

IV.

BAVLI HULLIN CHAPTER FOUR

FOLIOS 68A-78A

4:1

- A. A beast that was in hard labor, and its offspring put its hoof out and withdrew it —
- B. [when the dam is properly slaughtered], it [the offspring] is permitted to be eaten. [Not being deemed born, it is not a living beast that itself must be slaughtered before being eaten.]
- C. [If] it put forth its head, even though it withdrew it, lo, this is [deemed] as fully born.
- D. [If] one cuts off part of the offspring that is in its womb —
- E. it [what is cut off] is permitted to be eaten.
- F. [If he cut off] part of the spleen or kidneys [of the beast itself], it is prohibited to be eaten.
- G. This is the general principle:
 - (1) Something that is part of its [the dam's] body is prohibited.
 - (2) Something that is not part of its body is permitted.
- I.1** A. Said R. Judah, said Rab, “And the limb itself [that the animal put out and withdrew] is prohibited.” *What is the basis for this? Because Scripture said, “You shall not eat any meat that is mangled by beasts in the field” (Exo. 22:31).* As soon as the meat [of the limb] went outside of the confines [of the womb] it became prohibited.

- B. *It was taught on Tannaite authority in the Mishnah: A beast that was in hard labor, and its offspring put its hoof out and withdrew it — [when the dam is properly slaughtered], it [the offspring] is permitted to be eaten [M. 4:1 A-B]. Is it not the case that this [rule granting permission] refers to the limb?*
- C. *No it may refer to the [entire] offspring.*
- D. *If it pertains to the offspring, why specify that it **withdrew it**? Even if it did not withdraw it, it also [should be permitted to eat the animal].*
- E. *The same conclusion pertains even if it did not withdraw it. But because it was necessary to teach in the latter text of the Mishnah, [If] it put forth its head, even though it withdrew it, lo, this is [deemed] as fully born [M. 4:1C], it taught also in the former text of the Mishnah that it **withdrew it**.*
- F. *And what novel point does the latter text of the Mishnah make?*
- G. *As soon as the its head goes forth [from the womb] that is considered the birth of the animal.*
- H. *[However, consider that as to that very point itself,] it was taught on Tannaite authority, **Who is a firstborn in respect to inheritance and not a firstborn in respect to the priest? He who comes after an untimely birth whose head emerged alive, or [after] a nine-month-old birth the head of which emerged [but which was] dead [M. Bekh. 8:1 E-F].***
- I. *The basis for this rule is that his head emerged [and the offspring was] dead. Lo, if his head emerged [and the offspring was] alive, those that come after it [in birth] are not deemed firstborn in respect to inheritance either.*
- J. *And if you maintain that we were instructed [of the rule there] in respect to human [birth] and that we derive the novel point [here] in respect to the [birth of] beasts, because we cannot deduce [the rule] for humans from [the rule] for beasts, because beasts have no entrance-way [to the womb]. And we cannot deduce [the rule] for beasts from [the rule] for humans, because [the emergence of] a human's face is decisive [in determining the emergence of the head]. Lo, it also was taught on Tannaite authority in the Mishnah: **An afterbirth, part of which emerged, is prohibited to be eaten. It is a token of [the birth of] an offspring in a woman, and the token of [the birth of] an offspring in a beast [M. 4:7 E-F].** [The rules for humans and beasts are parallel.]*
- K. *If you wish to say that it is consistent to maintain that [the stipulation] it **withdrew** stated in the former text is specific to that case [and not stated on account of the rule of the latter text, then we could maintain that] it was taught in the latter text on account of [the fact that it was taught] in the former text. But if you wish to*

say that neither is [the stipulation of **it withdrew**] specific to the former text nor is [the stipulation of **it withdrew**] specific to the latter text, why then must I teach it at all?

- L. No [this is not the correct line of reasoning]. It is consistent to say that [the rule granting permission applies to] the offspring. And [it accords with the view] stated by R. Nahman bar Isaac, “It was only necessary [to state the rule so as to render permitted for eating] the place of the incision [in the limb of the animal].” Here also [we may say], “It was only necessary [to state the rule so as to render permitted for eating] the place of the incision [in the limb of the animal].”
- M. Come and take note: **A beast that was in hard labor, and its offspring put its hoof out and withdrew it** — and afterward he slaughtered its mother, **it [the offspring] is permitted to be eaten**. If he slaughtered it mother and afterward it **withdrew it**, it is prohibited to eat it [cf. T. 4:3 B].
- N. **If it put is hoof out and he cut it off, and afterward he slaughtered its mother**, what was outside [the mother at the time it was slaughtered] is unclean and prohibited. What was inside [the mother at the time of slaughter] **is clean** and permitted. **[If] he slaughtered its mother and afterward cut it off — [68b] “the meat [of the offspring] is in the status of that which has touched carrion [namely, the hoof, which, located outside the womb, is unaffected by the slaughter of the mother],” the words of R. Meir. And sages say, “[It is in the status of that which has] touched terefah that has been slaughtered. [After the act of slaughter, the animal, including the hoof, no longer has the status of carrion. However the hoof takes on the status of terefah and renders unclean the rest of the animal through contact with it.] [M. 4:4 A-E].”**
- O. It was taught on Tannaite authority in respect to this in the first text of the Mishnah: **A beast that was in hard labor, and its offspring put its hoof out and withdrew it** — [when the dam is properly slaughtered], it [the offspring] **is permitted to be eaten [M. 4:1 A-B]**. Is it not the case that this [rule granting permission] refers to the limb?
- P. No it may refer to the [entire] offspring.
- Q. If it pertains to the offspring, then consider the latter text: If he slaughtered its mother and afterward it withdrew it, it is prohibited to eat it. And if this refers to the offspring, why is it prohibited. It should be in accord with the view stated by R. Nahman bar Isaac, “It was only necessary [to state the rule so as to render permitted for eating] the place of the incision [in the limb of the animal].” Here also [we may say], “It was only necessary [to state the rule so as to render

permitted for eating] the place of the incision [in the limb of the animal].” [See I.1 F.]

- R. *Is this the case? But lo when Abimi came from Be Huzai [Khuzistan], he came and brought this Mishnah with him: “[Based on his inference from Deu. 14: 6 where the words hoof and hooves are stated —] If it withdrew a hoof, you may eat it. If it withdrew hooves, you may eat it.” What then is the explanation? “If it withdrew a hoof, you may eat” — [means you may eat] the hoof.*
- S. No. [It means,] If it withdrew the hoof, you may eat the offspring.
- T. *If it refers to the offspring then why does it specify that it **withdrew it**? Even if it did not withdraw it, it also [should be permitted to eat the animal].*
- U. *Said R. Nahman Bar Isaac, “It was only necessary [to state the rule so as to render permitted] the place of the incision [in the limb of the animal].”*
- T. *But lo, two texts are brought to bear upon this issue. What then [should we infer]? One [to teach us the rule] for the limb and one [to teach us the rule] for the place of the incision? No. One [to teach us the rule] for the place of the incision and one [to teach us the rule] for a the case of a foetus with uncloven hooves in the womb of the mother [that it is permitted].*
- V. *And this accords with the view of R. Simeon. For said R. Simeon, “A foetus with uncloven hooves that is the offspring of a cow is prohibited.” This concern applies where it emerged [from the womb] to the light of day. But if it is yet in the womb of the mother, it is permitted.*
- I.2** A. [Said] Ulla, said R. Yohanan, “And the limb itself it permitted.” Said R. Judah to Ulla, “But lo, Rab and Samuel *both* said, ‘The limb itself is prohibited.’” *He said to him, “Who will give us the dust of the graves of Rab and Samuel so that we may fill our eyes with it. [We are not worthy enough even to sit at their feet as students.]”*
- B. *But this is what R. Yohanan said, “All [the rules] were subsumed in the general rule, ‘Therefore you shall not eat any flesh that is torn by beasts in the field’ (Exo. 23:31). When Scripture specified the rule for the sin-offering that went beyond its enclosure [in the Temple] and returned [back within], that it is prohibited, [only the prohibition] for the sin-offering did Scripture specify. But for all other concerns [of cases where the object went beyond its enclosure and then returned], once it returned it is permitted.”*
- C. *They objected: “Therefore you shall not eat any flesh that is torn by beasts in the field” (Exo. 23:31). What does this come to teach [by stating “terefah”]? Because we maintain regarding second tithes and first fruits, that even if they go beyond their*

prescribed enclosures [in Jerusalem] and return, they are permitted, you might wish to infer that even this [case of an offspring that put its hoof out and withdrew it] is the same. It comes to teach us [that it is not by adding], “*terefah*.”

D. *How do you derive this inference?*

E. Said Rabbah, “It is like a *terefah* [in this way]. What is the rule for a *terefah*-animal? Once it is deemed *terefah*, there is no way after that to permit it. So even the flesh [of a limb] that went beyond its enclosure [in the womb], there is no way after that to permit it.”

F. *This question raised concerning the view of Ulla is a decisive question [to refute this view].*

I.3 A. Said the master: Because we maintain regarding second tithes and first fruits, [that even if they go beyond their prescribed enclosures in Jerusalem and return, they are permitted, I.4 A] —where do we maintain this?

B. *As it is written*, “You may not eat within your towns the tithe of your grain or of your wine or of your oil, or the firstlings of your herd or of your flock, or any of your votive offerings which you vow, or your freewill offerings, or the offering that your present” (Deu. 12:17). [You may deduce that,] “Within your towns” that is where you should not eat it. But if they [these offerings] go beyond their prescribed enclosures and return, they are permitted.

I.4 A. *In the West [Israel] they taught as follows:*

B. Rab said, “Limbs can be born [on their own].”

C. And R. Yohanan said, “Limbs cannot be born [on their own].”

D. *What is the matter of the dispute between them? The dispute between them is the matter of whether to prohibit the lesser part of the limb that is inside the animal [where the major part of the limb already emerged].*

E. *Regarding this [dispute] they posed a question:* According to the authority who says, “Limbs cannot be born [on their own],” [what if] the offspring put out its limb and withdrew it and then again put out [another part of] its limb and withdrew it until it had done this for the major part [of the limb]. What is the law? *Do we say, lo the major part [of the limb] did go out? Or perhaps since it withdrew [the limb], it has been withdrawn [in respect to its legal status]?*

- F. *If you wish to say, since it withdrew [the limb], it has been withdrawn [in respect to its legal status], [then consider the case where] the offspring put out its limb and he cut it off and then again it put out [another part of] its limb and he cut it off until it had done this for the major part of the animal. What is the law? Do we say, lo the major part has emerged [and the animal was born]? Or perhaps we must have a major part [emerge] at one time [to result in birth]?*
- G. *Come and take note: **[69a] This is the general principle: Something that is part of its [the dam's] body is prohibited. Something that is not part of its body is permitted [M. 4:1 G]. Does Something that is not part of its body encompass? does it not this not encompass this very matter?***
- H. *No. It encompasses [the case of] an animal with uncloven hooves in the womb of the cow. And this is in accord with the view of R. Simeon.*
- I. *For even though R. Simeon said, "A foetus with uncloven hooves that is the offspring of a cow is prohibited [I.2 G]," this concern applies to an instance where it emerged to see the light of day. But as long as it remains in the womb of the mother it is permitted.*

- I.5** A. *R. Hanania posed a question: If the offspring [of a peace-offering] put forth its limb while [the mother was] in the Temple court, what is the law? Do we reason that since [the Temple court] is an enclosure for Holy Things, it serves as such for this [offspring] as well [and when the mother is slaughtered, the offspring is rendered permitted]? Or perhaps [we reason] what with regard to this case [the Temple court] does not serve as an enclosure. For the enclosure for an offspring [with regard to the effectiveness of slaughter for the mother upon the offspring] is its mother.*
- B. *Said to him Abbaye, "According to your logic you should have posed a question regarding Lesser Holy Things in Jerusalem. Why did you not pose a question regarding Lesser Holy Things in Jerusalem? For the enclosure for an offspring [with regard to the effectiveness of slaughter for the mother upon the offspring] is its mother."*
- C. *Ilfa posed a question: If the offspring put out its limb between [the actual slaughter of] one organ [of the neck] and the other, what is the law? Do we reason that the [slaughter of the] first organ combines with that of the second organ to render it clean of the status of carrion? Or do we not [reason in this manner]?*

- D. Said Raba, "It may be derived from an argument *a fortiori*. If the first organ effectively [combines in an ordinary instance] with the second to render it permitted for eating, does it not effectively [combine in our case] to render it clean of the status of carrion?"
- E. *R. Jeremiah posed a question: What is the law with regard to taking into account the seed [of the offspring that had put forth its limb and that was born alive after the slaughter of the mother in determining the status of the progeny]? What is the situation? If we say that it went and mated with a normal cow, why specify this case that has a prohibited limb that it put out of the mother's womb? Why not consider also even the more general case of an offspring that was born alive [with no protruding limb] after the slaughter of the mother?*
- F. *For said R. Mesharshayya, "According to the view of those who say we take into account the seed of the father [in determining the status of the progeny], if an offspring that was born alive after the slaughter of the mother mates with a normal cow, there is no redress for the offspring."*
- G. *It is not necessary [to raise this issue because our case is where] it mated with an offspring that was born alive after the slaughter of the mother, just like [the father] itself. What [is the law]? [Do we say] each limb [in the parent] produces the equivalent [in the offspring]? Then he can cut it off [i.e., cut off the limb of the offspring equivalent to that of the parent that was outside its mother when it was slaughtered] and it is permitted [i.e., the rest of the animal]. Or perhaps [we say] the seed [of the parents] is mixed together [in the offspring]?*
- H. *He responded and said, "It is obvious that the seed is mixed together. For if not then a blind one would give birth to a blind offspring and a lame one would give birth to a lame offspring. Rather it is obvious that the seed is mixed together."*
- I. *So this is how we should phrase the question: Does not an ordinary animal result from the [elements in the seed of the father] of forbidden fats and blood [mixed together with all the other genetic materials] and it is permitted [to eat an ordinary animal]? Here too [where the father is an animal born alive after the mother was slaughtered and while it had a protruding limb, it] should it make no difference [if the forbidden substance is mixed together with the rest of the seed]? Or perhaps we say that two prohibited elements [are acceptable] but that three prohibited elements are not?*
- J. *And in accord with whose view do we say this? If in accord with the view of R. Meir, then we do have the prohibition against forbidden fats and blood. But we do not have the prohibition against [the animal born alive after the slaughter of the*

mother with the limb that] protrudes. And if it is in accord with the view of R. Judah then we do have the prohibition against [the animal born alive after the slaughter of the mother with the limb that] protrudes. But we do not have the prohibition against forbidden fats and blood.

