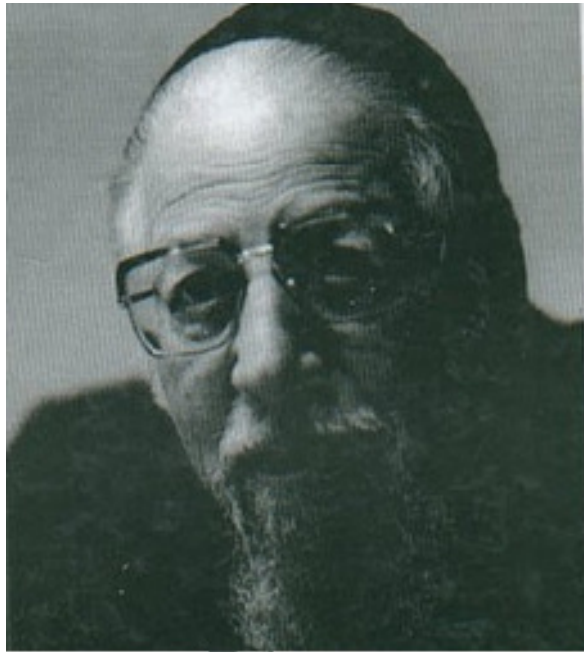


**The Soncino Babylonian Talmud**

**Book II**

**Folios 31a-60b**



**CHULLIN**

**TRANSLATED INTO ENGLISH  
WITH NOTES**

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# CHULLIN II – 31a-60b

## Chullin 31a

that the feathers on the front of the neck were also cut. But what about covering the blood? And should you say that he covered the blood [where it fell on the ground, this is not sufficient], for R. Zera taught in the name of Rab: He who slaughters [a bird or a wild beast] must place dust underneath [the blood] and dust above it, for it is written. And he shall cover it with dust [be-'afar];<sup>1</sup> it does not say 'afar' but 'be-'afar'.<sup>2</sup> in order to teach that he who slaughters [a bird' or a wild beast] must place dust underneath [the blood] and dust above it. — He prepared the soil of the entire valley [for this purpose].<sup>3</sup>

**IF, WHILST CUTTING, HE CUT THROUGH THE NECK WITH ONE STROKE... [PROVIDED THE KNIFE EXTENDED THE WIDTH OF A NECK].** R. Zera said: The width of a neck and also beyond the neck. The question was raised: [Does he mean] the width of a neck and another width of a neck beyond the neck, so that the knife is two necks long, or [does he mean to say] the width of a neck and also a little beyond the neck? —

Come and hear: **IF, WHILST CUTTING, HE CUT THROUGH TWO NECKS WITH ONE STROKE, THE SLAUGHTERING IS VALID PROVIDED THE KNIFE EXTENDED THE WIDTH OF A NECK.** Now what is the meaning of **THE WIDTH OF A NECK?** Can it mean the width of a neck and no more? But if when slaughtering one animal we require the knife to be the width of a neck and also beyond the neck, can it possibly be said that when slaughtering two animals the width of a neck by itself is sufficient? Obviously, it must mean, the width of a neck beyond the two necks<sup>4</sup> [which are being slaughtered]. This, therefore, proves that [R. Zera means] there must be the width of a neck beyond the neck.

**THESE PROVISIONS APPLY ONLY TO THE CASE WHERE HE MOVED THE KNIFE FORWARD AND NOT BACKWARD... HOWEVER SMALL IT WAS, EVEN IF IT WAS A LANCET, THE SLAUGHTERING IS VALID.** R. Manasseh said: The Mishnah refers to a lancet which has no projections.<sup>5</sup> R. Aha, the son of R. Awia, asked R. Manasseh: What is the law if one used a needle [for slaughtering]? — He replied: A needle rends<sup>6</sup> [the flesh]. What if one used a shoemakers' awl? — He replied: We have learnt it in our Mishnah: **HOWEVER SMALL IT WAS.** Surely this includes the shoemakers' awl! —

No, it refers to a lancet. But a lancet is expressly mentioned later? — No; it is merely explanatory; thus: **HOWEVER SMALL IT WAS,** namely: A LANCET. And this is logical too. For if you say that it includes a shoemakers' awl, then [it will be asked]. If a shoemakers' awl is allowed, what need is there to mention a lancet? [But this indeed would be no difficulty, because] it is necessary to mention a lancet; for you might have thought that the Rabbis would prohibit the use of a lancet even without projections as a precaution lest one use a lancet with projections. [The Mishnah] therefore teaches us [that this is not prohibited].

**MISHNAH. IF A KNIFE FELL DOWN AND SLAUGHTERED [AN ANIMAL], EVEN THOUGH IT SLAUGHTERED IT IN THE PROPER WAY. THE SLAUGHTERING IS INVALID, FOR IT IS WRITTEN, AND THOU SHALT SLAUGHTER... AND THOU SHALT EAT.<sup>7</sup> THAT IS TO SAY, THAT WHICH THOU DOST SLAUGHTER MAYEST THOU EAT.**

**GEMARA.** Now this is so only because it fell down [of itself], but if one threw it [and it slaughtered an animal], the slaughtering would be valid, notwithstanding there was no intention [to slaughter according to ritual]. Who is the Tanna that holds that the

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intention to slaughter [according to ritual] is not essential? —

Raba said: It is R. Nathan. For Oshaia, junior of the collegiate school,<sup>8</sup> learnt: If one threw a knife intending to thrust it into a wall and in its flight it slaughtered an animal in the proper way. R. Nathan declares the slaughtering valid; the Sages declare it invalid. Having reported this, he added that the halachah was in accordance with R. Nathan's view. But has not Raba stated this before [in connection with the following Mishnah]? For we have learnt: 'And if any of these slaughtered while others were standing over them, their slaughtering is valid'.<sup>9</sup> And it was asked: Who was the Tanna that held that the intention to slaughter [according to ritual] was not essential? And Raba answered: It was R. Nathan! —

[Both statements] are necessary. For if he only stated it there [I should have said that only there the slaughtering was valid] because they<sup>10</sup> at least intended to cut, but here since there was no intention to cut [at all] I should have said that it was not valid. And if he only stated it here [I should have said that only here the slaughtering was valid] because it [the act] emanated from a person of sound mind, but there, since it emanated from a person of unsound mind, I should have said that it was not valid. [Both statements] are therefore necessary.

It was stated: If a menstruous woman<sup>11</sup> accidentally immersed herself,<sup>12</sup> Rab Judah says in the name of Rab: She is permitted to have intimate relations with her husband,<sup>13</sup> but is forbidden to eat terumah; R. Johanan says: She is not even permitted to have intimate relations with her husband. Raba said to R. Nahman, against Rab's view that she is allowed intimacy with her husband, but is forbidden to eat terumah, [I would put the question:] If you have permitted her that which entails the penalty of kareth,<sup>14</sup> surely you will permit her that which entails only

the penalty of death at the hands of Heaven!<sup>15</sup> — He replied: Intimacy with her husband is a 'common'<sup>16</sup> thing, and in the case of common things the intention is not essential.<sup>17</sup> Whence do you know this? —

From the following Mishnah which we learnt: If a wave containing forty se'ah [of water] was detached [from the sea] and fell upon a man or upon vessels [that were unclean], they are now clean.<sup>18</sup> Presumably a man is on the same footing as vessels, and as vessels have no intention so a man need have no intention.<sup>19</sup> But is this so? Perhaps we are dealing with the case of a man who was sitting and waiting for the wave to become detached!

(1) Lev. XVII. 23. Heb. בַּעֲפֹר, lit., 'in dust'.

(2) The preposition ב, 'in', signifies that the blood shall be in earth, i.e., entirely covered with earth above and below, or between two layers of earth.

(3) He broke up the soil in the whole valley in readiness for receiving the blood or he found the soil already broken up and expressed his intention of using the soil for this purpose (Rashi).

(4) I.e., the knife must be three necks long.

(5) Lit., 'horns'. The projection or point would pierce the organs during the slaughtering thus rendering it invalid.

(6) A needle, even when moved to and fro, tears the organs and does not cut them; hence the slaughtering is invalid.

(7) Deut. XII, 21.

(8) V. supra p. 56.

(9) Supra 2a. This passage refers (inter alia) to the slaughtering by a deaf-mute, an imbecile, or a minor, who are incapable of forming an intention to slaughter according to ritual.

(10) The deaf-mute, the imbecile or the minor.

(11) In this case whose period of uncleanness had passed and she but required ritual immersion in a Mikveh or in the sea in order to be allowed to resume intimate relations with her husband.

(12) E.g., she fell from a bridge into the sea. V. infra.

(13) Lit., 'she is clean, to her home', a euphemistic expression.

(14) The penalty for having sexual intercourse with a menstruous woman is Kareth, i.e., excision, being cut off. V. Lev. XX. 18.

(15) This being the penalty for eating terumah in an unclean state. Death at the hands of Heaven is less severe than Kareth, for the latter is a

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punishment to the offender and to his seed as well, whereas the former only affects the offender himself.

(16) Heb. חולין. i.e., common, ordinary, unconsecrated matter, as opposed to terumah and consecrated matter.

(17) I.e., the intention to perform a particular act which renders it permitted is not essential.

(18) They have thus received a ritual immersion. Forty se'ah is the minimum amount of water to constitute a Mikveh. V. Mik. V, 6.

(19) He need not immerse himself for the specific purpose of being rendered clean.

### Chullin 31b

And [on the contrary] vessels are to be on the same footing as a man, and as a man is capable of forming an intention so in the case of vessels a man must form an intention for them.<sup>1</sup> But should you ask: If we are dealing with the case of a man who was sitting and waiting, why is it at all necessary to be taught?<sup>2</sup> [I reply that] you might have disallowed [this immersion] as a precautionary measure lest he immerse himself in a torrent of rainwater;<sup>3</sup> or you might have disallowed immersion at the edge<sup>4</sup> [of the wave] as a precaution, lest it be thought that immersion is also allowed in the arch<sup>4</sup> of the wave. We are therefore taught that no precautionary measures are necessary. And whence do we know that immersion is not allowed in the arch of the wave? —

From [the following Baraitha] which was taught: Immersion is allowed at the edge [of the wave] but not in the arch of the wave, for immersion is not allowed in mid-air. Whence then do we derive the rule that in the case of common things the intention is not essential? —

From [the following Mishnah] which we learnt: If fruits had fallen into a channel of water and a person whose hands were unclean stretched out his hands and took them, his hands have become clean,<sup>5</sup> and the rule of 'if water be put'<sup>6</sup> does not apply to the

fruits. But if his purpose was to wash his hands, his hands have become clean and the rule of 'if water be put' applies to the fruits.<sup>7</sup>

Raba raised an objection against R. Nahman. [We have learnt:] If a man immersed himself to render himself fit to partake of common food and had this purpose in view, he is forbidden to partake of the Second Tithe.<sup>8</sup> Now this is so only because he had this purpose in view, but if he did not have this purpose in view he may not [partake even of common food]!<sup>9</sup> — [He replied,] This is what it means: Even though he had the purpose in view to render himself fit to partake of common food he is forbidden to eat Second Tithe. He raised this further objection: If he immersed himself but did not have any purpose in view, it is as if he had not immersed himself.<sup>8</sup> Presumably it means: It is as if he had not immersed himself at all?<sup>9</sup> — No, it means: It is as if he had not immersed himself for Second Tithe but he has certainly immersed himself for common food. Now he [Raba] thought that R. Nahman merely intended to point out a possible refutation; he accordingly went and searched, and found [the following Baraitha]: If he immersed himself and had no purpose in view, he is fit to eat common food but not Second Tithe.

Abaye said to R. Joseph. Shall we say that this [last Baraitha] is a refutation of R. Johanan's view?<sup>10</sup> — He replied. R. Johanan will concur with the view expressed by R. Jonathan b. Joseph. For it was taught: R. Jonathan b. Joseph says: It is written: And it shall be washed [the second time].<sup>11</sup> Now what does 'the second time' teach us? We must compare the washing on the second occasion with the washing on the first occasion; as the latter must be intentional<sup>12</sup> so the washing on the second occasion shall be intentional.<sup>13</sup> But then it should follow, should it not, that as the washing on the first occasion must be by order of the priest, so shall the washing on the second occasion be

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by order of the priest? It is therefore written: 'And it shall be clean', in all circumstances.<sup>14</sup> But did R. Johanan really say this? Surely R. Johanan has stated that the halachah is always in accordance with the view of an anonymous Mishnah.

And we have learnt: **IF A KNIFE FELL DOWN AND SLAUGHTERED [AN ANIMAL]. EVEN THOUGH IT SLAUGHTERED IT IN THE PROPER WAY, THE SLAUGHTERING IS INVALID.** And we argued the point thus: 'This is so only because it fell down [of itself], but if one threw it [and it slaughtered an animal], the slaughtering would be valid, notwithstanding there was no intention [to slaughter according to ritual]'. And we asked: 'Who is the Tanna that holds that the intention to slaughter [according to ritual] is not essential?' And Raba said: 'It is R. Nathan'<sup>15</sup> —

With regard to shechitah even R. Jonathan b. Joseph<sup>16</sup> would concede [that the intention is not essential]; for inasmuch as the Divine Law has expressly laid down that an act performed incidentally in connection with consecrated animals is invalid,<sup>17</sup> it follows that with regard to 'common' things the intention is not essential. And the Rabbis?<sup>18</sup> — [They will say:] Granted that with regard to 'common' animals It is not essential to have the intention to slaughter [according to ritual], but it is essential to have an intention to cut.

