, ‘I am certain that I did not faint,’ [the animal] he slaughtered is proper.
- U. [Continuing the interpretation of the Mishnah from the present perspective:] “**Except for a deaf-mute, an imbecile, and a minor [M. 1:1 B]** —even after the fact you are not [permitted to eat from animals they slaughtered because we fear] lest they paused, pressed or thrust [the knife, invalidating their act of slaughter].
- V. [Continuing the interpretation of the Mishnah from the present perspective:] “**But all of them [=B] who performed an act of slaughter, [with others watching them — their act of slaughter is valid [M. 1:1 D]].** To which [case does this statement apply]? If you say that it applies to [the case of] a deaf-mute, imbecile and minor, then it should have [phrased matters], ‘But if they performed the act of slaughter’ [rather than, ‘But all of them...’].
- W. “Rather it must refer to [the case of slaughter by] one who is not a professional. [But we said] it is enough if he said, ‘I am certain....’ [It is a case where] he is not present for them to examine him.”
- X. Rabina and Rabbah bar Ulla did not accord with [the opinions of] Abbayye and Raba and R. Ashi because contradictions [were raised against their views from the phrase in the Mishnah], **And all of them.**
- Y. All of them did not accord with Rabbah bar Ulla. According to the version [of his teaching] that says here [in our text] is the primary source [of the ruling], you could argue that on the contrary there [in Zeb.] is the primary source [of the ruling] because there they deal with [the rules for] Holy Things.
- Z. According to the version [of his teaching] that says there [in Zeb.] is the primary source [of the ruling], here because they taught a case of an

unclean person [who slaughtered] an unconsecrated animal, they also taught [for the sake of completeness] a case of an unclean person who slaughtered a consecrated animal. [But this makes no sense.] They did not need to teach even [the rule] of an unclean person who slaughtered an unconsecrated animal. [The principle is]: unconsecrated produce that was prepared in accord with the purity rules for Holy Things is not to be treated like a Holy Thing [b. Nid. 71b].

- AA. *All of them did not accord with Rabina. According to the version [of his teaching] that says experts may slaughter, non-experts may not, [we find a principle that contradicts this:] The majority of those who engage in slaughtering are experts [b. Hul. 12a]. And according to the version [of his teaching] that says professionals may slaughter, non-professionals may not, [we have a principle that contradicts this]: We do not worry that he will faint.*
- BB. *Raba does not accord with Abbaye because of the contradiction [raised above]. Abbaye does not hold like Raba. There [in the case of a gentile and his wine] he does not touch [the wine, see H-N above]. Here [in the case of Samaritan who slaughters] he touches [the animal to slaughter it and may render it unfit].*
- CC. *R. Ashi does not accord with either of these views [of Abbaye or Raba]. He holds the view that Samaritans converted out of fear of the lions.*
- DD. *Abbaye does not accord with R. Ashi. He does not accept Raba's reasoning [that an Israelite apostate may slaughter if someone examines the knife].*
- EE. *But why does Raba not accord with his own teaching [as R. Ashi suggests at O]? [His statement responds to] the words of Abbaye, but he himself does not accept that reasoning.*

- I.5** A. *Our rabbis have taught on Tannaite authority: [Meat from an animal] slaughtered by a Samaritan is permitted. In what circumstance? If an Israelite was standing over him [to supervise]. But if one came and found that he did slaughter, they cut off an olive's bulk of meat and offer it to him. If he eats it, then others are permitted to eat from [animals] he slaughtered. And if he does not [eat it], then others are forbidden to eat from [animals] he slaughtered.*
- B. *Similarly, if one found in his possession **[4a]** a basket of birds [that were slaughtered] he cuts off the head of one of them and gives it to him. If he eats it, then others are*

permitted to eat from [animals] he slaughtered. *And if he does not* [eat it], then others are forbidden to eat from [animals] he slaughtered [above, I.3 K].

- C. *Abbayye draws an inference from the first [part of the teaching]. Raba draws an inference from the last [part of the teaching]. Abbaye draws an inference from the first [part of the teaching as follows]: the reason [you may eat] is because an Israelite is standing over him [constantly to supervise]. But if he is coming and going [while the Samaritan slaughters] he may not [eat].*
- D. *And Raba draws an inference from the last [part of the teaching as follows]: the reason [he needs to test the Samaritan with meat] is because he came in and found that he had slaughtered [already]. But if he was coming and going [while he was slaughtering] this is perfectly acceptable [and he need not test him].*
- E. *But then according to Abbayye the last part of the teaching poses a contradiction. He will say to you, "Coming and going" is also expressed as, "Came and found him." And according to Raba the first part of the teaching poses a contradiction. He will say to you, "Coming and going" is the same as, "Standing over him."*
 - F. *[Let us consider the substance of the teaching just cited.] Similarly, if one found in his possession a basket of birds [that were slaughtered] he cuts off the head [of one of them and gives it to him. If he eats it, then others are permitted to eat from [animals] he slaughtered. And if he does not eat it, then others are forbidden to eat from [animals] he slaughtered [above, I.3 K]]. Why [is this an effective means of judging that the birds were slaughtered properly]? We should fear that perhaps this one only did he slaughter properly.*
 - G. *Said R. Menasheh [a mnemonic is given here], "[It refers to a case wherein] he [the person inspecting the birds] placed them all under his cloak [and took one out and gave it to the Samaritan to eat. He ate even though he could not tell which one it was. Hence all must have been prepared properly.]"*
 - H. *But [you may object] perhaps he had placed an identifying mark on the one [he prepared properly]. Said R.*

Mesharshayya, “[The case was where] he completely crushed it [and it was not possible to make out any identifying marks].”

I. *But perhaps the Samaritans hold the view that the Torah did not prescribe the procedures of slaughtering for fowl. But according to your logic, [are the acts invalidating slaughter] pausing, pressing, thrusting, deflecting and tearing [written in the Torah]? [Why then should they hold the view that these acts invalidate?] Rather because they are presumed to hold the rules, they are presumed to hold to them [whether or not they are explicitly stated in the Torah]. Here also [with regard to the issue of whether they held that the laws applied to fowl even though not explicitly stated in the Torah, we can invoke the same principle, i.e.], because they are presumed to hold the rules, they are presumed to hold to them.*

J. *And regarding the issue of whether Samaritans are presumed not to hold to laws that are not explicitly stated in the Torah, there is a Tannaite dispute. It was taught on Tannaite authority, **The unleavened bread of a Samaritan is permitted [for consumption on Passover] and a person may fulfill his obligation [to eat unleavened bread with it] on Passover. R. Eliezer [var., Eleazar] prohibits [eating it] because they are not as expert in the details of [the laws of] unleavened bread as Israelites. Rabban Simeon b. Gamaliel says, “Any religious duty that the Samaritans took hold of [to preserve] they are more punctilious [to observe it] than the Israelites” [T. Pisa 2:3].***

K. *Said the master, **The unleavened bread of a Samaritan is permitted [for consumption on Passover] and a person may fulfill his obligation [to eat unleavened bread with it] on Passover. But this is obvious. [No it is not.] For you***

might have argued that they are not expert in the rules for guarding [the wheat from becoming fermented]. It comes to teach us [that they are trusted].

- L. **R. Eliezer prohibits [eating it] because they are not as expert in the details of unleavened bread as Israelites.** *He reasons that they are not expert in the rules for guarding [the wheat from becoming fermented].*
- M. **Rabban Simeon b. Gamaliel says, “Any religious duty that the Samaritans took hold of [to preserve] they are more punctilious [to observe it] than the Israelites.”** *Is this not identical to the rule of the first Tannaite authority [in the text]? The dispute between them is the case of a rule that is specified in the Torah but that [the Samaritans] did not take hold of [to observe]. The first Tannaite authority reasons that since it is written [in the Torah they observe it] even though they did not take hold of [the commandment in their practices]. And Rabban Simeon b. Gamaliel reasons that if they took hold of it then we say yes [they are presumed to observe the rule]. And if they did not take hold of it then we say no [they are not presumed to observe the rule].*
- N. *If so [why does the text specify],* **Any religious duty that the Samaritans took hold of [to preserve]? It should say, “If they took hold of it.”**
- O. *But the dispute between them is in a case [where the rule is] not written [in the Torah] and they took hold of it [to observe it in their practice].*

The first Tannaite authority reasons because it is not written [in the Torah we cannot presume they hold to the rule] even though they took hold of it [to observe it in their practice]. And Rabban Simeon b. Gamaliel reasons that since they took hold of it [to observe it] they are presumed [to observe it].

- I.6** A. *Reverting to the body of the prior text: Raba said, “[If] an Israelite apostate who eats carrion to satisfy his craving [slaughters an animal] one may examine a knife and give it to him [to use for slaughtering]. And you are permitted to eat from [animals] he has slaughtered.” What is the basis for this opinion? Because he has permitted and forbidden [meat to choose from] he will not relinquish the permitted to eat the forbidden [meat]. If this is the case, even if they did not examine the knife [we should permit them to eat the meat from an animal he slaughtered]. [This is not a valid inference because although he would prefer to eat proper meat] he will not go out of his way [to find a proper knife].*
- B. *The rabbis would say to Raba, “There is a Tannaite teaching that supports your view. [Concerning] the leavened food belonging to transgressors — after Passover [4b] you may eat it immediately [and not scruple that it is leavened food that was kept by an Israelite on the Passover festival] because they exchange [their leavened food for that owned by a gentile on the festival. This demonstrates the presumption that people prefer to eat permitted foods] [T. Pisha 2:4].”*
- C. *You may reason that this follows the view of R. Judah who said, “Leavened foods [kept in the possession of an Israelite during the festival] after Passover [are forbidden] on the authority of the Torah.” And it was taught, **Because they exchange**. Thus [we demonstrate that] they will not relinquish the permitted to eat the forbidden [food].*
- D. *And why draw this conclusion? Perhaps this accords with the view of R. Simeon who said, “Leavened foods [kept in the possession of*

an Israelite during the festival] after Passover [are forbidden] *on the authority of the rabbis.*” *And we are lenient with regard to rules based on the authority of the rabbis. We are not lenient with regard to rules based on the authority of the Torah. It is the case that [it accords with the view of] R. Simeon.*

E. *But does it teach that I say [in fact], **They exchanged the goods?** It teaches, **Because [as a rule] they exchange.** They certainly do exchange [the goods]. And as in [the case of a rule derived from] the authority of the rabbis they do not relinquish the permitted to eat the forbidden [food]. In [the case of a rule derived from] the authority of the Torah, most certainly [they do not relinquish the permitted to eat the forbidden].*

F. *Let us say this Tannaite teaching supports [Raba’s] view. **All are valid to [carry out an act of] slaughter [M. Hul. 1:1 A], even a Samaritan, even an uncircumcised man, and even an Israelite apostate [T. 1:1 A-B].** What is the situation of this reference to **an uncircumcised man?** Is it that his brothers died as a result of their circumcisions [and thus he was not circumcised because of the danger]? This person is a complete Israelite. Rather it is simply a case of one who was an apostate with regard to the [commandment regarding the removal of the] foreskins. And he is of the opinion that one who is an apostate with regard to one commandment is not accorded status as an apostate with regard to the entire Torah.*

G. *Consider the end of the text: **and even an Israelite apostate.** Now what is the situation with regard to this apostate? If he is an apostate with regard to another matter [other than slaughtering], this is identical to the case of an apostate with regard to the [commandment regarding the removal of the] foreskins. Rather, no. It must be that he is an apostate with regard to the same matter [i.e., laws of slaughtering]. And this accords with the view of*

Raba [that he may slaughter]. No [this is not the case].

H. *It is consistent to say that an apostate with regard to that matter [i.e., laws of slaughter] may not [slaughter]. What is the basis for this view? Since he already encroached upon [the prohibitions], he treats them [as if they were] to him permissible [actions].*

I. *Rather [interpret that the text refers to] an apostate with regard to idolatry. And this accords with the view of R. Anan. For said R. Anan, said Samuel, “An Israelite who is an apostate with regard to idolatry — one may eat from [animals] that he slaughtered.”*

I.7 A. *Reverting to the body of the prior text: Said R. Anan, said Samuel, “An Israelite who is an apostate with regard to idolatry — one may eat from [animals] that he slaughtered.” For so we found with respect to Jehoshaphat the King of Judah that he derived benefit [i.e., ate] from Ahab’s dinner. As it is written, “And Ahab killed an abundance of sheep and oxen for him and for the people who were with him, and induced him to go up against Ramoth-gilead” (2Ch. 18: 2). And perhaps he killed the animals, but [Jehoshaphat] did not eat. It is written, “And induced him.” Perhaps he induced him with words. There is no inducement through words [implied in Scripture].*

B. *None? But lo it is written, “If your brother...entices you” (Deu. 13: 6). [There it means he entices him] with food and drink. But lo it is written, “Although you moved me [i.e., induced me] against him to destroy him without cause” (Job. 2: 3). [True, there*

Satan induced God with words but] in heaven things are different. But maybe [Jehoshaphat] drank but did not eat. What is the difference? Regarding drinking [wine of idolatry], we say an apostate with regard to idolatry does not have the status of an apostate with regard to the entire Torah. Regarding eating [meat from animals slaughtered improperly for idolatry] we say an apostate with regard to idolatry does not have the status of an apostate with regard to the entire Torah. Is it the same thing! [Regarding] drinking — the wine is ordinary wine [belonging to idolaters]. And ordinary wine of idolaters was not yet prohibited [at that time]. But regarding eating — it makes sense to say that an apostate with regard to idolatry is considered to be an apostate with regard to the entire Torah.

- C. *Another possibility: It is not the practice of a king to drink without eating. Another possibility: It is written, “He killed... and he induced him.” With what did he induce him? With what he killed [i.e., the meat]. But perhaps Obadiah killed the animals [and they were not slaughtered for idolatrous purposes]. It is written, “An abundance.” Obadiah could not have handled it [i.e., so many animals, all by himself. Idolaters must have assisted him.]*
- D. *But perhaps the seven thousand [men who did not turn to idolatry] slaughtered. As it is written, “Yet I will leave seven thousand in Israel, all the knees that have not bowed to Baal” (1Ki. 19:18). [This was not possible because] they were hiding from Jezebel. But*

perhaps Ahab's men were upright. No you cannot have concluded that, because it is written, "If a ruler listens to falsehood, all his officials will be wicked" (Pro. 29:12).

- E. *But perhaps Jehoshaphat's men also were not upright. [Then we could say that] what was slaughtered by Ahab's men was eaten by Jehoshaphat's men and what was slaughtered by Obadiah was eaten by Jehoshaphat. No you cannot have concluded that based on [the verse cited], "If a ruler listens to falsehood, all his officials will be wicked" (Pro. 29:12) and lo, [if a ruler, such as Jehoshaphat, listens] to truth, his officials will be righteous.*
- F. *But perhaps that which Ahab's men slaughtered, Ahab and his men ate. And that which Jehoshaphat's men slaughtered, Jehoshaphat and his men ate. [5a] He would not have separated himself [from them]. What is the source of that assertion? If you say from that which is written, "I am as you are, my people as your people..." (1Ki. 22: 4), but of this part [at the conclusion of the verse,] "My horses as your horses," shall we say the same [about that phrase]? Rather [it implies] what will be upon your horses will be upon mine. Here too [the implication is] whatever will be upon you and your nation will be upon me and my nation.*
- G. *Rather [derive the assertion from this], "Now the king of Israel and Jehoshaphat the king of Judah were sitting on their thrones, arrayed in their robes, at the threshing floor at the entrance of the gate of Samaria" (1Ki. 22:10). What is the meaning of*

*“threshing floor”? If it means an actual threshing floor, can it be that at the gate of Samaria there was a threshing floor? Rather [it means they sat arrayed] “like a threshing floor.” For it was taught on Tannaite authority, **The [members of the] Sanhedrin were [arranged] in the shape of a half of a round threshing floor [that is, as an amphitheater], so that [the judges] should see one another [M. San. 4:3 A-B].***

- H. *Let us say this supports [R. Anan’s] view: “And the ravens brought him bread and meat in the morning, and bread and meat in the evening” (1Ki. 17: 6). And said R. Judah, said Rab, “[They brought him meat] from Ahab’s butchers.” [But you cannot prove anything from this instance because any occurrence] on the [divine] command is different [from ordinary circumstances].*
- I. *What is the meaning of “ravens”? Said Rabina, “Actual ravens.” Said to him R. Ada bar Manyomi, “Perhaps these were two men whose name was Oreb [= raven]. Is it not written, ‘They killed Oreb at the rock of Oreb, and Zeeb they killed at the winepress of Zeeb’ (Jud. 7:25)?” He said to him, “Could this happen by coincidence that both of them were named Oreb?” Perhaps they were named after their locality.*
- J. *Is it not written, “Now the Syrians on one of their raids had carried off a little maid from the land of Israel” (2Ki. 5: 2)? This poses a difficulty for us. She is called “maid” and she is called “little.” And said R. Pedat, “She was a little girl from the town of Naaran [i.e., from the same root as the word*

maid, proving that people are named after their localities].” If so [they objected] then it should have said [in the original verse under consideration] “Orebites.” [The proof is inconclusive.]

- K. *Let us say this supports [R. Anan’s] view: **All are valid [to carry out an act of] slaughter [M. 1:1A], even a Samaritan, even an uncircumcised man, and even an Israelite apostate [T. 1:1 A-B].** What is the situation of this reference to an **uncircumcised man**? Is it that his brothers died as a result of their circumcisions [and thus he was not circumcised because of the danger]? This person is a complete Israelite. Rather it is simply a case of one who was an apostate with regard to the [commandment regarding the removal of the] foreskins. [And he is of the opinion that one who is an apostate with regard to one commandment is not accorded status as an apostate with regard to the entire Torah.]*
- L. *Consider the end of the text: **and even an Israelite apostate.** Now what is the situation with regard to this apostate? If he is an apostate with regard to another matter [other than slaughtering], this is identical to the case of an apostate with regard to the [commandment regarding the removal of the] foreskins. Rather no it must be that he is an apostate with regard to idolatry. And this accords with the view of R. Anan.*
- M. *No. It is consistent to say that an apostate with regard to idolatry may not [slaughter]. For the master said, “Idolatry is a serious matter. For one who repudiates it is like one who accepts the entire Torah.”*

N. *Rather say that he is an apostate with regard to that same matter [i.e., slaughtering] and in accord with the view of Raba.*

I.8 A. *They raised an objection:* “[When any man] of you [brings an offering to the Lord]” (Lev. 1: 2) — and not all of you [may bring]. This excludes the apostate.

B. [Continuing the interpretation of the verse:] “Of you” — among you I have differentiated and not among the other nations. “From the herd” — to include people who resemble beasts. Based on this they said they accept sacrifices from Israelite transgressors so that they will repent, with the exception of the apostate, of one who pours libations [before idolatry], and of one who violates the Sabbath in public.

C. *This teaching in itself contains a contradiction. It says, “[When any man] of you [brings an offering to the Lord]” (Lev. 1: 2) — and not all of you [may bring]. This excludes the apostate. And then it teaches, they accept sacrifices from Israelite transgressors. Lo, this is not a contradiction. The first part [of the text refers to one who is] an apostate with regard to the entire Torah. And the middle part [of the text refers to one who is] an apostate with regard to one matter.*

- D. *But consider the end [of the text]: “With the exception of the apostate, of one who pours libations [before idolatry], and of one who violates the Sabbath in public.” What is the circumstance regarding this apostate? If he is an apostate with regard to the entire Torah, that is identical to the first part [of the text]. If he is an apostate for one matter, then it contradicts the middle part [of the text]. Rather here is what you should say, “With the exception of the apostate who pours libations [before idolatry], or who violates the Sabbath in public.”*
- E. *It turns out that an apostate with regard to idolatry is equivalent to an apostate with regard to the entire Torah. And the objection to the view of R. Anan is a valid objection.*
- F. *But lo, do we derive this conclusion from that source? We derive it from this source [regarding the sin-offering]:* **[5b]** *“[If any one] of the common people [sins unwittingly]” (Lev. 4:27) — this excludes an apostate. R. Simeon b. Yosé says in the name of R. Simeon, “[Another verse implies the same thing]: ‘Doing unwittingly any one of all the things which the Lord his God has commanded not to be done, and is guilty’*

(Lev. 4:22). One who repents when he recognizes his sin may bring a sacrifice for his inadvertent transgression. One who does not repent when he recognizes his sin [i.e., an apostate] may not bring a sacrifice for his inadvertent transgression.”

G. *And we may ask, what is the difference between these two explanations? And said R. Hamnuna, “[The following case]: an apostate with regard to eating forbidden fat, who brought a [sin-offering] sacrifice for [inadvertently drinking] blood is the difference between them.”*

H. *And both passages are needed.] One refers to the sin-offering and one refers to the whole burnt-offering. And we need both. For if we had been instructed regarding the sin-offering [I could argue that an apostate is enjoined] because the purpose is to achieve atonement. But because a whole burnt-offering is a gift it makes sense to*

accept it from him. And if we had been instructed regarding the whole burnt-offering [I could argue that an apostate is enjoined] because it is not an obligation [to bring that sacrifice]. But because it is an obligation to bring a sin-offering it makes sense to say that they should accept it from him. Therefore we need both verses.

I.9 A. *[Referring to the inference above]: in every instance that Scripture uses “beast” is it in a derogatory sense? But lo it is written, “Man and beast thou savest, O Lord” (Psa. 36: 6). And said R. Judah, said Rab, “These are the people who are sharp-witted and yet conduct themselves like beasts [in the herd, i.e., conform to the dictates of society]. [But there is a difference between these references.] There it says, “Man and beast” [so we may make a comparison and find a positive connotation]. Here it says just, “Beast” [and can only be taken in a derogatory sense].*

B. *But in every case that Scripture states “Man and beast” is there a positive connotation? But lo it is*

written, "I will sow the house of Israel and the house of Judah with the seed of man and the seed of beast" (Jer. 31:27). *There Scripture separates [the terms with the language] "the seed of man" by itself and "the seed of beast" by itself.*

- I.10** A. [A mnemonic is given.] *Said R. Hanan, said R. Jacob bar Idi, said R. Joshua b. Levi, in the name of Bar Qappara, "Rabban Gamaliel and his court voted regarding the validity of slaughtering done by a Samaritan and they forbade [meat derived from] it."*
- B. *Said R. Zira to R. Jacob bar Idi, "Perhaps the master did not hear that this only applies when an Israelite is not standing over him [to supervise]."*
- C. *He said to him, "It is as if this rabbi has never studied at all! Do we need a teaching about [the obviously improper case of a Samaritan who slaughters] when an Israelite is not standing over him?"*
- D. *So did he [Zira] accept reproof from him or not? Come and take note: For said R. Nahman bar Isaac, said R. Asi, "I saw R. Yohanan eat [meat from an animal] slaughtered by a Samaritan." And even R. Assi ate [meat from an animal] slaughtered by a Samaritan. This surprised R. Zira. [He wondered]: perhaps they did not hear [of R. Gamaliel's ruling], for if they had heard they would have accepted it. Or did they hear of the ruling, but did not accept it? He finally figured this out on his own accord. It is logical to assume that they heard of the ruling but did not accept it. For if you conclude that they did not hear of it, but if they had heard of it they would have accepted it, then how could we possibly imagine that they [inadvertently] ate forbidden foods. Now [we have a rule that] the Holy One, blessed be He, does not cause the beasts of the righteous to stumble [into a situation that is sinful]. How much more [is it logical to assume that God protects from sin] the righteous themselves.*
- E. **[6a]** *And if you conclude that he [Zira] did not accept [the argument of Jacob], you could teach the matter as follows. Here [in the case where he ate the meat, the Samaritan slaughtered] with*

an Israelite standing over him [to supervise]. And there [where he did not eat the Samaritan's meat] no Israelite was standing over him. *Do we not then derive that he accepted from him [the argument]? We derive it.*

F. *And what is the reason that the rabbis did decree [that it was forbidden]? Based on this [story concerning] R. Simeon b. Eleazar. R. Meir sent him to bring back wine from the house of some Samaritans. An old man met him and said to him, "And put a knife to your throat if you have a big appetite" (Pro. 23: 2). R. Simeon b. Eleazar went and told of these matters to R. Meir. And he issued a decree regarding them.*

G. *What is the basis [for this decree]? Said R. Nahman bar Isaac, "They found an image of a dove at the summit of Mt. Gerizim that they used to worship."*

H. *And R. Meir is consistent in his views. For he shows concern for the minority. And he holds that we may issue a decree concerning the majority on account of the minority.*

I. *And Rabban Gamaliel and his court also held the view of R. Meir.*

J. *What is the simple interpretation of the verse [at D]? It pertains to a student sitting before his teacher. For it was taught by R. Hiyya on Tannaite authority, "When you sit down to eat with a ruler, observe carefully what is before you; and put a knife to your throat if you have a big appetite" (Pro. 23: 1-2). If a student knows that his teacher knows how to present to him an explanation, then observe carefully [and learn from him]. But if not, "Observe carefully what is before you; and put a knife to your throat if you have a big appetite" and separate yourself from him.*

K. *R. Isaac b. Joseph was sent by R. Abbahu to bring back wine from the house of some Samaritans. An old man met him and said to him, "There are none here who observe the Torah." R. Isaac went and told these matters to R. Abbahu. And R. Abbahu went and told these matters to R. Ammi and R. Assi. And they did not move from there until they pronounced them [in the eyes of the law to be] complete idolaters.*

L. *In regard to what [did they then pronounce them idolaters]? If with regard to their slaughtering [that it is unfit] and their wine [that it is considered idolatrous] libation, then from there [our cases above, according to Meir and Gamaliel] they already had issued a decree. [We must conclude that] they had issued a decree and it was not accepted. R. Ammi and R. Assi came and issued a decree and it was accepted.*

M. What does *complete idolaters* mean? Said R. Nahman bar Isaac, "To nullify [a common Sabbath] domain, or to establish a domain." As it was taught on Tannaite authority, **An Israelite apostate who keeps the Sabbath in the marketplace, [his presence in a common courtyard] can nullify [a common] domain or establish a**

domain. And one who does not keep the Sabbath in the marketplace [his presence in a common courtyard] cannot nullify [a common] domain or establish a domain. Because they said that an Israelite's [presence in a common courtyard] can nullify [a common] domain or establish a domain, but as regards a gentile, you must rent [his property or it will not be counted as common property in the courtyard] [T. **Erub. 5:18 A-D**].