- K. *For it was taught on Tannaite authority: “[The prohibition of the sinew of the hip] applies to the foetus, and its fat is prohibited,” the words of R. Meir. R. Judah says, “It does not apply to the foetus. Its fat is permitted [T. 7:2 A-B].”*
- L. *But [on the contrary in general] we do state that all [that derivatives] of elements [that are prohibited] are [themselves] permitted. So here is how we should phrase the question: [With regard to an offspring whose foot was protruding and was born alive after the slaughter of the mother], what about drinking its milk? Is not [taking from an animal] ordinary milk like [taking] a ‘limb’ from a live animal and still it is permitted? In this case too it should make no difference. Or perhaps there [in the case of milk from an ordinary animal], there is redress for its prohibition [as a ‘limb’ from a live animal] through slaughtering. Here there is no redress for its prohibition through slaughtering. [It remains prohibited.]*
- M. *The question stands unresolved.*
- II.1 A. [If] one cuts off part of the offspring which is in its womb [M. 4:1D].** *What is the basis in Scripture for this rule? As it is written, “Every animal that parts the hoof and has the hoof cloven in two, and chews the cud, among the animals, you may eat it” (Deu. 14: 6). [It repeats,] “animal” and “among the animals” to include the offspring [under the rules].*
- B. *But on this basis they should be able to make a substitution with it. Why then was it taught on Tannaite authority, **They do not substitute limbs for foetuses or foetuses for limbs, or limbs and foetuses for whole beasts, or whole beasts for them [M. Tem. 1:3 A-B]?***
- C. *Rather said Scripture, “Every animal” to include the offspring [under the rule, that is, it is included in this rule but they are not identical with regard to the rule of substitution].*
- D. *If this is the case then even if one cuts off from the spleen or the kidneys it also [should be permitted based on this verse]. Why then was it taught in the Mishnah on Tannaite authority, **[If] one cuts off part of the offspring that is in its womb — it [what is cut off] is permitted to be eaten. [If he cut off] part of the spleen or kidneys [of the beast itself], it is prohibited to be eaten [M. 4:1 C-E]?***
- E. *Scripture said, “[You may eat] it.” [You may eat it] whole but not if it is missing parts.*

- F. *But on this basis [consider the following]:* One who slaughters a beast and finds inside it [a foetus] the shape of a dove, *it should be permitted! Why then [does it say]:* Said R. Yohanan, “One who slaughters a beast and finds inside it [a foetus] the shape of a dove, it is prohibited to eat it.”
- G. **[69b]** *It must have split hooves. And there are none here.*
- H. *But on this basis consider the case of a foetus with uncloven hooves in the womb of a cow. Let it be prohibited. Lo, taught the House of R. Ishmael in accord with R. Simeon b. Yohai,* “[Every animal that parts the hoof and has the hoof] cloven in two, [and chews the cud], among the animals, you may eat it” (Deu. 14: 6).
- I. R. Shimi bar Ashi said, *“It is invariably as you stated earlier. And that question you raised [in B] that they do not substitute [limbs for foetuses or foetuses for limbs, or limbs and foetuses for whole beasts, or whole beasts for them] in accord with whose view is this [a question]? In accord with R. Simeon’s view.* For he juxtaposes the laws of substitution with those of tithes. What is the case regarding tithes? [The obligation to tithe] does not apply to limbs and foetuses. Similarly [the rules of] substitution do not apply to limbs and foetuses.”
- J. *And on what basis do you say this? As it was taught on Tannaite authority in the Mishnah, Said R. Yosé, “Is it not so that in the case of animals that have been consecrated, he who says, ‘The foot of this is a burnt-offering’ — the whole beast is a burnt-offering? Also, when he will state, ‘The foot of this is instead of that’ — the whole of it should be a substitute in its stead [M. Tem. 1:3 D-E].” To whose view does he [Yosé] respond? If you say that it is to [the views of] R. Meir and R. Judah, do they hold this [contrary] view?*
- K. *But lo, it was taught on Tannaite authority, You might infer that one who says, ‘This is the foot of a burnt-offering’ that the whole beast will become a burnt-offering. It comes to teach us [in the verse], “[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” (Lev. 27: 9). [This implies some] “of all” will become holy, but not that “all” of it will become holy.*
- L. You might infer that [in such a case the animal] will revert to being unconsecrated. It comes to teach us [in the verse], “is.” [That implies] it will retain its status [b. Tem. 11b].
- M. *Lo, what then is the procedure?* “Let the [animal] be sold for the purpose of bringing burnt-offerings. And its monetary value will be available unconsecrated purposes excluding the value of the limb,” the words of R. Meir. And R. Judah, R. Yosé, and R. Simeon say, “What is the basis for the rule that **one who says, ‘This is the**

foot of a burnt-offering' that the whole beast becomes a burnt-offering? It comes to teach us [in the verse], 'is.' That [word] includes all of it."

N. *In accord with whose view is this stated? If you wish to maintain that it is in accord with the view of R. Meir or R. Judah, do they hold in accord with this view? But rather it must be in accord with the view of R. Simeon. No [this need not be the conclusion]. R. Yosé [in the M. cited in J] expressed his own view [and not in accord with any other Tanna].*

4:2

A. A beast producing its firstborn that is in hard labor —

B. one cuts off the limbs [of the offspring] one by one and throws them to the dogs.

C. [If] the greater part of it came forth, lo, this is to be buried.

D. And it [beast] is free of [the law of] the firstling.

I.1 A. *It was stated:* If one third [of a firstborn animal] came forth and he sold it to an idolater and then another third came forth —

B. R. Huna said, "It is holy."

C. Rabbah said, "It is not holy."

D. R. Huna said, "It is holy." *He reasons that it is retroactively holy. As soon as the major part came forth, the matter is clarified retroactively that from the start it was holy. And the one who bought [the first third], bought nothing.*

E. Rabbah said, "It is not holy." *He reasons that from this point onwards [after the major part comes forth] it is holy. And the one who bought [the first third] made a perfectly good purchase.*

F. *And they each are consistent with their own views elsewhere. For it was stated:* If one third [of a firstborn animal] came forth through a caesarian section and two thirds through the womb [in a normal birth] —

G. R. Huna said, "It is not holy."

H. Rabbah said, "It is holy."

I. R. Huna said, "It is not holy." *R. Huna is consistent with his view. For he said it is holy retroactively. And the first major portion [of the animal to come forth] does not come through the womb [by a normal birth process].*

J. Rabbah said, "It is holy." *Rabbah is consistent with his view. For he said that from this point onwards it is holy. And the majority [of the animal] does come forth through the womb.*

- I. *And it is necessary to state both cases. For if we had been instructed in this one [the latter, we might argue that] in this one R. Huna stated matters because it is a lenient rule. But in that one [the former] that is a stricter rule, it would make sense to say that he agrees with Rabbah. [Rashi explains otherwise.]*
- J. **[70a]** *And if it was stated only [the former, we might argue that] in this one Rabbah stated matters. But in this [other] one it makes sense to say that he agrees with R. Huna. It is necessary to state both.*

- I.2** A. *It was taught in the Mishnah on Tannaite authority: **A beast producing its firstborn that is in hard labor — one cuts off the limbs [of the offspring] one by one and throws them to the dogs [M. 4:2 A-B].** Is it not the case that he cuts off and puts aside [the limbs and later throws them to the dogs]? And if you say that it is holy retroactively, it should be necessary then for him to bury them.*
- B. *No. In this case what are we dealing with? Where he cuts off and throws [each one to the dogs]. But where he cuts off and puts aside [the limbs], what is the rule? They must be buried [when enough of the animal comes forth and it is retroactively a firstborn].*
- C. *Why then was it taught in the latter text of the Mishnah: **[If] the greater part of it came forth, lo, this is to be buried. And it [beast] is free of [the law of] the firstling [C-D].** Let it be specified and taught therein [in the first text of the Mishnah]: Under what circumstance? Where he cuts off and throws each limb [to the dogs]. But where he cuts off and puts them aside they must be buried.*
- D. *This is in fact what was intended: Under what circumstance? Where he cuts off and throws each limb [to the dogs]. But where he cuts off and puts them aside, it is as if the greater portion came forth and they must be buried.*
- I.3** A. *Raba posed a question: Did they for determining the status of the limbs follow the status of the majority or not?*
- B. *What is the situation [that Raba refers to]? If you say that the case in question is one where the major part [of the animal] came forth, with the lesser part of a limb and he posed the question: This lesser part that is outside, do we say it follows the status of the major part of the limb [that is still inside]? Or do we say that it follows the status of the major part of the animal [that has already come forth]?*
- C. *[If this is the question then] it is obvious that we do not ignore the major part of the foetus and follow the greater part of the limb [to determine the status]!*

- D. Rather, [what is the situation that Raba refers to]? The case in question is one where half the animal came forth with a major part of a limb. And he posed the question: This lesser part that is inside what is the rule? Do we follow the status of the major part of the limb? [Then we could argue that the greater part of the animal had come forth.]
- E. Come and take note: **[If] the greater part of it came forth, lo, this is to be buried [C].** What is meant by “the greater part?” If it means literally “the greater part,” up to this point had we not been instructed [of the legal principle] that the greater part is equivalent to the whole? Rather must it not be the case that the question is one where the major part of the animal came forth with the lesser part of a limb. And it makes the novel point that we do not ignore the greater part of the animal [that is outside] and follow the limb [whose greater part is inside the mother].
- I.4** A. Raba posed a question: What is the law [with regard to the holiness of a firstborn] if he wrapped [the foetus during its birth] in a sheathe? In a cloak? In its afterbirth? [The foetus in these cases does not come in contact with the birth canal.] ‘In its afterbirth’ is the natural manner [of birth, so why should this be a question]? Rather [it must mean, if he wrapped it] in the afterbirth of another [animal, what is the law]? If she wrapped it and brought it forth [i.e., either a woman wrapped her hands around (Rashi) or the female twin wrapped herself around (Tosafot)] what is the law?
- B. What is the situation [of all these cases where the foetus was wrapped up during birth (Rashi)]? If it came forth head first [and then was wrapped], then it is born [by the time the rest of the animal comes forth]. Rather it must be that it came forth feet first.
- C. [The Talmud poses several more questions.] If a weasel swallowed the foetus [in the mother’s womb] and brought it forth, what is the law? Once he brought it forth it is outside [the womb and was not born naturally so is not a valid firstborn animal]. Rather it must be that it swallowed it and brought it forth and brought it back in and spit it up. And then it [the foetus] came forth on its own. What is the law?
- D. If he attached together two wombs and it came forth from one and entered the other, what is the law? If it comes forth from its own is it a firstborn. But if it comes forth from another womb is it not a firstborn? Or perhaps even if it comes forth from a womb that is not its own, is it a firstborn?
- E. These questions stand unresolved.