In this matter, said Raba, R. Nathan triumphed over the Rabbis. For is there ever written: 'And thou shalt cut?' It is written: 'And thou shalt slaughter'.<sup>19</sup> Therefore, if it is essential to have the intention to cut, it is also essential to have the intention to slaughter [according to ritual], and if it is not essential to have the intention to slaughter [according to ritual], then it is not even essential to have the intention to cut. How did it happen that the menstruous woman

accidentally immersed herself? Shall we say that another woman pushed her [into a Mikweh] and she thus immersed herself? But surely the intention of the other woman is a perfect intention! Moreover, [in such a case] she would even be allowed to eat terumah! For we have learnt:<sup>20</sup> If a woman was a deaf-mute or an imbecile or blind or not conscious [and she immersed herself], provided there were present women of sound mind to prepare everything for her, she may eat terumah! — R. Papa said: According to R. Nathan [it happened thus:] She fell from a bridge;<sup>21</sup> according to the Rabbis [it happened thus:] She went down [into the sea] to cool herself.<sup>22</sup>

Raba said: If a person while slaughtering the Red Cow, slaughtered at the same time another animal, according to all views the Red Cow is invalid.<sup>23</sup>

(1) So that the result would be that for all matters, animate or inanimate, even for 'common' matters, a specific intention is essential.

(2) It is obvious that he is rendered clean, for he had the requisite intention, since he was looking forward to being immersed by the wave!

(3) Running down the mountain side. Immersion in such torrent is unlawful, v. Mik. V. 5 and Toh. VIII, 9.

(4) Where a wave breaks over land it is established (Tosef. Mik. IV) that one may immerse a vessel at the extreme end of the wave where it touches the ground, but not in the middle of the wave where it is arched above the ground; for it is essential that at the time of immersion the water must be touching the ground, and not suspended in mid-air.

(5) Even though he had no intention of washing his hands. This Mishnah clearly proves that with regard to 'common' food the intention is not essential.

(6) Lev. XI, 38. The application of the rule 'if water be put' means that the food has been rendered susceptible to uncleanness. Since the fruits became wet accidentally they are not thereby rendered susceptible to uncleanness; v. supra p. 77, n. 5.

(7) Since the water affords pleasure to this man for washing his hands, it will render the fruits susceptible to uncleanness.

V. supra, loc. cit.

(8) Hag. 18b.

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(9) Presumably because the intention was wanting. Hence it is essential to have the proper intention even with regard to common food.

(10) Who stated above that the accidental immersion of a menstruous woman will not render her clean even for 'common' matters, whereas the above mentioned Baraitha states that an immersion without any special intention is valid with regard to 'common' food.

(11) Lev. XIII, 58. It is laid down that a garment containing a leprous spot must be locked away for seven days, and on the seventh day must be examined by a priest. If it is then found that the spot has remained stationary and has not spread over a greater surface, the garment must then be washed and locked away for a further seven days, at the end of which period it must be examined again by the priest. If it is now found that the infection has left, the garment must be washed a second time (here meaning: the ritual immersion in a Mikweh) and it is then declared to be clean.

(12) For it is written, *ibid.* 54. Then the priest shall command that they wash, etc. The washing must be done at the express command of the priest.

(13) Hence this Tanna holds that the immersion must be intentional, even in respect of common matters, and so is in agreement with R. Johanan.

(14) I.e., even though the immersion was not carried out by the order of the priest, provided it was intentional, the garment becomes clean.

(15) The halachah, therefore, should be in accordance with this anonymous Mishnah, namely, that the intention to slaughter according to ritual is not essential; but this is contrary to R. Johanan's view.

(16) And likewise R. Johanan.

(17) V. supra p. 59.

(18) Who declared the slaughtering invalid where a person threw a knife and it happened to slaughter an animal, supra p. 165.

(19) Deut. XII, 21.

(20) Nid. 13b.

(21) Into the sea and thus immersed herself. This corresponds with R. Nathan's view that with regard to shechitah there is not even required the intention to cut or to deal with the animal at all. Here the woman did not even have the intention to be in the water.

(22) She intended to be in the water but not to immerse herself ritually; corresponding to the view of the Rabbis that with regard to shechitah there must be the intention to cut, but not necessarily the intention to slaughter according to ritual.

(23) V. supra p. 155: 'If they do any other work at the same time, they render it invalid.'

## Chullin 32a

If another animal was [accidentally] slaughtered with it, according to R. Nathan, the Red Cow is invalid<sup>1</sup> and the other animal valid;<sup>2</sup> according to the Rabbis, the Red Cow is valid<sup>3</sup> and the other animal invalid.<sup>4</sup> This is surely obvious! — It was necessary to state the clause, 'If another animal was [accidentally] slaughtered with it' in order to set forth R. Nathan's view. For I might have said that the Divine Law [when it] said: And he shall slaughter it,<sup>5</sup> implying 'it' but not it and another, referred to the slaughtering of two Red Cows simultaneously; but to slaughter a 'common' animal with it, I might have said, would not render it invalid. We are therefore taught [otherwise]. If, while slaughtering the Red Cow, he cut at the same time a pumpkin, according to all views the Red Cow is invalid. If a pumpkin was [accidentally] cut whilst the Red Cow was being slaughtered, according to all views the Red Cow is valid.

*MISHNAH.* IF THE KNIFE FELL<sup>6</sup> AND HE PAUSED [IN THE SLAUGHTERING IN ORDER] TO LIFT IT UP, IF HIS COAT FELL DOWN<sup>6</sup> AND HE PAUSED TO LIFT IT UP, IF HE SHARPENED THE KNIFE AND GREW TIRED<sup>6</sup> AND ANOTHER CAME AND SLAUGHTERED — [IN EACH CASE] IF THE PAUSE WAS FOR THE LENGTH OF TIME REQUIRED FOR SLAUGHTERING, THE SLAUGHTERING IS INVALID. R. SIMEON SAID, [IT IS INVALID] IF THE PAUSE WAS FOR THE LENGTH OF TIME REQUIRED FOR EXAMINING<sup>7</sup> [THE KNIFE].

*GEMARA.* What is meant by THE LENGTH OF TIME REQUIRED FOR SLAUGHTERING? — It means, said Rab, the of time required for slaughtering another animal.<sup>8</sup> R. Kahana and R. Assi asked Rab: Is the test in the case of a beast to be the length of time required for slaughtering another beast, and in the case of a bird the length of time required for slaughtering

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another bird; or is the test always the length of time required for slaughtering a beast even in the case of a bird? —

Rab answered: 'I was not on such intimate terms with my uncle<sup>9</sup> as to ask him this'. It was stated: Rab said: In the case of a beast the test is the length of time required for slaughtering a beast, and in the case of a bird the length of time required for slaughtering a bird. Samuel said: The test even in the case of a bird is the length of time required for slaughtering a beast. So, too, when R. Abin came [from Palestine] he reported R. Johanan's opinion that the test even in the case of a bird is the length of time required for slaughtering a beast. R. Hanina said, [The Mishnah means] the length of time required for fetching another animal and slaughtering it. Fetching! Why he might fetch an animal from anywhere! Then you have made the test to vary [with the circumstances of each case]!<sup>10</sup> —

R. Papa explained. The difference between them<sup>11</sup> is as regards an animal that is ready for casting.<sup>12</sup> In the West it was reported in the name of R. Jose son of R. Hanina: [The Mishnah means] the length of time required to lift up, lay on the ground and slaughter, in the case of small animals,<sup>13</sup> a small animal, and in the case of large animals,<sup>14</sup> a large animal.

Raba said: If one spent the whole day slaughtering [one animal] with a blunt knife, the slaughtering is valid. Raba raised the question: Are several [short] pauses to be combined?<sup>15</sup> But surely this can be solved from his preceding statement!<sup>16</sup> — No, for there he did not pause at all. R. Huna the son of R. Nathan raised this question: What if he paused whilst cutting the lesser portion of the organs?<sup>17</sup> — This remains undecided.

**R. SIMEON SAID, [IT IS INVALID] IF THE PAUSE WAS FOR THE LENGTH OF TIME REQUIRED FOR EXAMINING**

**[THE KNIFE]. What is the meaning of THE LENGTH OF TIME REQUIRED FOR EXAMINING? — R. Johanan said: It means the length of time required for a Sage to examine [the knife]. But this test would vary with the circumstances of each case!<sup>18</sup> — It means the length of time required for the slaughterer, himself a Sage, to examine [the knife].**

**MISHNAH. IF A MAN FIRST CUT THE GULLET AND THEN TORE AWAY<sup>19</sup> THE WINDPIPE, OR FIRST TORE AWAY THE WINDPIPE AND THEN CUT THE GULLET; OR IF HE CUT ONE OF THESE ORGANS AND PAUSED<sup>20</sup> UNTIL THE ANIMAL DIED; OR IF HE THRUST THE KNIFE UNDERNEATH THE SECOND ORGAN AND CUT IT<sup>21</sup> — [IN ALL THESE CASES] R. JESHEBAB SAYS, THE ANIMAL IS NEBELAH; R. AKIBA SAYS, IT IS TREFAH. R. JESHEBAB LAID DOWN THIS RULE IN THE NAME OF R. JOSHUA: WHENEVER AN ANIMAL IS RENDERED INVALID BY A FAULT IN THE SLAUGHTERING IT IS NEBELAH; WHENEVER AN ANIMAL HAS BEEN DULY SLAUGHTERED BUT IS RENDERED INVALID BY SOME OTHER DEFECT IT IS TREFAH. R. AKIBA [ULTIMATELY] AGREED WITH HIM.**

**GEMARA. IF A MAN FIRST CUT THE GULLET, ETC. AND R. AKIBA AGREED WITH HIM. A contradiction was pointed out. We have learnt: The following defects render cattle Trefah:**

- (1) Even though his mind was not taken away from the slaughtering of the Red Cow it is invalid; because it is written: Num. XIX, 3. And he shall slaughter it, which means, 'it by itself', and not another animal with it.
- (2) For according to R. Nathan no intention whatsoever is required in order to render the slaughtering of an unconsecrated animal valid.
- (3) The Rabbis hold that whatever is done unintentionally or accidentally whilst slaughtering the Red Cow will not affect the validity of the Red Cow, for the slaughterer's mind will not have been taken away from the Red Cow.

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(4) Because according to the Rabbis the intention is essential even when slaughtering an unconsecrated animal.

(5) Num. XIX, 3.

(6) I.e., after he had commenced slaughtering.

(7) Or, according to Maim., for examining the organs to see whether they have been cut sufficiently.

(8) And not, as might have been thought, merely the length of time required for completing the slaughtering of the animal on which he had started.

(9) I.e., R. Hiyya, who was the uncle and teacher of Rab.

(10) For a longer pause would be allowed where the animal had to be fetched from a long distance than if it had to be fetched from a place nearby; so that the pause which would render invalid one animal would not render invalid another animal.

(11) I.e., between R. Hanina and R. Johanan (Rashi). According to Rambam the words, 'The difference between them is', are to be omitted; R. Papa then merely interprets R. Hanina's view.

(12) Lit., 'one which stands to be cast'. According to R. Johanan the pause which renders invalid is the length of time required for slaughtering, but according to R. Hanina it is the length of time required for casting the animal on the ground Plus the time required for slaughtering it.

(13) I.e., sheep and goats.

(14) I.e., oxen.

(15) If while slaughtering an animal he paused several times, but on each individual occasion the time was not of the length required to invalidate the slaughtering, are the times of the various pauses to be reckoned together so as to constitute a pause long enough to invalidate the slaughtering?

(16) For it is presumed that in the course of a day's slaughtering there must have been many short pauses.

(17) I.e., he paused after he had cut through the greater portion of each organ. Had he ceased slaughtering at this stage and gone away there is no doubt that the slaughtering would be valid; it is only the continuation of the slaughtering after a long pause that gives rise to the difficulty.

(18) For it is dependent upon whether or not a Sage is available.

(19) This is a case of עיקור, 'tearing away' the organ from the larynx. V. supra 9a, p. 37, n. 11.

(20) This is a case of שתייה, 'pausing', discussed fully in the preceding Mishnah and Gemara.

(21) This is a case of חלדה, 'thrusting', discussed fully supra, 30b.