N. How so [is the practice for Israelites to establish a common courtyard]? One says to the other, "Let my domain be acquired by you [or] let my domain be nullified to yours," he acquired it [through that assertion alone] and he does not have to [more formally] transfer it.

I.11 A. *R. Zira and R. Assi came to Yai's inn. He served them eggs soaked in wine. R. Zira did not eat and R. Assi ate [them]. Said R. Zira to R. Assi, "Are you not concerned about [the possibility that the food may contain] mixtures of doubtfully tithed produce?" Said to him [R. Assi], "It did not enter my mind." Said R. Zira, "Is it possible that they had issued a decree forbidding mixtures containing doubtfully tithed produce? Would it make any sense that R. Assi ate forbidden food? Now [we have a rule that] the*

Holy One, blessed be He, does not cause the beasts of the righteous to stumble [into a situation that is sinful]. How much more [is it logical to assume that God protects from sin] the righteous themselves.”

- B. *R. Zira went and checked and found that it was taught in the Mishnah on Tannaite authority, **One who purchases (1) wine to put into the *muries* [a brine made from fish entrails], or (2) wine [with which] to make *ilantit* [a mixture of wine, oil, pure water, honey and balsam], and (3) bitter vetches to make from them *tinan* [meal or grist mixed with honey and spices], (4) lentils to make from them groats, is liable to tithe them as *demai*-produce, and obviously as certainly untithed produce. They themselves [i.e., the various mixtures] are exempt from [tithing as] *demai*-produce [T. *Demai* 1:24 A-D], because they are in a mixture.***
- C. *And did they not issue a decree concerning mixtures with doubtfully tithed produce? But lo it was taught on Tannaite authority, If a man gives [the wife of] his neighbor dough to bake or a stew to cook, he need not be concerned about yeast or spices that [she may put] in it, neither on account of [produce of the] Seventh Year, nor of tithes. But if he said to her, “Make it for me with your own [yeast or spices],” then he needs to be concerned on account of [produce of] the Seventh year and of tithes.*
- D. *That case is different. Since he said to her, “Make it for me with your own [yeast or spices],” it is as if he had mixed [her ingredients in] with his own hands.*
- E. *Rafram said, “Yeast and spices [in a mixture] are different.” For they are added for taste and [whatever is added] for taste is not nullified [in a mixture].*
- F. *And [if he did not say to her to use her own] do we not suspect that she may have replaced ingredients [and used her own]? But lo it was taught in the Mishnah on Tannaite authority, **He who gives [his tithed produce] to his mother-in-law must separate tithes from what he gives***

to her and from what he receives from her, since she is suspected of exchanging that which is spoiled [M. **Demai 3:6 A-C**].

- G. *Here the reason [we suspect she exchanged] is taught: Said R. Judah, “She desires the well-being of her daughter and she feels shame before her son-in-law [if she returns spoiled food, so she will replace it].”*
- H. **[6b]** *And in general do we not suspect [that people exchange items]? But lo it was taught in the Mishnah on Tannaite authority: He who gives [his tithed produce, flour to make dough] to the mistress of an inn [so that she may prepare it for him to eat] — [he must separate] tithes from what he gives her and from what he receives back from her, because she is suspected of exchanging [the dough with her own doubtfully tithed produce] [M. **Demai 3:5 A-C**].*
- I. *That also [may be a special circumstance]. She rationalizes and says, “Better that the young student eat the warm [fresh food] and I eat the cold [stale food].”*
- J. *And in general do we not suspect [that people exchange items]? But lo it was taught on Tannaite authority: The wife of a fellow may grind [grain into flour] with the wife of an *am ha'ares* when she is unclean but not when she is clean. R. Simeon b. Eleazar says, “Even when she is unclean she should not grind [with her] because even though she does not eat, she gives to other women, and they will eat [in a state of uncleanness]” [T. **Toh. 8:4**]. Here we see that she will even steal [dough to give her companion]. Do we doubt that she will readily exchange [dough]?*
- K. *Said R. Joseph, “There too she rationalizes and says that an ox must be allowed to eat while it is threshing.”*
- L. Testified R. Joshua b. Zeroz, the son of the father-in-law of R. Meir, before Rabbi concerning R. Meir that he ate a vegetable leaf in Bet Shean [without separating tithes]. And Rabbi permitted [people to

eat without tithing produce] from the entire region of Bet Shean. His brothers and his father's family united [in protest] against his decision. The said to him, "This place that your fathers and grandfathers customarily treated as [part of the land of Israel and to eat its produce without first tithing was thus] forbidden, will you now act as if it was permitted [to eat without tithing]?"

M. He expounded for them this verse: "And he broke in pieces the bronze serpent that Moses had made, for until those days the people of Israel had burned incense to it; it was called Nehushtan" (II Kings 18: 4). [Rabbi explained:] Is it possible that Asa came [and ruled] and did not remove it, that Jehoshaphat came and did not remove it? Did not Asa and Jehoshaphat remove every form of idolatry in the world? **[7a]** But it must be that they left some room for him [Hezekiah] to distinguish himself. In my case also, they left me some room to distinguish myself [with this ruling].

N. Based on this [they taught] that a disciple of the sages that says some [new] matter of law, they do not try to sway him [from his opinion]. And some say, they do not reject him. And some say, they do not consider him haughty [on account of it].

O. *The one who holds the view [that the reading is], "They do not try to sway," bases his view on the verse, "That the breast-piece shall not come loose [i.e., the same root as the word in our text] from the ephod" (Exo. 28:28). And the one who holds the view [that the reading is], "They do not reject," bases his view on the verse, "For the Lord will not*

cast off [i.e., the same root as our text] forever” (Lam. 3:31). *And the one who holds the view [that the reading is], “They do not consider him haughty,” [bases his view on the following]: As it was taught on Tannaite authority, **When the haughty of heart proliferated, disputes proliferated in Israel** [cf. b. Sot. 47b].*

- P. *R. Judah the son of R. Simeon b. Pazzi raised this objection: And is there one who holds the view that the Bet Shean region is not part of the Land of Israel? But lo it is written, “Menasseh did not drive out the inhabitants of Bet Shean and its villages, or the inhabitants of Taanach and its villages” (Jud. 1:27). He [Judah] must have overlooked the teaching of that which R. Simeon b. Eliakim said in the name of R. Eleazar b. Pedat, who said in the name of R. Eleazar b. Shammua, “Many of the towns that were conquered by those who came up [to Israel] from Egypt were not conquered by those who came up from [the exile in] Babylonia.”*
- Q. *And he is of the opinion that the first sanctity [the land received through the original conquest] was a sanctity that lasted for its time only and not for eternity. They left them out [of*

the later border of the Land] so that the poor might be able to rely on the region [for food] during the Seventh Year [when the Land of Israel must lie fallow].

R. *Said R. Jeremiah to R. Zira, “But lo, R. Meir ate just a leaf. [This is a snack and not subject to tithes even in the Land of Israel proper.]” He said to him “He ate from a bunch [which is subject to tithes].” And it was taught in the Mishnah on Tannaite authority. **Green vegetables that are [normally] tied in bunches [are subject to tithes] after he ties them in a bunch [M. Ma’as. 1:5 F].** But perhaps he ate thoughtlessly. [This cannot be because we have a rule that] the Holy One, blessed be He, does not cause the beasts of the righteous to stumble [into a situation that is sinful]. How much more [is it logical to assume that God protects from sin] the righteous themselves.*

S. *But perhaps he separated tithes from them from [produce that was in] another location. [This cannot be because we have a principle that] fellows are not suspected of tithing produce that is not nearby [b. Erub. 30b]. But perhaps he looked at one side [of the leaf and had intention to give that for tithes] and ate from the other side [of the leaf]. He said to him, “Look at how great a man testified concerning this matter. [It is not possible that he erred. Meir ate without tithing.]”*

I.12 A. *What is [the circumstance of the statement of the rule that the Holy One, blessed be He, does not cause]*

the beasts of the righteous [to stumble into a situation that is sinful]?

- B. *R. Phineas b. Yair was going to redeem some captives from prison. He came to the river Ginnai. He said to it, "O Ginnai, split your waters for me and I will pass through you." It said to him, "You are going to do the will of your creator and I am going to do the will of my creator. You may or may not perform your task. I certainly will perform my task." He said to him, "If you do not split for me, I will issue a decree that no waters ever flow through you." It split for him.*
- C. *There was a certain man who was carrying wheat for Passover. He [Phineas] said to it, "Split for him as well. For he is engaged in fulfilling a commandment." It split for him. There was a certain Arab who was accompanying them. He [Phineas] said to it, "Split for him as well so that they should not say, 'Look at how they treat a fellow traveller.'" It split for him as well.*
- D. *Said R. Joseph, "How much greater is this man than Moses and sixty myriads [of Israelites who crossed through the sea on dry land]. For them [the sea split] one time. For him [the river split] three times." But perhaps here too the sea split only once [allowing time for all to*

pass]. So [say he is as great] as Moses and sixty myriads.

- E. *He [Phineas] came to a certain inn. They brought out barley for his donkey. It would not eat it. [7b] They sifted it. It would not eat it. They picked through it [to remove any coarse materials]. It would not eat it. He [Phineas] said to him, "Perhaps it was not tithed." He tithed it and it ate. He said, "This poor [creature] is trying to fulfill the wish of its creator and you are feeding it untithed produce!"*
- F. *And is [an animal] obligated [to eat tithed produce]? Was it not taught in the Mishnah on Tannaite authority: **He who purchases (1) [grain from an *am ha'ares*] for seed or for cattle [fodder], or for (2) flour for [tanning] hides, or (3) oil for a lamp, or (4) oil to rub on utensils, he is free from the obligation [to tithe it on account of the doubt associated with] *demai* [M. Demai 1:3 A-B].***
- G. *With regard to that teaching it was stated, said R. Yohanan, "They taught this rule only [in an instance] where he bought it to begin with for an animal. But if he bought it to begin with for a person [to eat] and then he*

decided to give it to an animal, he must separate tithes for it.”

H. *And lo it was taught on Tannaite authority: One who bought produce to eat in the marketplace and he decided to feed it to an animal, lo he may not put this before his animal or the animal of his fellow unless he separates tithes from it.*

I. *When Rabbi heard [that Phineas arrived] he went out to greet him. He said to him, “Do you wish to dine with me?” He said to him, “Yes.” Rabbi’s face lit up. He said to him, “Do you think that [I am so independent that] I have sworn off deriving benefit from any Israelite? The people of Israel are holy. [I refuse invitations because] one may wish [to accommodate me] but does not have [the wherewithal]. Another may have the means but does not wish [to accommodate me].” And it is written, “Do not eat the bread of a man who is stingy; do not desire his delicacies; for he is like one who is inwardly reckoning. ‘Eat and Drink!’ he says to you; but his heart is not with you” (Pro. 23: 6-7).*

J. *“But you wish [to invite me] and you have [the means]. Now I am preoccupied because I am engaged in a religious duty. When I return I will come to dine with you.”*

K. *When he arrived he happened to come up through a gate near which were standing some white mules. He said, "[This is a sign that] the angel of death is in this one's house [i.e., the owner]. Should I dine there?" Rabbi heard this and came out to greet him. He said to him, "I am selling [the mules]." He said to him, "You shall not put a stumbling block before the blind" (Lev. 19:14). [He said,] "I shall give up my ownership of them." [He replied], "You will cause danger [to others who may claim them]."[He said], "I will impair them." [He replied], "You are enjoined from causing pain to living creatures." "I will kill them." "You are enjoined from destroying [Deu. 20:19: 'You shall not destroy']]"*

L. *He [Rabbi] was exhorting him persistently [with objections] until a mountain arose between them. Rabbi cried and said, "If such [is the power of the righteous] during their lifetime, after their death how much more [powerful must they be]." For said R. Hama bar Haninah, "Great are the righteous after their death, even more than in their lifetime. As it is written, 'And as a man was being buried, lo, a marauding band was seen and the man was cast into the grave of Elisha; and as soon as the man touched to bones of Elisha, he*

revived, and stood on his feet' (2Ki. 13:21)."

M. *R. Pappa said to Abbayye, "And perhaps it was just to fulfill the blessing of Elijah. As it is written, 'I pray you, let me inherit a double share of your spirit' (2Ki. 2: 9)." He said to him, "If so what of that taught on Tannaite authority, 'He stood up upon his feet, but he did not go to his home'?" In what way then was [Elijah's blessing] fulfilled? In accord with what was said by R. Yohanan, "He healed Naaman's leprosy. For a leper is equated with a dead person [so it is like he brought him back to life]. As it says, 'Let her not be as one dead' (Num. 12:12)."*

N. *Said R. Joshua b. Levi, "Why were they [mules] called yemim? Because fear of them ['mh] is cast upon all creatures." For said R. Hanina, "In all my days no one who consulted me concerning an injury to him caused by a white mule has lived." But lo, we can see that some people do recover from it. Say then, "[No one who consulted me concerning an injury to him caused by a white mule] has healed." But*

lo, we can see that some people do heal. We say this refers to [a mule] whose legs are white [which is especially ferocious].

- O. *[Another teaching of R. Hanina:] "There is no other besides him (Deu. 4:35)." Said R. Hanina, "Not even sorcerers [can contend with God]." A certain woman tried to take dust from beneath the feet of R. Hanina [to cast a spell over him to kill him (Rashi).] He said to her, "Take it, for it will not help you at all because, 'There is no other besides him' is written."*
- P. *But lo said R. Yohanan, "Why are they called sorcerers? Because they can counteract the decree of the heavenly assembly. [This involves a play on the word for sorcerers.]" But R. Hanina was an exception. Because he had such great merit [he could resist the harm of the spell].*
- Q. *And said R. Hanina, "A person does not even scratch his finger down on Earth unless it was decreed up in heaven. As it says, 'The steps of a man are from the Lord' (Psa. 37:23); 'How then can man understand his way?' (Pro. 20:24)."*
- R. *Said R. Eleazar, "The blood of a scratch appeases like the blood of a whole-burnt-offering." Said Raba, "[Blood from] the thumb of the right hand, the second time it is scratched [atones] if he is going to perform a*

religious obligation [when he injures it].”

- S. They said concerning R. Phineas b. Yair, “In all his life he never broke bread that was not his own and from the time he reached maturity he never again took advantage of his father’s dinner table.”

General Rules on the Correct Act of Slaughter

- I.13** A. **[8a]** Said R. Zira, said Samuel, “If he heated a knife and slaughtered with it, his act of slaughtering is valid because the sharp edge cuts through before the heat burns [the animal].” *But lo there are the sides [of the slit in the throat that will be singed by the heat and that should render the act invalid.] [Not so because we have the principle that] the site of the slaughtering widens [as he cuts and the heat will not touch the sides of the throat].*
- B. *They posed the question: if one heated up a spit and hit someone with it, is the wound to be judged as a boil or as a burning? What is the difference? [The difference is in a case as follows:] As it was taught [in the Mishnah] on Tannaite authority, A boil and a burning are declared unclean in the first week and on account of two tokens. With white hair and spreading [M. Neg. 3:4 A]. And why did [Scripture] distinguish one from another? To tell you that they cannot be combined with one another [T. Neg. 3:13 B-C] [to comprise the minimum necessary to render one unclean. So the determination of whether it is a boil or a burning matters then with regard to whether it will combine with another sign]. And it was taught in the Mishnah on Tannaite authority, What is a boil [and what is a burning]? One was hurt (1) by a stick or (2) by a stone or (3) by olive-peat or (4) by [hot-springs of] Tiberias water — (5) whatever does not derive from fire [including even molten lead mined from its source] — lo, this is a boil. And what is a burning? One was burned by a [glowing] coal or by an ember, [boiling lime, boiling gypsum] — by anything that [is heated] by fire, [including even water heated by fire] — lo, this is a burning [M. Neg. 9:1]. And it was taught on Tannaite authority, A boil and a burning, if the boil comes before the burning, the burning nullifies the boil. And if the burning comes before the boil, the boil nullifies the burning [T. Neg 3:13 E-F]. And here what are the circumstances? As follows: he had a [wound the size of] half-a-bean to begin with. And they heated a spit and hit him with it. And a [second*

wound] the size of half-a-bean emerged. What is the law? Do we say that the blow comes first and the burning comes and nullifies the blow? Then the result is a case of a boil and burning which do not combine [to form the minimum size]? Or do we say that the burning comes first and the blow comes and nullifies the burning? Then the result is a case of a boil and another boil and they can combine [to form the necessary minimum]?

- C. Come and take note [what was cited at A]: Said R. Zira, said Samuel, “If he heated a knife and slaughtered with it, his act of slaughtering is valid because the sharp edge cuts through before the heat burns [the animal].” So we see that the blow comes before [the burning]. Not so. [A blow caused by] a sharp blade is an exception.
- D. Come and take note: If one heated up a spit and hit someone with it, the wound is judged as a burning by fire. So we see that the blow comes before [the burning]. There too [it is an exceptional case wherein] he poked him with the sharp point [so no generalization can be made from this instance].

- I.14** A. Said R. Nahman, said Rabbah bar Abbuha, “The knife of an idolater — it is permitted to slaughter with it but it is forbidden to cut meat with it.” It is permitted to slaughter with it because [technically speaking] he diminishes [the value of the animal through its slaughter. It can no longer be used for breeding or work]. It is forbidden to cut meat with it because [thereby] he enhances [the value of the animal by preparing it for consumption and this is deemed to be a forbidden benefit derived from a utensil belonging to idolatry].
- B. Said Raba, “There are instances [to the contrary] when one is forbidden to slaughter [with an idolater’s knife because it is deemed to be a benefit]: if the animal is in danger of dying. *And there are instances when it is permitted to cut meat [with an idolater’s knife because it is deemed to diminish the value]: if he cuts up prime slices of meat.*”
- C. *But should it not be the case that [cutting meat with an idolater’s knife] is forbidden on account of the [forbidden] fat [stuck to it that then renders the meat unfit]? [8b] [We could say we are dealing with] a new one [i.e., a knife with no fat on it].*
- D. [However we could object to this line of reasoning.] A new one, according to both R. Ishmael and R. Aqiba, has the status of a utensil used to serve idolatry. And [we have a principle that] a utensil used to serve idolatry is not forbidden until it is put into service. [Hence there is no reason to deem a new knife to be forbidden whether he cuts prime cuts with it or ordinary cuts of meat.]

E. *One possibility: he already cut with it wood for idolatry. Or another possibility: we are talking about an old knife that had been heated in a fire [leaving no trace of fat on it].*

I.15 A. *It was stated: One who slaughters with a knife belonging to idolaters — Rab said, “He must cut a strip [of meat from the throat where it touched the knife].” Rabbah bar bar Hannah said, “He must wash [the throat where the knife touched it].”*

B. *Let us say that the dispute is over the following [principle of the law]. One considers that the site of slaughtering [at the throat] is cold and the other considers that the site of slaughtering is boiling hot [because of the body heat of the animal’s blood. In the latter case the meat will readily absorb from the forbidden fats on the knife.]*

C. *No. Both authorities agree that the site of slaughtering is boiling hot [because of the body heat of the animal’s blood]. So according to the one who holds the view that he must cut away a strip, that makes perfect sense. But according to the one who holds the point of view that he must wash it, [the explanation must be that he maintains that] because the organs are actively spurting out blood, the flesh cannot absorb [forbidden fat].*

D. *Alternatively both may hold the view that the site of slaughtering is cold. The one who holds the view that he must wash it, that makes perfect sense. But according to the one who holds the point of view that he must cut away a strip, [the explanation must be that he maintains that] because of the pressure on the knife, [the flesh] will absorb [forbidden fat].*

I.16 A. *[Concerning the status of] a knife used to slaughter an animal found to be a terefah — there was a dispute about this between R. Aha and Rabina. One says he must wash it in hot water. And the other says he may wash it even in cold water. And the law is: even in cold water.*

B. *And if they have a cloth rag handy to wipe [the knife], he needs to do nothing more.*

C. *But according to the view that he must wash it in hot water, what is the basis for this opinion? Because it had absorbed forbidden substance [from the terefah]. [The objection is raised: according to this reasoning any knife used in the slaughter] of a permitted animal also absorbs [forbidden substance from the] limb of a living animal [i.e., before the completion of the act of slaughter it absorbs from the living animal which is forbidden]. [Not so.] When does [the knife] absorb? When it is hot. When is it hot? When it finishes slaughtering. And at that time the animal is permitted.*

I.17 A. Said R. Judah, said Rab, “The butcher [who slaughters] must have three knives: one for slaughtering, one for cutting meat, and one for cutting forbidden fats.” *And why not designate one [knife for two tasks]? And he could cut the meat with it and afterward cut the fats with it. [No. We fear] lest he first cut the fats with it and afterward the meat with it. Here too [if he has two knives] he may mix them up! [No.] Since he has two he will be able to distinguish between them.*

B. And said R. Judah, said Rab, “The butcher must have two vessels with water. In one he washes the meat and in the other he washes the fats.” *And why not designate one [vessel for two tasks]? And he could wash the meat in it and then wash the fats in it? [No. We fear] lest he first wash the fats in it and afterward wash the meat in it. Here too [if he has two vessels] he may mix them up! [No.] Since he has two he will be able to distinguish between them.*

C. Said Amemar in the name of R. Pappa, “One should not stack the loins [kidneys] on top of [other] meat because the fat [from the loins] will drip and the meat will absorb it.” *If so when they [the loins] lie naturally we also [ought to fear] that the fat will drip and the meat will absorb it. [No.] The membrane [around the fat] separates it from [the meat] underneath it. If so, [9a] when [the loins] are on top [of other meat] there is also a membrane [to separate the fats from the meat]. [We cannot say this.] Since the butcher handles it [the membrane] disintegrates.*

I.18 A. Said R. Judah, said Rab, “A disciple of the sages must learn three things: writing [i.e., to sign his name (Rashi)], slaughtering, and circumcision.”

B. *And R. Hananiah bar Shalmaya in the name of Rab said, “Also to make the knot in tefillin, and the blessings for a wedding, and [tying the knots in] fringes.”*

C. *And [why does not] the other [authority, i.e., Rab, list these items]? Because they are common.*

D. And said R. Judah, said Samuel, “Any butcher who does not know the [primary] laws of slaughtering — it is forbidden to eat meat from an animal he slaughtered.”

E. And these are the [primary] laws of slaughtering: pausing, pressing [i.e., chopping without back and forth motion], thrusting [i.e., stabbing], deflecting [outside the prescribed location for the incision], and tearing [rather than cutting].

F. *What novel point does this make? All of these are taught [elsewhere]?*

G. *No. It is necessary [to teach so we would know the law for the case of] one who slaughtered before us two or three times and he slaughtered correctly. It would make sense to say that since he slaughtered the other times correctly, he slaughtered this time correctly. It makes the point that since he did not learn [the*

laws of slaughtering] sometimes he will pause or press and not know [that he has acted improperly].

H. And said R. Judah, said Samuel, “The butcher must inspect the organs after slaughtering.”

I. Said R. Joseph, “*We also were taught on Tannaite authority in the Mishnah: R. Simeon says, ‘[That is the rule] if the delay was sufficient for examining ...’ [M. Hul. 2:3 W].*”

J. *What does this mean? [The time it takes] to inspect the organs.*

K. *Said to him Abbaye, “No. Accordingly said R. Yohanan, ‘[As much time as it takes] a sage to inspect [the knife for imperfections].’”*

L. *If so your specification is too arbitrary. [It may take time to find a sage to inspect.]*

M. *Rather [say, as much time as it takes a butcher who is a sage [to inspect the knife].*

I.19 A. *If the butcher did not inspect [the organs after he slaughtered] what [is the law]? R. Eliezer b. Antigonus in the name of R. Eleazar b. R. Yannai said, “It [i.e., the animal] is terefah and it is forbidden to eat it.”*

B. *On Tannaite authority it was taught, [Whatever is made carrion during the act of slaughtering] is deemed carrion and imparts uncleanness to the one who carries it [T. 2:9 G].*

C. *Over what principle do they dispute? Over that of R. Huna, who said, “An animal in its lifetime remains in the presumptive status of forbidden [food] until it is known to you how it was slaughtered. Once it was slaughtered it remains in the presumptive status of permitted [food] until it is known to you how it became terefah.”*

D. *One authority reasons that [the animal] is in a presumptive status of forbidden [food] and now it has died [and has the status of carrion].*

E. *The other authority reasons we say [the animal] is in a presumptive state of forbidden [food]. We do not say that [the animal] is in a presumptive state of uncleanness.*

F. *Reverting to the body of the prior text: said R. Huna, “An animal in its lifetime remains in the presumptive status of forbidden [food] until it is known to you how it was slaughtered. Once it was slaughtered it remains in the presumptive status of permitted [food] until it is known to you how it became terefah.” But let him say, “Once it was slaughtered, it is permitted. [The issue of presumption need not enter in.]”*

G. *Lo, this formulation makes the point that [it remains permitted] even though some deficiency may have developed.*

- H. *It is in line with the question was raised by R. Abba to R. Huna, “If a wolf came and carried away the intestines, what is the rule?” If he carried them away, lo they are not here [so how can there be any suspicion of a deficiency]? Rather [it must be that he meant], “[If a wolf came and] punctured the intestines, what is the rule?” [Why should we suspect a deficiency in the animal? It says that the wolf] punctured [them]. Lo, we see that he punctured them. Rather [if the circumstance was] he carried them off and returned them punctured, what is the rule? Do we suspect that perhaps he punctured them in a place they had already been punctured [i.e., a defect that would render the animal unfit]? Or do we not suspect this? He [Huna] said to him, “We do not suspect that in the place they had been punctured, he punctured them. [It is too far-fetched.]”*
- I. *He [R. Abba] raised an objection: If one saw a bird peck at a fig or a mouse gnaw at a melon, [9b] [both are forbidden on account of the law of food with snakebites on it [M. Ter. 8:6]. We suspect that perhaps they were pecking at a place that had already been punctured [T. Ter. 7:17]. He [Huna] said to him, “Can you compare a case involving a [rule based on a] prohibition to a case involving [a rule based on the fear of] danger. A case involving [a rule based on the fear of] danger is different.”*
- J. *Said Raba, “What is the difference? [A case involving] doubt in a matter of danger is judged according to the more stringent alternative. [A case involving] doubt in a matter of a prohibition [of law] is also judged according to the more stringent alternative.”*
- K. *Said to him Abbaye, “And is there no difference between a matter of prohibition and a matter of danger? But lo consider if it is: **A case of doubt regarding uncleanness in a public domain — this doubt is deemed clean [M. Toh. 4:11].** But if it is a case of doubt regarding [danger of poisoning in an instance of] uncovered water, it is prohibited.”*
- L. *He said to him, “There we derived the law from a comparison to the laws of the suspected woman. Just as the suspected woman [is a case of doubt] in a private domain [and we judge her to be forbidden to her husband on that account], so too [in a case of*

doubt concerning] uncleanness in a private domain [we judge to be unclean].”