- F. *R. Aha posed a question: If the walls of the womb expanded [so that the foetus did not touch them during its birth], what is the law? Does the airspace of the womb render it holy and [in this case] we have that circumstance? Or does the contact with the womb [during birth] render it holy and [in this case] we do not have that circumstance?*
- G. *Mar bar R. Ashi posed a question: If the walls of the womb were torn out what is the law? If they were torn out, then they are not there [and what is the question]? Rather it must be that they were torn out and hung around the neck [of the mother]. What is the law? Does [the womb] in its proper place render it holy as a firstborn. But if it is not in its proper place, then it does not render it [the foetus] holy as a firstborn? Or perhaps even if it is not in its proper place does it render it holy?*
- H. *R. Jeremiah posed a question to R. Zira: If the walls of the womb were mutilated, what is the law? He said to him, "You have touched upon a question that has already been asked of us [in another form]. For R. Zira posed a question. And some say, R. Zira posed a question of R. Assi: If the remaining [wall area] was greater in size than the opening, and it came forth through the opening, or if the opening [in the wall area] was greater than the remaining [wall area] and it came forth through the remaining, what is the law?" On this point I had a question only with regard to [a case of a womb with] the opening greater than the remaining [area]. For some remaining [area of the wall of the womb] exists! But where it was mutilated [then it is as if no wall exists], we do not pose any question.*

4:3 A-E

- A. A beast, the foetus of which died in its womb,**
- B. and [that foetus] the shepherd put in his hand and touched —**
- C. whether in the case of an unclean beast or a clean beast—**
- D. he is clean.**
- E. R. Yosé the Galilean says, "In the case of an unclean beast, he is unclean, and in the case of a clean beast, he is clean."**
- I.1** A. *What is the basis for the view of the first Tannaite authority?*
- B. Said R. Hisda, "It is based on a logical deduction a fortiori: If [being in the womb of] the mother [when she is slaughtered] can have the effect of rendering it [the foetus] permitted for eating should it not have the effect of rendering it clean from the uncleanness of carrion?"

- C. *We have found [a logical basis] with regard to the case for a clean animal. What is the source [of argument] for the case of an unclean animal? [Slaughtering the mother has no effect on the offspring in her womb. So we can deduce nothing further.]*
- D. [The verse states: “And if any animal of which you may eat dies, he who touches its carcass shall be unclean until the evening” (Lev. 11:39).] “And if any animal... dies,” this refers to an unclean animal; “of which you may eat,” this refers to a clean animal. *The unclean animal was juxtaposed in the verse to the clean animal [to teach us the following].* What is the rule [in our case where the mother is slaughtered] for the clean animal? Its foetus is clean [of the uncleanness of carrion]. So too, for the unclean animal, its foetus is clean.
- E. *And what is the basis for the view of R. Yosé the Galilean?*
- F. Said R. Isaac, “Scripture stated, ‘And all that go on their paws, among the animals that go on all fours, are unclean to you; whoever touches their carcass shall be unclean until the evening’ (Lev. 11:27). I declared unclean to you [as carrion] all those animals that go on their paws.”
- G. *But what about this case of a foetus with uncloven hooves in the womb of a cow? Let it be deemed unclean. For it is like an animal that goes on its paws. [This specification of the verse refers to] those that go on their paws, among the animals that go on all fours. And this [case of a foetus with uncloven hooves in the womb of a cow] is a case of an animal that goes on all fours inside of an animal that goes on eight [counting each split hoof as two]!*
- H. *[In accord with this logic] a cow [foetus] found in the womb of a camel should not be deemed unclean because it is a case of an animal that goes on eight found inside of an animal that goes on all fours.*
- I. [The verse could have stated,] “That go.” [Instead it stated,] “All that go,” to include [in the law] the case of a foetus of a cow that was found in the womb of a camel.
- J. *[Why not say] a foetus with uncloven hooves in the womb of a mother with uncloven hooves be deemed unclean [based on the verse]? For this instance we apply the logical deduction a fortiori of R. Hisda.*
- K. *R. Ahadeboy bar Ammi posed a contradiction to this: [Based on your logic] a foetus of a swine in the womb of a swine should not be deemed unclean. For it is an animal that goes on all eight inside of an animal that goes on all eight!*
- L. *But said R. Nahman bar Isaac, “From this [verse we derive that it is unclean], ‘Or if any one touches an unclean thing, whether the carcass of*

an unclean beast or a carcass of unclean cattle or a carcass of unclean swarming things, [and it is hidden from him, and he has become unclean, he shall be guilty]' (Lev. 5: 2).” And do we reason that the carcass of an unclean animal renders unclean and that [carcass] of a clean animal does not render unclean? So what does [the verse] refer to [by making this differentiation between clean and unclean carcasses]? [It implies] that the foetus in the womb of an unclean animal is unclean and one in a clean animal is clean.

M. *And after deducing this from the teaching of R. Nahman bar Isaac [J], why do we need the teaching of R. Isaac [D]? If not for the teaching of R. Isaac, I would have reasoned all of it [the verse interpreted by Nahman bar Isaac] should go in accord with the view of Rabbi [see below, b. 71a]. It makes the novel point [applying part of the verse for our purposes here].*

- I.2** A. *It was taught on Tannaite authority:* Said R. Jonathan, “I remarked to Ben Azzai, ‘We have learned that the carcass of a clean beast renders unclean as carrion, and the carcass of an unclean beast renders unclean as carrion, and that the carcass of an unclean wild animal renders unclean as carrion. Regarding the carcass of a clean wild beast we have not learned [that it renders unclean as carrion]. What is the source of this rule?’
- B. “He remarked to me, ‘[It is from the verse:] And all that go on their paws, among the animals that go [on all fours, are unclean to you; whoever touches their carcass shall be unclean until the evening (Lev. 11:27)].’ I remarked to him, ‘But does it say, All animals? Does it not say, Among the animals? It comes to teach us regarding those that go on their paws of the animals [I.1 J].’
- C. “He remarked to me, ‘And what does Ishmael say in this regard?’ I remarked to him, ‘[The verse states: And if any animal of which you may eat dies, he who touches its carcass shall be unclean until the evening (Lev. 11:39).] And if any animal... dies, this refers to an unclean animal; of which you may eat, this refers to a clean animal. We learned [the rules for] a wild animal are included in those of a beast; and for a beast in those for a wild animal; those for a clean wild animal in those for a clean beast; those for an unclean wild animal in those for an unclean beast; **[71a]** those for an unclean beast in those for an unclean wild animal; those for a clean beast in those for a clean wild animal.’ And these are the words he [Ben Azzai] said to me, ‘Too bad for Ben Azzai that he did not serve [as disciple of] R. Ishmael.’”

- D. *What is the source for the assertion that wild animals are included in the rule of beasts? As it is written, “These are the animals you may eat: the ox, the sheep, the goat the hart, the gazelle, the roebuck, the wild goat, the ibex, the antelope, and the mountain-sheep. Every animal that parts the hoof and has the hoof cloven in two, and chews the cud, among the animals, you may eat” (Deu. 14: 4-6). Lo, what is the case? The wild animal is included in the rule of the beast.*
- E. *What is the source of the assertion that beasts are included in the rule of wild animals? As it is written, “Say to the people of Israel, These are the living things which you may eat among all the [wild] beasts that are on the earth. Whatever parts the hoof and is cloven-footed and chews the cud, among the animals, you may eat” (Lev. 11: 2-3). Lo, what is the case? The beast is included in the rule of the wild animal.*
- F. [In what regard is] the clean wild animal included in the rule of the clean beast? With regard to the [specification of the rules for the] tokens [of a clean animal].
- G. [In what regard is] the unclean wild animal included in the rule of the unclean beast? With regard to the prohibition against cross breeding (Lev. 19:19: “You shall keep my statutes. You shall not let your cattle breed with a different kind; you shall not sow your field with two kinds of seed; nor shall there come upon you a garment of cloth made of two kinds of stuff.”)
- H. [In what regard is] the unclean beast included in the rule of the unclean wild animal? In accord with the view of Rabbi.
- I. *As it was taught on Tannaite authority:* Rabbi says: I recite, “[Or if any one touches an unclean thing, whether the carcass of] an unclean [wild] beast.” Why must it say, “Or a carcass of unclean cattle [or a carcass of unclean swarming things, and it is hidden from him, and he has become unclean, he shall be guilty]” (Lev. 5: 2)?
- J. It says here, “Unclean cattle.” And it says further on, “[And if any one touches an unclean thing, whether the uncleanness of man or] an unclean beast [or any unclean abomination, and then eats of the flesh of the sacrifice of the Lord’s peace-offerings, that person shall be cut off from his people]” (Lev. 7:21). [Rabbi assumes that unclean cattle are subsumed under the rule of unclean wild beasts. Thus the specification in Lev. 5: 2 of unclean cattle is superfluous and may be used as a means of justifying an additional rule as follows.] Just as the case further on [the additional specification implies another prohibition, i.e., that a person with] uncleanness [may not eat] holy things, so too here [the additional specification implies another prohibition, i.e., that a person with] uncleanness [may not eat] holy things.

K. [In what regard] is the clean beast included in the rule of the clean wild animal? In regard to the rule regarding the formation [of an embryo]. *For it was taught in the Mishnah on Tannaite authority: “She who produces [an abortion] like a beast, wild animal, or bird, whether [the species it resembles is] unclean or clean, if it is male, she should sit out [the days of uncleanness and cleanness required] for a male. And if it is female, she should sit out [the days of uncleanness and cleanness required] for a female. And if the sex [of the abortion] is not known, she should sit [out the days of uncleanness and cleanness] for a male and for a female,” the words of R. Meir. And sages say, “Anything that does not bear [some aspect] of the human form is not deemed a foetus” [M. Nid. 3:2 G-K].*

L. *But according to the view of the rabbis for what [specific teaching] do I need this verse [cf. above, I.1 J]?*

M. *All of this follows in accord with the view of Rabbi.*

4:3 F-G

F. The woman whose foetus died in her womb, whose [foetus] the midwife put in her [the midwife's] hand and touched —

G. the midwife is unclean with a seven-day uncleanness, and the woman is clean until the foetus will emerge.

I.1 A. Said Rabbah, “Just as an unclean object that is contained [inside a body] does not render unclean [the body], so also a clean object contained [inside a body] does not become unclean [if the body comes in contact with uncleanness].”

B. *What is the source [of the rule for] uncleanness that is contained? As it is written, “[And if any animal of which you may eat dies, he who touches its carcass shall be unclean until the evening] and he who eats of its carcass shall wash his clothes [and be unclean until the evening; he also who carries the carcass shall wash his clothes and be unclean until the evening]” (Lev. 11:39-40). Are we not dealing with a case where he ate [unclean food] close to sunset? And the Torah said that he is clean [even though undigested unclean food is contained inside him].*

C. *But perhaps that case is different [and does not prove the point]. [For the food inside him] is not fit for a stranger [to eat and therefore no longer carries the uncleanness of carrion].*

D. *This would settle the matter according to R. Yohanan who said, “[Regarding the uncleanness of carrion]: both for this [purpose of rendering persons unclean]*

and for that [purpose of rendering other foods unclean], as long as it is [fit for consumption] by a dog [it renders unclean].” Then this [use of the rule for carrion as proof of the principle of contained uncleanness] would make perfect sense.

- E. *But according to Bar Padda who said, “[Regarding the uncleanness of carrion, it transmits] stronger uncleanness [as long as it is fit for consumption] by a stranger. [It transmits] weaker uncleanness [as long as it is fit for consumption] by a dog,” [we should have no proof of the principle of contained uncleanness from the rule of carrion] because it is not fit [when in the stomach for consumption] by a stranger [and therefore no longer unclean as carrion].*
- F. *[We could argue that there is still a way of using the rule as proof of the principle.] We may allow that [food that was swallowed] is not fit [for consumption by] a stranger [if it was swallowed] in front of him. [But if it was swallowed] not in front of him, it might be fit [for his consumption, if for instance it was spit up intact and served to him]. [Hence we could prove the principle from this rule.]*
- G. *Now we have found the source of the principle for uncleanness that was contained [inside a person’s body, i.e., that it cannot be transmitted]. What is the source of the principle of cleanness [contained in a person’s body, i.e., that a clean object inside cannot be made unclean]?*
- H. *We derive it based on logic a fortiori. What is the case regarding a tightly sealed clay vessel? It does not prevent the unclean contents from rendering unclean [other objects]. For the master said, “The uncleanness breaks forth and ascends up to the firmament [cf. M. **Ohal. 7:1, 14:6-7**].” [And we still say that the clay vessel] protects its clean contents from becoming unclean. **[71b]** [Regarding] a person who prevents the uncleanness inside him from rendering unclean [other objects] is it not logical to conclude that he protects the clean contents inside him from becoming unclean?*
- I. *[But you could argue that it is not consistent to deduce this.] What is the case regarding a clay vessel? It cannot become unclean by contact with its outer surface. You will say that a person [is subject to a stricter rule because] he does become unclean by contact with his outer surface.*
- J. *Are we speaking of a case where there is contact [of uncleanness] with his outer surface? We are speaking of a case where there is contact with his inner surface. And you may argue the opposite, that the rule for a clay vessel is stricter [that the rule for a person]. For [a clay vessel] renders unclean via its airspace [and a person does not]. [Hence we may say the original logic is sound.]*