## Chullin 32b

If the gullet was pierced, or the windpipe severed!<sup>1</sup> —

Raba answered: There is no contradiction. In the one case he first cut [the gullet] and then tore away [the windpipe]; in the other case he first tore away [the windpipe] and then cut the gullet. Where he first cut [the gullet] and then tore away [the windpipe] we regard it as a fault in the slaughtering,<sup>2</sup> but where he first tore away [the windpipe] and then cut [the gullet] we regard it as invalidated by some other defect.<sup>3</sup>

R. Aha b. Huna raised the following objection against Raba: [It was taught:] If he first cut the gullet and then tore away the windpipe, or first tore away the windpipe and then cut the gullet, the animal is nebelah! — Render [the second clause] thus: [Or if he tore away the windpipe] having already cut the gullet. He retorted. There are two arguments against this. First, it is now identical with the first clause; and secondly, it expressly says. 'And he then cut'. —

Rather, said Raba: It<sup>4</sup> must be interpreted thus: The following defects render the animal prohibited, some as nebelah and some as Trefah. Then why does it not include also the case of Hezekiah? For Hezekiah taught: If one cut an animal into two it is nebelah [forthwith].<sup>5</sup> And also the case of R. Eleazar? For R. Eleazar taught: If the thigh of an animal was removed and the cavity was noticeable it is nebelah [forthwith].<sup>5</sup> — It includes such nebelah only as does not convey uncleanness whilst alive, but not such nebelah as conveys uncleanness whilst alive.<sup>6</sup> R. Simeon b. Lakish suggested.<sup>7</sup> In the one case he cut [the windpipe] in the place where it was already lacerated; in the other case he did not cut [the windpipe] in the place where it was already lacerated. Where he cut it in the place where it was already lacerated we regard the animal as invalidated by a defect



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in the slaughtering;<sup>8</sup> but where he did not cut it in the place where it was already lacerated we regard the animal as invalidated by some other defect. But did R. Simeon b. Lakish really say this? Surely R. Simeon b. Lakish has said that if the lung was pierced after he had cut the windpipe [but before he had cut the gullet], the slaughtering was valid.<sup>9</sup> This proves, does it not, that [once the windpipe has been cut] the lung is regarded as though placed in a basket?<sup>10</sup> Here also we should say, should we not, that [once the windpipe has been lacerated] it is regarded as though placed in a basket?<sup>11</sup> —

Rather, said R. Hiyya b. Abba in the name of R. Johanan. There is no contradiction. There<sup>12</sup> [the Mishnah represents the view of R. Akiba] before he retracted, here after he retracted; that Mishnah,<sup>12</sup> however, was allowed to stand.<sup>13</sup> The text above stated: ‘R. Simeon b. Lakish said: If the lung was pierced after he had cut the windpipe [but before he had cut the gullet], the slaughtering is valid’.

Raba said: This decision of Resh Lakish applies only to the lung because the vitality of the lung is entirely dependent upon the windpipe, but it does not apply to the intestines.<sup>14</sup> R. Zera demurred. Saying Since you declare [the animal] permissible wherever a defect occurred [after cutting one organ], what difference does it make whether the defect was in the lung or in the intestines?

R. Zera, however, must have withdrawn his objection. For R. Zera had put the following question: What is the law if the intestines were perforated after the first organ but before the second organ [was cut]?<sup>15</sup> Is the first organ to be reckoned together with the second in order to render the animal clean, and not nebelah, or not?<sup>16</sup> And we replied: Was not this question similar to that put by Ilfa, viz., What is the law if a fetus put forth its foreleg [out of the womb of its dam] after

the first organ but before the second organ [was cut]?<sup>17</sup>

(1) This is the opening Mishnah of Chap. III, infra 42a. It is there stated that if the windpipe was severed the animal is merely Trefah, whereas in our Mishnah, if the slaughterer tore away (i.e., severed) the windpipe, the animal is stated to be nebelah by R. Jeshebab, and R. Akiba ultimately also concurred.

(2) This is the case of our Mishnah, and the animal is nebelah.

(3) This is the case of the Mishnah in Chap. III, and the animal is merely Trefah, since it was rendered invalid actually before the commencement of the slaughtering.

(4) The Mishnah infra 42a.

(5) V. supra 21a.

(6) In the cases of Hezekiah and R. Eleazar the animal is at once regarded as nebelah for all purposes even though the animal still shows signs of life by the convulsive movements of its limbs.

(7) To reconcile the contradiction pointed out at the beginning of the discussion between our Mishnah and the Mishnah in Chap. III.

(8) The animal is therefore nebelah.

(9) For as soon as the windpipe has been cut the slaughtering has been completed with regard to it; hence any defect which occurs subsequently in any organ which is directly connected with or attached to the windpipe is of no consequence.

(10) And any lesion of the lung now will not affect the validity of the animal.

(11) With the result that the animal has virtually only one organ fit to be slaughtered and it must therefore be nebelah.

(12) Chap. III Mishnah I. Infra 42a.

(13) Even though its decision had been overruled.

(14) I.e., if the intestines had been pierced after the windpipe, but before the gullet had been cut, the animal would be forbidden to be eaten, for the intestines are dependent upon and connected with the gullet and this has not yet been cut.

(15) After the windpipe, for that is always the first organ to be cut, but before the gullet had been cut (Rashi); v. however Tosaf. ad loc.

(16) The effect of slaughtering, it must be remembered, is twofold: (a) the animal is permitted to be eaten, and (b) it is not nebelah; and, it is suggested, in order that the slaughtering be valid each organ must serve this twofold purpose. In our case, however, whereas the cutting of the first organ tends to produce this twofold effect the cutting of the second organ does not, for the defect that has occurred in the intestines before the cutting of the second organ has already precluded (a); the slaughtering therefore should

## CHULLIN II – 31a-60b

be invalid absolutely. On the other hand, it might be argued that the slaughtering should be effective at least with regard to (b), since this purpose is common to both organs.

(17) It is established law (v. infra 68ff.) that the embryo within the womb of its dam is rendered fit for food by the valid slaughtering of the dam; if, however, part of the embryo protruded out of the womb before the slaughtering, such part will not be rendered fit for food by the valid slaughtering of the dam, although it will be rendered clean by such slaughtering. The question here raised is whether or not the slaughtering of the dam will render clean that part which protruded out of the womb after the first organ had been cut. The argument is similar to that in the preceding note. For the slaughtering of the first organ serves a twofold purpose, namely, to render the limb which protruded later clean and also fit for food, whereas the slaughtering of the second organ serves only the single purpose of rendering the limb clean. The question therefore is. Can the first organ be reckoned together with the second in order to affect the purpose common to both, namely, to render the limb clean?

### Chullin 33a

Is the first organ to be reckoned together with the second in order to render [the foreleg] clean, and not nebelah, or not? Now the question put [by R. Zera] was only as to whether or not the animal was to be regarded as clean, and not nebelah, but [admittedly] it is forbidden to be eaten.<sup>1</sup>

R. Aha b. Rab said to Rabina: It may very well be that R. Zera did not withdraw his objection at all,<sup>2</sup> but he merely formulated his question from the point of view of Raba,<sup>3</sup> though he himself did not agree with it.

R. Aha b. Jacob said: One may conclude from the ruling of R. Simeon b. Lakish that an Israelite may be invited to partake of the intestines, but not a gentile. Why is this? — Because to an Israelite everything depends upon the slaughtering;<sup>4</sup> therefore, since here the animal has been properly slaughtered he may partake of the intestines. To the gentile, however, everything depends upon the death of the animal<sup>4</sup> [and not upon the

slaughtering], for even stabbing would be sufficient; therefore the intestines [of an animal slaughtered by an Israelite] would be regarded as a limb [cut off] from a living animal.<sup>5</sup>

R. Papa said: 'As I was Sitting before R. Aha b. Jacob I thought of putting the question to him: Is there anything which is permitted to an Israelite and forbidden to a gentile? But I did not ask him this, for I said to myself: "He has himself suggested the reason for it"'. There was taught [a Baraitha] which contradicts the view of R. Aha b. Jacob: 'If a person desires to eat the meat of an animal before it has actually died, he may cut off an olive's bulk of flesh from around the throat, salt it well, rinse it well, wait until the animal expires,<sup>6</sup> and then eat it. Both Israelite and gentile may eat it in this way'. This [Baraitha] on the other hand Supports the view of R. Idi b. Abin. For R. Idi b. Abin said in the name of R. Isaac b. Ashian: If a person wishes to be in good health he should cut off an olive's bulk of flesh from around the throat, salt it well, rinse it well, wait until the animal expires, and then eat it. Both Israelite and gentile may eat it in this way.

**MISHNAH.** IF A MAN SLAUGHTERED CATTLE OR A WILD BEAST OR A BIRD AND NO BLOOD CAME FORTH, THE SLAUGHTERING IS VALID AND IT MAY BE EATEN BY HIM WHOSE HANDS HAVE NOT BEEN WASHED,<sup>7</sup> FOR IT HAS NOT BEEN RENDERED SUSCEPTIBLE TO UNCLEANNESS BY BLOOD. R. SIMEON SAYS, IT HAS BEEN RENDERED SUSCEPTIBLE TO UNCLEANNESS BY THE SLAUGHTERING.<sup>8</sup>

**GEMARA.** Now this is so only because no blood came forth, but if blood did come forth [it follows that] it may not be eaten by one with unwashed hands. But why? Are not [unwashed] hands unclean in the second degree and that which is unclean in the second degree cannot render 'common' food

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unclean in the third degree? — But whence do you gather that we are dealing with common food? — For it reads [in the Mishnah]. OR A WILD BEAST, and if it is dealing with consecrated animals [it is unintelligible, for] is there such a thing as a consecrated wild beast?<sup>9</sup> Furthermore, if it is dealing with consecrated animals, can it be said that the slaughtering is valid where no blood came forth? The whole purpose [of the slaughtering] is to obtain the blood!<sup>10</sup> Furthermore, if [it is dealing] with consecrated animals, can it be said that in the case where blood did come forth it would render [the animal] susceptible to uncleanness?

Surely R. Hiyya b. Abba has said in the name of R. Johanan: ‘Whence do we know that the blood of consecrated animals cannot render anything susceptible to uncleanness? From the verse: Thou shalt pour it out upon the earth as water,<sup>11</sup> which implies that blood which is poured out as water can render susceptible to uncleanness, but blood which is not poured out as water cannot’. Furthermore, if [it is dealing] with consecrated animals, can it be said that where no blood came forth the animal would not be rendered susceptible to uncleanness?

Surely it would be susceptible to uncleanness because of its sacred esteem, for it is established that sacred esteem will render [consecrated] matter susceptible to uncleanness!<sup>12</sup> R. Nahman said in the name of Rabbah b. Abbuha: Here [in our Mishnah] we are dealing with unconsecrated animals that were bought [in Jerusalem] with Second Tithe money, and the ruling is not in accordance with R. Meir's view. For we have learnt,<sup>13</sup>

(1) But this cannot be reconciled with the objection he raised against Raba. It is therefore right to say that R. Zera withdrew his objection.

(2) For he is of the opinion that any defect that occurs to any limb in the course of the slaughtering will not affect the validity of the

slaughtering, and the animal would even be fit for food.

(3) According to Raba's view who stated above that Resh Lakish's ruling did not apply to the case where the intestines were pierced after the cutting of the first organ, the question arises: Would the animal be free from the uncleanness of nebelah or not?

(4) In order that the animal may be fit for food.

(5) For by the cutting of the organs only the animal is not absolutely dead, and at this stage the intestines are regarded, according to R. Simeon b. Lakish, as having been taken out from the living(!) animal and placed in a basket; hence they are forbidden to a gentile as a limb cut off from a living animal.

(6) V. Sanh. 63a. Sonc. ed., p. 430.

(7) Lit., ‘with unclean hands’. Hands that have not been washed are regarded by the Rabbis as unclean in the second degree. There is no fear here of the hands defiling the meat for the reason stated in the Mishnah, namely, that the flesh of the animal has not been made wet by water or blood or any other liquid, in conformity with the rule laid down in Lev. XI, 38.

(8) Since the slaughtering renders the animal fit for food it will likewise render it, as a food, susceptible to uncleanness without the necessity of water or other liquid to moisten it.

(9) Wild beasts, like the gazelle and the hart, were not permitted to be offered as sacrifices.

(10) For it must be sprinkled upon the altar, v. supra 29a.

(11) Deut. XII, 24.

(12) V. Pes. 35a. The very sanctity of consecrated things renders them susceptible to uncleanness without the necessity of any moistening by water.

(13) V. Par. XI, 5.

### Chullin 33b

Whatsoever requires immersion in the waters [of a Mikveh] by decree of the Scribes<sup>1</sup> will [through contact] render consecrated food unclean,<sup>2</sup> and terumah invalid,<sup>3</sup> but will leave common food or Second Tithe unaffected: so R. Meir. The Sages however regard Second Tithe to be affected.<sup>4</sup> R. Shimi b. Ashi demurred: Is it really so? Perhaps the Sages differ with R. Meir only on the question of eating<sup>5</sup> this Second Tithe, but there is no dispute between them on the question of coming into contact with the Second Tithe or of eating common food!<sup>6</sup> And here [in our Mishnah] it is a question of coming into

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contact, for it reads: **AND MAY BE EATEN BY HIM WHOSE HANDS HAVE NOT BEEN WASHED**, and this might very well mean that we are dealing with the case of one person feeding another?<sup>7</sup> —

Rather, said R. Papa, here [in the Mishnah] we are dealing with hands that were unclean in the first degree, and the ruling is in accordance with the view of R. Simeon b. Eleazar. For it was taught: Hands which are unclean in the first degree can in no wise affect common food.<sup>8</sup>

R. Simeon b. Eleazar says in the name of R. Meir, Hands which are unclean in the first degree can affect common food, and hands which are unclean in the second degree can affect terumah.<sup>9</sup> Does this mean to say that hands which are unclean in the first degree can affect common food only and not terumah? — Indeed no; it means, hands which are unclean in the first degree can affect even common food, but hands which are unclean in the second degree can affect terumah only but not common food. But is it possible for hands to be unclean in the first degree? — Yes. For we have learnt: If a person put his hands into a house stricken with leprosy, his hands become unclean in the first degree: so R. Akiba.