M. *R. Shimi raised this objection, “[In a case in a private domain where] there is a dead creeping thing in the mouth of a weasel and the weasel is walking on top of loaves of Heave-offering — if there is doubt whether it touched or not, the [case of] doubt is judged clean [M. Toh. 4:2, M. Ed. 2:7]. But if it is a case of doubt regarding [danger of poisoning in an instance of] uncovered water, it is prohibited.”*

N. *There too we derive the law from a comparison with the laws of the suspected woman. Just as the suspected woman has comprehension and can be interrogated, so here too [we decide that it is unclean only in a matter where the subject] has comprehension and can be interrogated [and not in the case of the weasel on the loaves].*

I.20 A. *Said R. Ashi. “Come and take note: A pitcher [of water of purification] that he left uncovered and he came and found it covered — it is unclean [cf. M. Parah 11:1].”*

For I may say that an unclean person came in there and covered it up. But if he left it covered and came in and found it uncovered — if a weasel could drink from it, or [if] a serpent [could drink from it] according to R. Gamaliel, or if dew could have fallen in it at night — it is unfit [for use as purification water, but it is not deemed unclean]. And said R. Joshua b. Levi, “What is the basis for this ruling? [10a] It is because [we hold the principle that] it is normal for weasels to uncover [a vessel] and not normal for them to cover it. Alternatively, the basis for the ruling is that he left it uncovered and came back and found it covered. Or he left it covered and came back and found it uncovered. But if he found it the same as he left it, [the water] is neither unclean nor unfit.” But consider if it is a case of doubt regarding [danger of poisoning in an instance of] uncovered water, it is prohibited. We derive from this the conclusion that we are stricter for [cases of doubt regarding] danger than we are for [cases of doubt regarding] prohibitions [of law]. We derive it.

- B. *It was taught there on Tannaite authority in the Mishnah, Three [kinds of] liquids are forbidden [for consumption] on account of [danger of poisoning in an instance of being discovered in a vessel that is] uncovered: (1) water, (2) wine, and (3) milk. [But all other liquids are permitted for consumption, even if left uncovered.] How much time must elapse [with them uncovered] before they become forbidden? Long enough for a snake to leave a nearby [hiding] place and drink [from them] [M. Ter. 8:4].*
- C. And how far away is a nearby place? Said R. Isaac the son of R. Judah, “Enough time for it to come out from under the handle of a vessel and drink [from the liquid]. *[But if we say just enough time] to drink, lo, we will see it [drinking]. Rather [say that the time needed is] enough to drink and to return to its hole.*”

- I.21** A. *It was stated:* One who slaughters with a knife and it is [later] ascertained that it is defective — said R. Huna, “Even if he chopped bones with it all day [after slaughtering the animal with the knife] it is unfit. *We suspect that perhaps it became defective on account of the hide [of the animal before he slaughtered the organs].*” And R. Hisda said, “It is fit [because we can posit that] *perhaps it became defective [while chopping] on a bone.*”
- B. *R. Huna is consistent with his other teaching [i.e., “An animal in its lifetime remains in the presumptive status of forbidden [food] until it is known to you how it was slaughtered. Once it was slaughtered it remains in the presumptive status of permitted [food] until it is known to you how it became terefah.” But what is the basis for the opinion of R. Hisda? He would say to you [to reason as follows]: [Cutting] a bone certainly renders [a knife] defective. [Cutting] hide may or may not render [a knife] defective. It is a [classic clash of a case of] doubt against [a case of] certainty. And [the case of] doubt does not [have the power to take priority over the case of] certainty.*
- C. *Raba raised an objection [to Hisda] in support of the view of R. Huna. [We have a rule:] If one immersed [in a miqveh] and came out and found upon himself something [adhering to his body] that separates [it from the water], even if he was*

occupied with handling that substance all day long [after his immersion], his immersion is not effective for him until he declares, “I am certain that it was not [stuck] on me before [I immersed].” *But lo, here [we have a case where] he was certain he immersed and he had a doubt whether it was stuck to him [before he immersed]. And the [case of] doubt comes along and takes priority over the case of certainty.*

- D. *That case is different. For one could say that you should uphold the presumptive status of the unclean person and say that he did not immerse.*
- E. Here too [say], you should uphold the presumptive status of the animal and say that it was not slaughtered.
- F. But lo, here is the slaughtered animal in front of you.
- G. Here too, lo the person who immersed is in front of you.
- H. *But lo, [for the unclean person] there appeared a taint [of uncleanness].*
- I. *Here too, [on the knife] there appeared a taint [of a defect]. [There is a conceptual difference between the cases.]*
- J. *[In the latter] a taint appeared regarding the knife. No taint appeared regarding the animal [itself].*
- K. *[The taint is more removed and hence less significant because it relates to the knife and not the body of the animal itself.]*
- L. *They raised an objection: If he slaughtered [a bird, which needs only one organ cut to render it fit], through the gullet and afterward the windpipe was displaced, it is fit. If the windpipe was displaced and afterward he slaughtered through the gullet, it is unfit. If he slaughtered through the gullet and afterward he found the windpipe was displaced and he did not know whether it was displaced before or after he slaughtered — this was an actual case and they said [they have the principle], “All cases of doubt in slaughtering are judged unfit.”*
- M. *What [case] does the expression, “All cases of doubt in slaughtering” encompass? Does it not encompass this very matter [of a doubt regarding a knife as at A]? No. It encompasses a case where there is a doubt whether [in the act of slaughtering] he paused or pressed.*
- N. **[10b]** *And what is the distinction [between these cases of doubt]? There [in the latter instances where he may have paused or pressed] a taint appeared in the animal. Here [in the case of a knife that may have become defective] a taint appeared in the knife. No taint appeared in the animal.*

- O. *And the law accords with the view of R. Huna [in A in a case where] he did not chop bones [with the knife]. And the law accords with the view of R. Hisda [in A in a case where] he did chop bones [with the knife].*
- P. *This implies that according to the view of R. Hisda [that the knife is fit] even if he actually did not chop bones with it. If so, how did it become defective? We could say it became defective from [cutting through] the neck bone [after severing the organs].*
- Q. *This was an actual case [i.e., a knife was found defective after a person had used it to slaughter several animals]. And R. Joseph declared terefah as many as thirteen animals. And on whose authority [did he declare them terefah]? According to the view of R. Huna. And [if so did he include as unfit] even the first one [that he slaughtered because Huna says the knife may have become defective as a result of cutting the hide of the first]. No. [He based his decision] on the view of R. Hisda [and he declared all of them unfit] except for the first one.*
- R. *And another possibility: it is [more] consistent to conclude that he based his decision on the view of R. Huna. Because if he based it on the view of R. Hisda [one could argue] since [he based his view on the argument that] we may defer our judgment [and assume that the knife became defective from contact with a bone after slaughtering the animal] why say that [it became defective] from contact with the neck bone of the first animal? Perhaps [we should assume that] it became defective from contact with the neck bone of the last animal [he slaughtered].*
- S. *Said R. Aha the son of Raba to R. Ashi, “R. Kahana required an inspection [of the knife] between [the slaughtering of] each and every [animal].” In accord with whose view [did he say this]? If in accord with the view of R. Huna, then he should declare the first one unfit [if the knife is not examined each time and is found defective]. No, in accord with the view of R. Hisda, and then he should say even the last animal may be deemed fit [if the knife is not examined and is found defective].*
- T. *If this is the case [that we follow R. Hisda], we should require inspection by a sage. [Inspection by the slaughterer should not suffice.] [We do not require that rigorous inspection because the testimony of] one witness [i.e., the slaughterer] is trusted in matters pertaining to prohibitions. If so, then to begin with we also should not [ever require inspection of the knife by a sage]. Lo said R. Yohanan, “They only said that you must show the knife to a sage because of the respect due a sage.”*

- I.22** A. *What is the source for this matter that the rabbis stated: uphold a matter on the basis of its presumptive status? Said R. Samuel bar Nahmani, said R. Jonathan, said Scripture, “Then the priest shall go out of the house to the door of the house, and shut up the house seven days” (Lev. 14:38). Perhaps while he was going out of the house the spot became smaller than the required size. Is it not logical to deduce that [he may presume this does not occur] because we say we uphold [the status of the house] on the basis of its presumptive status?*
- B. *R. Aha bar Jacob raised this objection: Perhaps [in the case of the house the priest] went out of the house facing backward and he could see the spot while he was going out.*
- C. *Said to him Abbaye, “There are two responses [to your objection] in this matter. First, going out backward is not a valid way of going out. And further, [if the spot is located] behind the door [where the priest cannot see it as he exits] what can we then say?” And if you say that he opens opposite [the spot a window, so he may watch it as he walks out], lo it was taught in the Mishnah on Tannaite authority, **In a dark house they do not open a window so as to examine its spot [M. Neg. 2:3].***
- D. *Said to him Raba, “What you say — going out backward not being a valid way of going out — the case of the High Priest on the Day of Atonement should prove that you are wrong. For it was written, ‘Then he shall go out’ (Lev. 16:18). And it was taught in the Mishnah on Tannaite authority, **If he went out and left the way he went in...** (b. Yoma 52b). [This implies he went out backward.] And what you say, **In a dark house they do not open a window so as to examine its spot — this only applies to a case where the status [of the house as unclean] was not yet established. But once it is established, it is established [and he may open a window when he examines the spot].**”*
- E. *It was taught on Tannaite authority not in accord with R. Aha bar Jacob: “Then the priest shall go out of the house” — you might argue that he may go into his own house [to examine a spot in another house from there] and quarantine it. It comes to teach us [the phrase], “To the door of the house” [implying that he must go to the affected house]. If you just say, “To the door of the house,” you might argue that he may go [to the doorway] and stand under the lintel and quarantine the house. It comes to teach us [the phrase], “Out of the house” — [he does not fulfill the Scriptural injunction] until he goes out of the house.*

- F. What are the circumstances [of a proper examination]? He must stand next to the lintel [outside the house] and quarantine it [after the examination]. And on what basis do we say that if he went back to his own house [after examining another house] and quarantined it from there, or if he stood inside that house and quarantined it from there, that his quarantine is valid? *It comes to teach*, “And shut up the house” — anyway he does it [it is valid].
- G. And R. Aha bar Jacob [11a] [will respond to this that F speaks of] *an instance where there is a row of people [standing between the house and the priest and one turns to the next in sequence] and they say that [the character of the spot] stays the same.*

- I.23** A. *What is the basis for this matter that the rabbis stated, “Go according to the majority?” As it is written, “Turn aside after a multitude” (Exo. 23: 2).*
- B. *For a majority in front of us [that can be counted], such as the case of nine shops [that sell proper meat in same vicinity as one that sells unfit meat (b. Pes. 9b)] or of a Sanhedrin [where we can count the votes of the judges], we do not need [to state that we follow the majority]. Where do we need to [state it]? For a majority that is not in front of us [i.e., a statistical majority], such as the case of a boy and a girl [who married while minors in order to fulfill the obligation of the levirate marriage. We may presume in accord with the statistical majority that neither will be sterile and the marriage will result in an offspring, cf. b. Yeb. 61b.]*
- C. *What is the basis for this principle? Said R. Eleazar [a mnemonic is given], “We derive it from the [rule regarding] the head of a whole burnt-offering.” For Scripture states, “And he shall ... cut it into pieces” (Lev. 1: 3). You shall cut it [the animal] into pieces, and not the pieces [i.e., the organs of the animal] into pieces [to examine them for defects]. And should we not suspect that perhaps the membrane of the brain was punctured [rendering it terefah]? Is it not [then proven that we make no inspection because] we say that we go according to the majority? [The majority of animals have no defects in the organs.]*
- D. *Why draw this conclusion? Perhaps he splits open [the animal’s skull] and inspects it [for defects]. And if you argue [he can not do this] on the basis of the principle: you shall cut it [the animal] into pieces, and not the pieces [i.e., the organs of the animal] into pieces [to examine them for defects] — this [applies to a case where] he severed [a limb] entirely. But [in a case] where he cleaves it without detaching, we do not apply the principle.*

- E. *Mar the son of Rabina said, "We derive [the rule that we follow a statistical majority] from the [implications of the prohibition against] breaking a bone of the paschal-offering." For Scripture stated, "And you shall not break a bone of it" (Exo. 12:46). And should we not suspect that perhaps the membrane of the brain was punctured [rendering it terefah]? Is it not [then proven that we make no inspection because] we say that we go according to the majority? [The majority of animals have no defects in the organs.]*
- F. *Why draw this conclusion? Perhaps he places a burning coal on [the skull] and it burns through and he examines [the membrane]. As it is taught on Tannaite authority, **He who chops up its sinews, [horns, or hooves,] or he who burns its bones — he has not [transgressed the prohibition against] breaking a bone [in the paschal-offering] [T. Pisha 6:7].** [We have no proof from this case.]*
- G. R. Nahman bar Isaac says, *"We derive [the rule that we follow a statistical majority] from [the implications of the rule regarding] the fat tail [of a sheep]." For the Torah says, "He shall offer its fat, the fat tail entire, [taking it away close by the backbone]" (Lev. 3: 9). And should we not suspect that perhaps the spinal cord was severed [when he removed the tail]? Is it not [then proven that we make no such assumption because] we say that we go according to the majority?*
- H. *And if you say [by way of argument] that he cuts it below [the place where it would be rendered terefah, this is not possible because] "close by the backbone," says the Torah, [implying he cuts it in] the place where the kidneys are located [i.e., high enough to render it unfit if he severs the spine].*
- I. *Why draw this conclusion? Perhaps he cuts open [the tail] and inspects it. And if you say [he can not do so] because [Scripture states], "entire," that applies only to a case of one who cut it completely through. But [in a case] where he cleaves it without detaching, we do not apply the principle.*
- J. R. Sheshet the son of R. Idi said, *"We derive the principle from the case of broken-neck-heifer." For the Torah says, "Whose neck was broken" (Deu. 21: 6). When she [the animal] is whole [it is valid]. And should we not suspect that perhaps she was terefah? Is it not [then proven that we make no such assumption because] we say that we go according to the majority?*
- K. *But if you say [by way of objection] what is the difference with regard to the law [whether the animal is terefah]? Lo, say the house of R. Yannai, "Atonement (Deu. 21: 8, they will be absolved) is written concerning it. [This implies the animal must not be terefah] like holy things [i.e., other sacrifices]."*

- L. Rabbah bar Shila said, “*We derive [the principle] from the [implications of the] case of the red cow.*” For the Torah says, “It shall be... slaughtered... shall be burned” (Num. 19: 3-5). Just as its slaughtering must take place when it is intact [not *terefah*], so its burning must take place when it is intact. *And should we not suspect that perhaps she was terefah? Is it not [then proven that we make no such assumption because] we say that we go according to the majority?*
- M. *But if you say [by way of objection] what is the difference with regard to the law [whether the animal is terefah]? The Torah refers to it as a sin-offering [and it must not be terefah] [cf. Num. 19: 9].*
- N. R. Aha bar Jacob said, “*We derive [the principle] from [the implications of] the case of the scapegoat.*” For the Torah says, “He shall take the two goats...” (Lev. 16: 7). [This implies] that the two must be identical [i.e., that neither may be *terefah*]. *And should we not suspect [11b] that perhaps one of them was terefah? Is it not [then proven that we make no such assumption because] we say that we go according to the majority?*
- O. *But if you say [by way of objection] what is the difference with regard to the law [whether the animal is terefah]? Lo [we have the principle that] the lot only designates that an animal goes to Azazel if it is an object that is fitting [to have been sacrificed] to God.*
- P. *And if you say [by way of objection] that they inspect it [after throwing it off the cliff to see if the animal was terefah], lo it was taught on Tannaite authority: It did not reach half way down before it became torn limb from limb (b. Yoma 67a). [An inspection would not be effective under the circumstances.]*
- Q. R. Mari said, “*We derive [the principle] from the [implications of the] case of ‘Whoever strikes father or mother’” (Exo. 21:15). For the Torah says you should put him to death. But should we not suspect that perhaps it was not his father [that he killed, i.e., that his actual father was someone else]? Is it not [then proven that we make no such assumption because] we say that we go according to the majority? And the majority of [a woman’s] acts of intercourse are with her husband.*
- R. *Why draw this conclusion? Perhaps the circumstance was that his father and mother were confined in a prison [where the mother could have intercourse with her husband only and there is no question of the majority of instances]. Even so [we could invoke the principle that] there is no certain guardian against promiscuity. [Even in prison she might have had relations with someone else. Hence our case*

does show that we follow the majority.] [Cashdan: MS M omits the last phrase and accordingly Mari's argument is rejected.]

- S. R. Kahana says, "*We derive [the principle] from [the implications of] the case of one who kills a person.*" *For the Torah says you should kill him. But should we not suspect that perhaps he [the victim] was a terefah [i.e., a person with a terminal condition. One who kills such a person is not punished with the death penalty.] Is it not [then proven that we make no such assumption because] we say that we go according to the majority?*
- T. *But if you say [by way of objection] that we may examine him [to see if in fact he had such a condition], lo, this is a desecration [of the body through the autopsy and is forbidden].*
- U. *But if you say [by way of further objection] that on account of the risk to this one's life [i.e., the killer will be subject to the death penalty] we should [be permitted to] desecrate [the body of the victim], should we not suspect that perhaps at the place the sword [that killed him entered the body] there was a perforation [indicative of a terminal condition and because of the wound it would be impossible to detect it]?*
- V. Rabina said, "*We derive [the principle] from the [implications of the case of] conspiring witnesses.*" *For the Torah says, "Then you shall do to the false witness just as the false witness had meant to do to the other" (Deu. 19:19).*
- W. *But should we not suspect that perhaps [if they had conspired to have someone put to death] that person that they had testified [falsely] about was a terefah [i.e., had a terminal condition, as above]? Is it not [then proven that we make no such assumption because] we say that we go according to the majority?*
- X. *But if you say [by way of objection] that we may examine him [to see if in fact he had such a condition], lo, it was taught on Tannaite authority, Be-Rabbi says, "If they had not yet executed him [i.e., the person against whom the witnesses had conspired], they [the witnesses] are executed. If they already executed him, they [the witnesses] are not executed."*
- Y. R. Ashi said, "*We derive [the principle] from the [implications of the definition of the proper act of] slaughtering itself.*" *For the Torah says you may slaughter and eat.*
- Z. *But should we not suspect that perhaps at a place where there was a puncture he slaughtered? Is it not [then proven that we make no such assumption because] we say that we go according to the majority?*
- AA. *Said R. Ashi, "I reported this teaching to R. Kahana. And R. Kahana reported it to R. Shimi. And he said to him, 'Perhaps where it is possible*

[to examine the animal], it is possible [that we do require that they examine it]. And where it is not possible, it is not possible.’”

BB. *For if you do not say this, then according to R. Meir who supposes that we should take into account the minority of cases [did he suppose the same in this case]? [If so then] did he not [ever] eat meat?*

CC. *And if you say that is the case [12a] [what about] the paschal-offering and other sacrifices? [Meir must have fulfilled his obligation to eat such meat.] What can you then say [he must have done]? Rather, where it was possible [to examine the animal], it is possible [that he did require that they examine it]. And where it was not possible, it was not possible. Here too [in general he must have held] where it is possible [to examine the animal], it is possible [that we do require that they examine it]. And where it is not possible, it is not possible.*

I.24 A. Said R. Nahman, said Rab, “One who watched an individual slaughter — if he watched him from beginning to end, it is permissible to eat [meat from an animal prepared] from that act of slaughtering. And if not, it is forbidden to eat [meat from an animal prepared] from that act of slaughtering.”

B. *What are the circumstances [concerning the individual who slaughtered]? If we know that he was knowledgeable [in the laws of slaughtering], why do I need to know if someone watched him? And if he was not knowledgeable, it is obvious [that someone must watch over him if he slaughters to see that he performs the actions correctly].*

C. *Rather it must be that he did not know if he was or was not knowledgeable. Why not say [that we have a principle], “The majority of those who engage in slaughtering are experts.” Was it not taught on Tannaite authority, **He who finds a slaughtered chicken in the market place, and so too: he who gave his chicken to someone in the marketplace for slaughter and does not know the character of the person [to whom he gave it] —they follow the status of the majority [of slaughterers in the market place] [T. Hul. 2:6]**? [The Talmud’s version: Behold if he found a slaughtered chicken in the marketplace or if he said to his agent, “Go and slaughter this for me and he went and found it slaughtered, the presumption concerning it is that it was slaughtered [properly].”] *We may infer from this [the principle that] the majority of those who engage in slaughtering are experts.**

D. *Here too let us say that the majority of those who engage in slaughtering are experts. Actually [we do not say this because the circumstances are that] he knew that he was not knowledgeable [in the laws of slaughtering]. And the case is where he*

slaughtered before us one of the organs correctly. What would I have wanted to say? Since [he slaughtered] this one correctly, he also [slaughtered] the other correctly. It comes to teach us [to the contrary that we may make no such assumption]. That [organ] which he happened [to cut correctly], so it happened [by chance and not due to his expertise]. And concerning the other [organ we fear] perhaps he paused or perhaps he pressed [and cut it incorrectly].

- E. R. Dimi bar Joseph posed this question to R. Nahman, “He who says to his agent, ‘Go and slaughter this for me’ and he went and found [the beast] slaughtered — what is the law?” He said to him, “The presumption is that it was slaughtered [properly].”
- F. [He asked further,] “He who said to his agent, ‘Go and separate heave-offering for me’ and he went and found heave-offering separated — what is the law?” He said to him, “There is no presumption heave-offering was separated [properly].”
- G. [He, Dimi, said to him,] “*Make up your mind.* If there is a presumption that an agent performs his charge, *then regarding even the tithes we should [accept the presumption that it was separated correctly].* And if there is no presumption that an agent performs his charge, *then regarding even the slaughtering also we should not [accept the presumption that he slaughtered properly].*”
- H. He [Nahman] said to him, “*What’s in it for me to explain this simple matter to you?* [Lit.: If you will measure out for it a *kor* of salt (Cashdan).] Actually [we hold the view that the presumption is that] an agent does not perform his charge [properly]. And regarding slaughtering [the reason we say that the meat was slaughtered properly is not because the agent performed his charge]. *But rather, perhaps another person heard [him instruct his agent] and went and slaughtered. [And we have the principle that] the majority of those who engage in slaughtering are experts.*
- I. “[Now with regard to] heave-offering, [we could likewise say] perhaps another person heard him and went and separated heave-offering. This would be a case of one who separated heave-offering without the knowledge [of the owner of the produce]. [And we have a principle]: one who separates heave-offering without the knowledge [of the owner of the produce] — his heave-offering is not valid heave-offering.”

I.25 A. Let us say [that the validity of the principle] the majority of those who engage in slaughtering are experts, is a dispute between two Tannaite authorities. For it was taught on Tannaite authority, **[If] one’s chicken was stolen and he came and found it slaughtered, [or if] one’s beast was stolen and he came and found it**

slaughtered — R. Hanania, the son of R. Yosé the Galilean, permits. And R. Judah prohibits. Said Rabbi, “The opinion of R. Hanania, the son of R. Yosé the Galilean, appears preferable in the case of his finding the carcass inside his house, and the opinion of R. Judah in the case of his finding the carcass in the rubbish heap” [T. Hul. 2:5]. [The Talmud’s version has Hanina instead of Hanania and varies slightly in the text.]

- B. *Why not say that this is the dispute? One authority [Hanina] holds the view that the majority of those who engage in slaughtering are experts. The other authority [Judah] holds the view that we do not say that the majority of those who engage in slaughtering are experts.*
- C. *Said R. Nahman bar Isaac, “No. All agree that the majority of those who engage in slaughtering are experts. And [regarding meat found] in the house all agree that it is permitted. And [regarding meat found] in the rubbish heap in the marketplace that it is forbidden. Over what do they dispute? [Over the case of meat found] in the rubbish heap in the house. One authority [Judah] holds the view that a person is apt to throw his carrion into the rubbish heap in his house. And the other authority [Hanina] holds the view that a person is not apt to throw his carrion into the rubbish heap in his house.”*
- D. *The master has said: said Rabbi, “The opinion of R. Judah appears preferable in the case of his finding the carcass in the rubbish heap.” Which rubbish heap? If we say he means the rubbish heap in the marketplace, lo we said that everyone agrees that it is prohibited [to eat the meat found there]. Rather it is obvious that it means the rubbish heap in the house. Then consider the end of the text, The opinion of R. Hanania, the son of R. Yosé the Galilean, appears preferable in the case of his finding the carcass inside his house. Which house? If it means literally in the house, lo we said that everyone agrees that [meat found] in the house is permitted. Rather it is obvious that it means the rubbish heap in the house. There is an inherent contradiction between the opinions of Rabbi.*
- E. *This [12b] is what he [Rabbi] meant to say, “The view of R. Judah appears acceptable to R. Hanina the son of R. Yosé the Galilean [in the case of a carcass found] in the rubbish heap in the marketplace. For R. Hanina the son of R. Yosé the Galilean only disputed with him [in the case of the carcass found] in the rubbish heap in the house. But with regard to [a carcass found] in the rubbish heap in the marketplace he agrees with*

him. And the view [of R. Hanina the son of R. Yosé the Galilean is acceptable, etc.].”