- K. *Now we have found [a source for the principles of uncleanness] contained that was swallowed [by a person] from above. What about [a source for the principles of] uncleanness that was inserted [inside a person] from below?*
- L. *We derive it based on logic a fortiori. What is the case regarding food that was swallowed? Even though it does not putrefy, it prevents [the uncleanness from rendering unclean other objects]. Where it was inserted below, where it does putrefy, is it not logical to conclude that it prevents [the uncleanness from rendering unclean other objects]?*
- M. But is it not the case that it putrefies below only when it enters above [and goes through the digestive process]?
- N. Even so, the putrefying below is substantial [whatever way it enters]. [Hence we may say the original logic is sound.]
- O. *Now we have found [a source for the principles of uncleanness] contained that was swallowed by a person. What is the source for [the principles of uncleanness] contained that was swallowed by an animal?*
- P. *We derive it based on logic a fortiori. What is the case regarding a person? He renders unclean even while alive and still prevents [uncleanness] contained inside him [from rendering unclean other objects]. Regarding an animal that does not render unclean while it is still alive, is it not logical to conclude that it prevents [uncleanness] contained inside it [from rendering unclean other objects]?*
- Q. [But you could argue that it is not consistent to deduce this.] What is the case regarding a person? He must linger in a house with a plague [in order for his clothing to contract uncleanness].
- R. You may say regarding an animal [that its rule is stricter because] it does not need to linger in a house with a plague [before objects on it become unclean].
- S. *In what circumstance does this law apply? For utensils that are upon it [that it is carrying]. [In that case] a person also need not linger [for the uncleanness to affect utensils upon him that he is carrying]. As it was taught in the Mishnah on Tannaite authority: **He who entered a house afflicted with the plague, with his garments over his shoulder, and his sandals and rings in his hands — he and they are unclean forthwith. He was dressed with his garments, with his sandals on his feet and his rings on his fingers — he is unclean forthwith. But they are clean until he will remain for a time sufficient to eat a piece of bread — a piece of wheat, and not a piece of bread of barley — reclining and with a*** **condiment [M. Neg. 13:9].**

- T. *Said Raba, “Both of them [i.e., two principles regarding uncleanness that is contained, cf. A, above] were taught on Tannaite authority [so what does Rabbah’s teaching in A add]? [The principle regarding] uncleanness that is contained was taught on Tannaite authority. And [the principle regarding] cleanness that was contained was taught on Tannaite authority.”*
- U. *[The principle regarding] uncleanness that is contained — as it was taught in the Mishnah on Tannaite authority: If one swallowed an unclean ring, he immerses, eats heave-offering, then vomited it up — it is unclean and renders him unclean [M. Miq. 10:8 H-I].*
- V. *[The principle regarding] cleanness that is contained — as it was taught in the Mishnah on Tannaite authority: If one swallowed a clean ring, entered the Tent of the corpse, was sprinkled and repeated the sprinkling and immersed and then vomited it up — lo, it is as it was [clean].*
- W. *What case then did Rabbah speak of [in his rule in A]? The case in question was one where: One swallowed two rings, one that was unclean and one that was clean and the unclean one does not render unclean the clean one. [Since both are contained inside the body they can neither transmit nor contract uncleanness.]*
- X. **[72a]** *But lo, [consider by way of contradiction to this the case of] a foetus and midwife that resembles [in its legal implications] the case of two rings. [The woman whose foetus died in her womb, and [that foetus] the midwife put in her hand and touched — the midwife is unclean with a seven-day uncleanness, and the woman is clean until the foetus will emerge [M. 4:3F-G].] And yet the foetus does render unclean the midwife!*
- Y. *Rabbah [would have] said, “The case of the foetus is different since it is destined to come forth.” [The rule concerning contained uncleanness does not apply to it.]*
- Z. *Said Raba, “[You say that] the foetus is destined to come forth. Is not the ring also destined to come forth [from the animal through the natural process of elimination]?”*
- AA. *Rather, said Raba, “A Pumbeditan knows the basis for this matter. And who is he? R. Joseph.” For said R. Joseph, said R. Judah, said Samuel, “This uncleanness was not ordained on the authority of the Torah, but [it was ordained] on the authority of the scribes.”*
- BB. *What does it mean: [This uncleanness] was not ordained on the authority of the Torah, but [it was ordained] on the authority of the scribes? It means that you should not maintain [that the law in our Mishnah follows] in accord with the view of R. Aqiba who said, “A [dead] foetus in the womb*

of a woman is unclean.” But [the law may follow] even in accord with the view of R. Ishmael who said, “A [dead] foetus in the womb of a woman is clean.” [Because in our case] they decreed for her [the midwife] uncleanness based on the authority of the rabbis.

CC. *What is the basis for this decree? Said R. Hoshaia, “They decreed it lest the foetus bring forth its head out of the birth canal.”*

DD. *If this is the case then even the [pregnant] woman [herself should be deemed unclean]! [We say however that] the woman feels it [if the head of the foetus projects forth]. Then why would she not tell the midwife [that the head had emerged]? She is distracted [by the labor].*

- I.2** A. *What is the view of R. Ishmael and what is the view of R. Aqiba [that we refer to above]? As it was taught on Tannaite authority: “‘Whoever in the open field touches [one who is slain with a sword, or a dead body, or a bone of a man, or a grave, shall be unclean seven days]’ (Num. 19:16) — this [reference to an open field] excludes the case of a [dead] foetus in the womb of a woman,” the words of R. Ishmael. R. Aqiba says, “This [reference] comes to include [in the law] the covering and sides [boards of the coffin or stones of the grave].”*
- B. *And R. Ishmael [will say that the references to] the covering and sides are derived from a received tradition [and not from the words of the verse].*

C. *And from what source does R. Aqiba derive that a [dead] foetus in the womb of a woman is unclean based on the authority of the Torah? Said R. Hoshaia, “The verse said, ‘Whoever touches a dead person, [the body of any man who has died, and does not cleanse himself, defiles the tabernacle of the Lord, and that person shall be cut off from Israel; because the water for impurity was not thrown upon him, he shall be unclean; his uncleanness is still on him]’ (Num. 19:13) — what is a dead thing that is*

in a person [— playing on the words of the verse]? You will have to say that is a foetus that is in the womb of a woman.”

- D. *And R. Ishmael [will say that this phrase in the verse] is needed [to teach] that a quarter-log of blood that comes from a corpse renders unclean. For it says, “Whoever touches a dead person, the body of any man.” What is it from the body of any man that renders unclean? You will have to say that is a quarter-log of blood.*
- E. *And R. Aqiba [does not need to derive this from the verse because he follows] in accord with his own view. For he said, “Even a quarter-log of blood derived from two corpses renders unclean in a tent.” For it was taught on Tannaite authority: What is the source of the rule that a quarter-log of blood derived from two corpses renders unclean in a tent? As it says, “He shall not go in to any dead body [plural in the Hebrew], [nor defile himself, even for his father or for his mother]” (Lev. 21:11) — [this implies that the rule pertains to a case of the blood of] two dead bodies that constitute one full measure [of a quarter-log].*

4:4

- A. A beast that is in hard labor, and the young put forth its hoof (and) that one cut off, and afterward one slaughtered its dam —
- B. [the hoof is unclean as carrion but] the meat [of the offspring in the womb] is clean.
- C. [If] he slaughtered its mother and afterward cut it off —
- D. “the meat [of the offspring] is in the status of that which has touched carrion [namely, the hoof, which, located outside the womb, is unaffected by the slaughter of the mother],” the words of R. Meir.
- E. And sages say, “[It is in the status of that which has] touched terefah that has been slaughtered.”

- F. [72b] [They said to R. Meir,] “Just as we find in the case of the terefah that slaughtering it renders it clean, so the slaughtering of a beast should render the limb clean.”
- G. Said to them R. Meir, “No. If the slaughtering of a terefah animal has rendered it clean, it is something which is part of its body. But should it render the limb clean, which is not part of its body?”
- H. How do we know concerning a terefah animal that slaughtering it renders it clean?
- I. An unclean beast is prohibited to be eaten, so too a terefah beast is prohibited to be eaten. Just as [in the case of] an unclean beast slaughtering it does not render it clean, so in the case of a terefah beast, slaughtering it should not render it clean.
- J. No. If you have so stated in the case of an unclean beast, that never had a moment when it was valid, will you say so in the case of a terefah beast, that had a moment when it was valid.
- K. Take for yourself what you have brought [the implications of your own logic]!
- L. Lo, what is born as a terefah from the womb — how should we know [the rule that slaughtering it renders it clean]?
- M. No. If you have so stated in regard to the unclean beast, the species of which [animal] is not subject to slaughter, will you say so in the case of terefah, the species of which [animal] is subject to slaughter?
- N. As to a live eight-month’s birth, slaughtering it does not render it clean, because the like [of it] is not subject to slaughtering.
- I.1** A. *Why [in D-F do they rule it the fetus is unclean]? This should come under the principle of uncleanness that is concealed from view. And uncleanness that is concealed from view does not render unclean.*
- B. *R. Meir [in D says it is unclean because he] follows in accord with his own view. As it was taught in the Mishnah on Tannaite authority: Three-by-three [finger-sized-cloth] that was divided is clean from midras-uncleanness but is unclean from the contact with midras-uncleanness [— the words of R. Meir (the Talmud adds this attribution)]. Said R. Yosé, “And with what midras did this have contact? But only if a zab has touched it is it unclean, on account of contact with the zab” [M. Kel. 27:11]. Was it not stated concerning this: Said Ulla, “This rule was taught only for a three-by-three cloth that was divided. But for three-by-three cloths that come from a larger garment, at the time they are separated from their source, they contract uncleanness from their source. Here*

too at the time it separates from the limb, [the animal] contracts uncleanness from the limb.”

- C. *Rabina said, “[The cases are not comparable.] A garment does not stand ready to be cut up. A foetus does stand ready to be cut up. [And we have the principle that] anything that stands ready for cutting [73a] is deemed to be already cut.”*
- D. *In accord with whose view is this? In accord with the view of R. Meir. As it was taught on Tannaite authority in the Mishnah: **All handles of utensils that are [too] long and that one is going to cut off — one immerses them up to the place of their proper measure [the Talmud here gives these attributions: — the words of R. Meir. And sages say...]. R. Judah says, “[They are not clean] until one will immerse the whole object” [M. Miq. 10:5 A-C].***
- E. *You could even maintain [that the rule of our Mishnah accords with] the view of the rabbis [i.e., Judah] that regarding the connections in [a bulk of solid] foods, we treat it as if it was a conglomeration of separate portions that touch one another.*
- F. *According to the view of Ulla [C] it makes perfect sense why [the Mishnah] taught that he **cut it off**. [For if he did not, then it would not become unclean since this is a case of uncleanness that is concealed from view that does not render unclean (Rashi)].*
- G. *But according to the view of Rabina [D] why [does Mishnah state] **he cut it off**? Since the former text of the Mishnah taught **he cut it off**, the latter text also taught **he cut it off**.*

II.1 A. *And sages say, “[It is in the status of that which has] touched **terefah** that has been slaughtered” [M. 4:4 E]. Does a terefah-animal that has been slaughtered render unclean?*

B. *Yes. In accord with the view of the father of Samuel. For said the father of Samuel, “A terefah-animal that was slaughtered renders Holy Things unclean”*

III.1 A. *[They said to R. Meir], “Just as we find in the case of the **terefah** that slaughtering it renders it clean, so the slaughtering of a beast should render the limb clean” [M. 4:4 F]. It was taught on Tannaite authority: Said to them R. Meir, “And what rendered this limb [of the offspring] clean from the uncleanness of carrion? The slaughter of its mother. If this is so, then let us permit it for eating.” They said to him, “[In some instances, through the act of slaughter,] you can more effectively save what is not [a primary part of] the body than what is [a primary part of] the body. For we learned: **[If] one cuts off part of the offspring which is in its womb — it [what is cut off] is permitted to be eaten. [If he cut***

off] part of the spleen or kidneys [of the beast itself], it is prohibited to be eaten [M. 4:1 D-F].”