The Sages however say, His hands become unclean in the second degree.<sup>10</sup> Now all accept the principle that an entry by part of the person only is no entry,<sup>11</sup> and the dispute between them is the extent of uncleanness imposed by the Rabbis upon the hands as a precaution against the entry of the whole person. One [R. Akiba] says that the Rabbis imposed upon the hands the same degree of uncleanness as upon the person himself;<sup>12</sup> but the Sages say that they imposed upon the hands the usual degree of uncleanness attached to hands.<sup>13</sup> But why do we not say that the ruling [in our Mishnah] accords with R. Akiba,<sup>14</sup> who also holds that hands can be unclean in the first degree? —

Because it may be that R. Akiba says so<sup>15</sup> only with regard to terumah or consecrated food, since these are to be treated with strictness, but with regard to common food [he would agree that] they are unclean only in the second degree. But even so, be they unclean only in the second degree, have we not learnt that according to R. Akiba, whatever is unclean in the second degree can render common food unclean in the third degree?<sup>16</sup> For we have learnt:<sup>17</sup> On that same day<sup>18</sup> R. Akiba expounded: It is written: And every earthen vessel, [whereinto any of them falleth, whatsoever is in it] shall be unclean [yitma].<sup>19</sup> Now there is not written tame<sup>20</sup> but yitma,<sup>21</sup> which signifies that it will make others unclean. This teaches that a loaf which is unclean in the second degree will [by contact] render common food<sup>22</sup> unclean in the third degree? — Perhaps this is the law only with regard to such uncleanness as declared by the Torah but not with regard to such uncleanness as decreed by the Rabbis.<sup>23</sup>

R. Eleazar said in the name of R. Hoshai, Here [in our Mishnah] we are dealing with unconsecrated animals that were kept in the cleanness proper to consecrated things,<sup>24</sup> and the ruling is not in accordance with R. Joshua's view. For we have learnt:<sup>25</sup> R. Eliezer says. He who eats [food unclean in] the first [degree becomes unclean in the] first degree; [if it was unclean] in the second degree, [he becomes unclean in] the second degree; and [if it was unclean in] the third degree, [he becomes unclean in] the third degree. R. Joshua says, [He who eats food unclean in] the first or second degree [becomes unclean in] the second degree; [if it was unclean in] the third degree. [he becomes unclean in] the second degree with regard to consecrated things only,<sup>26</sup> but not with regard to terumah.<sup>27</sup> This<sup>28</sup> applies only to common food kept in the cleanness proper to terumah. And so only in the case of common food kept in the cleanness proper to terumah [is there a third degree of uncleanness], but not in the case of common food kept in the

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cleanness proper to consecrated things, for he [R. Joshua] is of the opinion that in that latter case there cannot be a third degree of uncleanness.<sup>29</sup> Why should we not say that our Mishnah deals

- (1) Those cases enumerated in Shab. 13b for which the Rabbis decreed uncleanness in the second degree.
- (2) The general principle is that unclean matter defiles anything which comes in contact with it and that the thing so defiled becomes unclean in a lesser degree than that which defiled it. Further it has been laid down that uncleanness in common food extends to the second degree, in terumah (v. Glos.) to the third degree, and in consecrated food to the fourth degree. The last degree of uncleanness in each category is itself unclean but cannot impart uncleanness and is called פסול, 'invalid'. As we are dealing with uncleanness in the second degree it will naturally render consecrated food unclean in the third degree.
- (3) As the terumah is unclean in the third degree it cannot impart further uncleanness, and is therefore termed פסול
- (4) Lit., 'they forbid in the case of Second Tithe'. Presumably the Second Tithe becomes unclean in the third degree by contact with that which was unclean in the second degree. On this assumption our Mishnah can be interpreted as dealing with animals bought with Second Tithe money.
- (5) I.e., the Sages forbid a person whose hands are unwashed to eat Second Tithe.
- (6) For all agree that a person with unwashed hands may eat common food and touch Second Tithe.
- (7) Since the Mishnah does not say 'And one whose hands have not been washed may eat it', it is to be inferred that even a person with unwashed hands may feed another. And on the other hand, where the animal has been moistened by the blood, it may not be eaten by one whose hands are unwashed and similarly one with unwashed hands may not feed another. Hence the Mishnah forbids the touching of Second Tithe by one who is unclean in the second degree, which is contrary to all views.
- (8) To render it unclean in the second degree.
- (9) And make the terumah unclean in the third degree.
- (10) Yad. III, I.
- (11) Therefore the person himself is not rendered unclean, and on the same principle his hands too should not be rendered unclean. The Rabbis, however, decreed that the latter be unclean as a precautionary measure against it being said: If hands when brought into a house stricken with

leprosy remain clean, the body too should be clean!

- (12) A person who enters a house afflicted with leprosy is rendered unclean in the first degree; v. Lev. Xlv, 46.
- (13) I.e., uncleanness in the second degree.
- (14) The Talmud endeavors to establish wherever possible the ruling of an anonymous Mishnah in accordance with the view of R. Akiba for it was by his direction and on his authority that the Tannaitic teachings were collected.
- (15) That hands can be unclean in the first degree.
- (16) Our Mishnah therefore would be in entire accord with R. Akiba.
- (17) Sot. 27b, and Pes. 182.
- (18) The day on which R. Eleazar b. 'Azariah was appointed head of the College. V. Ber. 28b.
- (19) Lev. XI, 33. Heb. יטמא.
- (20) יטמא, meaning, 'it is unclean'.
- (21) יטמא And R. Akiba argued that this word should not be read as yitma, for then it has the same meaning as tame, but should be read as yetamme, meaning, 'it shall render others unclean'. R. Akiba accordingly interprets the verse thus: If a dead reptile is suspended in the air-space of an earthenware vessel, the latter is thereby rendered unclean in the first degree, and whatever foodstuffs are in the vessel are unclean in the second degree; and since the text states יטמא in connection, with the latter it means that they will render others unclean in the third degree.
- (22) For the verse contemplates every sort of food, common or consecrated.
- (23) The uncleanness attached to unwashed hands is a Rabbinic enactment. It is suggested that, being merely Rabbinic in origin, the law with regard thereto is not so rigid, and so would not render others unclean in the third degree.
- (24) It was not unusual for many to eat their ordinary food in the same strictness regarding the laws of uncleanness as applied to consecrated food, in order that whenever partaking of consecrated food they would be accustomed to the rules of cleanness appertaining thereto.
- (25) Toh. II, 2.
- (26) I.e., he would render consecrated food unclean in the third degree and the latter in turn could render other consecrated food unclean in the fourth degree.
- (27) I.e., he would not by contact render terumah unclean in the third degree (i.e., invalid); he is nevertheless forbidden in his condition of uncleanness to eat terumah, v. infra.
- (28) That with common food there can be a third degree of uncleanness.
- (29) For he holds that the determination to treat common food with the cleanness proper to consecrated food is of no effect; our Mishnah,

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therefore, which deals with an animal kept in the cleanness proper to consecrated animals, will agree with R. Eliezer but not with R. Joshua.

### Chullin 34a

with unconsecrated animals kept in the cleanness proper to terumah and so it will be in accord with R. Joshua? — This cannot be, for our Mishnah speaks of the meat [of the animal], and if you say that it deals with [an animal kept in the cleanness proper to] terumah [it is unintelligible, for] is there such a thing as meat of terumah?<sup>1</sup> You therefore say it deals with [an animal kept in the cleanness proper to] consecrated animals; [but it is likewise difficult, for] is there such a thing as a consecrated wild beast?<sup>2</sup> — One might m<sub>1</sub> stake meat for meat,<sup>3</sup> but one could not mistake meat for produce.<sup>4</sup>

Ulla said: ‘My colleagues say that the Mishnah deals with unconsecrated animals kept in the cleanness proper to consecrated animals, and the ruling is not in accordance with R. Joshua's view. But I say that it is in accordance with R. Joshua's view, for he merely states the stronger case:<sup>5</sup> not only in the case of common food kept in the cleanness proper to consecrated food, which is of greater sanctity, is there a third degree of uncleanness, but even in the case of common food kept in the cleanness proper to terumah there is also a third degree of uncleanness’. Who is meant by ‘my colleagues’? —

It is Rabbah b. Bar Hana. For Rabbah b. Bar Hana said in the name of R. Johanan, On what lines did the discussion between R. Eliezer and R. Joshua run? Thus: R. Eliezer said to R. Joshua. We find [in one instance] that the eater is more unclean than the unclean food [he has eaten], for the carcass of a clean bird does not defile by ordinary contacts<sup>6</sup> and yet whilst in the gullet it renders the clothes unclean. Should we not then generally regard the eater at least in the same degree of uncleanness as the unclean food

[that he has eaten]? And R. Joshua, [what would he reply to this]? —

We must not draw any conclusions from the case of the carcass of a clean bird, for it is an anomaly. But argue thus: We find that the unclean food is more unclean than the eater thereof, for foodstuffs [can become unclean] from an egg's bulk [of unclean food], whereas the eater [of unclean food does not become unclean] unless he has eaten the size of two eggs thereof.<sup>7</sup> Surely, then, we cannot generally regard the eater as unclean as the food? And R. Eliezer? —

We must not draw any conclusions as to the degree of uncleanness from the specific quantities [required in each case]. Furthermore, according to your own argument, you are consistent when you say that he who eats food unclean in the first degree becomes unclean in the second degree; but why should he who eats that which is unclean in the second degree become likewise unclean in the second degree? —

Said R. Joshua to him, Do we not find that foodstuffs unclean in the second degree can render other foodstuffs unclean in the second degree through the medium of a liquid?<sup>8</sup> He [R. Eliezer] retorted, [Yes] but that liquid also becomes unclean in the first degree.<sup>9</sup> For we have learnt: The [degree of uncleanness] which renders terumah invalid<sup>10</sup> will [by contact] render liquids unclean in the first degree, with the exception of a Tebul yom.<sup>11</sup> Furthermore, why should he who eats that which is unclean in the third degree become unclean in the second degree? To this R. Joshua replied: I, too, only said so in the case of [common food kept in the cleanness proper to] terumah since [it has been taught that] whatsoever is considered clean for terumah

(1) Certainly not. Hence our Mishnah cannot refer to food kept in the cleanness of terumah.

(2) Of which the Mishnah also speaks.

(3) Therefore, as a proper precaution against the time when he must eat consecrated meat (i.e., the

## CHULLIN II – 31a-60b

flesh of a sacrifice) a person would keep all the meat in his house, even the meat of a wild beast, in the cleanness proper to consecrated meat.

(4) Terumah is an offering of produce and not of meat, so that a priest would eat his ordinary produce in a state of cleanness in order to be so accustomed for terumah, but not his meat. The latter therefore cannot be regarded in law as anything else than ordinary meat even though the owner actually keeps it in the cleanness proper to terumah.

(5) Lit., 'it is not necessary', 'it goes without saying'.

(6) Lit., 'externally'. For the unique law with regard to the uncleanness of a clean bird v. supra p. 103, n. 1.

(7) Lit., 'the quantity of half of half a loaf', equivalent to the size of two eggs. V. 'Er. 82b.

(8) If food unclean in the second degree comes into contact with other food which has moisture or a liquid upon it, the latter food will be rendered unclean in the second degree. Strictly the process is this: the unclean food renders the liquid or moisture unclean in the first degree (v. infra) and the latter renders the second food unclean in the second degree.

(9) So that according to your argument one who eats that which is unclean in the second degree should become unclean in the first degree! Of course R. Joshua never intended to make any inference from the liquid in that case, for he concedes that liquids are exceptional as they so readily contract uncleanness, but only from the foodstuff. (Rashi). V.

however Tosaf. ad loc.

(10) I.e., the second degree of uncleanness.

(11) I.e., one who immersed himself in a Mikveh in the daytime but technically does not become clean until after sunset. He is regarded in the condition of unclean in the second degree and therefore renders terumah invalid, but unlike others which are unclean in the second degree, he does not by his contact render liquids unclean in the first degree. V. Par. VIII, 7.

### Chullin 34b

is considered unclean for consecrated things.<sup>1</sup>

R. Zera said in the name of R. Assi who reported it in the name of R. Johanan who reported it in the name of R. Jannai: He who eats common food kept in the cleanness proper to consecrated food which was unclean in the third degree, becomes himself unclean in the second degree with regard to

consecrated things [only]. R. Zera now raised this objection before R. Assi: [It was taught above].<sup>2</sup> '[If it was unclean in] the third degree. [he becomes unclean] in the second degree with regard to consecrated things only, but not with regard to terumah. This applies only to common food kept in the cleanness proper to terumah [is there a third degree of uncleanness], but not in the case of common food kept in the cleanness proper to consecrated things.<sup>3</sup> — He replied: He merely stated the stronger case.<sup>4</sup> But has it not been stated [above in the name of R. Johanan]: 'I, too, only said so in the case of [common food kept in the cleanness proper to] terumah'?<sup>5</sup> — Amoraim disagree as to R. Johanan's view.