II.1 A. Except for a deaf-mute, an imbecile, and a minor, lest they impair [the fitness of the carcass] through their act of slaughter) [M. 1:1]:

B. “Lest they did impair” *is not taught* [in the perfect tense] but “Lest they impair” [in the imperfect].

C. Said Raba, “*This means that they do not give to them unconsecrated [animals to slaughter] to begin with.*”

III.1 A. But all of them [=B] who performed an act of slaughter, with others watching them — their act of slaughter is valid [M. 1:1]: *Who is the Tannaite authority who taught that you do not need intention during the act of slaughtering [to make it a valid act]?*

B. Said Raba, “It is R. Nathan.” *For so taught Oshaia, the youngest of the fellows [alt.: Zira of Haberya (Cashdan)], “He who threw a knife to impale it on a wall, and it went [and on its path] it slaughtered [an animal] in a proper fashion, R. Nathan declares it fit. And the sages declare it unfit.” He [Oshaia] taught [the pericope] and he said concerning it that the law follows the view of R. Nathan.*

C. *But lo, do we not need [that the knife be drawn] back and forth [across the organs of the throat of the animal, lest it be deemed a case of pressing on the knife to cut]? [We refer to a case where] it went back and forth in its normal fashion [by bouncing off the wall and cutting the organs going and coming, as it should].*

III.2 A. Said R. Hiyya bar Abba, “R. Yohanan posed this question: a minor — does he have [the capacity of] deliberation [necessary for the intention of a ritual act] or does he not have [the capacity of] deliberation?”

B. *Said to him R. Ammi, “Let him pose the [more basic] question regarding [the validity of a minor’s] deed.” What is the difference [between these objections — both are settled elsewhere]? With regard to deed there can be no question, for it was taught on Tannaite authority that they have [the capacity to perform a proper] deed. With regard to deliberation there also can be no question, for it was taught on Tannaite authority that they have no [capacity for] deliberation.*

C. *For it was taught in the Mishnah on Tannaite authority, The pomegranate, the acorn, or the nut which the children have fashioned [as a toy so as] to measure the dirt with them, or which they have adapted as a pair of scales — it is [susceptible to becoming] unclean [as a utensil], because they have [the capacity of] deed [i.e., they can fashion them into utensils by hollowing them*

out] **[13a]** but they do not have [the capacity of] deliberation [i.e., to transform a hollow object that they find into a utensil merely by their intention to use it as such] **[M. Kel. 17:15 D-E]**.

- D. *He [Hiyya] said to him, "Simple deliberation [by a minor] poses no question for us [because we do not take it into account]. What poses a question for us is when his [the minor's] deliberation is discerned from his deeds."*
- E. *For example: If [the animal to be used for] a whole burnt-offering was situated to the south [of the altar] and he [a minor] took it to the north and slaughtered it there, what is the law? Since he took it to the north side and slaughtered it there [do we say that] he had intention [to perform the proper act for this offering, i.e., to slaughter it on the north side]? Or perhaps he just did not favor the other place [and we cannot infer from his action anything regarding his intention].*
- F. *Lo, R. Yohanan already said one time [what his view is in this instance]. For it was taught in the Mishnah on Tannaite authority, **He who brings his produce up to the roof because of the maggots [Jastrow: vermin], and dew fell upon it, it is not under the rule of 'If water be put' (Lev 11:38). But if he had intention for this [dew to fall upon it] then it is under the rule of 'If water be put'. If a deaf-mute, imbecile or minor brought it up [to the roof], even though he may have intended for this [dew to fall upon it, the produce] is not under the rule of 'If water be put' because they have [the capacity for] deed but they do not have [the capacity for] deliberation [M. Maksh. 6:1]. And said R. Yohanan, "This was taught only where they did not arrange them. But if they [e.g., the minor] did arrange them, lo they are subject to the rule of 'If water be put.'" [What then was the question that R. Yohanan posed?]***
- G. *This is the question that he posed: [Is the law concerning the minor's deliberation that is discerned from his deeds] based on the authority of the Torah or based on the authority of the rabbis?*
- H. *R. Nahman bar Isaac taught as follows [an alternate to the preceding, A-G]: Said R. Hiyya bar Abba, "R. Yohanan posed this question: a minor — does he have [the capacity of] deed [necessary for the performance of a ritual act] or does he not have [the capacity of] deed?"*
- I. *Said to him R. Ammi, "Let him pose the question regarding [the status of a minor's] deliberation." What is the difference [between these objections — both are settled elsewhere]? With regard to deliberation there can be no question, for it was taught on Tannaite authority that they do not have [the capacity of] deliberation.*

With regard to deed there also can be no question, for it was taught on Tannaite authority that they have [the capacity of] deed.

- J. *This is the question that he posed: [Is the law concerning the validity of a minor's deeds] based on the authority of the Torah or based on the authority of the rabbis?*
- K. *And he answered that they have [the capacity for] deed even in instances that rest on the authority of the Torah. And they do not have [the capacity for deliberation] even in instances that rest only on the authority of the rabbis.*
- L. *[And in a case where the minor's] deliberation is discerned from his deeds — in instances that rest on the authority of the Torah, we say that he does not [have the capacity of deliberation] and in instances that rest on the authority of the rabbis, we say that he has [the capacity of deliberation].*
- M. *Samuel posed the question to R. Huna, "On what basis do we say that one who is spontaneously involved in preparing sacrifices [i.e., without having any deliberation in his actions for the sake of a sacrifice] that it renders [the sacrifices] unfit?" For Scripture states, "Then he shall kill the bull" (Lev. 1: 5) [implying] that the killing must be for the sake of a [sacrificial] bull.*
- N. *He said to him, "We have this [part of the rule, that he must do it deliberately for the sake of a sacrifice] in our hands. What is the basis for [the other side of the rule, that if he does not have the proper intention then that] invalidates [the sacrifice]?" [Scripture teaches], "You shall offer it so that you may be accepted" (Lev. 19: 5). [This implies that] you must offer it with your full knowledge. [Wherever Scripture repeats the requirement, we may deduce that it means it to be both sufficient and necessary. So without deliberation a sacrifice is invalid.]*

1:1 E-F

E. The act of slaughter of a gentile [produces] carrion.

F. And it [the meat] imparts uncleanness through being carried.

- I.1** A. [Does the act of slaughter of a gentile produce] carrion? Yes, [but does it produce meat whose] benefit is forbidden? No.
- B. *Who is the Tannaite authority behind this teaching? Said R. Hiyya b. R. Abba, said R. Yohanan, "It does not accord with the view of R. Eliezer. For if it did accord with the view of R. Eliezer, lo, he said that the ordinary thoughts of a gentile are to*

[serve] idolatry [cf. b. Hul. 38b]. [Accordingly deriving any benefit from the meat should be forbidden.]”

C. R. Ammi said, “*Teach matters as follows: The act of slaughter of a gentile [produces] carrion. That of a heretic* [we presume] is to [serve] idolatry.”

D. *It was taught as follows, our rabbis taught on Tannaite authority: The act of slaughter of a heretic is to [serve] idolatry. His bread is [treated like] the bread of a Samaritan. His wine [is treated like] libation-wine. His scrolls [are treated like] scrolls of the fortune tellers. His produce [is treated like] untithed produce.*

E. And some say **[13b]** that even his children [are treated like] illegitimate children [because he permits his wife to engage in relations with other men]. *And the first Tannaite authority [who omits the statement about his children holds the view that] he would not be permissive with his wife.*

F. Said the master, **The act of slaughter of a gentile [produces] carrion** — *and why do we not suspect that perhaps he was a heretic* [i.e., one whose every fundamental belief and action is dedicated to idolatry]?

G. Said R. Nahman, said Rabbah bar Abbuha, “There are no heretics [totally dedicated to idolatry] among the nations of the gentiles.” *But we may observe that there are. You should say, “The majority of gentiles are not heretics.”*

H. *He reasons in accord with the view of* R. Hiyya bar Abba: said R. Yohanan, “The gentiles outside of the land of Israel are not [genuine] idolaters. Rather they only [practice idolatry to] observe their ancestral customs.”

I. Said R. Joseph bar Manyomi, said R. Nahman, “There are no heretics [totally dedicated to idolatry] among the nations of the gentiles.” *To what [circumstance] should we apply this statement? If to [the issue of] slaughter, here, concerning slaughter by a heretic Israelite, we said that it is forbidden [to use the meat], concerning [the prohibition on meat slaughtered] by a [heretic] gentile do we need [to state another rule]?*

J. *Rather [apply this statement to the issue of whether, given the opportunity, they] lower them down [into a pit to endanger the heretics, cf. Rashi and b. A.Z. 26b]. Here [the distinction is made]: [regarding a heretic] Israelite, they lower him down; [regarding a heretic] gentile, do we need [to state another rule]?*

K. Said R. Uqba bar Hama, “[Apply the statement of I to the issue of whether we] accept from them an offering.” *For it was taught on Tannaite authority, “[When any man] of you [brings an offering to the Lord]”*

(Lev. 1: 2) — and not all of you [may bring]. This excludes the apostate. “Of you” — from among you I distinguished [the treatment of the heretic] and not from among the gentiles.

- L. *On what basis [do you draw this conclusion]? Perhaps this is the way to state matters: From among Israelites — from the righteous we accept [sacrifices], from the wicked we do not accept. But from gentiles, not at all. Not at all! You cannot entertain this notion.*
- M. *For it was taught on Tannaite authority [that the verse repeats the word], “A man” (Lev. 22:18). What does it teach in repeating “A man,” “A man”? It includes gentiles who vow to bring an offering or make a donation [to the Temple in the same category] as an Israelite [who may bring a sacrifice].*

II.1 A. And it [the meat] imparts uncleanness through being carried. *But this is obvious.* Because it is carrion it imparts uncleanness through being carried.

B. Said Raba, *“This is how you should teach the matter:* This one imparts uncleanness through being carried. And there is another [type of carcass] that imparts uncleanness even by [common presence with objects in] a tent.” And what is that? That is [the carcass of an animal] that was offered before idolatry and according to the view of R. Judah b. Betera [as will be explained below].

C. *Another version:* said Raba, “This one imparts uncleanness through being carried. And there is another [type of carcass] like this one that defiles that imparts uncleanness through being carried but does not [defile] by [common presence with objects in] a tent.” And what is that? That is [the carcass of an animal] that was offered before idolatry and not according to the view of R. Judah b. Betera.

- D. *For it was taught on Tannaite authority:* R. Judah b. Betera says, “On what basis do we say that [an animal] that was offered before idolatry imparts uncleanness through a tent? Because it says, ‘Then they attached themselves to the Baal of Peor, and ate sacrifices offered to the dead’ (Psa. 106:28) (b. A.Z. 32b). Just as the dead impart uncleanness through a tent, so too does [the carcass of an animal] offered before idolatry impart uncleanness through a tent.”

1:1G-I

G. He who slaughters at night —

H. and so too a blind person who slaughtered —

I. his act of slaughter is valid.

- I.1** A. **He who slaughters** *implies that [if he slaughters, then] after the fact it is [valid]. But he may not [slaughter] to begin with. But they raised an objection [to that conclusion from the following]: At any time do they slaughter [M. Hul. 1:2 D] —whether by day or by night. [Supply: And in any place do they slaughter] — whether on a ship or whether on a roof [T. Hul. 1:4 A-D, the Talmud text reverses the order of the last two phrases].*
- B. Said R. Pappa, “If there is a torch opposite him [lighting the area, he may slaughter to begin with].”
- C. Said R. Ashi, “*You may draw an inference also from that which was taught [in the context of each rule]. There [in Tosefta. the rule for night] is juxtaposed with [a rule for the] day [suggesting that the area was lit up]. Here [in M. the rule for night] is juxtaposed with [a rule for] a blind man [suggesting that he slaughtered in darkness]. Accordingly, we may derive these inferences.*”

1:1J-K

J. [14a] He who slaughters on the Sabbath or on the Day of Atonement, even though he [thereby] becomes liable for his life —

K. his act of slaughter is valid.

- I.1** A. *Said R. Huna, “R. Hiyya bar Abba interpreted [the rule] in the name of Rab, ‘[The meat] is prohibited to be eaten for that [Sabbath] day.’” And his associates proposed to say that [this view corresponds with] that of R. Judah.*
- B. *Which view of R. Judah? Said R. Abba, “It [corresponds with the view of] R. Judah with regard to preparation [of foods for use on the Sabbath day].” For it was taught in the Mishnah on Tannaite authority, They cut up gourds [for consumption] before cattle and [may cut up] carrion meat before dogs. R. Judah says, “If it was not carrion on the eve of the Sabbath, it is prohibited [to feed to dogs on the Sabbath day] because it is not something which has been made ready [before the Sabbath for use on the Sabbath]” [M. Shab. 24:4].*
- C. *It seems [logical to conclude] that since it was not ready the previous day, it is prohibited [to make use of the animal]. Here as well, since [the animal] was not ready [for eating] the previous day, it is prohibited [to make use of the animal on the Sabbath].*

- D. *Said to him Abbaye, “How can you compare the cases? There [in the case of carrion the animal] was originally ready for [consumption by] humans. And now it is ready for dogs. Here [in the case of an animal slaughtered on the Sabbath the animal] was originally ready for [consumption by] humans. And now it is ready for humans.”*
- E. *Do you maintain that an animal in its lifetime stands ready for eating? An animal in its lifetime stands ready for breeding. If that is the case then why according to the view of R. Judah may they slaughter an animal on the festival? He said to him, “It stands ready for eating and stands ready for breeding. Once it is slaughtered it is then retrospectively clarified that it stood ready for eating. If it was not slaughtered then it was clarified that it stood ready for breeding.”*
- F. *But lo, R. Judah does not accept the principle of retrospective clarification. Based on what do we derive this? If we say [we derive it from] that which was taught on Tannaite authority [then we seem to have a contradiction], **“He who purchases wine from among the Samaritans [and does not have the means to immediately separate heave-offering and tithes from it but wishes to drink the wine] says, ‘Two logs that I [later] will separate, behold these are made heave-offering; ten [logs] are made first tithes; nine are made second tithes’ [M. Demai 7:4]. And he redeems [the second tithes, transferring the sanctity to coins] and he drinks,”** the words of R. Meir. R. Judah, R. Yosé and R. Simeon prohibit [this course of action because they do not accept the principle of clarification] [T. Demai 8:7].*
- G. **[14b]** *[This contradiction cannot be sustained. The reason they do not apply the principle of clarification] there is, as they taught, on this basis: they said to R. Meir, “Do you not admit [the possibility] that perhaps the cask [of wine] will break [after he drinks from it but before he has the chance to separate the offerings] and it turns out retroactively that he drank untithed produce?” He said to them, “[I do not worry about such a possibility] until it actually breaks [because it is so unlikely]” (b. Erub. 37b). [The case here does not conclusively demonstrate Judah’s view.]*
- H. *Rather [we may derive the view of Judah regarding the principle of clarification from what] Ayyo taught: For Ayyo taught, “R. Judah says, ‘A person does not make a conditional statement about two conflicting matters at the same time. Rather [he may stipulate] that if a sage comes to the east then his Sabbath boundary is to the east [so that he may go to greet the sage]. Or if a sage comes to the west, then his Sabbath boundary is to the west. But if [he stipulates that the boundary will be] either in one direction or the other [for the purpose of greeting one of two sages,*

depending on which he chooses], it is not [a valid stipulation because we do not apply the principle of clarification. He may make a conditional statement about the status of his Sabbath boundary but not one that depends on his own later clarification].”” *And we reflected upon that conclusion: What is the difference [between the case of stipulating that he will greet one of two sages] in one direction or the other, where we say that he may not [make such a stipulation] because we do not apply the principle of clarification [and the case of one who stipulates that his boundary will be] to the east or the west, where we also should not apply the principle of clarification?* But said R. Yohanan, “[In the latter case the circumstance was that] the sage had already come [to either the east or the west before the Sabbath and on the Sabbath he simply was determining the facts].” [Judah, in any case, does not apply the principle of clarification. If the view that the meat is not permitted because it is not prepared before the Sabbath accords with the view of Judah (above, A), we must find a different precedent.]

- I. *Rather, said R. Joseph, “[The statement at A above accords with the view of] R. Judah with regard to utensils.” For it was taught in the Mishnah on Tannaite authority, **All utensils that may be handled on the Sabbath [if they were to break on the Sabbath] — the shards of such utensils may be handled on the Sabbath, as long as you can perform some sort of useful work with them [even if it is not what they did when they were whole]. The shards of a kneading trough that can be used to cover the mouth of a barrel, shards of glass that can be used to cover the mouth of a flask [can be carried on the Sabbath because they function as utensils]. R. Judah says, “[You may carry the shards on the Sabbath] as long as they may be used to perform the same function as the original utensil. Shards of a kneading trough that can be used to pour through it a porridge, shards of glass that can be used to pour through them oil [can be carried on the Sabbath because they function in the same way as the original utensils]” [M. **Shab. 17:5**].*** [According to Judah if they serve to perform] their original functions, *we may* [carry them on the Sabbath]. But if they serve to carry out some other function, *we may not*. *It seems logical to conclude that since they [the shards] were not prepared from the preceding day for this function, you are prohibited [to use them on the Sabbath]. Here too [regarding the meat] since it was not prepared from the preceding day [for consumption] it is prohibited [to eat the meat on the Sabbath].*
- J. *Said to him Abbaye, “How can you compare the cases?” There it was formerly a utensil and now it is a shard of a utensil. And that is a case of the origination [of an object on the Sabbath day] and it is prohibited. Here [in our Mishnah] it was*

*formerly food and now it is food. It is like food that was disjoined [into components and reassembled]. And we were taught regarding this that R. Judah said food that was disjoined is perfectly acceptable. For it was taught on Tannaite authority in the Mishnah, **They do not squeeze fruits to extract juice [on the Sabbath]. But if it seeped out on its own it is prohibited [to use the juice on the Sabbath].** R. Judah says, “If [the fruit was intended for use] as food, that which exudes from it is permitted [because he does not desire that the juice seep from fruit intended for eating]. And if [the fruit was intended for] drink, that which exudes from it is prohibited [because producing juice is the purpose of the fruit] [M. **Shabbat 22:1 E-H**].” [So food that was separated into its constituent elements is deemed permissible.]”*

- K. [R. Joseph replied (Cashdan):] *It was stated concerning this matter:* said R. Judah, said Samuel, “R. Judah would agree with the sages [that the juice that seeps out is prohibited] in the case of baskets of olives and grapes [set aside for eating, because they are usually pressed for their oil and juice] (b. Shab. 143b). *It seems [logical to conclude] that since they are [generally] kept for pressing, he will be inclined [to accept that the juice seeps from them even though he designated them for eating]. [So we enjoin him from using it.] Here too [regarding an animal that was slaughtered on the Sabbath] since it is kept for slaughtering, he will be inclined [to accept that it was slaughtered and eat from it]. [So we enjoin him from eating the meat.]”*
- L. [Abbaye replied (Cashdan):] *“[This matter [of reply] has a basis in accord with Rab [who originally said that according to R. Judah the animal slaughtered on the Sabbath is prohibited for the day (above at A).] But lo did not Rab say that R. Judah disputed [and permitted consumption of the juice that seeped] even in the case of baskets of olives and grapes? [Why prohibit the animal in our Mishnah?]]”*
- M. *But said R. Sheshet the son of R. Idi, “[The view of R. Judah regarding the animal slaughtered on the Sabbath at A is in accord with the view of] R. Judah regarding [moving] lamps [on the Sabbath day].”*
- N. *For it was taught on Tannaite authority, “**They may carry about a new lamp, but not an old one,**” the words of R. Judah [T. **Shab. 3:13 A**] [because the new one may be used for other purposes but the thought of using the old one for another purpose is disgusting].*
- O. *Let us say [you can argue] we may deduce that R. Judah holds the view [that one may not use a lamp because] it is an object restricted [in its handling on the Sabbath] because it is disgusting. Do we draw the same conclusion regarding a*

case of an object restricted [in its handling on the Sabbath] on account of a prohibition?

- P. *Yes we do. For it was taught on Tannaite authority*, R. Judah says, **[15a]** “All lamps made of metal may be carried about except for a lamp that was lit on the Sabbath itself [in violation of the prohibition].”
- Q. *But perhaps that case is different because he shifted it [to become a restricted object] with his actions.* [Cashdan: in our Mishnah it becomes a restricted object by itself with the commencement of the Sabbath. That case should be less strict, “And if by some means it comes about that the animal is fit for eating it should be permitted.”]
- R. Said R. Ashi, “[The view of R. Judah regarding the animal slaughtered on the Sabbath at A is in accord with the view of] R. Judah regarding cooking [on the Sabbath]. *For it was taught on Tannaite authority*, “One who cooks on the Sabbath — if inadvertently, one may eat [the food he cooked]; if deliberately, one may not eat the food [one cooked],” the words of R. Meir. R. Judah says, “If inadvertently, one may eat it at the conclusion of the Sabbath; if deliberately, one may never eat it.” R. Yohanan Hassandlar says, “If inadvertently, one may eat it at the conclusion of the Sabbath — others [may eat it] but not him [i.e., the one who cooked it]; if deliberately, one may never eat it — neither him nor others.” [In our Mishnah’s case of inadvertent slaughter the rule is in accord with Judah that it may be eaten after the Sabbath.]
- S. [An objection is raised:] *But why not support [an interpretation of the Mishnah that he slaughtered on the Sabbath] deliberately and in accord with the view of R. Meir?*
- T. *No you cannot have concluded that. For it has been taught that this [ruling in our Mishnah] is comparable to the [ruling for the] Day of Atonement. What is the rule with regard to the Day of Atonement? It is the same whether [one slaughtered] inadvertently or deliberately, one does not eat it. Even here [in the Mishnah’s case] it is the same whether [one slaughtered] inadvertently or deliberately, one does not eat it.*
- U. *But how can you uphold the view that [the Mishnah refers to a case of one who slaughtered] inadvertently and in accord with the view of R. Judah? But lo, **even though he [thereby] becomes liable for his life**, is what is taught [in the Mishnah, implying that it is a case of deliberate action].*

- V. *Here is how you should state matters: Even though he would be liable for his life if he had done it deliberately, here because he does it inadvertently, his act of slaughter is proper.*
- W. *But why not support [an interpretation of the Mishnah that one slaughtered on the Sabbath] and in accord with the view of R. Yohanan Hassandlar who said it makes no difference whether one slaughtered inadvertently or deliberately, [in either case] one does not eat it?*
- X. *R. Yohanan Hassandlar differentiates [who may eat it] after the conclusion of the Sabbath between the one [who slaughtered it] and others. Our Tannaite authority teaches, **his act of slaughter is valid**, without differentiating between the one [who slaughters] or others.*
- I.2** A. *A Tannaite authority taught before Rab, **He who cooks on the Sabbath — [if one did so] inadvertently, he may eat [the food that was prepared]; [if one did so] deliberately, he may not eat [the food]** [M. Ter. 2:3 D-E]. And Rab silenced him.*
- B. *On what basis did Rab silence him? If you say it was because he reasoned in accord with the view of R. Judah and the Tannaite authority taught in accord with the view of R. Meir, [this makes no sense]. Because [even if] he reasoned in accord with the view of R. Judah, would he then silence one who taught in accord with the view of R. Meir?*
- C. *And furthermore: did he indeed reason in accord with the view of R. Judah? But lo, said R. Hanan bar Ammi, “When Rab taught his disciples he taught in accord with the view of R. Meir. And when Rab expounded on the Sabbath in public he taught in accord with the view of R. Judah on account of the ignorant.”]*
- D. *And if you say that the Tannaite authority [in A] taught before him in public, would all those assembled pay heed to the Tannaite authority? [No.] They would pay heed to the Amoraic authority [repeating the view of Rab]!*
- E. *Said R. Nahman bar Isaac, “The Tannaite authority taught before Rab concerning he who slaughters [stated,]: He who slaughters on the Sabbath — [if one did so] inadvertently, one may eat [the meat]; [if one did so] deliberately, one may not eat [the meat].”*
- F. *He said to him, “What is your opinion? It is in accord with R. Meir. On this point — R. Meir permitted only with regard to one who cooks [on the Sabbath] because [even when raw, the food] is fit to be chewed. But in the case of he who slaughters [the animal inadvertently on the Sabbath, before it is slaughtered] is not fit to be chewed. [Accordingly, Meir] does not [permit its use].”*

G. *But lo, our Mishnah deals with he who slaughters [on the Sabbath]. And [in I.1 A above] said R. Huna, “R. Hiyya bar Rab [above: Abba] interpreted [the rule] in the name of Rab, ‘[The meat] is prohibited to be eaten for that [Sabbath] day.’” And his associates proposed to say that [this view corresponds with] that of R. Judah. But [this implies that] lo, according to the view of R. Meir it is permitted!*

H. *In what circumstance would R. Meir permit? [15b] In a circumstance where there was someone ill present while it was yet day [on Friday. Hence the animal was suitable for use on the Sabbath.] If so [i.e., that these were the circumstances] on what basis would they prohibit [the use of the animal] according to the view of R. Judah? [For someone who was ill he surely would permit its use.] [It could be explained as follows:] in a circumstance where there was someone ill and he recovered [on the Sabbath day. Thus the animal was not restricted in its use at the commencement of the Sabbath. The only concern is the use of an animal slaughtered inadvertently on the Sabbath day. According to Judah we prohibit. According to Meir we do not.]*

I. *And this accords with the following: said R. Aha bar Ada, said Rab, and some say, said R. Isaac bar Ada, said Rab, “He who slaughters for one who is ill on the Sabbath, [the meat] is prohibited to a healthy person. He who cooks for one who is ill on the Sabbath, [the food] is permitted to a healthy person.”*

J. *What is the basis for this view? This [food prior to being cooked] is fit to be chewed [even when raw]. This [meat prior to the slaughter of the animal] is not fit to be chewed.*

K. Said R. Pappa, “There are some instances where one slaughters [an animal on the Sabbath and it is] permitted [to be eaten even by a healthy person]. For instance, where there was someone ill present while it was yet day [on Friday. Hence the animal was suitable for use on the Sabbath.] [And there are some instances where] one cooks [for someone who is ill on the Sabbath and it is] prohibited [to a healthy person]. For instance, where he cut a gourd [for the person who was ill].”