- B. *What is the implication of what is stated?*
- C. *Said Raba, and some say [said] Kadi, “There is a lacuna in the text. And this is how you should teach the matter [of our Mishnah]:* Said to them R. Meir, ‘And what rendered this limb [of the offspring] clean from the uncleanness of carrion? The slaughter of its mother. If this is so, then let us permit it for eating.’ They said to him, ‘Let the rule of a *terefah*-animal prove the matter. For by slaughtering it you render it clean from the uncleanness of carrion, but you do not render it permitted for eating. [The slaughter therefore should render clean the limb.]’
- D. “He said to them, ‘No, [your argument is not consistent]. If the slaughter of a *terefah*-animal renders clean something that is part of the body [of the animal], should it render clean the limb, something that is not part of the body?’ They said to him, ‘[In some instances, through the act of slaughter,] you can more effectively save what is not [a primary part of] the body than what is [a primary part of] the body.’ For we learned: **[If] one cuts off part of the offspring which is in its womb — it [what is cut off] is permitted to be eaten. [If he cut off] part of the spleen or kidneys [of the beast itself], it is prohibited to be eaten [M. 4:1 D-F].”**
- E. *There is a Tannaite teaching that was taught also in this regard:* Said to them R. Meir, ‘And what rendered this limb [of the offspring] clean from the uncleanness of carrion? The slaughter of its mother. If this is so, then let us permit it for eating.’ They said to him, ‘Let the rule of a *terefah*-animal prove the matter. For by slaughtering it you render it clean from the uncleanness of carrion, but you do not render it permitted for eating. [The slaughter therefore should render clean the limb.]’
- F. “He said to them, ‘No, [your argument is not consistent]. If the slaughter of a *terefah*-animal renders clean it and a limb that is dangling from it, [that is,] something that is part of the body [of the animal], should it render clean the [protruding limb of the] foetus, something that is not part of the body?’ They said to him, ‘[In some instances, through the act of slaughter,] you can more effectively save what is not [a primary part of] the body than what is [a primary part of] the body.’ For we learned: **[If] one cuts off part of the offspring which is in its womb — it [what is cut off] is permitted to be eaten. [If he cut off] part of the spleen or kidneys [of the beast itself], it is prohibited to be eaten [M. 4:1 D-F].”**

- III.2** A. Said R. Simeon b. Laqish, “Just as the dispute [between Meir and sages in M. 4:4 D-E] pertains to the [protruding limbs of] foetuses, so the dispute pertains to [dangling] limbs [of the animal itself].”
- B. And R. Yohanan said, “The dispute [between them] pertains to the [protruding] limb of a foetus. But regarding the [dangling] limb of the animal itself, all agree that as far as the act of slaughter is concerned, it is considered to be detached.”
- C. *Said R. Yosé b. R. Haninah, “What is the basis for the view of R. Yohanan? According to sages’ view [the limb of a foetus is rendered clean from the uncleanness of carrion by the slaughter of the mother and the dangling limb of the mother is not, because] there is a redress for this one. [The limb of the foetus can be] put back [inside the mother]. But this one [for the dangling limb of the animal], there is no redress of putting it back.”*
- D. *They posed an objection: R. Meir said to them, “If the slaughter of a terefah-animal renders clean it and a limb that is dangling from it, [that is,] something that is part of the body [of the animal], should it render clean the [protruding limb of the] foetus, something that is not part of the body?” [73b] Now, this makes perfect sense according to the view of R. Simeon b. Laqish [who says in A that Meir and sages dispute with regard to both matters] that he [Meir] is stating matters in accord with their [sages] view. [Meir would say], according to my view there is no difference [with regard to the law] between the protruding limb of the foetus and the dangling limb of the animal itself. They have the same status. But according to the view of R. Yohanan [who says in B that Meir and sages do not dispute over the case of a dangling limb of the animal itself] this [statement of R. Meir] leads to a contradiction.*
- E. *But if you wish to state the matter, this is how you should state the matter:*
- F. Said R. Simeon b. Laqish, “Just as the dispute [between Meir and sages in M. 4:4D-E] pertains to the [protruding limbs of] foetuses, so the dispute pertains to [dangling] limbs [of the animal itself].”
- G. And R. Yohanan said, “The dispute [between them] pertains to the [protruding] limb of a foetus. But regarding the [dangling] limb of the animal itself, all agree that as far as the act of slaughter is concerned, it is not considered to be detached.”
- I. *Said R. Yosé b. R. Haninah, “What is the basis for the view of R. Yohanan? According to R. Meir’s view this [dangling limb] is part of the body of the animal and this [foetus] is not part of the body of the animal.”*

III.3 A. Said R. Yohanan, “All agree that as far as an animal that dies is concerned, it is considered to be detached. As far as the act of slaughter [is concerned], it is not considered to be detached.”

B. *What situation are we dealing with? If you say [we are dealing] with the protruding limb of the foetus, we have a dispute [between Meir and sages] over this! Rather it must be we are dealing with the dangling limb of the animal itself. But it was taught on Tannaite authority [explicitly] regarding the case of the animal that died and it was taught on Tannaite authority regarding the animal that was slaughtered.*

C. *It was taught on Tannaite authority [explicitly] regarding the case of the animal that died: “[If in the case of an animal with a dangling limb] the cattle died, the flesh requires preparation [to receive uncleanness]. The limb imparts uncleanness as a limb cut from a living beast, and it does not impart uncleanness as a limb of carrion,” the words of R. Meir [M. 9:7 E-G].*

D. *It also was taught on Tannaite authority regarding the animal that was slaughtered: [The dangling limb and flesh in the case of cattle impart food uncleanness [when they are] in their place [attached]. And they require preparation [i.e., wetting down, to receive uncleanness].] “[If] the cattle is slaughtered, they are deemed prepared through its blood [to receive uncleanness],” the words of R. Meir. And R. Simeon says, “They are not deemed prepared [to receive uncleanness, since the act of slaughter, not blood, renders meat susceptible, and these are unaffected by slaughter (M. 2: 5)]” [M. 9:7 A-D].*

E. *If I were to derive matters from this source I might have reasoned what does it mean, **they are deemed prepared?** [It refers only to dangling] flesh. But lo, it was taught, **they [plural] are deemed prepared.** [You could say that] one case refers to flesh that separates [and dangles] from the animal itself, and one case refers to flesh that separates from the dangling limb [of the animal itself].*

F. *And why would one case be more definite than the other? It might have made sense to maintain that since [the flesh that hangs from a dangling limb] would render unclean with a stronger form of uncleanness on account of its derivation [i.e., the limb itself], I would say that you should not need preparation [so as to become unclean]. It makes the novel point [that they do need it].*

III.4 A. Said R. Joseph, “Take in hand the ruling of R. Isaac bar Joseph because Rabbah bar bar Hannah upholds his view.”

- B. *For it was taught on Tannaite authority: "You shall not eat any flesh that is torn by beasts in the field" (Exo. 22:31) — this brings [under the rule] the limb and the flesh that are dangling from a beast, or a wild animal, or a bird that he slaughtered [to tell us] that they [the dangling parts] are prohibited. And said Rabbah bar bar Hannah, said R. Yohanan, [74a] "For these entities, there is a duty only to avoid them." [This implies that with regard to slaughter they are deemed attached to the animal and in fact permitted.]*
- C. *R. Joseph sat before R. Huna and he say and stated, "Said R. Judah, said Rab, 'If one ate such, he is subject to the punishment of flogging.' Said to him one of the rabbis, 'Pay no attention to him. This is what R. Isaac bar Samuel bar Marta said in the name of Rab: If one ate such, he is not subject to the punishment of flogging.'"*
- D. *Said to him R. Huna, "On which authority shall we rely?" R. Joseph [angrily] turned away. He [Joseph] said to him, "What is the question? I stated matters regarding an animal that dies that [the dangling flesh] is considered to be detached. They stated matters regarding the act of slaughter, [that dangling flesh] is not considered to be detached."*
- E. *Said Raba, "What is the basis for this statement that as far as an animal that dies is concerned, it is considered to be detached. As far as the act of slaughter [is concerned], it is not considered to be detached? As it is written, 'And anything upon which any of them falls when they are dead shall be unclean, [whether it is an article of wood or a garment or a skin or a sack, any vessel that is used for any purpose; it must be put into water, and it shall be unclean until the evening; then it shall be clean] (Lev. 11:32).' " ["Falls when they are dead" implies that as far as an animal that dies is concerned it is considered to be detached.] What circumstance does [the verse] exclude? If you say it excludes the case of [creeping things] that are still alive, we derive this from the term, "Of their carcass." ["And if any part of their carcass falls upon any seed for sowing that is to be sown, it is clean" (Lev. 11:37).] Rather we may derive from this that as far as an animal that dies is concerned, it is considered to be detached. As far as the act of slaughter [is concerned], it is not considered to be detached.*
- F. *Said R. Ada bar Ahba to Raba, "But lo the verse stated matters with regard to creeping things." He said to him, "If the matter does not pertain to creeping things that are not subject to the rules of slaughter, then you may teach that it pertains to beasts [that are subject to the rules of slaughter]." And yet you still need that they [creeping things] be as if they had just died. [That is, if they are] moist they render unclean [other objects]. And if they are dried out, they do not render*

unclean. Two times it is written, “When they are dead” (Lev. 11:31, 32). [So you may derive both principles.]

G. Said R. Hisda, “There is a dispute in the case of a limb of a live foetus [that protrudes from the mother]. But in the case of a limb of a dead foetus, all would agree that as for as the act of slaughter goes it is considered to be detached.”

H. And Raba said, “Just as there is a dispute in this case, there is a dispute in that case.”

IV.1 A. **As to a live eight-month’s birth, slaughtering it does not render it clean, because the like [of it] is not subject to slaughtering [M. 4:4 N].** *But lo it was taught on Tannaite authority: [The case of] a live eight-month’s birth will decide the matter. For even though the like of it is subject to slaughtering, the act of slaughter does not render it clean. [This teaching implies that the act of slaughter does not render clean a terefah-animal either.]*

B. Said R. Kahana, “The like of it is subject to slaughtering by virtue of [an instance where one slaughtered] its mother [before it was born].” *And [what is the basis for the view of] our Tannaite authority [in the Mishnah here]? He does not raise a question based on the assumption that the mother is the like [of a live eight-month’s birth].*

C. *But [the basis for] that Tannaite authority who does raise a question [based on that assumption] what is his basis for the view that slaughtering a terefah-animal renders it clean [of the uncleanness of carrion]?*

D. *He may derive this from what R. Judah said in the name of Rab. For said R. Judah, said Rab, and some say that this was taught in a Tannaite teaching: Scripture stated, “And if from among any animal [of which you may eat dies, he who touches its carcass shall be unclean until the evening” (Lev. 11:39); “From among” implies] some of the animals render unclean and some of the animals do not render unclean. And which is it [that does not render unclean]? It is a terefah-animal that was slaughtered.*

IV.2 A. *R. Hoshai posed a question: If one inserted his hand into the womb of an animal and slaughtered a nine-month-old foetus what is the law? You may pose the question to R. Meir. And you may pose the question to the rabbis [of our Mishnah, D-E].*

B. *You may pose the question to R. Meir — on the point R. Meir stated that an animal born live from a slaughtered mother needs to be slaughtered [before one can eat it, was that] only in the circumstance where it emerged [from the womb]? But*

where it is still in the mother's womb, [might we argue that] slaughtering it will not render it permitted?

- C. *Or perhaps even in accord with the view of the rabbis [might we argue that] through four organs the Torah allowed it to be rendered valid [i.e., the two of the mother or the two of the foetus]?*
- D. *Said R. Hananiah, "Come and take note: **Lo, what is born as a terefah from the womb [M. 4:4 L]** — now if you hold the view [that slaughtering in the womb is effective] we find that it had a moment when it was valid. For if he wanted he could have put in his hand and slaughtered it."*
- E. *Said to him Raba, "Teach the matter [that the case was where] it was formed as a terefah-animal from the womb. And we find this in the case of an animal that has five legs."*

4:5

- A. **He who slaughters a beast and found in it an eight-months' birth, living or dead, or a dead nine-months' birth,**
 - B. **tears it out and removes its blood.**
 - C. **"[If] he found a live nine-months' birth, it requires slaughtering.**
 - D. **"And it is liable to the rule concerning it and its young [Lev. 22:28, which are not to be slaughtered on the same day]," the words of R. Meir.**
 - E. **And sages say, "The slaughtering of its mother renders it clean."**
 - F. **[74b] R. Simeon Shezuri says, "Even if [it grew to the] age of eight years and ploughs a field — the slaughtering of its mother renders it clean."**
 - G. **[If] one cut [into a beast] and found in it a living nine-months' birth, it requires slaughtering,**
 - H. **because its mother has not been slaughtered.**
- I.1** A. *Said R. Eleazar, Said R. Oshaia, "They followed this line [of reasoning discussed in the Mishnah] only with regard to [the need to perform on the offspring an act of] slaughtering."*
- B. *What does this come to exclude? It excludes [from that which is permitted in the offspring by virtue of the mother] the forbidden fats and the sinew of the hip [of the offspring].*
 - C. *Which forbidden fats [do we refer to in this statement]? If you say it refers to the fat of the foetus, concerning this there is a dispute. For it was taught on Tannaite authority: "[The prohibition of the sinew of the hip] applies to the foetus, and its fat is prohibited," the words of R. Meir [M. 7:1D]. R. Judah says, "It does*

not apply to the foetus. Its fat is permitted” [M. 7:1E-F] [T. 7:1 A-B]. And said R. Eleazar, said R. Oshaia, “The dispute pertains to a case of a live nine-months’ birth. And R. Meir follows in accord with his view [that it must be slaughtered] and R. Judah with his view.”