Ulla said: He who eats common food kept in the cleanness proper to terumah which was unclean in the third degree becomes unfit to eat terumah. What does he teach us? We have already been taught above: '[If it was unclean in] the third degree, [he becomes unclean] in the second degree with regard to consecrated things only but does not become unclean in the second degree with regard to terumah. This applies only to common food kept in the cleanness proper to terumah'. Now it says that [with regard to terumah] he does not become unclean in the second degree, but presumably [he becomes unclean] in the third degree.<sup>6</sup> — From this passage I might have thought that he neither becomes unclean in the second degree nor in the third degree, but merely on account of the fact that with regard to consecrated things he becomes unclean in the second degree does it also say with regard to terumah he does not become unclean in the second degree; he [Ulla] therefore teaches us [that he does become unclean in the third degree].

R. Hammuna raised this objection against Ulla: [We have learnt]:<sup>7</sup> Common food, unclean in the first degree, is itself unclean

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and renders unclean;8 that which is unclean in the second degree renders invalid8 but not unclean; and that which is unclean in the third degree may be eaten [even if it is] a pottage containing ingredients of terumah.9 Now if you are right in saying that [he who eats common food kept in the cleanness proper to terumah which was unclean in the third degree] becomes unfit to eat terumah, would we then allow [a priest] to eat that which renders him unfit [for eating terumah]?10 — He replied. Drop the question of the pottage containing ingredients of terumah

(1) V. infra 35a and Hag. 18b. Accordingly common food kept in the cleanness proper to terumah that was unclean in the third degree is deemed to be unclean in the second degree with regard to consecrated things; hence whosoever eats it becomes unclean in the second degree with regard to consecrated things. And this is nothing strange, as we find that foodstuffs unclean in the second degree can render others, too, unclean in the second degree through the medium of a liquid. Now it is evident from these final words of R. Joshua that when he stated above in the original Baraitha, ‘This applies only to common food kept in the cleanness proper to terumah’, he thereby definitely intended to deny the existence of a third degree of uncleanness in common food kept in the cleanness proper to consecrated things; for if he stated it merely as his explanation for the ruling he gave, namely, that he who ate common food unclean in the third degree became unclean in the second degree (which would be identical with the final words of R. Joshua as given here), then R. Eliezer’s final question ‘Furthermore, why, etc.’ is unintelligible, as he already knew R. Joshua’s reason. It is therefore established that Rabbah b. Bar Hana, who reported this discussion, was of the opinion that according to R. Joshua there could be no third degree of uncleanness in the case of common food kept in the cleanness proper to consecrated things; and this view corresponds with that attributed by Ulla to ‘My colleagues’. See Rashi and Tosaf. ad loc.

(2) Supra 33b, p. 182.

(3) This statement clearly contradicts R. Assi’s view as reported by R. Zera.

(4) V. p. 183, i.e., it is so obvious that there is a third degree of uncleanness in the case of common food kept in the cleanness proper to consecrated things that it need not even be mentioned.

(5) So that we have contradictory statements each reported in the name of R. Johanan as to the true view of R. Joshua.

(6) And being unclean in the third degree he surely is unfit to eat terumah, hence what is the point of Ulla’s teaching?

(7) Toh. II, 3.

(8) The terms ‘unclean’ and ‘invalid’ are here used in a specific and technical sense; the former signifying, ‘that which is itself unclean and will also by contact defile other food’, the latter signifying, ‘that which is itself unclean but will not defile other food’.

(9) This common food, since it contains ingredients of terumah, must have been kept in the cleanness proper to terumah (v. Rashi and Tosaf. ad loc.), and although unclean in the third degree may nevertheless be eaten by a priest.

(10) In the first place it is wrong for a priest at any time to render himself unclean, v. Yoma 80b; and in the second place the priest is definitely forbidden to eat the terumah contained in the pottage, for as soon as he partakes of the pottage he is rendered unfit for terumah.

### Chullin 35a

because in the time it takes to eat half a loaf there is not consumed an olive’s bulk [of terumah].1 R. Jonathan said in the name of Rabbi, He who eats terumah which is unclean in the third degree is forbidden to eat terumah,2 but is permitted to touch it. It is truly necessary to have this statement of R. Jonathan as well as Ulla’s. For from Ulla’s statement above I should have thought that the ruling applied only to the case of common food kept in the cleanness proper to terumah, but in the case of real terumah [I might have said that] he is even forbidden to touch it; it is therefore necessary to have R. Jonathan’s statement. And from R. Jonathan’s statement alone I should have thought that the ruling applied only to the case of real terumah, but in the case of common food kept in the cleanness proper to terumah [I might have said that] he is even permitted to eat it; therefore both statements are necessary.

R. Isaac b. Samuel b. Martha was sitting before R. Nahman and said: He who eats common food kept in the cleanness proper to



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consecrated things which was unclean in the third degree is clean, and he may eat consecrated food, for the only thing which will render consecrated food unclean in the fourth degree is real consecrated food<sup>3</sup> [which was unclean in the third degree].

Rami b. Hama raised an objection. [It has been taught above]: '[If it was unclean in] the third degree, [he becomes unclean] in the second degree with regard to consecrated things only, but does not become unclean in the second degree with regard to terumah. This applies only to common food kept in the cleanness proper to terumah'. Now why should this be so? This [food which is unclean in the third degree] is not real consecrated food?<sup>4</sup> — He replied. Drop the question of terumah, since what is considered clean for terumah may yet be considered unclean for consecrated things.<sup>5</sup> Whence do you gather this? —

From [the following Mishnah] which we learnt: The clothes of an 'am ha-arez<sup>6</sup> are regarded as midras<sup>7</sup> for the pharisees;<sup>8</sup> the clothes of the Pharisees are regarded as Midras for those who eat terumah; the clothes of those who eat terumah are regarded as Midras for those who partake of consecrated food. Thereupon Raba raised this point: You are dealing, are you not, with Midras uncleanness? But the law as to Midras uncleanness is quite exceptional,

(1) A person is liable for eating an olive's bulk of terumah whilst being in a state of uncleanness only if it has been consumed within the time normally taken to eat half a loaf of the size of four eggs. In this pottage, however, the admixture of terumah is of so small a quantity that in the above-mentioned time he will certainly not have consumed an olive's bulk of terumah. This being the case, this pottage would not be kept in the cleanness proper to terumah; it is simply common food, hence it cannot be rendered unclean in the third degree.

(2) Until he will have rendered himself clean by immersion in a Mikweh. The statements of R. Jonathan and Ulla really amount to the same thing, save that the former deals with actual

terumah and the latter with common food kept in the cleanness of terumah.

(3) E.g., sacrificial meat or the loaves of a Thank-offering, but not common food kept in the cleanness proper to consecrated things and most certainly not common food kept in the cleanness proper to terumah.

(4) Nevertheless, it is said, that one who eats it is not only unfit for eating consecrated food but is even unclean in the second degree!

(5) So that terumah which is unclean in the third degree is considered unclean in the second degree with regard to consecrated food, and therefore he who eats it is certainly unfit to eat consecrated food.

(6) V. Glos.

(7) Heb. טרומה. The degree of uncleanness arising when an unclean person of those mentioned in Lev. XV, 4 and 25 sits or treads upon or leans with the body against an object, provided that it is usual to treat the object in such a way. The object then suffers Midras uncleanness and can through contact render men and vessels unclean.

(8) Here meaning those who eat their ordinary food in a state of Levitical cleanness.

### Chullin 35b

for it is feared that his wife when in a menstruous condition sat upon these clothes;<sup>1</sup> with regard to produce, however, the rule<sup>2</sup> does not apply.<sup>3</sup> — R. Isaac on the other hand says that the rule<sup>2</sup> applies to the case of produce too.

R. Jeremiah of Difti raised this objection: Do you say that the rule applies to the case of produce too? Surely we have learnt: If [an 'am ha-arez] said: 'I have set aside in this [barrel of terumah wine] one quarter log for a consecrated purpose', he is believed, and the terumah does not render the consecrated wine unclean.<sup>4</sup> Now if you are right in saying that [the rule that] what is considered clean for terumah may yet be considered unclean for consecrated things [applies to the case of produce too], should not the terumah [in this barrel] render the consecrated wine unclean? — He replied: You are dealing, are you not, where the unclean is together [with the clean]? But in such cases the law is exceptional, for since he is believed with

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regard to the consecrated portion he is to be believed also with regard to the terumah portion.

R. Huna b. Nathan raised this objection: [We have learnt:] Common food which is unclean in the second degree renders [by contact] common liquids unclean [in the first degree], and renders those who eat terumah unfit. If it is unclean in the third degree. It renders consecrated liquids unclean [in the first degree], and renders those who eat consecrated food unfit. This applies only to common food kept in the cleanness proper to consecrated things!<sup>5</sup> — This is a subject of dispute between Tannaim.<sup>6</sup> For it was taught: Common food kept in the cleanness proper to consecrated food is treated as common food.<sup>7</sup> R. Eleazar son of R. Zadok says. It is treated as terumah, that is, two stages are unclean and one stage invalid.<sup>8</sup>

R. SIMEON SAYS, IT HAS BEEN RENDERED SUSCEPTIBLE TO UNCLEANNESS BY THE SLAUGHTERING. R. Assi said that R. Simeon was of the opinion that only the slaughtering renders an animal susceptible to uncleanness but not the blood.<sup>9</sup> Shall we say that the following interpretation supports his view? [We have learnt:] R. SIMEON SAYS. IT HAS BEEN RENDERED SUSCEPTIBLE TO UNCLEANNESS BY THE SLAUGHTERING. It means, does it not, by the slaughtering and not by the blood? — No, it means, even by the slaughtering.

Come and hear: R. Simeon said to the Rabbis, ‘Is it the blood that renders the animal susceptible to uncleanness? Surely it is the slaughtering!’ — This is what he said to them: ‘Is it only the blood which renders the animal susceptible to uncleanness? Surely the slaughtering also renders it susceptible to uncleanness!’

Come and hear: [We have learnt:] R. Simeon says: The blood of a dead [animal]<sup>10</sup> does not

render foodstuffs susceptible to uncleanness.<sup>11</sup> Now it is to be inferred from this, is it not, that the blood of a slaughtered animal will render foodstuffs susceptible to uncleanness? — No, the inference to be drawn is that the blood of a slain<sup>12</sup> animal will render foodstuffs susceptible to uncleanness. Then what is the law with regard to the blood of a slaughtered animal? [Will you say that] it does not render foodstuffs susceptible to uncleanness? If so, he [R. Simeon] should rather have stated his view with regard to the blood of a slaughtered animal,<sup>13</sup> and it would have been self-evident with regard to the blood of a dead animal! — It was necessary for him to state his view with regard to the blood of a dead animal,<sup>13</sup> for I might have argued: What is the difference whether a human being or the angel of death slays it?<sup>14</sup> It was therefore necessary to state it.

Come and hear: [It was taught:] R. Simeon says: The blood from a wound [in an animal] does not render foodstuffs susceptible to uncleanness. Is not the inference from this that the blood of a slaughtered animal renders susceptible? — No, the inference to be drawn is that the blood of a slain animal renders susceptible. Then what is the law with regard to the blood of a slaughtered animal? [Will you say that] it will not render foodstuffs susceptible to uncleanness? If so, he should rather have stated his view<sup>13</sup> with regard to the blood of a slaughtered animal, and it would have been self-evident with regard to the blood from a wound! — It was necessary for him to state his view with regard to the blood from a wound, for I might have argued: What difference can there be [with regard to the blood] whether the animal was slain completely or partially?<sup>15</sup> Why is it that the blood of a slain [animal] will render foodstuffs susceptible to uncleanness? Because it is written: And drink the blood of the slain.<sup>16</sup> Then the same should be the case with the blood of a slaughtered animal, for it is written: Thou shalt pour it

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out upon the earth as water?<sup>17</sup> — The latter verse is stated in order to permit for general use the blood of consecrated animals which were rendered unfit [for sacrifice].<sup>18</sup>

(1) This being a frequent and common source of uncleanness, greater precaution is therefore necessary with regard to consecrated things, so that clothes which are deemed clean for terumah may yet be deemed unclean for consecrated purposes.

(2) That whatsoever is deemed clean for terumah may yet be deemed unclean for consecrated things.

(3) For otherwise even clean terumah should render consecrated food unclean!

(4) V. Hag. 24b where it is taught that the word of an 'am ha-arez is accepted with regard to the cleanness of consecrated wine at all times of the year, but with regard to the cleanness of terumah wine only at special seasons in the year. Where however consecrated wine is mixed together with terumah wine (as here), the 'am ha-arez is believed with regard to the cleanness of the entire barrel at all times of the year.

(5) Toh. II, 6. This Mishnah clearly teaches that even common food kept in the cleanness proper to consecrated food (and not only real consecrated food) which was unclean in the third degree renders consecrated food unclean in the fourth degree, contra R. Isaac.

(6) R. Isaac will accept the view of R. Eleazar b. R. Zadok of the following Baraita.