I.3 A. Said R. Dimi from Nehardea, “*This is the law*: He who slaughters for one who is ill on the Sabbath, it is permitted to be eaten uncooked by a healthy person.”

- B. *What is the basis for this view? Since it is impossible to obtain an olive's bulk of meat without slaughtering [this one animal], when he slaughters it, he intends it to be for the sake of the person who is ill. [But] he who cooks for one who is ill on the Sabbath — it is prohibited to be eaten by a healthy person [because] we decree against it lest he increase [the amount he cooks] for the healthy person.*

1:2A-G

A. He who slaughters with [the smooth edge of] a hand sickle, with a flint, or with a reed —

B. his act of slaughtering is valid.

C. All slaughter.

D. And at any time do they slaughter.

E. And with anything do they slaughter,

F. except for (1) a scythe, and (2) a saw, and (3) teeth, and (4) a fingernail,

G. because they [do not cut but tear the windpipe and] choke [the animal].

I.1 A. He who slaughters [implies that if they already performed the act of slaughter] after the fact, yes [their actions are deemed proper]. [But] to begin with, no [their actions are not deemed proper].

B. This makes sense with regard to a [serrated] hand sickle because he perhaps will cut with it in the opposite direction [and tear the organs]. But regarding a [smooth] flint or a reed, [does it make sense to say that] to begin with he may not [slaughter with them]?

C. We may raise an objection [from the following]: **With anything do they slaughter [M. Hul. 1:2E] — even with a flint, even with glass, even with the point of a reed [T. Hul 1:5A-B].**

D. There is no contradiction. This one [T.] is a case where they are detached [from the ground and even to begin with you may use it] and this one [M.] is a case where they are attached [to the ground so only after the fact is it permitted]. For said R. Kahana, "He who slaughter with something that is attached to the ground — Rabbi declares it unfit and R. Hiyya declares it fit." On this point R. Hiyya declared it fit only after the fact. But [if he slaughtered with such an object] to begin with, he did not [declare it fit in that case].

E. With which view does the Mishnah concur? According to the view of R. Hiyya and [in the case they already slaughtered] after the fact?

- F. *But lo, that which was taught on Tannaite authority, **With anything do they slaughter — whether it is something joined to the ground or detached from the ground, whether one passed the knife over the throat or passed the throat over the knife, and one thereby slaughtered [the beast his act of slaughter is valid] [T. Hul. 1:5 C-E], in accord with whose view [is this teaching]? [This concurs] neither with the view of Rabbi nor that of R. Hiyya.***
- G. *If it concurred with the view of R. Hiyya [we would say that] after the fact, yes [the act of slaughter would be valid]. But to begin with, no [we would not permit this]. And if it concurred with the view of Rabbi [then we would say] even after the fact [we would not permit this procedure].*
- H. *It is consistent [to hold the opinion that it concurs with the view of] R. Hiyya and even [valid to slaughter in this way] to begin with. And the fact that they dispute in the circumstance where he [slaughtered and it was already] after the fact, indicates to you the power of the view of Rabbi [to invalidate].*
- I. *And concerning the Mishnah that says, **He who slaughters** [and implies that if they already performed the act of slaughter] after the fact, yes [their actions are deemed proper]. [But] to begin with, no [their actions are not deemed proper]. In accord with whose view [is this teaching]? [This concurs] neither with the view of Rabbi nor that of R. Hiyya.*
- J. *If it concurred with the view of R. Hiyya, then even to begin with it would be valid. And if it concurred with the view of Rabbi then even after the fact also it would not [be valid]. It is consistent to say that it concurs with the view of R. Hiyya. And even to begin with [it is valid]. And the Mishnah that teaches, **He who slaughters**, concurs with the view of Rabbi.*
- K. *There is then a contradiction between one view of Rabbi and the other [i.e., in M. he rules it is valid after the fact and in the dispute with Hiyya he rules it is not valid (Cashdan)]. There is no contradiction. In one case [where he declares it invalid, the circumstance is that the object] was attached from the outset. And in the other case [where he says it is valid, after the fact, the circumstance was that the object] was at first detached and then reattached [to the ground].*
- L. *And on what basis do we say that it makes a difference to us whether it was attached from the outset or it was first detached and then reattached? For it was taught on Tannaite authority, “He who slaughters with a spinning blade, his act of slaughter is valid; [he who slaughters with an object] attached to the ground, his act of slaughter is valid. He who lodged a knife in a wall and slaughtered with it, his act of slaughter is valid. If a*

sharp stone was jutting out from a wall, or if a reed was growing up from it, and he slaughtered with it, his act of slaughter is invalid.”

- M. **[16a]** *These rules are self-contradictory. Rather do we not then derive from them that there is a distinction between [slaughtering with] an object that was attached from the outset and with an object that was detached and then reattached? We do derive this conclusion.*

I.2 A. Said the master, “He who slaughters with a spinning blade, his act of slaughter is valid.” *But behold it was taught on Tannaite authority, “His act of slaughter is invalid.” There is no contradiction [between these rules]. This one [where it is deemed valid refers to a case where he slaughtered with a knife attached to] a potter’s wheel [because a person turns the wheel]. And this one [where it is deemed invalid refers to a case where he slaughtered with a knife attached to] a water wheel [because the action of the water, not of a person, turns the wheel].*

- B. *Another possibility: Both [refer to a case where he slaughtered with a knife attached to a] water wheel. And there is no contradiction [between the rules]. This one [where it is deemed valid refers to a case where the knife slaughtered the animal] with the first force [of water flowing to turn the wheel and this was released by a person]. This one [where it is deemed invalid refers to a case where the knife slaughtered the animal] with the second force [of water flowing to turn the wheel. Any subsequent action after the first revolution cannot be directly attributed to human action].*

C. *And this accords with R. Pappa said, “A person who tied up his fellow and shot at him a stream of water and he died [from the blast], is liable. What is the basis for this rule? It is with his arrow that he attacked him.”*

D. *These words apply to [a case where he killed him] with the first force [of the water]. But [if he killed him with] the second force [or any subsequent blast of the stream we consider this action] a secondary result [of releasing the stream and he is free of liability for the death].*

I.3 A. *Rab sat behind R. Hiyya and R. Hiyya before Rabbi, and Rabbi sat and said, “How do we know that an act of slaughter must be*

performed with an object that is detached from the ground?” Because Scripture states, “And he took the knife to slay” (Gen. 22:10).

B. *Said Rab to R. Hiyya, “What did he say?” he said to him, “[Nothing important.] Just a line scratched on a log. [Hiyya maintained that one may slaughter with an object attached to the ground.]” [He replied,] “But behold he stated a verse, [that Abraham took the knife in his hand, to prove his assertion].” [He replied,] “The verse demonstrates to us the enthusiasm of Abraham [to perform the will of God and has no value as a precedent].”*

I.4 A. *Said Raba, “It is obvious to me that an object that was detached from the ground and subsequently reattached, with regard to the prohibitions against idolatry, it is considered as if it were a detached object.”*

B. Because the master said, “He who bows down to his house [to worship it] renders it prohibited [for any use].” *And if you conclude that it [the house] is considered as if it were an object attached to the ground, [we have a basis in Scripture for permitting its use:] “[The nations... served] their gods, upon the high mountains” (Deu. 12: 2) — and the mountains themselves [i.e. the ground or whatever is attached to it] cannot become their gods.*

I.5 A. [The rule regarding] the susceptibility [to uncleanness] of grain [that was detached and subsequently reattached in line with I.4] *is a dispute between Tannaite authorities. For it was taught on Tannaite authority, **He who turns over the bowl and places it on the wall in order that it be washed, lo this is subject to the rule of “If water be put” (Lev. 11:38) [if the water that fell on the bowl ran onto grain]. [If he put the bowl on the wall] so that the wall will not be ruined, [and water ran off it onto grain,] it is not subject to the rule of “If water be put” [M. Maksh. 4:3].***

B. *Lo, there is a contradiction [between these rules]. It says, in order that it be washed, lo this is subject to the rule of “If water be put” — lo [this implies if he put the bowl*

on the wall] so that the wall will be washed, it is not subject to the rule of “If water be put.” *And it subsequently teaches, [If he put the bowl on the wall] so that the wall will not be ruined, [and water ran off it onto grain,] it is not subject to the rule of “If water be put”* — lo [this implies that if he put the bowl on the wall] so that the wall will be washed, it is subject to the rule of “If water be put.”

- C. Said R. Eleazar, “*Let this be clarified* [as follows]: He who taught the one rule did not teach the other rule.”
- D. Said R. Pappa, “*It was all taught by the same Tannaite authority. This [rule] refers to a case of [a bowl placed on] a wall of a cave. This [rule] refers to a case of [a bowl placed on] a wall of a house.*” *And this is how you should state matters: He who turns over the bowl and places it on the wall in order that it be washed, lo this is subject to the rule of “If water be put” (Lev. 11:38) [if water that fell on the bowl ran onto grain]. [If he put the bowl on the wall] so that the wall will not be ruined, [and water ran off it onto grain,] it is not subject to the rule of “If water be put”* — under what circumstances? With regard to [a bowl placed on] the wall of a cave.
- E. But with regard to the wall of a house, **[If he put the bowl on the wall] so that the wall will not be ruined,** — this [case] is not subject to the rule of “If water be put.” Lo, if [he put the bowl on the wall] **in order that it be washed, lo this is subject to the rule of “If water be put.”**
- I.6** A. *Raba posed the following question, [16b]* “An object that was detached [from the ground] and subsequently reattached — with regard to the rules of slaughtering — *what is its status?*”
- B. *Come and take note:* [I.1 L above] If a sharp stone [that was once detached and then stuck back and] was jutting out from a wall, or if a reed was growing up from it, and he slaughtered with it, his act of slaughter is invalid. *In that case, what are we dealing with?* [There we refer to] the wall of a cave. *We may infer this as well from what was*

taught [“or if a reed was growing up from it”]. [The wall must be] comparable to the reed which comes up [naturally] on its own accord. [The wall must be a natural cave wall.] *We may derive this conclusion.*

- C. *Come and take note* [I.1 L]: He who lodged a knife in a wall and slaughtered with it, his act of slaughter is valid. A knife *is subject to a different rule. He does not disavow it.* [He will later reclaim it from the wall.]
- D. *Come and take note* [I.1 L]: [He who slaughters with an object] attached to the ground, his act of slaughter is valid. *Perhaps [the text] goes on to clarify this clause [as follows]. What does it mean by “[an object] attached to the ground?”* A knife which a person will not disavow. [We have no resolution to the question posed by Raba.]

I.7 A. Said the master [above, I.1 L]: He who lodged a knife in a wall and slaughtered with it, his act of slaughter is valid. Said R. Anan, said Samuel, “*They taught this rule only* for a case where the knife was above and the neck of the animal was below. But where the knife is below and the neck of the animal is above, *we are afraid that perhaps [due to the weight of the animal] he will press [during the act of slaughter and invalidate the act].*”

- B. *But behold it was taught*, “[The rule applies] whether the knife is below and the neck of the animal is above, or the knife is above and the neck of the animal is below.” [Cf. T. **Hul. 1:5 E.**]
- C. Said R. Zebid, “*The matter was taught regarding different sides of the issue.* [When it refers to the case of] the knife down below and the neck up above, [it refers to a case of] a detached knife. [When it refers to the case of] the knife up above and the neck down below, [it refers to a case of even an] attached knife.”
- D. R. Pappa said, “[We are dealing here] *with a fowl that is light.* [Accordingly there is no danger that he

will press during the act of slaughter even if the neck of the animal is above the knife.]”

II.1 A. [...or with a reed:] Said R. Hisda, said R. Isaac, *and some say it was taught in the Mishnah*, “Five things were taught concerning the point of a reed: (1) they do not slaughter with it, (2) and they do not circumcise with it, (3) and they do not cut meat with it, (4) and they do not floss teeth with it, (5) and they do not wipe themselves with it. [Because the reed is delicate, it may splinter and cause harm.]”

B. “They do not slaughter with it” — *but lo it was taught on Tannaite authority*, **With anything do they slaughter [M. Hul. 1:2 B] —even with a flint, even with glass, even with the point of a reed [T. Hul 1:5 A-B]**. Said R. Pappa, “[That rule refers to a sturdier reed:] *the lake reed*.”

II.2 A. “And they do not cut meat with it” — *R. Pappa would cut with it fish entrails because they are clear* [and if a splinter broke off in them he could see it]. *Raba bar R. Huna would cut with it fowl because they are tender* [and would not break the reed].

B. “And they do not wipe themselves with it” — *we may derive this from that which was stated by the master*, “He who wipes himself with something that is flammable [because it is dry and brittle], can tear the ligaments [of the anus (Cashdan)].”

C. Said R. Pappa, “*We speak [in that latter teaching] of wiping the opening of a wound [not of normal circumstances].*”

III.1 A. **All slaughter:**

B. *All slaughter* [implies that] all animals are subject to the rules of slaughter, and even fowl.

IV.1 A. **And at any time do they slaughter:**

B. *Who is the Tannaite authority that taught this?* Said Rabbah, “It is R. Ishmael.” *For it was taught on Tannaite authority*, “When the Lord your God enlarges your territory, as he has promised you, and you say, ‘I will eat flesh,’ because you crave flesh, you may eat as much flesh as you desire” (Deu. 12:20). Scripture comes to specifically permit them to eat the meat they craved [i.e., from unconsecrated animals, as opposed to the meat of sacrifices]. For at first [when they wandered in the desert] the meat they craved was prohibited to them. When they entered into the land, the meat they craved was permitted to them. And now that they were exiled, it is possible to conclude that they reverted to their original prohibition. Therefore we learned, **At any time do they slaughter**.

- C. R. Joseph posed the following objection, “The phrase [reads], **At any time do they slaughter**. [If we accept your teaching] *it should have read, At any time do they slaughter and eat*. And furthermore [we may ask by way of objection], originally on what basis were they prohibited [from eating the meat they craved]? Because they had to bring [their animals as sacrifices] to the tabernacle nearby. But later [when they came to the land] on what basis were they permitted [to eat the meat they craved]? Because they were far from the tabernacle. **[17a]** How much the more so now [after the exile should they be permitted to eat the meat they crave] when they are even further [from the tabernacle].”
- D. Rather said R. Joseph, “[The text] accords with R. Aqiba.” As it was taught on Tannaite authority, “If the place which the Lord your God will choose to put his name there is too far from you, then you may slaughter any of your herd or of your flock, [which the Lord has given you, as I have commanded you]” (Deu. 12:21). R. Aqiba says, “Scripture only wanted to prohibit for them meat from an animal killed by stabbing.” For originally they were permitted [to eat] meat from a stabbed animal. After they entered the land they were prohibited meat from a stabbed animal. And now that they were exiled you might assume that they revert to the original permission. Therefore we learned, **At any time do they slaughter**.
- E. On what principle do they dispute [above]? R. Aqiba reasons that the meat they craved was never prohibited. R. Ishmael reasons that meat from a stabbed animal was never permitted. It is consistent according to R. Ishmael that which Scripture stated, “Then he shall slaughter the bull” (Lev. 1: 5) [implying that they were commanded in the desert regarding the rules of slaughter]. But according to R. Aqiba what is implied by, “Then he shall slaughter”? [He would say that the rules for the slaughter of] Holy Things are different.
- F. It is consistent according to R. Ishmael that which Scripture stated, “Shall flocks and herds be slaughtered for them, to suffice them?” (Num. 11:22). But according to R. Aqiba what is implied by, “Shall flocks and herds be slaughtered for them, to suffice them?” It should have [stated], “Be stabbed for them.” [He would say that it could mean they stabbed because the act of] their stabbing, that is their slaughtering.
- G. It is consistent according to R. Ishmael that which was taught on Tannaite authority, **(1) He who slaughters [a wild beast or a bird] and it is made carrion by his own deed, (2) he who pierces [the windpipe, i.e., stabs], (3) he who tears out [the windpipe], is free [of the obligation] to cover up [the blood] [M. Hul. 6:2 G-J]**. But according to R. Aqiba why is he [who pierces, or stabs], **free [of the obligation] to cover up [the blood]**? [This is a legitimate form of killing.] [He

would say that] since it was prohibited [as a form of killing] it remains a prohibited [form of killing and thus does not fall under the rule for covering the blood].

H. *It is consistent, according to R. Aqiba who said that the meat they craved was never prohibited, that which was stated in Scripture, “Just as the gazelle or the hart is eaten, so you may eat it; [the unclean and the clean alike may eat of it]” (Deu. 12:22). [This indicates that the meat they craved was eaten outside of the cultic order.] But according to R. Ishmael was [the meat they craved from] the gazelle or the hart itself ever permitted? [He would answer that] the Torah prohibited [meat that they craved] only from beasts that were fit to be offered as sacrifices. But [from] wild animals that were not fit to be offered as sacrifices, the Torah did not prohibit [the meat they craved].*

IV.2 A. *R. Jeremiah raised the following question: [Concerning] cuts of meat from animals killed by stabbing that Israel brought with them into the land [at the time they first entered it] — what is its status? Concerning what interval [are we asking this]? If we say it was during the seven years when they conquered the land, at that time unclean things were permitted to them [because of the urgency of the war of conquest]. As Scripture states, “And houses full of all good things” (Deu. 6:11). And said R. Jeremiah bar Abba, said Rab, “[This means they ate even] bacon (Rashi).” Do we need to specify [that they could eat] meat from an animal that was stabbed? [No, because that is obvious.] So it must be [that the period of time referred to] was after this [first seven years. What then is the law with regard to meat from an animal killed by stabbing brought into the land?]*

B. *Another possibility: It is consistent to say that it was during the seven years of the conquest. What was permitted to them was the booty they captured from the idolaters. But their own [unclean things] were not permitted [to them even under those circumstances. What then is the status of such meat brought into the land?]*

C. *The question stands unresolved.*

IV.3 A. *Said Rabbah, “You have explained, **All slaughter. And at any time do they slaughter** [M. 1:2 C-D]. How will you explain, **With anything do they slaughter** [M. Hul. 1:2B]?”*

B. *And if you say it means, — even with a flint, even with glass, even with the point of a reed [T. Hul. 1:5 A-B] [this is inconsistent as we have explained it thus far]. The phrases [in the Mishnah text] should be parallel. If those [first two phrases]*

deal with those who may slaughter, then this third phrase also should deal with those who may slaughter. [And that is not the case.] And if those deal with that which is slaughtered, then this should deal with that which is slaughtered.

- C. Accordingly, said Raba, “**All slaughter** [is repeated in the Mishnah text] *one time to subsume under the rule a Samaritan, and one time to subsume under the rule an Israelite heretic.*
- D. “**At any time do they slaughter** [M. Hul. 1:2 D] [is stated to teach us] —**whether by day or by night; [Supply: And in any place do they slaughter —] whether on a ship or whether on a roof** [T. Hul. 1:4 A-D]. And, **With anything do they slaughter** [M. Hul. 1:2 B] [is stated to teach] — **even with a flint, even with glass, even with the point of a reed**” [T. Hul. 1:5 A-B].

- V.1** A. Except for (1) a scythe, and (2) a saw, [and (3) teeth, and (4) a fingernail, because they [do not cut, but they tear the windpipe and] choke [the animal]] [M. Hul. 1:2 F-G]. *The father of Samuel notched a knife and sent it [to the rabbis in The Land of Israel for a ruling as to whether it was fit]. He notched a knife [again in another way] and sent it [a second time]. They sent back to him [the general ruling]: [the notch that invalidates must be] like the tooth of saw as we learned [in this Mishnah].*
- B. *Our rabbis taught on Tannaite authority:* [17b] **A knife that has many notches is deemed to be equivalent to a saw. [If] there is only a single notch, if it catches and slaughters, it is valid. If it chokes, it is invalid** [T. Hul. 1:7 D, F]. *What is the circumstance of [a notch that will] ‘choke’ and what is the circumstance [of a notch that] ‘catches’?*
- C. Said R. Eleazar, “‘Chokes’ [means a notch that is jagged] on both sides; ‘catches’ [means a notch that is jagged] on one side.”
- D. *But what difference does it make? [If it is jagged] on two sides the first edge [of the knife] cuts [into the throat] and the second edge tears [the organ]. [If it is jagged] on one side, also, the sharp edge of the knife cuts [into the throat] and the [jagged] edge tears [the organ].*
- E. *[We could say that the circumstance is that the notch] stands at the top of the knife [and a one-edged-notch will not reach the organ when he slaughters until after it is properly cut]. But after all when [the knife] goes forward it cuts [into the neck] and when it comes back it tears [the organ]. [We refer here to a case where] he drew it forward but not back.*
- V.2** A. Said Raba, “There are three levels [of rules for defects] in a knife. (1) If it is [jagged so that it] chokes, he should not slaughter with it. And if he slaughtered

with it, his act of slaughter is invalid. (2) If it is [jagged so that it] catches he should not slaughter with it to begin with. And if he slaughtered with it his act of slaughter is valid. (3) If it is bumpy [but not jagged] he may slaughter with it to begin with.”

- B. *Said R. Huna the son of R. Nehemiah to R. Ashi, “You said to us in the name of Raba that [a knife that is jagged enough that it] catches is invalid [for slaughtering] and lo, [here you just said a knife that] catches is valid!”*
- C. *There is no contradiction [between these two sources]. Here [where it is deemed] invalid [the case is that] he drew the knife forward and back. Here [where it is deemed] valid [the case is that] he drew the knife forward, but not back.*
- D. *Said R. Aha the son of R. Avya to R. Ashi, “What is the rule [for a knife] if it resembles an awn (Cashdan: rough, though without notches)?” He said to him, “If we were given meat [from an animal slaughtered with this kind of knife] we would eat it.”*

V.3 A. *Said R. Hisda, “From what source do we know that the requirement of inspecting a knife derives from the Torah?” Because Scripture stated, “[Let every man bring his ox or his sheep], and slay them here [lit.: with this, i.e., with a proper knife], and eat” (1Sa. 14:34).*

- B. *[But why do we need such proof?] It is obvious that if he perforates [the animal’s organ with a defective knife] it will be terefah, hence we say he must have it inspected by a sage.*
- C. *But lo said R. Yohanan, “They only said he must show the knife to a sage out of respect to the sage and on the authority of the rabbis. And the verse serves only as a support [for the practice and not as an authoritative source of the rule].”*

V.4 A. *In the West [in the Land of Israel] they inspected [the knife for imperfection] in the sun. In Nehardea they inspected it in water. R. Sheshet inspected it on the tip of his tongue. R. Aha bar Jacob inspected it with a hair.*

B. *In Sura they said, “It eats flesh, it must be inspected with flesh.” Said R. Pappa, “It must be inspected with the flesh [of one’s finger] and with a fingernail and on three sides.” Said to him Rabina to R. Ashi, “R. Sama the son of R. Mesharshayya said to us in your name, that you said in the name of Raba, ‘It must be inspected with the flesh [of one’s finger] and with a fingernail and on three sides.’”*

C. *He said to him, “[It must be inspected] with the flesh [of one’s finger] and with a fingernail — that he did say; and on three sides — that he did*

not say.” Another version: “[It must be inspected] with the flesh [of one’s finger] and with a fingernail and on three sides — that he did say. But in the name of Raba — that he did not say.”

D. *Rabina and R. Aha the son of Raba were sitting before R. Ashi. They brought a knife before R. Ashi for inspection. He said to R. Aha the son of Raba, “Inspect it.” He inspected it with the flesh [of his finger] and with a fingernail and on three sides. He said to him, “You acted properly.” And so too did R. Kahana say [the same practice must be followed].*

E. *R. Yemar said, “It must be [inspected] with a fingernail and with the flesh [of one’s finger]. But it does not have to be [inspected] on three sides.”* For did not R. Zira say in the name of Samuel, “If he heated a knife white-hot and slaughtered with it, his act of slaughter is valid because the sharp edge [cuts the organs] before the white-hot [sides of the knife burn them].”

F. *And we raise an objection [to this rule]: lo there are the [white-hot] sides to consider! And we say [they are of no concern because] the incision of the slaughtering opens wide [as he cuts and the sides do not come in contact with the organs]. Here too [we should say] that the incision of the slaughtering opens wide [and the sides do not come in contact with the organs. So they do not need to be inspected].*

V.5 A. Said R. Huna bar R. Qatina, said R. Simeon b. Laqish, “There are three [rulings regarding] notches: (1) the notch in the bone of the paschal lamb [that invalidates it because it is prohibited to break a bone in the offering]; (2) the notch in the ear of a firstling [that renders it unfit for a sacrifice]; (3) the notch causing a blemish in a sacrifice.” R. Hisda said, “Also: the notch in a knife [used for slaughtering].” *And the other [authority omits this because] he was not dealing with unconsecrated things.*

B. And in all of these the notches must be as big as a notch [that renders unfit] the altar. **[18a]** And how big is a notch [that renders unfit] the altar? Big enough to catch a fingernail [that is drawn across it].

C. *They posed a question.* How big is a notch [that renders unfit] the altar? R. Simeon bar Yohai says, “A handbreadth.” R. Eliezer b. Jacob says, “An olive’s bulk.”