D. *Rather [it refers to] forbidden fats of the sinew. [But in this too] there is a dispute. For it was taught on Tannaite authority: “As to the sinew of the hip: One digs after it in every place in which it is located and removes it. And he cuts away its fat from its root,” the words of R. Meir [cf. M. 7:2B]. R. Judah says, “One removes it [merely] from the cap of the hip bone” [cf. M. 7:2C and T. 7:4 A-B].*

E. *Rather if you state the matter [of A], state it as follows: Said R. Eleazar, said R. Oshaia, “They followed this line [of reasoning discussed in the Mishnah] only with regard to matters pertaining to eating [the animal].” This excludes [from their concern in M.] one who interbreeds with the animal (Lev. 19:19) or plows with it [in a forbidden fashion, Deu. 22:10. These prohibitions pertain to the animal according to both views (Rashi).]*

I.2 A. Said R. Simeon b. Laqish, “According to the authority who permits the fats, he would also permit the blood [of this animal]. According to the authority who prohibits the fats, he would also prohibit the blood.”

B. And R. Yohanan said, “Even according to the authority who permits the fats, he would prohibit the blood.”

C. *R. Yohanan raised an objection to the view of R. Simeon b. Laqish: [The Mishnah states explicitly in B that one] tears it out and removes its blood!*

D. Said R. Zira, “[R. Yohanan intended in his statement] to say that [it is prohibited, but that he who eats the blood of this animal] is not subject to the punishment of extirpation.”

E. *In accord with which authority do we state this matter? If you wish to say it is in accord with the view of R. Judah, this could only be with regard to the blood that flows [from the animal]. As it was taught on Tannaite authority: The blood that flows [out after the initial life-blood spurts out] is subject only to a warning [but there is no penalty for eating it]. R. Judah says, “[One who eats it] is subject to the penalty of extirpation” [T. Ker. 2:19 B-C].*

F. *R. Pappa, the son of R. Sala the pious interpreted before R. Pappa, “R. Judah interprets [that it could have stated] ‘blood’ but instead stated, ‘[Moreover you shall eat] no blood whatever, [whether of fowl or of animal, in any of your dwellings]’ (Lev. 7:26). [From this you may derive that] in any instance where*

one is liable [to the punishment of extirpation] for the life-blood, he is liable for the blood that flows. And in any instance where one is not liable for the life-blood [e.g., for the fetus], he is not liable for the blood that flows.

- I.3** A. *They raised a question:* What is the rule [for whether one may redeem a first born ass] with a live birth [of a lamb] from a slaughtered mother? *According to the view of R. Meir you should have no question. Because since he says that you must slaughter it, it is a perfectly good lamb. Where will you have a question? In accord with the view of the rabbis who said that the act of slaughter for the mother renders it clean.*
- B. *What does it mean that the act of slaughter for the mother renders it clean? Is it like meat in a basket [and is not called a lamb anymore]? Or perhaps because it runs back and forth, we may call it a lamb [and redeem with it a first born ass]?*
- C. Mar Zutra said, "They do not redeem [with it]."
- D. And R. Ashi said, "They do redeem [with it]."
- E. *Said R. Ashi to Mar Zutra, "What is your view? You derived [from the common use in the verses of the word] 'lamb' for this matter and for the matter of the paschal lamb."* [The verses are: "Every firstling of an ass you shall redeem with a **lamb**, or if you will not redeem it you shall break its neck. Every first-born of man among your sons you shall redeem" (Exo. 13:13); "Your **lamb** shall be without blemish, a male a year old; you shall take it from the sheep or from the goats" (Exo. 12: 5).] But if you accept this than you should say, just as there [for the paschal lamb] you must have a male, without blemish and a year old, so here too [with regard to the redemption of the firstling] you must have a male, without blemish, a year old. It says, "You shall redeem." "You shall redeem" includes [other animals]. If [it writes] "You shall redeem" [and] "You shall redeem" includes [other animals], then why not even all other kinds of animals [even the live birth from the slaughtered mother]? *[No. You could not go that far. Because] if so, what good would it do to derive anything [from the common use in the verses of the word] 'lamb.'"*
- I.4** A. *They raised a question:* What is the law with regard to counting for this [live birth from a slaughtered mother] first- and second-remove uncleanness.
- B. R. Yohanan said, "They count for it first- and second-remove uncleanness."
- C. And R. Simeon b. Laqish said, "They do not count for it first- and second-remove uncleanness." It is considered to be analogous to a nut that is enclosed in its shell.
- D. *R. Simeon b. Laqish posed a question to R. Yohanan: "The meat [of the offspring] is in the status of that which has touched carrion [namely, the hoof, which,*

located outside the womb, is unaffected by the slaughter of the mother],” the words of R. Meir. And sages say, “[It is in the status of that which has] touched *terefah* that has been slaughtered” [M. 4:4]. *It makes perfect sense according to my view because I reasoned that they are like one body. That is why the foetus is made susceptible to uncleanness by virtue of the blood of the mother [that comes forth during the act of slaughter]. But according to your view, with what [liquid] does it become susceptible to uncleanness?*

- E. He [Yohanan] said to him, “With the act of slaughter itself and in accord with the view of R. Simeon [cf. M. 2:5 E].”
- F. *R. Yohanan posed a question to R. Simeon b. Laqish: If it [the live birth from a slaughtered mother] passed through a river, it became susceptible to uncleanness [by virtue of the water]. If it went to a cemetery, it became unclean [by virtue of passing over graves]. This makes perfect sense according to my view. For I maintain that they are two separate bodies. Because of this you say if it was rendered susceptible, then yes [it can become unclean]. But if it was not rendered susceptible, then no [it cannot become unclean]. But according to your view that they [mother and foetus] are like one body, lo [the foetus] is rendered susceptible by the blood of the mother [that comes forth during the act of slaughter].*
- G. [75a] *[We can avoid this objection by stipulating that the case here is one of] an act of slaughter that is dry [i.e., no blood spurts on the animal] and not in accord with the view of R. Simeon [M. 2:5 E].*
- H. *Who is the Tannaite authority behind the rule [in E]: If it [the live birth from a slaughtered mother] passed through a river, it became susceptible to uncleanness [by virtue of the water]. If it went to a cemetery, it became unclean [by virtue of passing over graves]?*
- I. Said R. Yohanan, “It is R. Yosé the Galilean.” *As it was taught on Tannaite authority: R. Simeon b. Eleazar says in the name of R. Yosé the Galilean, “It is susceptible to uncleanness as food and imparts uncleanness as food and requires preparation [to be susceptible to uncleanness].” Rabbi (the Talmud’s version: sages) says, “It does not impart uncleanness as food, because it is alive, and that which is alive does not impart the uncleanness as food” [T. 4:6 B-C].*
- J. *And R. Yohanan holds in accord with his view elsewhere. For said R. Yohanan, “R. Yosé the Galilean and the House of Shammai said the same thing.” R. Yosé the Galilean, as we just stated. The House of Shammai, as it was taught in the Mishnah on Tannaite authority: Fish — from what*

point do they receive uncleanness? The House of Shammai say, "When they are caught." And the House of Hillel say, "When they die." R. Aqiba says, "If they could not live" [M. Uqsin 3:8 A-D].

K. *What [case] between them [do they dispute]? Said R. Yohanan, "The dispute between them is [over the case of a fish that is] making fluttering motions [even though it is dead]."*

L. *R. Hisda posed a question: If tokens [of defects] that render an animal terefah appeared in a fish, what is the law? This will be a question according to the authority who holds the view that a terefah is considered to be alive and according to the authority who holds the view that a terefah is not considered to be alive [cf. above, b. 42a, M. 3:1 I.1 C-H].*

M. *This will be a question according to the authority who holds the view that a terefah is considered to be alive [as follows]. A beast has a lot of life [so even when it is terefah it still is considered alive]. But a fish does not have a lot of life [so if it is terefah] it is not [considered alive]. Or perhaps even according to the authority who holds the view that a terefah is not considered to be alive, this concern applies only to a beast that falls into the category of [a living thing that requires] slaughtering. But a fish that does not fall into the category of [a living thing that requires] slaughtering, it would make sense to say that it is not [considered to be alive]. The question stands unresolved. (Rashi has a variant reading.)*

I.5 A. If it aborted the foetus [what is the status of the fat of the aborted foetus]? R. Yohanan said, "Its fat has the same status of that of the beast [its mother]."

B. And R. Simeon b. Laqish said, "Its fat has the same status of that of a wild animal."

C. R. Yohanan said, "Its fat has the same status of that of the beast [its mother]." [Coming out of the womb of the mother and coming into] *the air causes it to [take on the status of a beast].*

D. And R. Simeon b. Laqish said, "Its fat has the same status of that of a wild animal." [Coming to complete term] *in months causes it to [take on the status of a beast. And this one did not come to term].*

E. *There are those who say that in any case where it did not come to term in the expected number of months of gestation, it is as if nothing at all occurred. [The animal is deemed neither a beast nor a wild animal.]*

- F. *[In accord with this view] they dispute in a case where he inserted his hand into the womb of the beast and tore off forbidden fat of a live nine-month-old foetus and ate it.*
- G. R. Yohanan [would have] said, “Its fat has the same status as that of a beast. [Coming to complete term] in months *causes* it to [take on the status of a beast. And this one did come to term.]”
- H. And R. Simeon b. Laqish [would have] said, “Its fat has the same status as that of a wild animal. [Coming to complete term] in months and [coming out of the womb of the mother] into the *air cause* it to [take on the status of a beast. And this one did not come out.]”
- I. *R. Yohanan [could have] raised an objection to the view of R. Simeon b. Laqish, “In the same manner that, ‘the two kidneys with the fat that is on them’ stated in connection with the guilt-offering [which must be a male] rules out from the category that [fat] of a foetus. So too in any instance it rules out from the category that of a foetus.” [The verses are: “And all its fat shall be offered, the fat tail, the fat that covers the entrails, the two kidneys with the fat that is on them at the loins, and the appendage of the liver which he shall take away with the kidneys” (Lev. 7: 3-4).] Now it makes perfect sense in accord with my view why we need a verse to exclude [the fat]. But according to you view, why do we need a verse [to exclude it]?*
- J. *He [would have] said to him, “The basis for my view [to begin with] is also this verse.”*
- K. *And there are those that say [there is an alternative version of this matter]. R. Simeon b. Laqish [could have] raised an objection to the view of R. Yohanan, “In the same manner that, ‘the two kidneys with the fat that is on them’ stated in connection with the guilt-offering [which must be a male] rules out from the category that [fat] of a foetus. So too in any instance it rules out from the category that of a foetus.” Now it makes perfect sense in accord with my view why the Torah excluded [the fat]. But according to you view, let it be brought near [on the altar]!*
- L. *He [would have] said to him, “It is on account of it being [analogous to a substance that] is lacking in that it did not reach its prescribed term. [They must wait for seven days before offering it.]”*
- I.6** A. Said R. Ammi, “He who slaughters a *terefah*-animal and found in it a live nine-months’ birth, in accord with the view of the one who prohibits [in the same case,

but where the mother is not a *terefah*-animal, i.e., Meir in M. 4:5 D], he should permit [the slaughter and consumption of the offspring in this case, since the status of the mother has no bearing on the offspring]. And in accord with the view of the one who permits [in the same case, but where the mother is not a *terefah*-animal. i.e., sages in M. 4:5 E], he should prohibit [the slaughter and consumption of the offspring, since the status of the mother is applicable to the offspring].”

- B. *Raba said, “In accord with the view of the one who permits [in the same case, but where the mother is not a terefah-animal. i.e., sages in M. 4:5 E], he also should permit [the slaughter and consumption of the offspring]. Through four organs the Torah rendered [the offspring] valid.”* [That is, either through the proper slaughter of the mother or through the proper slaughter of the offspring itself.]
- C. Said R. Hisda, “He who slaughters a *terefah*-animal and found in it a live nine-months’ birth, [75b] — it must be slaughtered and it is liable to the priestly gifts of the shoulder, the cheeks and the maw (Deu. 18: 3). But if it dies, it is clean of imparting uncleanness through carriage [i.e., that conveyed to one who carries it].”
- D. Said to him Raba, “It must be slaughtered — *in accord with whose view is this?* In accord with the view of R. Meir [M. 4:5 C-D]. But if it dies, it is clean of imparting uncleanness through carriage — *in accord with whose view is this?* In accord with the view of the rabbis.
- E. “*And according to your logic, [consider the same objection to] that which R. Hiyya taught [in Tosefta on Tannaite authority]: He who slaughters a terefah-animal and found in it a live nine-month-old birth — it requires slaughtering and is liable for [priestly] gifts. And if it died, it is clean of imparting uncleanness through carriage, because the slaughter of its dam renders it clean [T. 4:8A-B].*
- F. “It must be slaughtered — *in accord with whose view is this?* In accord with the view of R. Meir [M. 4:5 C-D]. But if it dies, it is clean of imparting uncleanness through carriage — *in accord with whose view is this?* In accord with the view of the rabbis.”
- G. *Lo, this is not a contradiction R. Hiyya stated matters in the case where they found it had already died. But according to your reasoning [R. Hisda], it should be a contradiction.”*
- H. He [Hisda] said to him, “According to my reasoning it also is not contradiction. Through four organs the Torah rendered [the offspring] valid.” [That is, either through the proper slaughter of the mother or through the proper slaughter of the offspring itself.]