(7) And there does not exist with regard to it a third degree of uncleanness.

(8) I.e., the first and second degrees of uncleanness are each unclean, for each can still pass on its uncleanness, but the third degree is only invalid for it cannot pass on its uncleanness.

(9) I.e., the blood of a slaughtered animal will in no circumstances render any foodstuff susceptible to uncleanness.

(10) Which died a natural death (Rashi). Tosaf. suggests that it refers to the blood of a human corpse.

(11) Maksh. VI, 6.

(12) I.e., killed, but not according to the ritual method of slaughtering.

(13) That it cannot render foodstuffs susceptible to uncleanness.

(14) And if R. Simeon holds that the blood of an animal killed by a man will render foodstuffs susceptible to uncleanness then he would surely hold the same with the blood of an animal that died a natural death, in other words, slain by the angel of death.

(15) The law should be the same with regard to the blood whether it comes from an animal completely slain, i.e., dead, or partially slain, i.e., wounded.

(16) Num. XXIII, 24. The use of the verb, 'drink', in connection with blood signifies that it is regarded like other liquids and therefore will render foodstuffs susceptible to uncleanness.

(17) Deut. XII, 16. This verse suggests that blood is accounted as water.

(18) By reason of a blemish and have been redeemed; they are now regarded as common food, and their blood may be put to general use like water, except that it may not be eaten.

## Chullin 36a

For I might have argued that since it is forbidden to shear the wool [of these consecrated animals] or to put them to any work,<sup>1</sup> the blood would have to be buried [and not be used for any purpose]; we are therefore taught that it is not so.

A Tanna of the school of R. Ishmael taught: The verse: 'And drink the blood of the slain', excludes blood which comes out in a gush<sup>2</sup> from rendering seeds susceptible to uncleanness.

Our Rabbis taught: If a man while slaughtering splashed blood on to a pumpkin.<sup>3</sup> Rabbi says: It becomes thereby susceptible to uncleanness. R. Hiyya says: It is a matter of doubt. R. Oshaia remarked: Since Rabbi says that it is susceptible to uncleanness and R. Hiyya says that it is a matter of doubt, on whose view should we rely? Let us then rely upon the view of R. Simeon who has stated that only slaughtering will render [an animal] susceptible to uncleanness but not the blood.<sup>4</sup>

R. Papa said: It is agreed by all that where the blood remained [on the pumpkin] from the beginning [of the slaughtering] unto the end there is no dispute, for all hold it is rendered thereby susceptible to uncleanness.<sup>5</sup> The dispute arises only where the blood was wiped off between the cutting of the first and second organs; Rabbi holds that the term

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shechitah applies to the entire process of slaughtering from beginning to end, so that here the blood [upon the pumpkin] is considered as the blood of a slaughtered animal; R. Hiyya, however, holds that the term shechitah applies to the last act of the slaughtering only, so that here the blood [upon the pumpkin] is considered as blood from a wound. And what did he mean by saying: 'It is a matter of doubt'? He meant, The matter hangs in doubt until the end of the slaughtering, that is to say, if the blood is still upon the pumpkin at the end of the slaughtering it will render it susceptible to uncleanness, otherwise it will not.

But then what did R. Oshaia mean by saying: 'Let us then rely upon the view of R. Simeon'? [Are they not at variance, for] according to R. Simeon blood does not render foodstuffs susceptible to uncleanness and according to R. Hiyya it does? — They are nevertheless in agreement where the blood was wiped off [during the slaughtering] for according to this Master it will not render susceptible to uncleanness and so too according to the other Master. The opinion therefore of Rabbi on this point stands alone, and [it is established that] the opinion of one [authority] does not prevail over the [agreed] opinion of two.

R. Ashi said: The expression, 'It is a matter of doubt', means that it will never be settled; for R. Hiyya was in doubt, in the case where the blood was wiped off during 'the slaughtering, whether the term shechitah applies to the entire process of slaughtering from beginning to end or only to the last act of slaughtering, so that by saying: 'It is a matter of doubt', he meant that it must not be eaten and yet it must not be burnt.<sup>6</sup> But then what is meant by the suggestion, 'Let us then rely upon the view of R. Simeon'? [Are they not at variance, for] R. Simeon holds that blood does not render foodstuffs susceptible to uncleanness, whereas R. Hiyya is in doubt about it? — They are nevertheless

in agreement in their views regarding 'burning', for they are both of the opinion that it is not to be burnt. The opinion of Rabbi therefore on this point stands alone, and the opinion of one Rabbi will not prevail over the [agreed] opinion of two.<sup>7</sup>

R. Simeon b. Lakish raised the following question: [If] the dry portion of a meal-offerings [were to become unclean], would it transmit uncleanness up to the first and second degrees or not? Is the conception of sacred esteem effectual only to the extent of rendering it invalid but not of enabling it to transmit uncleanness up to the first and second degrees or is there no such distinction?

R. Eleazar said: Come and hear: [It is written]. All food therein which may be eaten, [that on which water cometh, shall be unclean],<sup>9</sup> that is to say, food which has been moistened by water is susceptible to uncleanness, but food which has not been moistened by water is not. — Are you suggesting then that R. Simeon b. Lakish does not accept the rule that food must first be moistened by water?<sup>10</sup> — Indeed the question that R. Simeon b. Lakish raised was as 'follows: Is [food rendered susceptible to uncleanness by] sacred esteem on the same footing as food moistened by water or not? And R. Eleazar suggested an answer on the basis of the superfluous verses, arguing thus: Since it is written: But if water be put upon the seed,<sup>11</sup> what need is there for the verse: 'All food therein which may be eaten, [that on which water cometh]'?

(1) V. Bek. 15a.

(2) I.e., the life-blood which spurts out during the killing of the animal. The phrase, 'blood of the slain', is interpreted as referring only to such blood as flows from the animal after it has been slain, i.e., after the life-blood has been run out, but not to the stream of blood which spurts out during the act of killing, at which time the animal is still alive. So Rashi Ker. 22a, q.v. and Tosaf. here s.v. ודם . But see Rashi here s.v. פרט . This ruling,

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says Tosaf., does not apply to the case of an animal ritually slaughtered.

(3) Of terumah.

(4) So that R. Simeon and R. Hiyya are more or less of the same view, and this view of the two Rabbis would prevail over the individual view of Rabbi.

(5) For it is the blood of a slaughtered animal.

(6) Where the blood had been wiped away from the terumah foodstuff (v. supra p. 192, n. 4) before the end of the slaughtering and then the foodstuff came into contact with uncleanness, Terumah which has been rendered unclean, may not be eaten, has to be burnt.

(7) In the ed. are added these words: 'This is what he means: In such a case as this it is a matter of doubt; therefore it must not be eaten nor must it be burnt'. These words are an obvious addition and are unnecessary and Rashi also declares them to be without purpose.

(8) I.e., that part of the flour which was not moistened by the oil. The question raised by R. Simeon h. Lakish is whether or not consecrated food, not moistened by water or any other liquid but rendered susceptible to uncleanness by reason of sacred esteem, is on all fours with ordinary food rendered susceptible to uncleanness by means of water or other liquids.

(9) Lev. XI, 34.

(10) In order to be susceptible to uncleanness. It is specifically so ordained in the Torah.

(11) Ibid. 38.

## Chullin 36b

It serves, does it not, to exclude sacred esteem?<sup>1</sup> — Not at all. One verse<sup>2</sup> states the rule with reference to uncleanness emanating from a corpse, the other verse with reference to uncleanness emanating from a dead reptile. And it is necessary to have both verses. For if the rule were stated only with reference to uncleanness emanating from a corpse. [I should have said that] in that case only was it necessary for the food to be first moistened by water, [for the law regarding corpse uncleanness is not so rigorous], inasmuch as a lentil's bulk of a corpse will not convey uncleanness; but with regard to reptile uncleanness, inasmuch as a lentil's bulk of a dead reptile will convey uncleanness,<sup>3</sup> might have said that it was not necessary for the food to be first moistened by water. And on the other hand, if the rule

were stated only with reference to uncleanness emanating from a reptile. [I should have said that] in that case only was it necessary for the food to be first moistened by water, [for the law regarding reptile uncleanness is not so rigorous], inasmuch as a reptile does not render a person unclean for seven days; but with regard to corpse uncleanness, inasmuch as a corpse will render a person unclean for seven days. I might have said it was not necessary for the food to be moistened by water. Both verses are therefore necessary.

R. Joseph raised this objection: R. SIMEON SAYS, IT HAS BEEN RENDERED SUSCEPTIBLE TO UNCLEANNES BY THE SLAUGHTERING, presumably SUSCEPTIBLE TO UNCLEANNES means that [when unclean] it would transmit uncleanness up to the first and second degrees. But why? It is not food moistened by water?<sup>3</sup> — Abaye replied: It was ordained by the Rabbis that it [the slaughtering] shall have the same effect [upon the animal] as though it had been moistened by water.<sup>4</sup>

R. Zera said: Come and hear: [It was taught:] If a man gathered grapes for the wine press. Shammai says, they are susceptible to uncleanness;<sup>5</sup> but Hillel says, they are not. Eventually Hillel acquiesced in the view of Shammai.<sup>6</sup> But why? It is not food moistened by water?<sup>7</sup> — Abaye replied: It was ordained by the Rabbis that it [the grape juice] shall have the same effect [upon the grapes] as though they had been moistened by water. R. Joseph thereupon said to Abaye. 'When I cited our Mishnah, IT HAS BEEN RENDERED SUSCEPTIBLE TO UNCLEANNES BY THE SLAUGHTERING, you replied that it was ordained that it [the slaughtering] shall have the same effect as though there was a moistening by water, and when R. Zera cited another case you also replied that it was ordained that it [the grape juice] shall have the same effect as though there was a

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moistening by water. [You might then just as well answer] the question raised by R. Simeon b. Lakish and say that it was ordained that it [sacred esteem] shall have the same effect as though there was a moistening by water!' —

He replied: Do you think that R. Simeon b. Lakish raised the question as to whether it was to be held in a state of doubt or not? He raised the question as to whether it was to be committed to the flames or not!<sup>9</sup> It follows that the conception of sacred esteem is indicated in the Torah;<sup>10</sup> where? Shall I say in the verse: And the flesh that toucheth any unclean thing shall not be eaten?<sup>11</sup> Now what rendered this flesh susceptible to uncleanness? Shall I say it was the blood? [But this cannot be] for R. Hiyya b. Abba reported in the name of R. Johanan: Whence do we know that the blood of a consecrated animal does not render food susceptible to uncleanness? From the verse: Thou shalt not eat it, thou shalt pour it out upon the earth as water,<sup>12</sup> which teaches that blood which is poured out as water renders food susceptible to uncleanness, but blood which is not poured out as water does not.<sup>13</sup> Was it then the other liquid<sup>14</sup> found in the slaughter-house that rendered the flesh susceptible to uncleanness?

[But this also cannot be the case] for R. Jose b. Hanina taught that the liquids in the slaughterhouse [of the Temple court] are not only clean but will not even render any food susceptible to uncleanness. Moreover you cannot suggest that this passage refers to the blood only, for it speaks of liquids!<sup>15</sup> You must therefore say that [this verse proves that] the flesh was rendered susceptible to uncleanness by sacred esteem! But perhaps the verse is to be explained as suggested by Rab Judah in the name of Samuel! For Rab Judah said in the name of Samuel: It might refer to the case where a cow consecrated for a peace-offering was passed through a stream<sup>16</sup> and slaughtered immediately after,

so that the water was still dripping from it!<sup>17</sup> Rather it is to be proved from the latter part of the verse: And as for the flesh,<sup>18</sup> which serves to include wood and frankincense.<sup>19</sup> Now are wood and frankincense edible [so as to be in the same category as foodstuffs]? It must therefore be that sacred esteem puts them in the same category as foodstuffs and renders them susceptible to uncleanness. So in all cases sacred esteem will render foodstuffs susceptible to uncleanness.

(1) That it does not render consecrated food susceptible to uncleanness to the same extent as water does but only in so far as to render it invalid.

(2) Verse 38. Actually this verse also speaks of the uncleanness of a reptile, but as it is unnecessary for this purpose, in view of v. 34, it is taken to refer to the uncleanness of a corpse.

(3) It is here stated nevertheless that by the mere slaughtering, without moistening by water or other liquid, food can transmit uncleanness to the first and second degrees; the same, it is suggested, is the case with sacred esteem, thus providing the answer to the question raised by R. Simeon b. Lakish.

(4) Consecrated meat, however, in this condition would not be condemned to be burnt, for it is unclean merely by Rabbinic and not by Biblical law.

(5) For the grapes have been moistened by the juice which oozed from them. Strictly this juice should not render anything susceptible to uncleanness, for the owner had no desire nor did he look forward with eagerness for it; Shammai, however, as a precautionary measure, puts this case on a par with the case where the juice was acceptable to the owner, when it is agreed by all that the juice would certainly render food susceptible to uncleanness.

(6) V. Shab. 25a.

(7) For the juice since it is undesirable cannot be said to have satisfied the requirement of the law.

(8) Sc. consecrated food which came into contact with this unclean consecrated food which had been rendered susceptible to uncleanness by sacred esteem.