D. *There is no contradiction* [between these views]. This one [refers to an altar made] of cement. And this one [refers to an altar made] of stones.

- V.6** A. Said R. Huna, “Any butcher who does not present his knife to a sage [for inspection] — they ostracize him.” And Raba said, “They dismiss him and they announce that his meat is terefah.”
- B. And they are not in dispute with one another. This one [refers to a case where] his knife was [inspected and] found to be sound [so they ostracize him for defying authority]. This one [refers to a case where] his knife was not found to be sound [so they dismiss him and declare his meat terefah].
- C. Rabina said, “Where his knife was not found to be sound, they spread dung upon [his meat], for it may not be sold even to gentiles.”
- D. There was a certain butcher who did not present his knife [for inspection] before Raba bar Hinnena. He ostracized him and dismissed him and declared his meat was terefah. Mar Zutra and R. Ashi called upon him. He said to them, “Can you rabbis look into [this matter]? For young children depend upon him.” R. Ashi inspected his knife and found it to be sound and declared him to be proper. Said to him Mar Zutra, “Is not the master sensitive [to the need to respect the decision of] the elder [i.e., Raba bar Hinnena]? ” He said to him, “We were acting as his agents.”
- V.7** A. Said Raba bar Huna, “A tooth which is detached and a fingernail which is detached — they slaughter therewith [T. Hul. 1:6 B] to begin with.”
- B. But lo [in contradiction to this] we have taught on Tannaite authority, **Except for (1) a scythe, and (2) a saw, and (3) teeth, and (4) a fingernail, because they [do not cut but tear the windpipe and] choke [the animal] [M. Hul. 1:2 F-G].**
- C. There is no contradiction between this ruling regarding a tooth and that one. This one [that permits its use refers to using] one [tooth to slaughter]. This one [that prohibits refers to using] two [to slaughter, which resembles a saw].
- D. There is no contradiction between this ruling regarding a fingernail and that one. This one [that permits refers to using] a detached [fingernail to slaughter]. This one [that prohibits refers to a fingernail that is still] attached [to a living being].

1:2H-K

- H. He who slaughters with a scythe, [drawing the scythe] forward —**
- I. the House of Shammai declare invalid.**
- J. And the House of Hillel declare valid.**
- K. And if they filed down its teeth, lo, it is equivalent to a knife.**

- I.1** A. Said R. Hiyya bar Abba, said R. Yohanan, “Even where the House of Hillel declared it valid, they declared it valid only to exclude it from the category of carrion. But with regard to eating, it remains prohibited.”
- B. Said R. Ashi, “*You may also draw this inference from [the language of the text] that taught, **The House of Shammai declare invalid; and the House of Hillel declare valid. And did not teach, The House of Shammai prohibit; and the House of Hillel permit.***”
- C. [Responding to B]: *But on this basis it should teach, **The House of Shammai declare unclean; and the House of Hillel declare clean.** Rather [the paired expressions] **declare invalid and declare valid, and prohibit and permit are equivalent.***

1:3

- A. He who slaughters [by cutting] through the [top cartilage] ring [of the windpipe] and left in it a thread's breadth of its whole circumference [towards the head],**
- B. his act of slaughter is valid.**
- C. R. Yosé b. Judah says, “A thread's breadth of the greater part of its circumference.”**
- I.1** A. Rab and Samuel both said, “The law is in accord with the view of R. Yosé b. R. Judah.” And even R. Yosé b. R. Judah stated matters only with respect to the large ring since it encircles the entire windpipe. But with respect to [one who cut through the greater part of one of] the other rings, he did not [hold this view]. [One must slaughter either through the large ring or between the rings.]
- B. *But with respect to [one who cut through the greater part of one of] the other rings, did he not [hold this view]? Was it not taught on Tannaite authority, R. Yosé b. R. Judah says, [18b] “He who slaughters [by cutting] through any of the other rings, even though they do not encircle the entire windpipe, since they encircle the majority of the windpipe, it is valid.”*
- C. [If] it slants downwards [that is, if one let the knife slide beyond the space prescribed for cutting, so that the windpipe was cut at or below the point where the thyroid cartilage narrows (B. Hul. 19a)], it is invalid. R. Hanina b. Antigonus [T.: Hanania] testified regarding [an act of slaughter that] slants downward that it is valid [cf. T. **Hullin 1:10**].
- D. *Said R. Joseph, “R. Yosé b. R. Judah stated both [rules]. Rab and Samuel held in accord with his view in respect to one and disputed with him in respect to the*

other. [They held that slaughtering must be performed only between the rings or in the top ring.]”

E. *But lo, “[He] stated matters only [with respect to the large ring since it encircles the entire windpipe]” — is what they stated [in A]. This is the way you should state matters: The law is in accord with his view with respect to [the validity of an act of slaughter that cuts through] the large ring. But the law is not in accord with his view with respect to [the validity of an act of slaughter that cuts through] the other rings.*

I.2 A. *When R. Zira departed [for a stay in the land of Israel] he ate [meat that was slaughtered by a cut] slanting downward [and thus was invalid] according to the view of Rab and Samuel. They said to him, “Are you not from the same place as Rab and Samuel?” He said to them, “Who stated this [rule]? R. Joseph bar Hiyya. Joseph bar Hiyya learned [rules] from everyone [i.e., he was an eclectic authority and I am not bound to follow him].”*

B. *R. Joseph heard this and was angry. He said, “I learned from everyone? I learned from R. Judah! He even cited doubts regarding his attributions.” [For instance:] For said R. Judah, said R. Jeremiah bar Abba, maybe in the name of Rab and maybe in the name of Samuel, “Three [sages] may permit [redemption of] a firstling where there is no expert [present to examine the blemish].”*

C. *And does R. Zira not hold the view that, “They impose upon him the strict rules of the place he originated and the place of his destination?” This applies for one who travels from one place in Babylonia to another, or from one place in the Land of Israel to another, and also from the Land of Israel to Babylonia. But from Babylonia to the Land of Israel, since we are subject to their authority, we act in accord with their practice.*

D. *R. Ashi said, “You may even say [that the principle applies to one who travels] from Babylonia to the Land of Israel [that he may adhere to his strict ruling from the former location] on the condition that he has intention to return [to Babylonia]. R. Zira had no intention of returning.”*

E. *Said Abbaye to R. Joseph, “Behold the rabbis who came from Mahuza said in the name of R. Nahman, ‘If [the cut for slaughter] slants downward it is valid.’” He said to him, “Every river runs its own course.” [Every place has its own customs.]*

I.3 A. *R. Simeon b. Laqish declared it valid [if the animal was slaughtered] in the thyroid cartilage. R. Yohanan cried out [about this ruling], “Too brash!”*

- B. Said R. Pappi in the name of Raba, "If he hit the arytenoid cartilages [with the knife during the act of slaughter], it is *terefah*." [Cashdan: Two small triangular cartilages at the top of the larynx situated on either side in front of the cricoid.]
- C. *They posed the question to him:* [Does it mean] if he hit and cut into them, *as Scripture states*, "And he went out and he struck him down and he died" (I Kings 2:46), or [does it mean] if he hit but did not cut into them, *as Scripture states*, "And the angels of God met him" [both 'struck' and 'met' derive from the same root as 'hit,' *pg*']?
- D. *It was stated: Said R. Pappa in the name of Raba*, "If he [cut to slaughter and] left [towards the head] part of the arytenoid cartilages, it is valid."
- E. *Said R. Amemar bar Mar Yanuka [so Cashdan]*, "I was standing before R. Hiyya the son of R. Avya and he said to me, 'If he [cut to slaughter and] left [towards the head] part of the arytenoid cartilages, it is valid.'"
- F. *Said Rabina to R. Ashi, said to me R. Shaman of Sikara [or Subra, or Sukhra]*, "Mar Zutra visited our town and he expounded, 'If he [cut to slaughter and] left [towards the head] part of the arytenoid cartilages, it is valid.'"
- G. *Mar bar R. Ashi said*, "If he [cut to slaughter and] hit the arytenoid cartilages, it is valid. If he [cut to slaughter and] left [towards the head] part of the arytenoid cartilages, it is invalid."
- H. *And the law is [19a]: [If he cut in the neck to slaughter] from the place where the thyroid cartilage narrows, it is valid. And this concurs with: [If he cut to slaughter and left towards the head] part of the arytenoid cartilages, [it is valid].*
- I. *R. Nahman declared valid [an animal that was slaughtered] from the place where the thyroid cartilage narrows [and below]. Said to him R. Hanan bar R. Qatina to R. Nahman*, "In accord with whose view do you hold? Not in accord with the view of the rabbis and not in accord with the view [in the M.] of R. Yosé b. R. Judah." He said to him, "I do not know of any view [that refers to] cutting [within the top cartilage ring, i.e., the view of the rabbis in A of M.] or of splitting [the greater part of the circumference, i.e., the view of R. Yosé b. R. Judah in C of M.]." [This could also be a play on the colloquial use of the phrase: I do not know either this fellow or that fellow.] I just know the teaching.
- J. *For said R. Hiyya bar Abba, said R. Yohanan; and some say about it, said R. Abba bar Zabda, said R. Hanina; and some say about it, said R. Jacob bar Idi, said R. Joshua b. Levi*, "From the place where the thyroid cartilage narrows, it is valid."

K. *And said R. Joshua b. Levi, "[Meat from an animal that was slaughtered] slanting downward according to the view of the rabbis is valid according to the view of R. Yosé b. R. Judah. And [that slaughtered] in accord with the view of R. Yosé b. R. Judah is valid in accord with the view of R. Hanina b. Antigonos [cf. I.1 C]. "*

L. *Is this not obvious? What might you have said? That R. Hanina b. R. Antigonos made reference to the view of the rabbis [to dispute them]. It makes the point [then that is not the case]. And does it not make sense to say this is the point [that Hanina refers to the rabbis]? If that were so it needed to specify, "He testified concerning it [i.e., the view of the rabbis. This is not the wording in I.1 C above.]"*

M. *And the law is in accord with R. Hanina b. Antigonos because R. Nahman supports his view.*

I.4 A. Said R. Huna, said R. Assi, "There is a dispute in the case where he slaughtered through two thirds [of the windpipe] and slanted up [above that area] through one third. *For the rabbis hold the view that the entire act of slaughter must be in the large ring. And R. Yosé b. R. Judah holds the view that [cutting through at the proper place] the majority [of the way] is as if he cut through the whole organ [in the proper place].*

B. "But if he first slanted up [and cut above the area designated for slaughter] through one third [of the organ] and then slaughtered through two thirds [in the designated area of the organ] all authorities hold the view that it is invalid. *Because at the time that the animal dies [i.e., at the moment he cuts through the mid-point of the organ] we must have a majority [of the organ cut by a proper] act of slaughter, and we do not have it [in this case where he cut one third above the area and then the remainder within the proper zone]. "*

C. Said to him R. Hisda, "On the contrary. Let the master say the opposite. There is a dispute in the case where he slanted up [above the proper zone] through one third and then slaughtered through two thirds [of the windpipe in the proper zone]. *For R. Yosé b. R. Judah holds the view that [cutting through one third above and then at the proper place] is like [the case of one who cut] a windpipe that was half defective [which is valid under certain circumstances, cf. b. Hul. 28a]. And the rabbis [would explain that they reject this view on the following grounds]. There [in the case of a defective windpipe at least he cuts within the defect in the valid]*

place for slaughtering. Here [in our case where he cuts one third out of the zone] it is not in the place [valid] for slaughter.

- D. “But where he slaughtered through two thirds [in the proper zone] and slanted up through one third [above the proper zone], all authorities would hold the view that it is valid.”
- E. *For lo it was taught on Tannaite authority in the Mishnah, **And the greater part of one [of the organs] is equivalent to [the whole of] it [M. Hul. 2:1 B].***
- F. *Said to him R. Joseph, “Who can tell us that the [statement] concerning the greater part [of one of the organs] there [in the Mishnah] was not taught in accord with R. Yosé b. R. Judah? Perhaps it was taught in accord with R. Yosé b. R. Judah.”*
- G. *Said to him Abbaye, “Is it possible that any [statement] concerning the greater part [of something as equivalent to the whole] was taught in accord with R. Yosé b. R. Judah?”*
- H. *He said to him, “I hold the view that [the rule] with regard to the greater part [of the organ that was cut in the act] of slaughter [was taught in accord with Yosé] because we know that there is a dispute [over this issue].”*
- I. *Another version they said concerning this [matter of C-H]: Said R. Huna, said R. Assi, “There is a dispute in the case where he slanted up [above the proper zone] through one third and then slaughtered through two thirds [of the windpipe]. For R. Yosé b. R. Judah holds the view that [cutting through one third above and then at the proper place] is like [the case of one who cut] a windpipe that was half defective [which is valid under certain circumstances]. And the rabbis [would explain that they reject this view on the following grounds]. There [in the case of a defective windpipe at least the defect is in the valid] place for slaughtering. Here [in our case where he cuts one third out of the zone] it is not in the place [valid] for slaughter.*
- J. “But where he slaughtered through two thirds [in the proper zone] and slanted up through one third [above the proper zone], all authorities would hold the view that it is valid.”
- K. *For lo it was taught on Tannaite authority in the Mishnah, **And the greater part of one [of the organs] is equivalent to [the whole of] it [M. Hul. 2:1 B].***
- L. *R. Hisda posed the question, “Who can tell us that the [statement] concerning the greater part [of one of the organs] there [in the Mishnah] was not taught in accord with R. Yosé b. R. Judah? Perhaps it was taught in accord with R. Yosé b. R. Judah.”*

M. Said to him R. Joseph, “Is it possible that any [statement] concerning the greater part [of something as equivalent to the whole] was taught in accord with R. Yosé b. R. Judah?”

N. He said to him, “I hold the view that [the rule] with regard to the greater part [of the organ that was cut in the act] of slaughter [was taught in accord with Yosé] because we know that there is a dispute [over this issue].”

I.5 A. If he slanted up through one third [of the organ], and then slaughtered [in the proper location] through one third, and then slanted up through one third — R. Huna said [in the name of] Rab, “It is valid.” R. Judah said [in the name of] Rab, “It is *terefah*.”

B. R. Huna said [in the name of] Rab, “It is valid” *because when the animal dies [at the moment he cuts through the mid-point of the organ] it is by virtue of [a proper act of slaughter at that moment] that it dies.*

C. R. Judah said [in the name of] Rab, “It is *terefah*” because we must have the majority of the [organ cut] through slaughter [in the proper zone] and we do not have it [in this case].

D. If he slaughtered [in the proper zone] through one third [of the organ], and then slanted up through one third, and then slaughtered [in the proper zone] through one third — R. Judah said [in the name of] Rab, “It is valid.” *They went and asked [about this case] of R. Huna. He said to them, “It is terefah.”*

E. R. Judah heard this and became angry. He said, “I declare it *terefah* and he [Huna] declares it valid. I declare it valid and he declares it *terefah*!” Said R. Huna, “He has good cause to be angry. First of all, he heard [the ruling directly] from Rab and I did not hear it [from him]. And moreover [in the case just stated] there a majority of the cutting is through slaughter [in the proper zone].”

F. Said to him R. Hisda, “Do not retract [your ruling]. **[19b]** For if you do you lose [the justification for] your first decision [in A].” There [in the case at A where he slanted, slaughtered and slanted] on what basis did you declare it valid? Because when the animal died [when he cut through the mid-point of the organ], it died through a valid act. Here too [in the case at D where he slaughtered, slanted and slaughtered] when the animal died, it died through [an invalid act, i.e., a cutting of the organ] slanting upward.

I.6 A. R. Nahman visited Sura. They posed this question to him: If he slaughtered [in the proper zone] through one third [of the organ], and he slanted up [and cut] through one third, and he slaughtered [in the proper zone] through one third, *what is the rule?* They said to him, “Is this not the [ruling of] R. Eleazar bar Manyomi?”

B. For said R. Eleazar bar Manyomi, “An act of slaughtering in the manner of a comb is valid [i.e., zigzag (Cashdan)].” *But perhaps this applies only* [to such a manner of cutting] in the area [of the organ designated proper] for slaughter. *But why would we even need to state* [a rule for any kind of cutting] in the area [of the organ designated proper] for slaughter? *You might have said* [by way of argument that is it not valid to cut in this way because] *you need an act of slaughter that is well-defined, and here you do not have it* [in this kind of cut]. *It makes the point* [that such a cut is valid].

- I.7** A. [A mnemonic is given.] *R. Abba sat behind R. Kahana. And R. Kahana sat in front of R. Judah. He sat and said, “If he slaughtered [in the proper zone] through one third [of the organ], and he slanted up through one third, and he slaughtered [in the proper zone] through one third, what is the rule?”* He said to him, “The act of slaughter is valid.” “If he slanted up through one third [of the organ], and then slaughtered [in the proper location] through one third, and then slanted up through one third, *what is the rule?*” He said to him, “His act of slaughter is invalid.” “If he slaughtered at a place [in the organ] where there already was a hole, *what is the rule?*” He said to him, “His act of slaughter is valid.” “If he slaughtered [normally] and came to a place where there was a hole [in the organ], *what is the rule?*” He said to him, “His act of slaughter is invalid.”
- B. *R. Abba went and stated these [last two] rules before R. Eleazar. And R. Eleazar stated these rules before R. Yohanan. He said to him, “What is the difference [between the last two cases]?”* He said to him, “If he slaughtered at a place [in the organ] where there already was a hole, it is as if an idolater began to slaughter and an Israelite finished. If he slaughtered and came to a place where there was a hole [in the organ] it is as if an Israelite began to slaughter and an idolater finished.”
- C. *He [Yohanan] cried out, “Idolater, idolater. [What does this case have to do with that case?]”*
- D. *Said Raba, “For good cause did he cry out about him, ‘Idolater, idolater.’ Because it makes sense to say there [in the case of an Israelite who slaughtered first and idolater who slaughtered second, that] since the Israelite should have slaughtered the majority of the organ and he did not, when the animal died, it died through the act of the idolater. But here [where there was a hole in the organ] he slaughtered what he could. What difference does it make [he asked rhetorically] if he slaughtered at the place there already was a hole or if he came to a place there was a hole [in the organ]?”*

1:4

- A. He who slaughters [an animal by cutting] at the sides [of the throat] —
 - B. his act of slaughter is valid.
 - C. He who wrings off [the neck of a bird with his fingernail for sacrificial purposes, M. Zeb. 6:4] at the sides [of the throat] —
 - D. his act of wringing the neck is invalid.
 - E. He who slaughters [by cutting] at the back [of the neck] —
 - F. his act of slaughter is invalid.
 - G. He who wrings the neck [of a bird] at the back [of the neck] —
 - H. His act of wringing the neck is valid [Lev. 5:8].
 - I. He who slaughters [by cutting] at [the front of] the throat — his act of slaughter is valid.
 - J. He who wrings the neck at [the front of] the throat —
 - K. his act of wringing the neck is invalid.
 - L. For the whole back of the neck is valid for wringing the neck, and the whole [region about] the throat is valid for slaughtering.
 - M. It turns out that what is valid for slaughtering is invalid for wringing the neck, what is valid for wringing the neck is invalid for slaughtering.
- I.1** A. *What does the “back [of the neck]” mean? If we say it means literally at the back [of the neck], why specify that he who slaughters [renders it invalid]? Even he who wrings [it there should render it invalid]. “[He shall wring its head] from its neck (i.e., near the back of its neck)” (Lev. 5: 8), said the Torah, and not at its neck.*
- B. *Rather what then does the “back [of the neck]” mean? It means near the back of the neck. As it was taught in the latter part of the Mishnah, **For the whole back of the neck is valid for wringing the neck** (L).*
- C. *What is the source of these assertions? As our rabbis taught on Tannaite authority, “At the nape [or: From its neck]” (Lev. 5: 8) [implies] the area opposite that faces the back of the neck. And likewise it says, “And they are dwelling opposite me” (Num. 22: 5). And it says, “For they have turned their back to me, and not their face” (Jer. 2:27).*
- D. *Why add “and it says” [i.e., a second proof-text]? If you say that we do not know where is the neck itself, so how can we know where is the back of the neck? Come and take note [the second text], “For they have turned their*

back to me, and not their face” (Jer. 2:27). *The back of the neck is opposite the face.*

- I.2** A. *Said the children of R. Hiyya, “This is the way to fulfill the commandment of wringing the neck. You pull the organs [of the throat] around behind the neck and you wring them.”*
- B. *One version [of this text] has, “Even if you pull them around.” Another version has, “You must pull them around.” And it makes more sense according to the version, “Even if you pull them around.”*
- C. *Why is that? Because it was taught, **He who slaughters [by cutting] at the back [of the neck] — his act of slaughter is invalid. He who wrings the neck [of a bird] at the back [of the neck] — his act of wringing the neck is valid (Lev. 5: 8) [M. Hul. 1:4 E-H]. [20a]** And if you had concluded that it should mean, “You must pull them around” why specify that he who wrings [that it is valid]? Even he who slaughters [from the back of the neck should be valid if he must pull the organs around]. Rather we may derive [the conclusion that the correct version is], “Even if you pull them around.” And our Mishnah deals with a case where he did not pull them around [behind the neck].*
- D. *Said R. Yannai, “May the youngsters accept their answer.” For it was taught [further in the Mishnah], **It turns out that what is valid for slaughtering is invalid for wringing the neck, what is valid for wringing the neck is invalid for slaughtering [M. Hul. 1:4 M].** What does this exclude? Does it not exclude the case of he who pulled [the organs around behind the neck, that such is not [a case of valid slaughtering]]?*
- E. *Said Rabbah bar bar Hannah, “No. It excludes the case of [one who slaughters with a] tooth or fingernail.”*
- F. *But [the exclusions of] a tooth and a fingernail [as valid objects for slaughtering] are specified explicitly, **[And with anything do they slaughter, except for (1) a scythe, and (2) a saw, and (3) teeth, and (4) a fingernail, because they [do not cut but tear the windpipe and] choke [the animal] [M. Hul. 1:2 E-G].***
- G. *But said R. Jeremiah, “It excludes one who draws back and forth [across the organs in wringing the neck because this is considered slaughtering rather than wringing].”*
- H. *This makes sense according to the authority who holds the view that drawing back and forth in wringing the neck is invalid. But according to the authority who holds the view that [drawing back and forth in wringing the neck] is valid, what can you say? [The case in F should not be excluded.]*

- I. The children of R. Hiyya *hold in accord with the view that* drawing back and forth in the process of wringing the neck is invalid. [Hence the exclusion at F is consistent.]

I.3 A. Said R. Kahana, “This is the way to fulfill the commandment of wringing the neck. He cuts [the organs] by pressing down on them [with a fingernail in one motion]. And that is the way to fulfill the commandment.”

B. R. Abin *reasoned and said*, “If he cuts by pressing down — *yes* [that is valid]. If he draws back and forth — *no* [that is invalid].” Said to him R. Jeremiah, “*It makes more sense to conclude* that if he draws back and forth in wringing the neck it is valid. *So then what does it mean*, ‘And that is the way to fulfill the commandment’? *It means to say*, ‘Even [if he just cuts by pressing down and not by drawing back and forth] that is the way to fulfill the commandment.’”

I.4 A. Said R. Jeremiah, said Samuel, “All [of the zone of the front of the neck] that is valid for slaughtering, [the area in the back of the neck] opposite it is valid for wringing. Lo [this implies that] that [zone] that is invalid for slaughtering, is invalid for wringing.”

B. *What case does this rule exclude? If you say it excludes the case of one who tears the organs loose, but lo* Rami bar Ezekiel *taught*, “There is no [rule to invalidate] if one tears the organs loose in [slaughtering or wringing a] fowl.”

C. Said R. Pappa, “*It excludes the case of one who* [slaughters or wrings in the animal’s] head.” But doing so in the head is *obviously* [invalid]! *The Torah said*, “[He shall wring its head] from its neck (i.e., near the back of its neck)” (Lev. 5: 8). And [this implies] not in its head.

D. *What then does*, “Its head” imply? The lower slope of the head. *As [in the case where] he began [wringing by cutting with his fingernail] in the lower slope of the head and he slanted down and continued until he came out below [in the neck itself].*

E. And this is in accord with the view that R. Huna said [in the name of] R. Assi. For said R. Huna [in the name of] R. Assi, “If he slanted up [and cut outside the valid zone] through one third [of the organ] and he slaughtered [in the proper zone] through two thirds [of the organ], it is invalid.” [Cf. above M. 1:3, II.3 B.]

F. *Said* R. Aha the son of Raba to R. Ashi, “*That which* Rami bar Ezekiel *taught*, ‘There is no [rule to invalidate] if one tears the organs loose in [slaughtering or wringing a] fowl,’ *we can only say this [is consistent] according to the authority who holds the view that* there is no [rule for] slaughtering fowl based on the authority of the Torah.