- I. *When R. Zira departed [to the Land of Israel] he found R. Assi sitting and stating this teaching (Rashi: Assi found Zira). He said to him, "Well put! And so too did R. Yohanan state the matter." [He said,] "May we derive that R. Simeon b. Laqish disputed him?"*
- J. *[We do not know because] he [Simeon b. Laqish] hesitated and was silent [at the time Yohanan stated his view]. And there is a version that he was drinking at the time and was silent.*

II.1 A. **R. Simeon Shezuri says, "Even if [it grew to the] age of eight years and ploughs a field — the slaughtering of its mother renders it clean" [M. 4:5 F].** *This is the same as the view of the first Tannaite authority.*

- B. *Said R. Kahana, "[The case of] where it walked away on the ground is a matter of dispute between them [i.e., between the first Tannaite authority and Simeon]."* *[Sages would require slaughter in that instance on the authority of the rabbis.]*
- C. *Said R. Mesharshayya, "According to the view of those who say we take into account the seed of the father [in determining the status of the progeny], if an offspring that was born alive after the slaughter of the mother mates with a normal cow, there is no redress for the offspring."*
- D. *Said Abbaye, "All would agree that an animal with an uncloven hoof that was an offspring that was born alive after the slaughter of the mother is permitted. What is the basis for this view? People can identify anything that is unusual."*
- E. *Another version: Said Abbaye, "All would agree that an animal with an uncloven hoof, that was an offspring of a cow with an uncloven hoof, that was born alive after the slaughter of the mother is permitted. What is the basis for this view? People can identify anything that is in two ways unusual."*

II.2 A. *Said R. Haninah, "The law follows in accord with R. Simeon b. Shezuri." And so R. Simeon b. Shezuri would permit its offspring and the offspring of that offspring down through all the generations of offspring.*

- B. *R. Yohanan said, "It [an offspring that was born alive after the slaughter of the mother] is permitted. Its offspring is prohibited."*
- C. *Ada bar Habo had an offspring that was born alive after the slaughter of the mother that a wolf attacked. He came before R. Ashi [for a ruling]. He said to him, "Go and slaughter it." He said to him, "Lo said Ziri, said R. Hanina, 'The law follows in accord with R. Simeon b. Shezuri.' And so R. Simeon b. Shezuri would permit its offspring and the offspring of that offspring down through all the generations of offspring. And even R. Yohanan stated matters only with regard to its*

[subsequent] offspring. But regarding it [the original offspring] he did not dispute [that it was permitted without any act of slaughter]."

- D. *He said to him, "R. Yohanan [held his own view but he] stated matters in accord with the words of R. Simeon Shezuri."*
- E. But lo, said Rabin bar Hanina, said Ulla, said R. Hanina, "The law follows in accord with the view of R. Simeon Shezuri." And not only that but in every place in our Mishnah that R. Simeon Shezuri taught, the law follows in accord with his view.
- F. *He said to him, "I reason in accord with this that was stated by R. Jonathan: The laws follows in accord with R. Simeon Shezuri with regard to and endangered person and the tithe of heave-offering of demai."*
- G. An endangered person — *as it was taught in the Mishnah on Tannaite authority: At first they would rule: He who goes forth in fetters and stated, "Write a writ of divorce for my wife" —lo, they are to write and deliver [the writ of divorce to his wife]. They reverted to rule: [That is the rule] even in the case of one who went out on a voyage or set forth with a caravan. R. Simeon Shezuri says, "Even in the case of one who is on the point of death" [M. Tebul Yom 4:5 C-E].*
- H. Tithe of heave-offering of *demai* — *as it was taught in the Mishnah on Tannaite authority: [Regarding heave-offering of the tithe of demai that returned to its place [that fell back into the now-tithed demai-produce from which it was originally separated, thus rendering the entire mixture prohibited to a non-priest] —R. Simeon of Shezur says, "Even on a weekday he inquires of him [the vendor] and eats at his word" [M. Demai 4:1 K-M].*

4:6

- A. [76a] A beast, the [hind] legs of which are cut off below the knee, is valid.
- B. [If they are cut off] above the knee, it is invalid.
- C. And so [if] the juncture of the thigh sinews was removed [it is invalid].
- D. [If] the bone broke [but was not cut off], if most of the meat remains, slaughtering it renders it [the broken leg] clean.
- E. And if not, slaughtering it does not render it clean [and the broken leg cannot be eaten, but the rest of the beast is valid].
- I.1 A. Said R. Judah, said Rab, said R. Hiyya, "Below, [means] below the knee. Above, [means] above the knee. About which [part of the leg beneath the] joint did they

Speak? The [part of the leg beneath the] joint that is sold with the head [as waste].”
[See Cashdan, p. 419, for a discussion of the anatomical reference.]

- B. Ulla said [to] R. Oshaia, “[It is the joint] whose location is recognizable in a camel.”
- C. *Said Ulla to R. Judah, “It makes perfect sense, in accord with my view, for I maintain that, ‘[It is the joint] whose location is recognizable in a camel,’ that it is taught [in M. 4:6 C], And so [if] the juncture of the thigh sinews was removed [it is invalid]. But in accord with your view, what is the purpose of [teaching], And so [if] the juncture of the thigh sinews was removed [it is invalid]?”*
- D. He said to him, “[We need to specify this for the cases where] the bone [was removed] but not the juncture of the thigh sinews, or where the juncture of the thigh sinews [was removed] but not the bone.”
- E. [Ulla replied,] “*But lo it was taught [in M.], cut off.*”
- F. *He [Judah] was silent.*
- G. *After he [Ulla] departed, he [Judah] said, “On what basis did I not say to him, ‘Below, [means] below the knee. Above, [means] above the juncture of the thigh sinews’? He further said, ‘Did I not say [something] to him? And he said to me, It was taught, cut off. Here too [he would say to me], It was taught [in B of M.], [If they are cut off] above the knee, it is invalid.’”*
- H. *R. Pappa taught [a version of A] as follows: Said R. Judah, said Rab, said R. Hiyya, “Below, [means] below the knee and the juncture of the thigh sinews. Above, [means] above the knee and the thigh sinews. And so too if the juncture of the thigh sinews was removed.”*
- I. And [the identification of] the knee itself is in accord with Ulla in the name of R. Oshaia [B].
- J. *But is there such a case where if he cuts it off [on the leg] higher, it lives. But if he cuts it off lower, it dies?*
- K. Said R. Ashi, “*Can you compare [defects that render animals] terefot to one another? We do not say concerning [defects that render animals] terefot that this one resembles that one. For lo you may cut from this place [on the animal] and it will die. You may cut from here [an identical amount in another place on the animal] and it will live [b. 48b.]*”

II.1 A. [And so if the juncture of the thigh sinews was removed it is invalid. If the bone broke but was not cut off, if most of the meat remains, slaughtering it renders it the broken leg clean. And if not, slaughtering it does not render it clean and the broken leg cannot be eaten, but the rest of the beast is valid]:

- B. And what is the juncture of the thigh sinews.
- C. *[Said] Rabbah, said R. Ashi, "Beyond the point of adhesion [of the sinews to the bone up to the place the sinews separate (Rashi)]."*
- D. *[Said] Rabbah bar R. Huna, said R. Ashi, "Within the point of adhesion [of the sinews to the bone up to the joint]."*
- E. *[Said] Raba the son of Rabbah bar R. Huna, said R. Assi, "That part above the heel."*
- F. *A certain rabbi was sitting before R. Abba and he sat and stated [that the juncture of the thigh sinews included the sinews on] the heel itself. Said to him R. Abba, "Pay him no heed! [He is too strict (Rashi).] This is what R. Judah said, 'Where the butchers separate them [the sinews from the bone, i.e., above the heel].'" And likewise: [Said] Rabbah the son Rabbah bar R. Huna, said R. Assi.*
- G. *Said R. Judah, said Samuel, "The juncture of the thigh sinews that they spoke of is the place where they sinews join up to what point?" Said a certain rabbi to him, and R. Jacob was his name, "When I was in the house of R. Judah he said to us, 'Hear from me a matter that I heard from a great man. And who was this? Samuel. The juncture of the thigh sinews that they spoke of is the place where they sinews join. And from the point they join up to the place that they spread apart.'"*
- H. *And how far is this?*
- I. *Said Abbaye, "Four fingers in an ox."*
- J. *And in a small animal what is the measure?*
- K. *Said Abbaye, "Where they protrude, that is the juncture of the thigh sinews. Where they recede, that is not the juncture of the thigh sinews. Where they are hard, that is the juncture of the thigh sinews. Where they are soft, that is not the juncture of the thigh sinews. Where they are thick, that is the juncture of the thigh sinews. Where they are thin, that is not the juncture of the thigh sinews. Where they are white, that is the juncture of the thigh sinews. Where they are not white, that is not the juncture of the thigh sinews."*
- L. **[76b]** *Mar bar R. Ashi said, "Wherever they are clear, even if they are not white [that is the juncture of the thigh sinews]."*
- M. *Said Amemar in the name of R. Zebid, "[The juncture of the thigh sinews consists of] three tendons. One is thick and two are thin. If the thick one is severed, the major part of the thigh structure is gone. If the thin ones are severed, the majority of the thigh tendons are gone. [In either case it is terefah]."*

N. *Mar bar R. Ashi taught this matter as a lenient rule: If the thick one is severed, lo there is still a majority [of the tendons intact]. If the thin ones are severed, lo there is still the major part [of the thigh structure intact]. [In either case it is valid.]*

II.2 A. *In fowl — [the juncture of the thigh sinews consists of] sixteen tendons. If one of them is severed, it is terefah.*

B. *Said Mar bar R. Ashi, “I was attending my father and they brought before him a bird [for a ruling]. And he inspected it and found fifteen tendons. One of them was different from the rest of them. He split it open and found that it was two [tendons cleaving together].”*

II.3 A. *Said R. Judah, said Rab, “The juncture of the thigh sinews about which they spoke [render the animal terefah if they sever] the major part of them. What does ‘the major part’ mean? The major part of one of them. When I spoke of these matters before Samuel he said to me, “What is the case? There are three [tendons]. If one is severed completely, lo, there are two. The basis for this reasoning is that there are two [remaining]. Lo, if there are not two remaining, then no [it would not be valid].”*

B. *And this is in dispute with the view of Rabbannai. For said Rabbannai, said Samuel, “The juncture of the thigh sinews — even if there remained intact only as much as a [the thickness of a] wool strand, it is valid.”*

C. *And there is another version: What does ‘the major part’ mean? The major part of each one of them. When I spoke of these matters before Samuel, he said to me, “What is the case? There are three [tendons]. [Even if the major part of each is severed] lo there is one third of each one [intact].”*

D. *And this supports the view of Rabbannai. For said Rabbannai, said Samuel, “The juncture of the thigh sinews — even if there remained intact only as much as a [the thickness of a] wool strand, it is valid.”*

III.1 A. **[If] the bone broke [but was not cut off], if most of the meat remains, slaughtering it renders it [the broken leg] clean [M. 4:6 D].** *Said Rab, “[If it broke] above the knee, if most of the flesh is intact, both [the limb and the animal] are permitted. And if not, both are prohibited. [If it broke] below the knee, if most of the flesh is intact, both are permitted. And if not, the limb is prohibited, but the [rest of the] animal is permitted.”*

- B. And Samuel said, “[If it broke] whether above or below [the knee], if most of the flesh is intact, both are permitted. And if not, the limb is prohibited, but the [rest of the] animal is permitted.”
- C. *R. Nahman raised a contradiction to the view of Samuel:* They will say, “Its limb is in the garbage and yet it is permitted!”
- D. *Said R. Aha bar R. Huna to R. Nahman, “In accord with the view of Rab they may also say, ‘Its limb is in the garbage and yet it is permitted!’”*
- E. *He said to him, “Here is what it makes sense to say, ‘Its vital limb is in the garbage and yet it is permitted!’”*
- F. *They sent from there [the Land of Israel]: The law follows in accord with the view of Rab. Subsequently they sent that it was in accord with the view of Samuel. Subsequently they sent that it was in accord with the view of Rab and that the limb itself renders unclean through carriage.*
- G. *R. Hisda posed an objection [to this last statement]:* [This argument was advanced in the course of a discussion above,] ‘No, [your argument is not consistent]. If the slaughter of a *terefah*-animal renders clean it and a limb that is dangling from it, [that is,] something that is part of the body [of the animal], should it render clean the [protruding limb of the] foetus, something that is not part of the body’ [b. 73a]? [Based on this we should conclude that the dangling limb should not render unclean through carriage.]
- H. *Said to him Rabbah, “Why go so far in search of questions? You may pose an objection from the rule of the Mishnah: ‘[If] the cattle is slaughtered, they are deemed prepared through its blood [to receive uncleanness],’ the words of R. Meir. And R. Simeon says, ‘They are not deemed prepared [to receive uncleanness, since the act of slaughter, not blood, renders meat susceptible, and these are unaffected by slaughter (M. 2: 5)]’ [M. 9:7 C-D].”*
- I. *He said to him, “You could rebut this objection based on the Mishnah as it was rebutted.”*
 - J. *When R. Zira departed [for Israel] he found R. Jeremiah sitting and stating this tradition [of Rab in A]. He said to him, “Very well! So too did Ariokh proclaim in Babylonia!”*
 - K. *Who is Ariokh? Samuel. But lo, he disputed [the view of Rab]! Samuel retracted his view so as to accord with that of Rab.*

III.2 A. *Our rabbis taught on Tannaite authority:* If the bone was broken and it extrudes [through the skin], if the hide and the flesh cover the major part of it, it is permitted. And if not, it is prohibited.