(9) In other words R. Simeon b. Lakish desired to know whether by biblical law sacred esteem enabled consecrated food to transmit uncleanness, so that the food so rendered unclean would be condemned to be burnt.

(10) For R. Simeon b. Lakish has no doubt at all that consecrated food which was unclean, having

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been rendered susceptible to uncleanness by sacred esteem, must be burnt.

(11) Lev. VII, 19.

(12) Deut, XII, 24.

(13) And the blood of consecrated animals is required for sprinkling upon the altar.

(14) Sc. water,

(15) In the plural, referring to blood and water.

(16) This was usually done in order that the hide of the animal be the more easily flayed.

(17) The flesh was thus rendered susceptible to uncleanness in the ordinary way, i.e., by water.

(18) Lev. VII, 19.

(19) That each is capable of being rendered unclean like ordinary foodstuffs.

## Chullin 37a

Now<sup>1</sup> the question [to R. Simeon b. Lakish] is this: Is the conception of sacred esteem effectual to the extent only of rendering the matter invalid but not of enabling it to transmit uncleanness up to the first and second degrees, or is there no such distinction? The question remains undecided.

**MISHNAH.** IF A MAN SLAUGHTERED A DYING ANIMAL,<sup>2</sup> R. SIMEON B. GAMALIEL SAYS. [THE SLAUGHTERING IS INVALID] UNLESS IT JERKED ITS FORELEG AND ITS HIND LEG. R. ELIEZER SAYS, IT IS SUFFICIENT IF IT SPURTED [THE BLOOD]. R. SIMEON SAID. IF A MAN SLAUGHTERED [A DYING ANIMAL] BY NIGHT AND EARLY THE FOLLOWING MORNING FOUND THE SIDES [OF THE THROAT] FULL OF BLOOD, THE SLAUGHTERING IS VALID. FOR THIS PROVES THAT IT SPURTED [THE BLOOD], WHICH IS SUFFICIENT ACCORDING TO R. ELIEZER'S VIEW. THE SAGES SAY, [THE SLAUGHTERING IS INVALID] UNLESS IT JERKED EITHER ITS FORELEG OR ITS HIND LEG, OR IT MOVED ITS TAIL TO AND FRO; AND THIS IS THE TEST BOTH WITH REGARD TO LARGE AND SMALL ANIMALS.<sup>3</sup> IF A SMALL ANIMAL STRETCHED OUT ITS FORELEG [AT THE END OF THE SLAUGHTERING]. BUT DID NOT WITHDRAW IT, [THE SLAUGHTERING] IS INVALID. FOR THIS WAS BUT AN INDICATION OF THE EXPIRATION OF ITS

LIFE.<sup>4</sup> THESE RULES APPLY ONLY TO THE CASE OF AN ANIMAL WHICH WAS BELIEVED TO BE DYING. BUT IF IT WAS BELIEVED TO BE SOUND, EVEN THOUGH IT DID NOT SHOW ANY OF THESE SIGNS, THE SLAUGHTERING IS VALID.

**GEMARA.** How do you know that a dying animal [which was slaughtered]<sup>5</sup> is permitted to be eaten? (But why should you assume that it is forbidden? Because it is written: These are the living things which ye may eat,<sup>6</sup> that is to say, that which can live you may eat, but that which cannot live you may not eat, and a dying animal cannot live.)<sup>7</sup> [We know it from here.] Since the Divine Law ordains that nebelah<sup>8</sup> is forbidden to be eaten, it follows that a dying animal is permitted; for if you were to say that a dying animal is forbidden, [then it will be asked:] if it is already forbidden whilst still alive, is there any doubt after death?<sup>9</sup>

But perhaps the term nebelah includes a dying animal!<sup>10</sup> This cannot be, for it is written: And if any beast, of which ye may eat, die, he that touches the carcass [nebelah] thereof shall be unclean until the even,<sup>11</sup> that is to say, when it is dead the Divine Law terms it nebelah, but whilst still alive it is not termed nebelah.<sup>12</sup>

But perhaps [the term] of nebelah, I still maintain, includes the dying animal,<sup>13</sup> but whereas the animal is still alive [one who partakes of it transgresses] a positive law,<sup>14</sup> after death [one who partakes of it transgresses] a prohibition [as well]!<sup>15</sup> Rather we must derive it from here. Since the Divine Law ordains that trefah<sup>16</sup> is forbidden to be eaten, it follows that a dying animal is permitted; for if you were to say that a dying animal is forbidden, [then it will be asked:] if a dying animal which is not physically deficient is forbidden, is there any doubt about a trefah?<sup>17</sup>

# CHULLIN II – 31a-60b

But perhaps the term Trefah includes a dying animal, [yet Trefah was expressly prohibited] to teach that one [who partakes thereof] transgresses a positive law as well as a prohibition!<sup>18</sup> If so, wherefore does the Divine law expressly prohibit nebelah? For if while the animal is yet alive one [who partakes of it] transgresses a positive law as well as a prohibition, is there any doubt after death?

But perhaps the term nebelah includes a Trefah and also a dying animal, and the law now provides that one [who partakes of a dying Trefah animal after its death] transgresses two prohibitions and one positive law!<sup>19</sup> — Rather derive it from here. It is written: And the fat of that which dieth of itself [nebelah], and the fat of that which is torn of beasts [Trefah], may be used for any other service, but you shall in no wise eat of it.<sup>20</sup> And a Master said: For what purpose is this stated?<sup>21</sup> The Torah says: Let the prohibition of nebelah come and be superimposed upon the prohibition of fat, and likewise let the prohibition of Trefah come and be superimposed upon the prohibition of fat.<sup>22</sup>

(1) I.e., having established that the conception of sacred esteem is Biblical to the extent of burning the consecrated foodstuffs that have been rendered unclean on its account.

(2) I.e., an animal which is dangerously sick. It is feared that the animal might have died before the slaughtering was completed, hence it is necessary to ascertain, by means of the tests of vitality suggested, that the animal was still alive up to the end of the slaughtering.

(3) By 'large animals' is meant oxen, by 'small animals' sheep and goats.

(4) And not a sign of vitality. In the case of large animals such a movement would be regarded as a sign of vitality; v. Gemara.

(5) Even though it jerked its limbs after the slaughtering.

(6) Lev. XI, 2.

(7) So there is good reason for holding that a dying animal, even if slaughtered, may not be eaten. The first question therefore remains.

(8) V. Glos. The prohibition is stated in Deut. XIV, 21.

(9) Since generally a nebelah is in a lingering dying condition previous to its death. So that the 'law prohibiting nebelah would be superfluous.

(10) Therefore he who partakes of a dying animal (even if ritually slaughtered) transgresses the implied prohibition of Lev. XI, 2, and also the express prohibition of Deut. XIV, 21.

(11) Lev. XI, 39.

(12) The position now is that it is proved that a dying animal is permitted, for if forbidden then the prohibition of nebelah is superfluous.

(13) I.e., a dying animal is forbidden, and yet the prohibition of nebelah is not superfluous.

(14) For the contravention of a prohibition implied by a positive law is regarded as an infringement of a positive commandment.

(15) I.e., one transgresses the express prohibition of Deut. XIV, 21, and also the positive law (i.e., the implied prohibition) of Lev. XI, 2.

(16) V. Glos. The prohibition is stated in Ex. XXII, 30.

(17) So that the verse prohibiting Trefah would be superfluous.

(18) The positive law of Lev. XI, 2, and the prohibition of Ex. XXII, 30.

(19) The positive law (i.e., the implied prohibition) with regard to a dying animal derived from Lev. XI, 2, and the prohibition of Trefah from Ex. XXII, 30, and of nebelah from Deut. XIV, 21.

(20) Lev. VII, 24.

(21) I.e., the latter part of the verse: But you shall in no wise eat of it. There is a general prohibition of all fat in Lev. III, 17.

(22) So that one who eats the fat of a Trefah transgresses two prohibitions (sc. the prohibition of fat and the prohibition of Trefah), and likewise one who eats the fat of a nebelah.

## Chullin 37b

Now if you were to say that the term Trefah includes a dying animal, the Divine Law then should have ordained: 'And the fat of nebelah may be used for any other service<sup>1</sup> and the fat of Trefah you shall in no wise eat'. And I should have argued that if while the animal is yet alive the prohibition of trefah<sup>2</sup> is superimposed upon the prohibition of the fat, is there any question of this after death?<sup>3</sup> But since the Divine Law expressly stated nebelah in the verse, it follows that the term Trefah does not include a dying animal.<sup>4</sup>



## CHULLIN II – 31a-60b

Mar son of R. Ashi demurred: Perhaps in truth the term Trefah does include a dying animal. And if you ask: Why then does the Divine Law expressly state nebelah? [I reply,] It refers only to a case of nebelah which was not preceded by the animal being in a dying state, as in the case where the animal was [suddenly] cut into two!<sup>5</sup> — Even in that case it is impossible for the animal to have died without first being in a dying state for the short while, before the greater portion of the animal had been cut through. Alternatively I can argue thus: If it is so,<sup>6</sup> the verse should have stated: ‘And the fat of nebelah and of Trefah’. Wherefore is the word ‘fat’ repeated? [To teach you that] in this case [sc. Trefah] there is no distinction between the fat and the flesh,<sup>7</sup> but there is another in which there is a distinction between the fat and the flesh, and that is the case of a dying animal.<sup>8</sup>

Alternatively we can derive it<sup>9</sup> from the following: [It is written,] Then said I, ‘Ah Lord God! behold my soul hath not been polluted for from my youth up even till now have I not eaten of that which dieth of itself [nebelah], or is torn of beasts [Trefah]; neither came there abhorred flesh into my mouth’.<sup>10</sup> [And it has been interpreted as follows:] ‘Behold my soul hath not been polluted’, for I did not allow impure thoughts to enter my mind during the day so as to lead to pollution at night. ‘For from my youth up even till now have I not eaten of nebelah or Trefah’, for I have never eaten of the flesh of an animal concerning which it had been exclaimed: ‘Slaughter it! Slaughter it!’<sup>11</sup> ‘Neither came there abhorred flesh into my mouth’, for I did not eat the flesh of an animal which a Sage pronounced to be permitted.<sup>12</sup>

In the name of R. Nathan it was reported that this means: I did not eat of an animal from which the priestly dues<sup>13</sup> had not been set apart. Now if you say that the flesh of a dying animal [which was slaughtered] is permitted

to be eaten, then in this lay the pre-eminence of Ezekiel,<sup>14</sup> but if you say that it is forbidden to be eaten, wherein lay the pre-eminence of Ezekiel? What do you call ‘a dying animal’? —

Rab Judah said in the name of Rab: If when it is made to stand it does not remain upstanding, [it is a sign that it is dying]. R. Hanina b. Shelemia said in the name of Rab, [And this is so] even if it can bite logs of wood.<sup>15</sup> Rami b. Ezekiel said: Even if it can bite tree trunks. This was the version taught in Sura; in Pumbeditha, however, it was taught as follows: What do you call ‘a dying animal’? —

Rab Judah said in the name of Rab: If when it is made to stand it does not remain upstanding, [it is a sign that it is dying], even though it can bite logs of wood. Rami b. Ezekiel said: Even though it can bite tree trunks. Samuel once met Rab's disciples and asked them: ‘What did Rab teach you with regard to [the signs of] a dying animal’? — They replied: ‘This is what Rab said:

(1) This part of the verse is necessary to teach that the forbidden fat of a nebelah will not render anything unclean. V. Pes. 23a

(2) This means here a dying animal, since it is assumed for the present that the term Trefah includes a dying animal.

(3) Thus rendering nebelah in this verse superfluous.

(4) The position therefore is that a dying animal is permitted when slaughtered, and the fat of a Trefah animal is forbidden by two prohibitions, and so too the fat of a nebelah (which means here, an animal which died a natural death and not because of some physical defect).

(5) It died instantaneously and was at no time in that state when it could be said to be ‘dying’. Cf. supra p. 199, n. 4.

(6) That a dying animal is forbidden when slaughtered.

(7) For both are forbidden to be eaten, and there are two prohibitions since it has been taught that the prohibition of Trefah can be superimposed upon the prohibition of fat.

(8) Only the fat is forbidden to be eaten but not the flesh.

## CHULLIN II – 31a-60b

(9) That the flesh of a dying animal which was slaughtered may be eaten.

(10) Ezek. IV, 14.

(11) I.e., the flesh of a dying animal, which was slaughtered with all haste before it died. Ezekiel could not have meant ordinary nebelah for this is expressly forbidden in the Torah.

(12) Some doubt arose with regard to the animal and the Rabbi after due consideration declared it to be fit for food.

(13) I.e., the shoulder, the two checks and the maw. V. Deut. XVIII, 3.

(14) In that he abstained from eating it even though it was permitted.

(15) It is still regarded as dying, since it cannot remain standing.