- G. **[20b]** “*But according to the authority who holds the view that there is a [rule for] slaughtering fowl based on the authority of the Torah, there is a rule [invalidating the animal] if one tears the organs loose.*”
- H. *He said to him, “On the contrary. The converse makes sense. According to the authority who holds the view that there is [a rule for] slaughtering fowl based on the authority of the Torah, you could say that this is how he was taught [the rule, i.e.], that there is no [rule invalidating the animal] if one tears the organs loose. And even according to the authority who holds the view that [the rules for slaughtering fowl are the same as] those [rules for slaughtering] a beast, in respect to the matter of tearing the organs loose, [rules for slaughtering a fowl] are not the same as for a beast.”*
- I. *But according to the authority who holds the view that there is no [rule for] slaughtering fowl based on the Torah, but that it [rests only] on the authority of the sages, from what source do we derive [the rules for slaughtering fowl]? From [the rules for slaughtering] a beast. [So we must derive that in] the entire matter [the rules for slaughtering fowl are the same as those for] a beast [including the rule for invalidating it if he tears loose the organs].*
- J. Said Rabina, said to me Rabin bar Qissi, *that which* Rami bar Ezekiel *said*, “There is no [rule to invalidate] if one tears the organs loose in a fowl,” *he said this only* with regard to wringing. But with regard to slaughtering he held the view that there is [a rule to invalidate] if one tears the organs loose.
- K. But lo said R. Jeremiah said Samuel, “All [of the zone of the front of the neck] that is valid for slaughtering, [the area in the back of the neck] opposite it is valid for wringing. Lo [this implies that] that [zone] that is invalid for slaughtering, is invalid for wringing.” [Cf. above III.1 A.] *That indeed disputes [the view of Rabin at J].*

- I.5** A. Said Zeiri, “If the neck bone was broken and along with it the majority of the flesh around it [was torn], the animal is deemed carrion.” [This calls into question the validity of the process of wringing the neck where the neck bone is broken and the flesh is torn.]
- B. Said R. Hisda, “*I also taught*, ‘If he performed wringing with a knife, [the animal is carrion and] it renders the clothing unclean of the one who swallows its flesh.’” *And if you say that it [the animal in such a case] was rendered terefah [and not carrion] then [why should we not say] the act of wringing its neck serves for it as*

an act of slaughter? *The [act of slaughter with the] knife should have the effect of removing from it the uncleanness of carrion [even when the outcome of the act is invalid].*

C. *We must say there [that the animal renders the clothing unclean of the one who swallows its flesh] because the act is not at all one of [valid] slaughtering. On what basis [do you draw this conclusion]? R. Huna said, "Because [in the process of wringing with the knife] he thrusts." Raba said, "Because [in the process] he presses."*

D. *The authority who holds the view [it is not valid] because he thrusts, on what basis does he not say [it is not valid] because he presses? He reasons that if one draws [the knife] back and forth in the process of wringing the neck, it is valid. [Accordingly he may not have pressed.]*

E. *And the authority who holds the view [it is not valid] because he presses, on what basis does he not say [it is not valid] because he thrusts? He will say to you, "What is the definition of thrusting? It is [inserting the knife in the neck] like a weasel that burrows under the foundation of a house and is concealed." Here [however the knife] is visible.*

F. Said Raba, *"If I have a question [about the rule of A], this is my question. If it is dead [after he breaks through the neck bone and surrounding flesh, what good does it do to continue] to stand and wring the neck?"*

G. *Said to him Abbaye, "You should have a question then about the whole-burnt-offering of a fowl. That [sacrifice] must have two organs cut [to be valid]. If it is dead [after he cuts through one organ, what good does it do to continue] to stand and wring the neck [i.e., to cut the second organ]?"*

H. *He said to him, "There [he continues to cut the second organ] in order to fulfill the commandment of separating [the head of the sacrifice from the body]." If so why not cut through the skin as well [to complete the separation]? [He does not have to cut through the skin because of the principle]: whatever impedes the effectiveness of the act of slaughter, impedes the effectiveness of the act of separation. And whatever does not impede the effectiveness of the act of slaughter, does not impede the effectiveness of the act of separation.*

I. *But lo [you may object], a minor portion of the organ [that was not cut], according to the rabbis, does not impede the effectiveness of the act of slaughter. But it does impede the effectiveness of the act of separation. Rather it makes better sense to say [that the skin is of no consequence*

because the principle should be] that: anything that is relevant to the act of slaughter is relevant to the act of separation. And anything that is not relevant to the act of slaughter is not relevant to the act of separation. [The skin is not relevant. The organs are relevant.]

- J. **[21a]** In any event *the question [of Raba at F] remains*. Said Raba, “*It makes sense to say that this is what he does [to avoid the objection from the ruling at F. The priest who wrings the neck] cuts the spinal cord and the neck bone without [cutting] the majority of the flesh.*”
- K. *When R. Zira departed [to go to Israel] he found R. Ammi who was sitting and saying this teaching [of Zeiri at F, above]. He said to him [by way of objection], “If it is dead [after he breaks through the neck bone and surrounding flesh, what good does it do to continue] to stand and wring the neck?” [Ammi sat and,] “He was dismayed for a moment” (Dan. 4:19). He said to him, “It makes sense to say that this is what he does [to avoid the objection from the ruling at F. The priest who wrings the neck] cuts the spinal cord and the neck bone without [cutting] the majority of the flesh.”*
- L. *It was taught on Tannaite authority also in this way, “What is the procedure for wringing the neck of the sin-offering of a fowl? He cuts the spinal cord and the neck bone without [cutting] the majority of the flesh until he reaches the esophagus or the windpipe. Once he reaches the esophagus or the windpipe, he cuts one of the organs or a majority of one and [at that point he may cut] the major portion of the flesh along with it. And for a whole burnt-offering, [the procedure is the same but] he cuts the two organs or the majority of the two organs.”*
- M. *Who is the authority behind these teachings? If it is in accord with the view of the rabbis, lo they said specifically that he must cut the two organs. If it is in accord with the view of R. Eleazar b. R. Simeon, lo he said [he must cut] the majority of the two organs.*
- N. *It makes sense to say [that he must cut] the two organs in accord with the view of the rabbis or the major portion of the two organs in accord with the view of R. Eleazar b. R. Simeon.*
- O. *And another possibility: Both are in accord with R. Eleazar b. R. Simeon. So then what does it mean by “the two [organs]”? It means, “[Organs that are cut sufficiently] so that they resemble two [parts].”*

I.6 A. Said R. Judah said Samuel, “If the neck bone was broken and along with it the majority of the flesh around it [was torn in a human], it transmits uncleanness in a tent.”

B. *And if you may say* [there is a contradiction to this principle from] the incident concerning [the death of] Eli, *that was* a case where the neck bone [was broken] but the majority of the flesh around it [was not torn, yet he was deemed thereby to have died and would have transmitted uncleanness as a corpse at that moment], *an elderly person is subject to different criteria. For it is written*, “When he mentioned the ark of God, Eli fell over backward from his seat by the side of the gate; and his neck was broken and he died, for he was an old man, and heavy. He had judged Israel forty years” (1Sa. 4:18).

I.7 A. Said R. Samuel bar Nahmani, said R. Yohanan, “If he cut it [a body] as he does to a fish, it transmits uncleanness in a tent.”

B. Said R. Samuel bar Isaac, “[Provided he cuts] from its back.”

C. Samuel [some versions: bar Isaac in the name of Hezekiah] said, “If he cleaved the body in two [lengthwise, Rashi] — it is carrion.”

D. Said R. Eleazar, “If the thigh [bone] was removed and the cavity is discernible — it is carrion [and renders objects unclean even while it is still alive].” [Rashi interprets that only flesh was removed, because if the bone was removed it would be deemed *terefah*.]

E. *What is the circumstance where the cavity is discernible?*

F. Said Raba, “Any case where when it hunkers down, it appears that there is [part of the thigh] missing.”

I.8 A. *It was taught there in the Mishnah on Tannaite authority, If their heads were severed, even though they are convulsing, they are unclean. [They are deemed to be dead and the convulsions are merely like those of] the tail of a lizard that convulses [even after it is cut off] [M. Ohal. 1:6 D-E].*

B. *What does “severed” mean?* Resh Laqish said, “[It means] *actually* severed off.” R. Assi said [in the name of] Rabbi Mani, “[It means] severed in the manner of the burnt-offering of a fowl [i.e., through both organs of the neck, but not completely cut off].”

C. Said R. Jeremiah to R. Assi, “[Do you mean] severed in the manner of the burnt-offering of a fowl *according to the view of the rabbis, and hence do not dispute* [the view of Resh Laqish], or *perhaps* [you mean] severed in the manner of the burnt-offering of a fowl according to the view of R. Eleazar b. R. Simeon, *and you*

do dispute [with Resh Laqish]?” He said to him, “[I hold that it means] severed in the manner of the burnt-offering of a fowl according to the view of R. Eleazar b. R. Simeon, *and I do dispute* [with Resh Laqish].”

- D. *Another version:* [What does “severed” mean?] Resh Laqish said, “[It means] *actually* severed off.” R. Assi said [in the name of] Rabbi Mani, “[It means] severed in the manner of the burnt-offering of a fowl according to the view of R. Eleazar b. R. Simeon [that he must cut through] the majority of both [organs of the neck, but not completely cut it off].”
- E. *What are* [the views of] the rabbis and of R. Eleazar b. R. Simeon? *As it was taught on Tannaite authority:* “Then he shall offer the second for a burnt-offering according to the ordinance; [and the priest shall make atonement for him for the sin which he has committed, and he shall be forgiven]” (Lev. 5:10) — according to the ordinance of the sin-offering of a beast. Do you say [that this implies he must slaughter it] according to the ordinance of the sin-offering of a beast or [would it make sense to say he must slaughter it] according to the ordinance of the sin-offering of a fowl? When Scripture says, “And the priest shall bring it [to the altar and wring off its head, and burn it on the altar; and its blood shall be drained out on the side of the altar]” (Lev. 1:15), [by specifying “it” in the verse] Scripture distinguishes between the [rules for the slaughter of the] sin-offering of a fowl and the whole-offering of a fowl.
- F. *And how do I understand* “according to the ordinance”? According to the ordinance of the sin-offering of a beast. What are the rules for the sin-offering of a beast? It must come only **[21b]** from an unconsecrated animal, and must be brought during the day, and [its rituals] must be performed with the right hand [of the priest]. Also [the rules] for the whole-offering of a fowl [are that] it must come only from an unconsecrated animal, and must be brought during the day and [its rituals] must be performed with the right hand [of the priest].
- G. [But I might argue] *that there* [for slaughtering the sin-offering of a beast it suffices to cut] the majority of the two organs, *so even here* [for wringing the neck of the whole-offering of the fowl it suffices to sever] the majority of the two organs. *It comes to teach* [us to the contrary]: “And the priest shall bring it to the altar and wring off its head” (Lev. 1:15) — just as when he brings it to the altar, he brings the head by itself and the body by itself, so to when he wrings its neck, he [must end up by severing the head from the body completely, with] the head by itself and the body by itself.

- H. R. Ishmael says, “‘According to the ordinance’ means according to the ordinance of the sin-offering of a fowl.” What [is the rule for a sin-offering? It must be severed ‘opposite the neck bone.’ So even the whole-offering of a fowl must be severed ‘opposite the neck bone.’ But [you could argue further] *what is the rule there* [in the ritual for the sin-offering of a fowl]? He wrings [the neck and he] cuts one organ but does not sever [the head from the body since it remains attached with the other organ]. *Even here* [with regard to the whole-offering of a fowl] he cuts one organ but he does not sever [the head from the body]. *It comes to teach us* [to the contrary that], “And the priest shall bring it [to the altar and wring off its head, and burn it on the altar; and its blood shall be drained out on the side of the altar]” (Lev. 1:15) [i.e., “it” has its own rules].
- I. R. Eleazar b. R. Simeon says, “‘According to the ordinance’ [implies] according to the ordinance of the sin-offering of a fowl.” *What [is the rule] there?* [22a] He must hold the head and the body and sprinkle the blood. *Even here* [for the whole-offering of a fowl] he holds the head and the body and sprinkles the blood.
- J. *What should you say that this means? Here is what you should say: What is the case there* [for the sin-offering of a fowl]? When the head is still attached to the body he sprinkles the blood. *Even here* [for the burnt-offering] the rule is that when the head is still attached to the body he should sprinkle the blood.
- K. *If so [you should also deduce as follows]: What is the case there* [for the sin-offering]? [It suffices to sever] one organ. *Even here* [for the burnt-offering it suffices to sever] one organ. It comes to teach, “And the priest shall bring it” (Lev. 1:15) [i.e., “it” has its own rules, for a burnt-offering both must be severed].
- L. *And [how does] the first Tannaite authority [respond]? After all we derive [from Scripture the rules that he must] “wring off its head, and burn it on the altar” (ibid.), what do I need* [to derive the specification that it has its own rules from], “And the priest shall bring it”?
- M. *If it were not* [for the fact that Scripture specified,] “And the priest shall bring it,” *I would have reasoned, what does it mean by,* “According to the ordinance”? According to the ordinance of the sin-offering of a fowl. [I would need to sever only one organ.] *And if I were to derive* [the rule from,] “Wring off its head, and burn it on the altar,” *I would have reasoned*

that just as burning must take place at the top of the altar, so even the wringing must take place at the top of the altar.

N. *And now that the Torah wrote, “And the priest shall bring it,” he should interpret this as well* [to imply that the rules are the same for the sin- and burnt-offerings with regard to rules for the blood and for the severing of the organs].

I.9 A. *Behold, [the rule that] the sin-offering of a fowl comes only from unconsecrated birds — whence do we derive this?* Said R. Hisda, “*For Scripture says, ‘And Aaron shall offer the bull as a sin-offering for himself, [and shall make atonement for himself and for his house]’ (Lev. 16: 6). ‘For himself’ [implies] from his own property, and not from public property, and not from [property set aside for second] tithes.*”

B. [The rule that the sin-offering of a fowl may be brought only] during the day *is derived* [from the verse], “On the day that he commanded [the people of Israel to bring their offerings to the Lord, in the wilderness of Sinai]” (Lev. 7:38). It is stated for no purpose (so Cashdan).

C. [The rule that the ritual may be performed only with] his [the priest’s] right hand *is derived from* [the teaching of] Rabbah bar bar Hannah. For said Rabbah bar bar Hannah, said R. Simeon b. Laqish, “Any place it says ‘finger’ or ‘priest’ it implies that he must use his right hand.” *And the other* [view that disputes this one holds that if it states] ‘priest’ it *must* [also state] ‘finger’ [so as to require use of the right hand]. If it states ‘finger’ it *need not* state ‘priest’ [in order to require use of the right hand].

D. *And the first Tannaite authority* and R. Eleazar b. R. Simeon *from what source do they derive* that it must be opposite the neck bone [that they wring the neck of the burnt-offering]? *They derive the teaching* [from one circumstance applied to the other because they both use the language of] ‘wringing the neck.’

1:5

A. That which is valid in the case of turtledoves is invalid in the case of pigeons.

B. What is valid in the case of pigeons is invalid in the case of turtledoves.

C. The beginning of the brightening [of the neck feathers like gold] in both this one and that one is invalid.

- I.1** A. *Our rabbis taught on Tannaite authority:* Large [i.e., mature] turtledoves are valid. Small ones [i.e., young] are invalid. Small pigeons are valid. Large ones are invalid. It turns out that what is valid for turtledoves is invalid for pigeons. And what is valid for pigeons is invalid for turtledoves.
- I.2** A. *Our rabbis taught on Tannaite authority:* “Turtledoves” [in Scripture implies they must be] large ones and not small ones. *For I might have thought that it was logical to reason:* **[22b]** what do we find regarding pigeons? They did not deem large ones valid, but they did deem small ones valid. For turtledoves, in that they did deem large ones valid, *is it not logical* to conclude that they deemed small ones valid? It comes to teach, “Turtledoves” (Lev. 1:14) [to imply that they must be] large ones and not small ones.
- B. “Young pigeons” [in Scripture implies that they must be] small ones and not large ones. *For I might have thought that it was logical to reason:* what do we find regarding turtledoves? They did not deem small ones valid, but they did deem large ones valid. For pigeons, in that they did deem small ones valid, *is it not logical* to conclude that they deemed large ones valid? It comes to teach, “Young pigeons” (Lev. 1:14) [to imply that they must be] small ones and not large ones.
- C. *What is the basis of this teaching?* Said Raba, “*Scripture never once wrote, ‘From the young turtledoves or from the mature pigeons.’ It makes sense to say then that the young pigeons that the Torah wrote about [must be young]. [The rule is] small ones, yes; large ones, no.*”
- D. [I might then argue regarding] turtledoves [where there is no indication that they must be young or old] — *if he wishes large ones, let him bring them. If he wishes small ones, let him bring them.* [We reject this argument.] The [rule for them] *must parallel* that of the pigeons. Just as for pigeons [we say] small ones, *yes*; large ones, *no*, so too for turtledoves [we say] large ones, *yes*; small ones, *no*.
- E. *Our rabbis taught on Tannaite authority:* You might argue that all the turtledoves and all the pigeons are valid. It comes to teach [to the contrary in Lev. 1:14], “[If his offering to the Lord is a burnt offering of birds, then he shall bring his offering] of turtledoves,” but not all turtledoves; “or of young pigeons,” but not all young pigeons. This excludes [birds at that stage of development when their neck feathers] start to take on a sheen in both categories [i.e., turtledoves and pigeons], for these are invalid.

- F. At what stage [of development] are turtledoves deemed valid? When [their plumage] turns yellow. At what stage are young pigeons deemed invalid? When [their plumage] takes on a sheen.
- G. *Taught* Jacob Qorha, “At what stage [of development] are young pigeons deemed valid?” When their blood circulates fully. *He taught* this [rule] and he said this [is its basis], “His young ones suck [i.e., using the same Hebrew as the word for circulate] up blood; [and where the slain are, there is he]” (Job. 39:30).
- H. *When is this? Said Abbaye, “From when if he pulls a feather out [of a fledgling and] blood comes out.”*
- I.3** A. *R. Zira posed the question, “If a person says, ‘I take upon myself a vow to bring a burnt-offering from turtledoves or young pigeons,’ and he brought [a pair of each kind of bird, both at the stage of development when their neck feathers] start to take on a sheen. What is the law?”*
- B. *Do we say that [birds at this stage have] doubtful status, and [since he brought two pairs] he fulfilled his obligation? Or do we say that [at this stage we have a case of a separate category of bird, neither turtledove nor young pigeon, but] another creature, and [accordingly, the pairs he brought] do not fulfill his obligation?*
- C. *Said Raba, “Come and take note [of what we said at I.1 F above], ‘This excludes [birds at that stage of development when their neck feathers] start to take on a sheen in both categories [i.e, turtledoves and pigeons], for these are invalid.’ It is consistent to say this if you hold the view that [birds at this stage are like] another creature — it is perfectly acceptable [to say they are invalid]. But if you say that [birds at this stage have] doubtful status — do you need Scripture [as at I.1 F] to exclude a case of doubtful status?”*
- D. **[23a]** *You need Scripture to exclude [the case of a bird] that was subjected to a carnal-act or that was used in an idolatrous ritual. You might have concluded that it makes sense to say this, since it is written, “Since there is a blemish in them, because of their mutilation, [they will not be accepted for you]” (Lev. 22:25).*
- E. *And the House of R. Ishmael taught, “In every case where it is stated, ‘Mutilation’ [from the root *st* translated in other uses as, ‘corruption’], it refers only to a carnal matter or to idolatry.” [Mutilation refers to] a carnal matter *as it is written*, “[And God saw the earth, and behold, it was corrupt]; for all flesh had corrupted [*hsyt*] their way upon the earth” (Gen. 6:12). [And mutilation refers to] idolatry *as it is written*, “Beware lest you act corruptly [*tsytwn*] by making a graven image for yourselves, [in the form of any figure, the likeness of male or female]” (Deu. 4:16).*

- F. [You might have reasoned that a bird is not rendered unfit by a carnal act or by service to an idol as follows.] In every case that a blemish renders [an animal] unfit, [use of the animal for] a carnal matter or idolatry renders it unfit. And in every case that a blemish does not render [an animal] unfit, [use of the animal for] a carnal matter or idolatry does not render it unfit. *And with regard to fowl [the other acts should not render them unfit] since a blemish does not render them unfit.*
- G. For the master said, “That it have no blemish and that it be masculine are [concerns relevant to a sacrifice] of a beast. But that it have no blemish and that it be masculine are not [concerns relevant to a sacrifice] of fowl.” *It would make sense to say that [use of a fowl for] a carnal matter or idolatry also does not render it unfit. It makes the point [through the verse, as explained at D, that such use does render them unfit].*
- I.4** A. *R. Zira posed the question, “He who said, ‘I make a vow to bring a burnt-offering of a beast from a ram or a lamb,’ and instead he brought a pallax [i.e., a sheep in its thirteenth month (Cashdan)], what is the law [i.e., does he fulfill his vow]?”*
- B. *According to the view of R. Yohanan this should not be a question. For he said [concerning a pallax], “It is another category of creature [i.e., neither lamb nor ram and hence he does not fulfill his vow].”*
- C. *As it was taught on Tannaite authority in the Mishnah, **If he offered it [i.e., a pallax, to fulfill an obligation to bring a lamb or ram], he brings on its account the drink-offerings of a ram. But his sacrifice does not go to his credit [i.e., it does not serve to fulfill his obligation for his sacrifice] [M. Parah 1:3 U].** And said R. Yohanan, “[The word ‘or’ in the verse], ‘Or for a ram, [you shall prepare for a cereal offering two tenths of an ephah of fine flour mixed with a third of a hin of oil]’ (Num. 15: 6), comes to include the pallax. [Rashi: If he held the view that it was a case of doubt, you would not need a special teaching to include it. Accordingly he must hold the view that it is another category of creature and the Torah provided an extra word as a means of including the pallax under the rule.]”*
- D. *This should be a question according to the view of Bar Padda who said, [23b] “He must bring [the libations as if it were a ram] and make a conditional statement [Rashi: He says that if it is a ram then all of the libation serves this sacrifice. And if it is a lamb, then part of the libation serves the sacrifice and the remainder is a free-will-offering.” It must be then that the pallax is an animal whose status is in doubt, not another category of creature.]*
- E. *Do we say that if [it is an animal about which we have a doubt whether it is] a ram or a lamb, then he must make a conditional statement [regarding the libation], but if*

it is another category of creature, then he need not make a conditional statement [regarding the libation]? Or do we say that if it is another category of creature, then too he must make a conditional statement [regarding the libation]? He should say then, "If this animal is another category of creature, let the entire libation be a free-will-offering."

F. *This question remains unresolved.*

I.4 A. R. Zira posed the question, "He who says, 'I take upon myself a vow to bring cakes of thanksgiving from either leaven or unleavened bread,' and he brought partially leavened bread *what is the rule?*" [Does he fulfill his obligation? Or do we say that partially leavened bread is in a category of its own?]

B. [When we speak of] partially leavened bread, *according to whose view* [do we speak]? [See b. Pes. 48b.] If we speak of partially leavened bread according to the view of R. Meir, then according to the view of R. Judah this is *perfectly good* unleavened bread. If [we speak of partially leavened bread] according to the view of R. Judah, then according to the view of R. Meir this is perfectly good leavened bread. And if [we speak of partially leavened bread] according to the view of R. Meir, then [even] according to the view of R. Meir since [if he eats it on Passover] *he is given lashes* for eating it, it is [therefore clear that it is] deemed to be leavened bread!

C. Rather it must be [that we speak of partially leavened bread] according to the view of R. Judah, and according to the view of R. Judah *what is the rule? Is it a matter of doubt [as to the definition of the bread] and he fulfills his obligation? Or do we say that it is in a category of its own and he does not fulfill his obligation?*

D. But lo, said R. Huna, "He who says, 'I take upon myself a vow to bring loaves of thank-offering,' he must bring a thank-offering and its loaves." And because he is obligated to bring a thank-offering and its loaves [and both unleavened and leavened loaves must be brought], *lo this person does not know if they are the leavened loaves and he now must bring the unleavened loaves, or if they are the unleavened loaves and he now must bring the leavened loaves.*

E. *It is not necessary [to resolve this question because the circumstances of the case are different]. For he said, "I take upon myself the obligation to bring loaves in order to fulfill the obligation of the loaves for the thank-offering of so-and-so [and he brought partially leavened loaves]." But in the end that person will not know if they are the leavened loaves and he now must bring the unleavened loaves, or if they are the unleavened loaves and he now must bring the leavened loaves.*

- F. *It is not necessary [to resolve this question either because the circumstances are] that he did not say [about the loaves he brought for his fellow], 'I do this to free him [of his obligation to bring the loaves of his thank-offering. Rather these are in addition to the loaves that his fellow must bring.]. Is this person [who vowed to bring ten loaves more] then freed from his obligation or not [by bringing partially leavened loaves]? The question remains unresolved.*

1:6 A-B

- A. **What is valid [as a mode of killing] in the case of the [red] cow is invalid in the case of the calf [whose neck is to be broken].**
- B. **What is valid in the case of the calf is invalid in the case of the cow.**
- I.1 A. *Our rabbis taught on Tannaite authority:* A [red] cow killed by slaughtering is valid; killed by breaking the neck is invalid. A calf killed by breaking the neck is valid; killed by slaughtering is invalid. We find that, **What is valid [as a mode of killing] in the case of the [red] cow is invalid in the case of the calf [whose neck is to be broken]. What is valid in the case of the calf is invalid in the case of the cow.**
- B. And should not a [red] cow be valid if killed by breaking its neck based on the logic of *qal wahomer*: what is the case regarding a calf? It is not rendered valid through slaughter, but is rendered valid through breaking its neck. For a [red] cow that is rendered valid through slaughter, *is it not logical to deduce* that it should be rendered valid through breaking the neck?
- C. [24a] Said Scripture, “[And you shall give her to Eleazar the priest, and she shall be taken outside the camp] and slaughtered before him” (Num. 19: 3). Its statute is to kill it through slaughtering and not through breaking its neck. [We do not rely on logical inferences where Scripture states matters explicitly as a statute, to wit, “This is the statute of the law which the Lord has commanded: Tell the people of Israel to bring you a red heifer without defect, in which there is no blemish, and upon which a yoke has never come” (Num. 19: 2).]
- D. *And do you say that in every instance where Scripture said there is a statute that we do not rely on the logical inference of qal wahomer? But lo regarding the Day of Atonement, about it is written there is a statute* [“And it shall be a statute to you for ever that in the seventh month, on the tenth day of the month, you shall afflict yourselves, and shall do no work, either the native or the stranger who sojourns among you” (Lev. 16:29)].