- B. And how much is the major part? *When R. Dimi came, [he brought this teaching:] said R. Yohanan, "The major part in thickness." And some say concerning it, "The major part of its circumference."*
- C. *Said R. Pappa, "Therefore they require the major part of its thickness and the major part of its circumference."*
- D. *Said Ulla, said R. Yohanan, "The hide, lo it is the same as the flesh."*
- E. *Said R. Nahman to Ulla, "But why does the master not say that the hide combines together with the flesh? For lo, it was taught [in A], 'The hide and the flesh.'"*
- F. *He [Ulla] said to him, "We taught the version, 'The hide or the flesh.'"*
- G. *Another version: Said Ulla, said R. Yohanan, "The hide, lo it is the same as the flesh."*
- H. *Said R. Nahman to Ulla, "But why does the master not say that the we deem that the hide completes [the minimum prescribed measure] together with the flesh in order to render a strict ruling?"*
- I. *He [Ulla] said to him, "I know of a case of a young pigeon that was in the house of R. Isaac [that had a bone extruding through the skin and hide and flesh covered it] and it was a case where the hide combined with the flesh [to make the minimum measure]. And they brought it before R. Yohanan [for a ruling]. And he declared it valid."*
- J. *He [Nahman] said to him, "You stated that it was a young pigeon. A [case of a] young pigeon that is tender is a different circumstance."*
- K. *[A bird that had a bone extruding through the skin and flesh covered it together with] these tender sinews. They brought it before Rabbah [=Raba] [for a ruling]. Said Rabbah [=Raba], "What should we suspect? First of all, R. Yohanan said that [one who eats] sinews that are going to become hard [from the Paschal lamb of a certain fellowship] [77a] are counted [as having been part of the group] of that Paschal lamb on account of [eating] it. [That implies that the sinews are deemed to be flesh, cf. b. Pes 84a.]*
- L. *And furthermore [we have a principle that] the Torah had mercy on the money of an Israelite [b. 49b].*
- M. *Said R. Pappa to Rabbah [=Raba], "[We must take into account the view of] R. Simeon b. Laqish [who disputes the view of R. Yohanan in b. Pes. 84a and holds that the sinews are not deemed to be flesh]. And [we are dealing here with] a prohibition [of an*

animal that is terefah] that is based on the authority of the Torah. And you say, 'What should we suspect?'”

- N. *He [Raba] was silent. And why was he silent? Lo, did Raba not say that the law follows in accord with the view of R. Simeon b. Laqish in these three [specified cases, not including ours, per b. Yeb. 36a]*
- O. *This one is different because R. Yohanan retracted his view regarding the matter in deference to the view of R. Simeon b. Laqish. For he said to him, “Stop annoying me. I teach this as a personal view.”*

III.3 A. *There was [a case of a bird] whose bone was broken and extruded outside the skin. A fragment [of the bone] was taken away from it. They brought it before Abbaye [for a ruling]. He delayed [ruling on the matter] for three festivals. Said to him R. Ada bar Matna, “Go before Raba the son of R. Joseph bar Hama [for a ruling] because he is as sharp as a tack [and will find a way to permit the use of the bird].”*

- B. *He said, “Consider that it was taught on Tannaite authority, ‘If the bone was broken and it extrudes [through the skin].’ What difference does it make to me if [a piece] fell away or if it is still there?”*
- C. *Said Rabina to Raba, “What is the law in the case of [flesh around an extruding bone] that must be gathered up [to constitute the minimum needed to cover it]? What is the law in the case of [flesh around an extruding bone] that was shredded? What is the law in the case of [flesh around an extruding bone] that was putrefied?”*
- D. *What is the definition of [flesh around an extruding bone] that was putrefied? Any instance [of non-vital tissue] that the physician would scrape away [to help restore the living flesh].*
- E. *They posed to them a question: What is the law in the case of [flesh around an extruding bone] that was pierced? What is the law if it was peeled away [from the bone]? What is the law if it was slit?*

What is the law if the inner third [layer of the flesh] was removed?

- F. *Come and take note: For said Ulla, said R. Yohanan, “The hide, lo it is the same as the flesh [IV.1 C].” [Certainly it should be sufficient in these cases where flesh remains in addition to the skin.] Perhaps [this is not a fair assumption] because the bone holds on to its own [skin but not on to the flesh in these cases].*
- G. *Said R. Ashi, “When I was in the house of R. Pappi he posed a question to us, ‘What is the law if it [flesh] was sliced off like a ring [around a bone]?’ And we answered him by making reference to this. For said R. Judah, said Rab, ‘This matter I asked of the sages and the physicians and they said [there is a ruling that] they may cut around with a bone [scalpel] and it will form a scab and heal up. But if one cuts with an iron [scalpel] it will inflame the flesh and infect the wound.’”*
- H. *Said R. Pappa, “It is the case that the bone causes its own [skin to adhere and this is the beginning of healing through the formation of a scab].”*

4:7

- A. **He who slaughters the beast and found in it an afterbirth —**
- B. **[slaughtering the mother renders it clean, so] a robust person will eat it.**
- C. **But it is subject to neither the uncleanness of foods nor [if the beast dies] the uncleanness of carrion.**
- D. **[If] he gave thought to it [for use as food], it imparts the uncleanness of foods [M. Uqsin 3:1], but not the uncleanness of carrion.**
- E. **An afterbirth, part of which emerged, is prohibited to be eaten.**
- F. **It is a token of [the birth of] an offspring in a woman, and the token of [the birth of] an offspring in a beast.**

- G. A beast which, producing its first born, dropped an afterbirth —
- H. one should throw it to the dogs.
- I. And in the case of Holy Things, it is to be buried.
- J. They do not bury it at the crossroads.
- K. And they do not hang it on a tree,
- L. because of [the prohibition against imitating] the ways of the Amorites.

I.1 A. *What is the source of these assertions? As it was taught by our rabbis on Tannaite authority:* “Every animal [that parts the hoof and has the hoof cloven in two, and chews the cud, among the animals], it you may eat” (Deu. 14: 6) — this [phrasing of the verse has extraneous words and thereby] includes in the rule the afterbirth. You might infer that even if part of it [the foetus] came out [it, the afterbirth, should be permitted as it is a different entity]. It comes to teach [to the contrary by the addition of the word], “it [you may eat].” “It [you may eat]” and not its afterbirth.

B. *Consider [that this is stated in an explicit rule]: There is only an afterbirth where there is a foetus [i.e., they have the same status, b. B.Q. 11a]. Why then do I need to infer the rule from a verse? The verse is merely a secondary support.*

II.1 A. **But it is subject to neither the uncleanness of foods nor [if the beast dies] the uncleanness of carrion [M. 4:7 C].** R. Isaac bar Nappaha posed a question: *What is the law regarding the hide of an ass that was boiled [until it softened]? To which [law is he referring]? If [the question refers] to the law of rendering foods unclean, this was taught on Tannaite authority. [77b] If [the question refers] to the law of rendering unclean as carrion, this was taught on Tannaite authority.*

B. With regard to rendering foods unclean — *as it was taught on Tannaite authority:* The hide and the afterbirth [of unclean animals] do not render foods unclean. Hide that was boiled and an afterbirth that he intended [to eat from these animals] do render foods unclean [b. Erub. 28b].

C. *With regard to the law of [these parts of the animal] rendering unclean as carrion, this also was taught on Tannaite authority:* “[And if any animal of which you may eat dies, he who touches] its carcass [shall be unclean until the evening]” (Lev. 11:39) — and not [one who touches] its hide, and not its sinews, and not its horns, and not its hooves.

- D. And said Rabbah bar bar Hannah, “It was necessary to teach this only [to exclude these parts of the animal from the law of the uncleanness of carrion] where he stewed them in a pot [to make them edible].”
- E. *It is consistent to conclude that [the question was posed in A in reference to] the law of rendering foods unclean. And [even though the matter is stated explicitly] the case of the hide of an ass is different [from the ordinary case of hides] because it is disgusting.*

III.1 A. An afterbirth, part of which emerged, is prohibited to be eaten [M. 4:7 E].

- Said R. Eleazar, “They taught this only in the case where there is no foetus with it [i.e., with that part that remains in the womb of the mother]. But where there is a foetus with it, they do not suspect that there is another foetus [and that it came out with the first part of the afterbirth].”
- B. And R. Yohanan said, “Whether there is not or is a foetus with it, we do suspect that there is another foetus.”
- C. *Is this accurate? For lo, said R. Jeremiah, “R. Eleazar stated a strict rule.”*
- D. *But if you wish to state the matter [correctly], here is how you should state the matter:* Said R. Eleazar, “They taught this only in the case where it was not attached to the foetus. But where it was attached to the foetus, they do not suspect that there is another foetus.”
- E. And R. Yohanan said, “For our purposes we rule [in this manner] only where there is an afterbirth without a foetus. But where there is a foetus with it, whether it is attached to the foetus or it is not attached to the foetus, we do not suspect that there is another foetus.”
- F. *And this is consistent with what R. Jeremiah said, “R. Eleazar stated a strict rule.”*
- G. *There is a Tannaite teaching in accord with the view of R. Eleazar: One who aborts [a foetus that looks like] a kind of beast, or wild beast, or fowl, and the afterbirth is [aborted] with it — as long as it is attached to [the foetus], we do not suspect that there is another foetus. If it was not attached to the [foetus], lo I apply to this case the strict rule of [assuming that there were] two fetuses. [One foetus may have been a female and she would have to observe fourteen days of uncleanness on account of that abortion.] For I say, perhaps the [other] foetus of that afterbirth dissolved. Or perhaps the afterbirth of [this animal-like] foetus dissolved.*

IV.1 A. A beast which, producing its first born, dropped an afterbirth — one should throw it to the dogs [M. 4:7 G-H].

- B. *What is the basis for this rule?*
- C. Said R. Iqa the son of R. Ammi, “[We have a principle:] The majority of animals give birth to a firstling that is holy. And a minority of animals give birth to a firstling that is not holy.”
- D. *And what is that [animal that is not holy]? [A sheep or a goat that gave birth to] a similar [species of animal. See M. Bekh. 2:5.]*
- E. And all those that give birth, give birth half the time to males and half the time to females.
- F. *You may add the minority of cases of [a sheep or a goat that give birth to] a similar [species] to the half that are [normally born] female. And the chances of a [normal] male birth will then be in the minority. [This is the logical basis for our rule in the Mishnah.]*

V.1 A. And in the case of Holy Things, it is to be buried [M. 4:7 I].

- B. *What is the basis for this rule?*
- C. *The majority of offspring of holy animals are holy.*

VI.1 A. They do not bury it at the crossroads [M. 4:7 J]. Abbaye and Raba both said, “Anything that is done to heal, may not classified as a [prohibited] practice of the Amorites. [Anything] that is not done to heal, may be classified as a [prohibited] practice of the Amorites.”

- B. *But lo it was taught on Tannaite authority: A tree that drops all its fruits off may be tinted red or have stones heaped on it.*
- C. *Now it makes perfect sense to say that one may heap on it stones [78a] because this will weaken its [excessive] power [and heal it of its dysfunction]. But why should they permit it to be tinted red? [This appears to be a magical practice.]*
- D. *In order that people will see it and seek mercy for it [through prayer]. As was taught on Tannaite authority: “[The leper who has the disease shall wear torn clothes and let the hair of his head hang loose, and he shall cover his upper lip] and cry, ‘Unclean, unclean’” (Lev. 13:45). He does this to inform the public [of his malady] so that the public will seek mercy for him [through prayer].*
- E. And likewise anyone who is afflicted in some way must inform the public so that the public will seek mercy for him [through prayer].
- F. *Said Rabina, “In accord with whose view [are we permitted] to hang a basket [of dates] on a tree [that drops its fruit]? In accord with this Tannaite authority [of B].”*