- E. *And it was taught on Tannaite authority*, “[And Aaron shall present the goat on which the lot fell for the Lord] and offer it as a sin-offering” (Lev. 16: 9), [this teaches us that] the draw of the lot makes it into a sin-offering, but naming it does not make it a sin-offering.
- F. For it is possible to argue [that naming it does make it a sin-offering as follows]. It is logical to reason that where the lot did not make it holy, naming it can make it holy [as in the case of two doves offered for a sin- and burnt-offering whose designation can be changed after drawing the lots (Cashdan)], accordingly where the lot did make it holy [as in the case of the Day of Atonement], is it not logical to conclude that naming it can make it holy?
- G. It comes to teach us, “And offer it as a sin-offering” (Lev. 16: 9), that is, the lot makes it a sin-offering but naming it does not make it a sin-offering. *The basis for this conclusion is that the Torah wrote, “And make it a sin-offering.” But without this [specification in the verse] I would have made the logical inference based on a qal wahomer.*
- H. *The Torah limited [the practice] with regard to the calf whose neck is broken.* This one [i.e., the calf, is valid if killed] by breaking its neck. And no other one [is valid if killed by breaking its neck]. And should not the calf be rendered valid if killed by slaughtering based on the logical inference from a *qal wahomer*? What is the case regarding the cow? It is not rendered valid if killed by breaking its neck, but is valid if killed by slaughtering. With regard then to the calf that is rendered valid if killed by breaking its neck, is it not logical to deduce that it is valid if killed by slaughtering?
- I. Said *Scripture*, “[And the elders of that city shall bring the heifer down to a valley with running water, which is neither plowed nor sown], and shall break the heifer’s neck [there in the valley]” (Deu. 21: 4). [Rashi: Scripture repeats, “The heifer whose neck was broken in the valley” (Deu. 21: 6) and this teaches us that if it is killed] by breaking the neck, *yes*, [it is valid]; by slaughtering, *no*, [it is not valid].

1:6 C-D

C. What is valid in the case of priests is invalid in the case of Levites.

D. What is valid in the case of Levites is invalid in the case of priests.

- I.1** A. *Our rabbis taught on Tannaite authority:* Priests are rendered invalid [for service] by blemishes; by [falling outside of a specified range for] age they remain valid. Levites remain valid [for service] even with blemishes, but they are rendered invalid [by criteria of] age. We find that, **What is valid in the case of priests is**

invalid in the case of Levites. What is valid in the case of Levites is invalid in the case of priests.

- B. *What is the source of these assertions? As our rabbis taught on Tannaite authority, “This is what pertains to the Levites: [from twenty-five years old and upward they shall go in to perform the work in the service of the tent of meeting]” (Num. 8:24). What does it come to teach us? Because it says, “And from the age of fifty years they shall withdraw [from the work of the service and serve no more]” (Num. 8:25), we learn from this that for the Levites [criteria of] age render them invalid [for service].*
- C. You might infer that blemishes also can render them invalid [for service]. And this is logical. What is the case for priests? [Falling outside the specified range for] age does not render them invalid, yet blemishes do render them invalid [for service]. For Levites for whom [criteria of] age render them invalid, is it not logical to deduce that blemishes should render them invalid [for service]?
- D. It comes to teach us [in the verse], “This is what pertains to the Levites.” This [exclusion based on age] pertains to the Levites. No other [exclusion] pertains to the Levites.
- E. You might infer that priests can be rendered invalid based on [criteria of] age. And this is logical. What is the case for Levites? Blemishes do not render them invalid [for service]. [Criteria of] age do render them invalid. For priests for whom blemishes do render them invalid, is it not logical to deduce that [criteria of] age render them invalid [for service]?
- F. It comes to teach [in the verse], [the criterion of age pertains] “to the Levites” and not to the priests.
- G. You might infer that even in Shiloh and in the eternal Temple [that Levites are invalidated on the criterion of age]. It comes to teach, “To do the work of service and the work of bearing burdens [in the tent of meeting]” (Num. 4:47). I say this [invalidation based on age] pertains to them only when their work was, “Bearing burdens.”
- I.2** A. [Regarding the minimum age for service for the Levites] one verse says, “From twenty-five years old and upward [they shall go in to perform the work in the service of the tent of meeting]” (Num. 8:24), and one verse says, “From thirty years old” (Num. 4:47). It is inconsistent to say “thirty,” for it was already said [that the age is] “twenty-five.” It is inconsistent to say “twenty-five,” for it was already said [the age is] “thirty.”

B. What is the explanation? At twenty-five they start to learn and at thirty they commence the service. Based on this they said if a student did not see progress in his studies in five years, he never will [progress].

C. R. Yosé says, “[A student should be given] three years [to make progress].” As it says, “They were to be educated for three years, [and at the end of that time they were to stand before the king]” (Dan. 1: 5), “And to teach them the letters and language of the Chaldeans” (Dan. 1: 4).

D. *And [how do you justify] the other [opinion, i.e., three years]? The language of the Chaldeans is different. It is easy. And the other [i.e., five years]? The law for the service of the Temple is different. It is complicated.*

I.3 A. *Our rabbis taught on Tannaite authority:* A priest, from the time he produces two pubic hairs until he grows old, is valid for service. And blemishes invalidate him. A descendant of the Levites, from age thirty to fifty, is valid for service. And [criteria of] age invalidate him. *Under what circumstances?* In the tent of meeting that was in the desert. But in Shiloh or in the eternal Temple they are only rendered invalid because of [a deficiency in their] voices.

B. Said R. Yosé, “*What verse [supports this]? [24b]* “And it was the duty of the trumpeters and singers to make themselves heard in unison [in praise and thanksgiving to the Lord, and when the song was raised, with trumpets and cymbals and other musical instruments, in praise to the Lord...]” (2Ch. 5:13).

I.4 A. “Until he grows old” — until when? Said R. Ila, said R. Hanina, “Until he shakes [in his hands and feet].”

B. *It was taught there in the Mishnah on Tannaite authority, A person who has had an emission who immersed and did not first urinate, when he does urinate is unclean. R. Yosé says, “In the case of a sick or old man, he is unclean. In the case of a boy or a healthy man, he is clean.” [M. Miq. 8:4 D-F].* A boy — until when? Said R. Ila, said R. Hanina, “Anyone who can balance on one foot while he takes off or puts on his shoe.”

C. They said concerning R. Hanina, that when he was eighty years old he could balance on one foot while he took off and put on his shoe. Said R. Hanina, “Hot baths and the oils that my mother rubbed on me in my youth, they have stood me well in my old age.”

I.5 A. *Our rabbis taught on Tannaite authority, Once his [pubic] beard has filled out he is able to be appointed the messenger of the community to pass before the ark and to raise his hands [in the priestly benediction]. And he does not take*

a share of the Holy Things of the sanctuary until he produces two pubic hairs. Rabbi says, “I say, ‘Until he is twenty years old,’ [since it says, ‘They appointed the Levites, from twenty years old and upward, to have the oversight of the work of the house of the Lord’ (Ezr. 3: 8)]” [T. Hag. 1:3 E-G].

- B. Said R. Hisda, “What is the basis [in Scripture] for the view of Rabbi? As it is written, ‘They appointed the Levites, from twenty years old and upward, to have the oversight of the work of the house of the Lord’ (Ezra 3: 8).”
- C. And [what is the basis for] the *other* view? “To have oversight” is *different*. [It requires more maturity.]
- D. *But lo, this verse pertains to the Levites!*
- E. This accords with the view of R. Joshua b. Levi.
- F. For said R. Joshua b. Levi, “In twenty-four places, the priests were called Levites. And this is one of them: ‘But the Levitical priests, the sons of Zadok, [who kept the charge of my sanctuary when the people of Israel went astray from me, shall come near to me to minister to me; and they shall attend on me to offer me the fat and the blood, says the Lord God]’ (Eze. 44:15).”

- I.6** A. *Our rabbis taught on Tannaite authority:* “[Say to Aaron], None of your descendants throughout their generations [who has a blemish may approach to offer the bread of his God]” (Lev. 21:17). On the basis of this said R. Eleazar, “A minor is invalid for [Temple] service, even if he is without blemish. From when is he valid for service? When he produces two pubic hairs. But his brothers the priests do not allow him to serve until he is twenty years old.”
- B. *One version:* this is in accord with Rabbi and [if he does serve when he is less than twenty years old] he is not invalid even according to the rabbis. [But they stop him from serving anyway.]
 - C. *Another version:* this is in accord with Rabbi and [if he does serve when he is less than twenty years old] he is invalid according to the rabbis. And this case [A] is in accord with the view of sages [in T. Hag. 1:3]. *And only to begin with is he not [permitted to serve]. But after the fact [if he did perform the service] his service is valid.*

1:6 E-F

- E. **What is clean [insusceptible to uncleanness] in the case of clay utensils is unclean [susceptible] in the case of all [other] utensils.**

F. What is clean in the case of all [other utensils] is unclean in the case of the clay utensils.

- I.1** A. *Our rabbis taught on Tannaite authority, The contained airspace of a clay utensil is susceptible to uncleanness, but its outer side is insusceptible to uncleanness. The contained airspace of all [other] utensils is insusceptible. But its outer side is susceptible. You turn out to rule: What is clean [insusceptible to uncleanness] in the case of clay utensils is unclean [susceptible] in the case of all [other] utensils. What is clean in the case of all [other utensils] is unclean in the case of the clay utensils [T. Hul. 1:20].*
- B. *What is the source of these assertions? As it was taught on Tannaite authority: “[And if any of them falls into any earthen vessel, all] that is in it [shall be unclean, and you shall break it]” (Lev. 11:33) — [if uncleanness should enter in it] and even if it did not touch [the sides of the vessel]. Do you say even if it did not touch [it renders the vessel unclean]? Or is it only where it did touch [that it renders it unclean]?*
- C. R. Jonathan b. Abtolmos says, “It says ‘In it’ [regarding the ability of the vessel] to render unclean [other objects], and it says ‘In it’ [regarding the ability of the vessel] to become unclean [from objects placed in its air space]. What is the case regarding the rule derived from ‘In it’ [regarding the ability of the vessel] to render unclean [other objects]? [They become unclean in the air space] even if they do not touch [the side of the vessel]. Even the rule derived from ‘In it’ [regarding the ability of the vessel] to become unclean [from objects placed in its air space, it becomes unclean] even if they do not touch [the side of the vessel].”
- D. *And what is the source of that assertion?* Said R. Jonathan, “The Torah testified concerning an [unclean] earthenware vessel [25a] that even if it was filled with mustard seeds [and the inner ones do not touch the wall of the vessel, all of them become unclean by virtue of being in the air space of the vessel].”
- E. Said R. Ada bar Ahava to Raba, “It ought to be the case that an earthenware vessel becomes unclean from contact [of an unclean object] with its outer surface based on the logic of a *qal wahomer* [as follows]. What is the case with regard to all other vessels? They do not become unclean through [an unclean object that enters] their air space, yet they do become unclean from contact [of an unclean object] with their outer surface. With regard to an earthenware vessel that does become unclean through [an unclean object that enters its] air space, is it not logical to

deduce that it becomes unclean from contact [of an unclean object] with its outer surface?”

- F. Said Scripture, “And every open vessel, which has no cover fastened upon it, [is unclean]” (Num 19:15). What kind of vessel is it whose uncleanness comes in through its opening? You must say this is an earthenware vessel. And if it has no cover fastened upon it, it is unclean. Lo, if it has a cover fastened upon it, it is clean.
- G. And it ought to be the case that all [other kinds of] vessels become unclean through [entry of an unclean object into] their air space based on the logic of a *qal wahomer* [as follows]. What is the case with regard to an earthenware vessel? It does not become unclean [by contact of an unclean object with] its outer surface, yet it does become unclean [by the entry of an unclean object into its] air space. With regard to all [other kinds of] vessels that do become unclean when [an unclean object comes in contact with its] outer surface, is it not logical to deduce that they become unclean [by the entry of an unclean object into their] air space?
- H. Said Scripture, “[And if any of them falls into any earthen vessel, all that is] in it [shall be unclean, and you shall break it]” (Lev. 11:33). [This limits the rule to] what is “In it” in this one [i.e., the earthenware vessel] and not what is “In it” in that one [i.e., all other types of vessels].
 - I. *But this phrase “In it,” have we not already interpreted it for other purposes [as follows]? [It is as if] four times it is written, “In it.” [It writes] “In it” and not “in” [and again] “In it” and not “in.” [Cf. b. Zeb. 3b, following here the translation of Neusner, Zebahim, p. 18]: One serves to express the law itself; another for an argument by analogy; the third bears the implication, “the inside of this, but not the inside of another;” and the fourth teaches: its inside, but not the inside of its inside, and even a utensil that may be retrieved from a condition of uncleanness through being immersed [that is, other than a clay utensil] may serve the purpose of affording protection [to the clay utensil and its contents].*
- J. And it ought to be the case that all [other kinds of] vessels do not become unclean through contact with their outer surfaces, but only through contact with their inner surface, based on the logic of a *qal wahomer* [as follows]. What is the case with regard to an earthenware vessel? It does become unclean [by the entry of an unclean object into its] air space. It does not become unclean [by contact of an unclean object with] its outer surface. With regard to all [other kinds of] vessels that do not become unclean [by the entry of an unclean object into their] air space,

is it not logical to deduce that they do not become unclean when [an unclean object comes in contact with its] outer surface?

- K. Said Scripture, “And every open vessel, which has no cover fastened upon it, is unclean” (Num 19:15). This is unclean because it does not have a cover fastened upon it. Lo, if it does have a cover fastened upon it, it is clean. Lo, all [other kinds of] vessels, whether they have a cover fastened upon them or do not have a cover fastened upon them, they become unclean.

1:6G-H

G. What is clean in the case of wooden utensils is unclean in the case of metal utensils.

H. What is clean in the case of metal utensils is unclean in the case of wooden utensils.

- I.1** A. *Our rabbis taught on Tannaite authority, Flat wooden utensils are insusceptible, and when in incomplete form, they are susceptible. Flat metal utensils are susceptible, but when in incomplete form, they are insusceptible.*
- B. **You turn out to rule: What is clean in the case of wooden utensils is unclean in the case of metal utensils. What is clean in the case of metal utensils is unclean in the case of wooden utensils [T. Hul. 1:21].**
- C. And these are incomplete wooden utensils: Any that still need to be smoothed, filigreed, planed, scored, polished with the [oily] skin of a fish. Any [utensil] that is missing [only] a base or a rim or a handle, it can become unclean. Any that lacks hollowing-out, it cannot become unclean.
- D. [A utensil] that lacks hollowing-out *obviously* [cannot become unclean because it has no receptacle]. No [it is not obvious]. *It is necessary [to teach this on account of the case of one] who partially hollowed out the wood* [lit., he hollowed three logs in a piece of wood that was to be hollowed out to hold four logs].
- E. And these are incomplete metal utensils: Any that still need [25b] to be smoothed, filigreed, planed, scored, hammered out. Any [utensil] that is missing [only] a base or a rim or a handle, it cannot become unclean. Any that lacks only a lid can become unclean.
- F. *What is the difference between these [metal ones that cannot become unclean] and the others [of wood that can become unclean]? R. Yohanan said, “Since they are made for respect [and not just for utility they must be more completely finished before they are deemed utensils].” R. Nahman said, “Since they are more*

expensive [and are also made to be displayed they must be more completely finished before they are deemed utensils].”

G. [These opinions appear to be nearly the same.] *What is the difference between these views? The difference can be found in the case of a bone utensil.* [They are expensive but not made for respect. According to Nahman they fall into the category of metal utensils. According to Yohanan they fall into the category of wooden utensils (Rashi).] And R. Nahman *follows his own view.* For said R. Nahman, “A bone utensil is like a metal utensil.”

H. *Does this imply that a bone utensil can become unclean? Yes. As was taught on Tannaite authority,* R. Ishmael the son of R. Yohanan b. Beroqa says, “What does the verse come to teach us, ‘You shall purify [every garment, every article of skin], all work of goats’ hair, [and every article of wood]’ (Num. 31:20)? This subsumes under the rule any product made from goats [even] from the horns or from the hooves.” And from where [do we derive that products made from horns or hooves of] other beasts or wild animals [are included in the rule]? From the words, “all work.” If that is the case why does it say, “of goats’ [hair]”? To exclude [from the rule items made from the claws of] birds.

1:6 I-J

I. What is liable [for tithes] in the case of bitter almonds is exempt [from tithes] in the case of sweet [almonds].

J. What is liable in the case of sweet ones is exempt in the case of bitter ones.

I.1 A. *Our rabbis taught on Tannaite authority: Small bitter almonds are liable [to tithes], but large ones are exempt. Large sweet ones are liable, but small ones are exempt [T. Hul. 1:24].*

B. R. Ishmael b. R. Yosé says in the name of his father, “Both are exempt.”

C. And some say [it was], “Both are liable.”

D. Said R. Ila, “R. Hanina taught in Sepphoris according to the version of the one who says it was, ‘Both are exempt.’”

E. And according to the view, “Both are liable,” *what function can be served by large ones [that they would be deemed liable]?*

- F. Said R. Yohanan, “Since he can sweeten them by roasting them [they are liable].”

1:7 A-D

- A. Grape skin wine: before it has fermented is not purchased with funds deriving from [second] tithe and invalidates the immersion pool.
- B. After it has fermented, it is purchased with funds deriving from tithe and does not invalidate the immersion pool.
- C. Brothers who are partners: when they are liable to surcharge, they are exempt from tithe of cattle.
- D. When they are liable to tithe of cattle, they are exempt from surcharge.

I.1 A. *Who is the authority behind our Mishnah? Not R. Judah and not the rabbis. For it was taught on Tannaite authority, One who steeps grape pulp in water [to form a beverage], and added a fixed measure of water, and [then] found the same measure [of liquid in the tub after pressing the water from the pulp] — [the liquid] is exempt [from the removal of tithes]. R. Judah declares [the liquid] liable [M. Ma'as. 5:6 A-E].*

B. *Who is the authority [behind our Mishnah]? If it is the rabbis then even though it fermented [as in M. 1:7 B, it still should not be purchased with funds deriving from tithe]. And if it is R. Judah then even though it did not ferment [as in M. 1:7 A, it should be purchased with funds deriving from tithe].*

C. Said R. Nahman, said Rabbah bar Abbuha, **[26a]** “It is in the case where it had fermented that there is a dispute [cited in I.1 A]. *And the Mishnah rests on the view of R. Judah.*”

D. And so said R. Yosé b. R. Hanina, “It is in the case where it had fermented that there is a dispute.”

I.2 A. And said R. Nahman, said Rabbah bar Abbuha, “Grape skin wine that was purchased with funds deriving from [second] tithe, and then fermented, it is acquired as [second] tithe.” *What is the basis for this view? It turns out retroactively that it was fruit [beverage].*

B. *But what of our Mishnah that taught, if it fermented, yes [it can be purchased as second tithe] and if it did not ferment, no [it cannot be purchased]? [Could you not argue that] perhaps if he left it, it would ferment?*

C. Said Rabbah, “[The circumstance was] that he left some of it in a cup and it did not ferment.”

- D. Raba said, “*On whose authority [does our Mishnah rest]? On that of R. Yohanan b. Nuri.*” *As it was taught on Tannaite authority, Three logs of [drawn] water less a qartob — and into them fell a qartob of wine — and lo, their color is the color of wine — and they fell into the immersion pool — they have not rendered it unfit. Three logs of [drawn] water less a qartob — and into them fell a qartob of milk — and lo, their color is the color of water — and they fell into the immersion pool — they have not rendered it unfit. R. Yohanan b. Nuri says, “All follows the color” [M. Miq. 7:5].*
- E. *Does not R. Yohanan say, “We go according to the appearance [of the liquid].” Here too [in our M.] we should go according to the appearance [of the liquid]. And the taste and appearance of this [liquid] is [like] that of water.*
- F. *And this contradicts the view of R. Eleazar. For said R. Eleazar, “All agree that they do not separate [tithes] for this [grape skin wine] from [wine] in another place unless it had already fermented.” He reasons that they dispute regarding a case where it had not fermented. And on this point R. Judah only considered it liable [to tithing] from these goods for themselves. But from goods in general, he may not [separate tithes for these] lest he separate that which is liable to tithes, for that which is exempt, or that which is exempt, for that which is liable [and either the priest or the householder will end up eating untithed produce].*

- I.3** A. *Our rabbis taught on Tannaite authority: Grape skin wine, before it ferments [26b] he can bring [a quantity that had become unclean in its own vessel] in contact with water [of a ritual bath so as to render it clean]. Once it had fermented, [if it became unclean] he cannot bring it in contact with water [to render it clean].*
- B. Said Raba, “They taught this only in the case of grape skin wine that was made with clean water and that became unclean [afterward]. But if he made the grape skin wine with water that was unclean *to begin with*, no [he cannot render it clean in the manner described].”
- C. *R. Gabahah of Be Katil went and told this teaching to R. Ashi [and asked about it], “What difference does it make if the water was unclean to begin with?” Is it not the case that we say [the liquid cannot be made clean in the manner described] because the water is heavy and sinks down and the fruit floats on the top? Hence you cannot conclude that there was any contact with the water [of the grape skin mixture and the ritual bath]. If*

this is so, then even [if he made the mixture] with clean water and it subsequently became unclean [the same problem arises]. Rather [you must say that the case for a mixture made from clean water that subsequently became unclean was that] he stirred the mixture [so that there was contact between the water of the mixture and the ritual bath]. Here too [in the case where he started with unclean water we could say] he stirred [the mixture so there was contact].

1:7 E-F

E. In any situation in which there is a right of sale, there is no fine.

F. And in any situation in which there is a fine, there is no right of sale.

- I.1** A. Said R. Judah, said Rab, “These are the words of R. Meir. But sages said, ‘There is a fine in a situation in which there is a right of sale.’ [M. gives several monetary rules for a young girl. Up to age twelve and one day, a father may sell his daughter as a maid servant (Exo. 21: 7). From ages twelve and one day to twelve and six months, one who seduces the girl must pay a fine of fifty shekels (Exo. 21:15-16). According to M., these stages, and their monetary implications, are mutually exclusive.]
- B. *As was taught on Tannaite authority:* “A minor girl, from one day old until she produces two pubic hairs, there is a right of sale, and there is for her no fine. After she produces two pubic hairs, but before she reaches the age of maturity, there is for her a fine, but there is no right of sale,” the words of R. Meir.
- C. For R. Meir used to say, “**In any situation in which there is a right of sale, there is no fine. And in any situation in which there is a fine, there is no right of sale.**” And sages say, “A minor girl from three years and one day old until she reaches the age of maturity, there is for her a fine.”
- D. *A fine, yes, but right of sale, no? It makes sense to say, “There is for her even a fine in a situation in which there is a right of sale.”*

1:7 G-H

G. In any situation in which there is a right of refusal, there is no halisah.

H. And in any situation in which there is halisah, there is no right of refusal.

- I.1** A. Said R. Judah, said Rab, “These are the words of R. Meir. But sages say, ‘There is a right of refusal in a situation in which there is *halisah*.’” [M. specifies that at whatever age a minor girl given in marriage by her mother or brother may exercise

her right of refusal and dissolve the marriage without a writ, if she is childless and her husband died, she can not be subjected to the *halisah* ritual to avoid a levirate marriage to her brother-in-law.]

- B. *For it was taught on Tannaite authority:* “Until what age may a girl exercise the right of refusal? Until she produces two pubic hairs,” the words of R. Meir. R. Judah says, “Until her dark pubic hairs grow over her white skin (cf. Rashi).”

1:7 I-O

- I. In any situation in which there is a sounding [of the shofar], there is no habdalah (i.e., prayer of separation).**
- J. And in any situation in which there is habdalah, there is no sounding [of the shofar].**
- K. A festival which coincided with Friday [the eve of the Sabbath] — they sound the shofar, and they do not say habdalah.**
- L. And [a festival which coincided with] Sunday [the day after Sabbath] they say habdalah and they do not sound [the shofar].**
- M. How do they say habdalah?**
- N. “Who distinguishes between one holy [season] and [another] holy [season].”**
- O. R. Dosa says, “[Who distinguishes] between a more holy [season] and a less holy [season].”**
- I.1 A. In what manner do they sound the shofar [between the festival day and the Sabbath]? Said R. Judah, “He sounds a long blast and continues by sounding short blasts.”**
- B. R. Assi says, “He sounds a long blast and short blasts with one breath.”
- C. *R. Assi established the practice in Husal in accord with his teaching.*
- D. *They posed the question [based on the following], “If a festival day fell on the eve of the Sabbath, they sound a long blast but they do not sound short blasts.” Does this mean that they do not sound any short blasts at all? No. R. Judah would explain in accord with his opinion and R. Assi would explain in accord with his opinion.*
- E. *R. Judah would explain in accord with his opinion that [the teaching means] they do not sound short blasts by themselves but continue by sounding short blasts.*

- F. *And R. Assi would explain in accord with his opinion* that they do not sound short blasts [and the long blast] with two breaths, but [they do both] with one breath.

II.1 A. And [a festival which coincided with] Sunday [the day after Sabbath] they say *habdalah* and they do not sound [the *shofar*]. How do they say *habdalah*? “Who distinguishes between one holy [season] and [another] holy [season]” [M. 1:7 L-N].

- B. *Where does he say it?* Said R. Judah, “In the concluding phrase [of the prayer of separation].”
- C. And so said R. Nahman, “In the concluding phrase.”
- D. And R. Sheshet the son of R. Idi said, “Even in the opening phrase [of the prayer of separation he refers to the distinction between the holy and the holy rather than the customary distinction between the holy and the profane].”
- E. *And the law does not follow in accord with his view.*

III.1 A. R. Dosa says, “[Who distinguishes] between a more holy [season] and a less holy [season]” [M. 1:7 O].

- B. *And the law does not follow in accord with his view.*

III.2 A. Said R. Zira, “If a festival day fell in the middle of the week [in the prayer of separation at the conclusion of the day] he says, ‘Who separates between the holy and the profane, between light and darkness, between Israel and the nations, between the seventh day and the six day of creation.’”

- B. *What is the basis* [for making reference to the seventh day since it is the conclusion of a festival day in the middle of the week]? He enumerates the order of separations [in the universe as they are presented in the Torah (Rashi)].