### Chullin 38a

It is an adequate sign of vitality if it lows or excretes or moves its ear'. He thereupon remarked: 'Does Abba<sup>1</sup> really require the moving of the ear?<sup>2</sup> I am of the opinion that whatever movement [the animal makes], provided it is not a movement brought about by the expiration of its life, [is a sufficient sign of vitality]'. And what are the movements brought about by the expiration of life? —

Said R. 'Anan: Mar Samuel explained it to me thus: If its foreleg was bent and it stretched it out — this is a movement brought about by the expiration of life; if its foreleg was outstretched and it bent it — this is a movement not brought about by the expiration of life. But what does he teach us? We have learnt it [already]: IF A SMALL ANIMAL STRETCHED OUT ITS FORELEG [AT THE END OF THE SLAUGHTERING] BUT DID NOT WITHDRAW IT, IT IS INVALID, FOR THIS WAS BUT AN INDICATION OF THE EXPIRATION OF ITS LIFE. Now it follows from this, does it not, that if it did withdraw it, it is valid? — No. From our Mishnah I might have concluded that only if its foreleg was bent and it stretched it out and then bent it again it is valid, but not if it was first outstretched and it merely bent it; he

therefore teaches us [that this latter is a sufficient sign of vitality].

An objection was raised: [It was taught:] R. Jose said: R. Meir used to say that the lowing of an animal while it was being slaughtered was not a sign of vitality. R. Eliezer son of R. Jose reported in the name of R. Jose. Even if it excreted or moved its tail to and fro it is not a sign of vitality. Is there not here a contradiction in regard to lowing and also in regard to excreting? — In regard to lowing there is no contradiction because in the one case<sup>3</sup> the noise was loud and in the other case<sup>4</sup> the noise was faint. And also in regard to excreting there is no contradiction for in the one case<sup>4</sup> the animal discharged excrement feebly and in the other case<sup>3</sup> it discharged vigorously.

R. Hisda said: [It has been reported that] the indications of vitality which the Rabbis require must occur at the end of the slaughtering. But 'at the end of the slaughtering', [I say], really means the middle of the slaughtering, and it excludes only the case where the indications occur at the beginning of the slaughtering.<sup>5</sup> R. Hisda added: Whence do I know this? From [our Mishnah] which we learnt: IF A SMALL ANIMAL STRETCHED OUT ITS FORELEG BUT DID NOT WITHDRAW IT, IT IS INVALID. Now when did it do so? Shall I say at the end of the slaughtering? How long then must it continue to live?<sup>6</sup> We must, therefore, say that it did so in the middle of the slaughtering. Raba thereupon said to him, Indeed [I maintain that] it must do so at the end of the slaughtering, for I am of the opinion that if the animal did not do so at the end of the slaughtering one may be certain that life had expired some time previously.

R. Nahman b. Isaac said: The indications of vitality which [the Rabbis] require may occur at the beginning of the slaughtering. R. Nahman b. Isaac added: Whence do I know

## CHULLIN II – 31a-60b

this? From [our Mishnah] which we have learnt: R. SIMEON SAID, IF A MAN SLAUGHTERED [A DYING ANIMAL] BY NIGHT AND EARLY THE FOLLOWING MORNING FOUND THE SIDES [OF THE THROAT] FULL OF BLOOD, THE SLAUGHTERING IS VALID, FOR THIS PROVES THAT IT SPURTED [THE BLOOD], WHICH IS SUFFICIENT ACCORDING TO R. ELIEZER'S VIEW. And Samuel explained that the Mishnah referred to the sides of the throat.<sup>7</sup> Now if you say that the indication of vitality may occur at the beginning of the slaughtering, it is well; but if you say that it must occur at the end of the slaughtering, [then why is the slaughtering valid?] it might have spurting the blood only at the beginning of the slaughtering!<sup>8</sup> But perhaps the spurting of blood indicates a greater measure of vitality!<sup>9</sup> — But is it greater? Have we not learnt: R. ELIEZER SAYS, IT IS SUFFICIENT IF IT SPURTED [THE BLOOD]? — It is a measure of vitality less than that required by Rabban Gamaliel<sup>10</sup> but greater than that required by the Rabbis.

Rabina said: Sama B. Hilкия told me that the father of Bar Abubram (others read: the brother of Bar Abubram) raised this question: But is it [the spurting of blood] greater than that required by the Rabbis? Does it not read in the Mishnah, THE SAGES SAY, [THE SLAUGHTERING IS INVALID] UNLESS IT JERKED EITHER ITS FORELEG OR ITS HIND LEG? Now with whom do the Sages argue? With R. Simeon b. Gamaliel? Then they should have said: 'If only it jerked'.<sup>11</sup> Clearly therefore they are arguing with R. Eliezer. Now if you say that it [the spurting of blood] is a greater measure of vitality [than that required by the Sages], why [do they say] UNLESS?<sup>12</sup>

Raba said: The indications of vitality which the Rabbis require must occur at the end of the slaughtering.<sup>13</sup> Raba added: Whence do I know this? From [the following Baraita]

which was taught: [It is written,] When a bullock,

- (1) I.e., Rab, whose real name was Abba Arika. According to Rashi, however, Abba was a title of honor given to Rab; but see Tosaf. s.v. אבטרין
- (2) The jerking of the ear is indeed too great a degree of vitality to expect in a dying animal.
- (3) The statement by Rab. Lowing loudly or excreting vigorously is according to Rab a sufficient sign of vitality.
- (4) The Baraita just quoted.
- (5) In which case the slaughtering is invalid because the animal had probably expired before the completion of the slaughtering.
- (6) Is it then reasonable to say that the stretching out of the foreleg by a small animal after the slaughtering(!) is insufficient?
- (7) In the Mishnah 'THE SIDES' might also mean 'the walls of the slaughter-house', and if this were the meaning, then it would not be difficult to ascertain on the following morning at what stage of the slaughtering the spurting of blood occurred; for if it happened at the beginning of the slaughtering when the animal had more vitality the blood would be found higher up on the wall or further away from the animal than if it occurred in the middle of the slaughtering. On the other hand, according to Samuel's interpretation of the Mishnah there are obviously no means of ascertaining at what stage in the slaughtering the animal spurting blood.
- (8) And this would not be a sufficient indication of vitality.
- (9) It is therefore suggested that spurting even if it occurs at the beginning of the slaughtering is sufficient, whereas all other indications must occur either in the middle or at the end of the slaughtering.
- (10) Who requires a movement of both the foreleg and the hind leg. It is to be noted that in our text of the Mishnah the author of this view is R. Simeon b. Gamaliel and not Rabban Gamaliel, though in many MSS. the reading in the Mishnah is also Rabban Gamaliel
- (11) The word, 'unless', implies that the requirement or test suggested is stricter than that stated in the preceding passage. Now if the Sages are less stringent than R. Gamaliel they should merely have said: 'If only it jerked', etc.
- (12) They should have said: 'If only'.
- (13) I.e., even after the slaughtering has been completed the animal must struggle and show signs of vitality.

## CHULLIN II – 31a-60b

### Chullin 38b

[or a sheep, or a goat, is brought forth, then it shall be seven days under the dam].<sup>1</sup> 'Or a sheep' — this excludes<sup>2</sup> a cross-breed. 'Or a goat' — this excludes a goat looking like a lamb. 'Is brought forth' — this excludes that which was extracted from the side.<sup>3</sup> 'It shall be seven days' — this excludes an animal which is too young. 'Under the dam' — this excludes an orphan. Now what is meant by 'an orphan'? Does it mean that the mother-beast brought forth its young and died immediately after? Must it then continue to live on for ever! Or, again, does it mean that the mother-beast died and immediately after the young was brought forth?<sup>4</sup> But this would be excluded from the words, 'Is brought forth'. It can only mean that the one expired at the same moment that the other came into life. Now if you say that the mother-beast must show signs of life after bringing forth,<sup>5</sup> it is therefore necessary to employ a verse in order to exclude this case [of an orphan]; but if you say that it need not show signs of life after bringing forth,<sup>6</sup> why then is a verse employed to exclude this case? It surely is excluded from the words, 'Is brought forth'!

Raba said: The law is as stated in the following Baraitha: 'If a small animal stretched out its foreleg and did not withdraw it, the slaughtering is invalid; [but if it did withdraw it, it is valid.]<sup>7</sup> These rules apply only to the foreleg, but with regard to the hind leg the rule is that whether it stretched it out but did not bend it, or bent it but did not stretch it out, it is valid. Moreover all this applies to a small animal, but with regard to a large animal the rule is that whether it was the foreleg or the hind leg, whether it stretched it out but did not bend it or bent it but did not stretch it out, it is valid. With regard to a bird, even if it merely twitched its wings or flapped its tail, it is a sufficient sign of vitality'. What does he [Raba] teach us? Surely these rules are all implied in our Mishnah: IF A SMALL ANIMAL STRETCHED OUT ITS

FORELEG BUT DID NOT WITHDRAW IT, IT IS INVALID, FOR THIS WAS BUT AN INDICATION OF THE EXPIRATION OF ITS LIFE. Now it is clear that this applies to the foreleg and not to the hind leg to a small animal and not to a large animal!<sup>9</sup> — It was necessary for him to teach it with regard to a bird, which is not stated in our Mishnah.

*MISHNAH.* IF A MAN SLAUGHTERED A BEAST FOR A HEATHEN,<sup>10</sup> THE SLAUGHTERING IS VALID; R. ELIEZER DECLARES IT INVALID.<sup>11</sup> R. ELIEZER SAID, EVEN IF ONE SLAUGHTERED A BEAST WITH THE INTENTION THAT A HEATHEN SHOULD EAT OF THE MIDRIFF<sup>12</sup> THEREOF, THE SLAUGHTERING IS INVALID, FOR THE THOUGHTS OF A HEATHEN ARE USUALLY DIRECTED TOWARDS IDOLATRY. R. JOSE EXCLAIMED, IS THERE NOT HERE AN A FORTIORI ARGUMENT? FOR IF IN THE CASE OF CONSECRATED ANIMALS, WHERE A WRONGFUL INTENTION CAN RENDER INVALID, IT IS ESTABLISHED THAT EVERYTHING DEPENDS SOLELY UPON THE INTENTION OF HIM WHO PERFORMS THE SERVICE,<sup>13</sup> HOW MUCH MORE IN THE CASE OF UNCONSECRATED ANIMALS, WHERE A WRONGFUL INTENTION CANNOT RENDER INVALID, DOES EVERYTHING DEPEND SOLELY UPON THE INTENTION OF HIM WHO SLAUGHTERS!

*GEMARA.* These Tannaim<sup>14</sup> accept the view of R. Eliezer son of R. Jose. For it has been taught: R. Eliezer son of R. Jose says: I am informed that the owners can render the sacrifice piggul.<sup>15</sup> The first Tanna, however, is of the opinion that only if we heard him [the heathen] express an [idolatrous] intention [with regard to the animal] does it become invalid but not otherwise, for we do not say that the thoughts of a heathen are usually directed towards idolatry; whereas R. Eliezer is of the opinion that even if we did not hear him express an [idolatrous] intention [it is invalid], for we say that the thoughts of a heathen are usually directed

# CHULLIN II – 31a-60b

towards idolatry. And R. Jose comes to say that even if we heard him express an [idolatrous] intention [it does not become invalid], for we do not hold that one man's wrongful intention should affect another's acts.<sup>16</sup>

According to another version they<sup>17</sup> differ even in the case where we heard him [the heathen] express an [idolatrous] intention [with regard to the animal]. The first Tanna is of the opinion that the view that one man's wrongful intention may affect another's acts, applies only as regards acts performed inside [the Temple],<sup>18</sup> but not outside,<sup>19</sup> and we cannot draw any inference as to acts performed outside from acts performed inside;

- (1) Lev. XXII, 27.
- (2) As being unfit for a sacrifice. The limitation is implied in the superfluous word, 'or'.
- (3) I.e., by means of the Caesarean section.
- (4) I.e., extracted from the womb or side of the mother-beast.
- (5) And similarly in the case of slaughtering, the slaughtered animal must struggle on and show signs of life at least for one moment after the slaughtering.
- (6) Consequently the only possible exclusion by reason of the expression 'under the dam' is the case where the young was brought forth after the mother-beast had died, i.e., extracted out of the womb.
- (7) This is added in the tent by Shittah Mekubetzeth, v. Marginal Gloss.
- (8) According to another reading. 'blinked its eye'.
- (9) And it being an anonymous Mishnah, the law is obvious as stated therein!
- (10) The gentile being the owner of the beast.
- (11) Because it was no doubt intended to be used by the heathen for an idolatrous purpose.
- (12) The diaphragm, an insignificant portion of the animal not usually consumed. It is intended that the rest of the animal be consumed by a Jew.
- (13) The wrongful intention of the owner or offerer of the sacrifice would not render the sacrifice invalid, provided the person who performed the sacrificial acts had the proper intention with regard thereto. V. Pes. 46a.
- (14) Sc. the first Tanna and R. Eliezer, but obviously not R. Jose.
- (15) I.e., the owner, on whose behalf the priest performs the sacrificial acts, can by his wrongful

intent render the sacrifice invalid, i.e., render it פגול. V. Glos.

(16) In other words, it is the wrongful intention only of the one who performs the service that can affect its validity.

(17) I.e., the first Tanna and R. Eliezer.

(18) I.e., the acts in connection with the offering of a sacrifice.

(19) I.e., the slaughtering of a beast to idolatry.

## Chullin 39a

whereas R. Eliezer holds that we may draw this inference — outside services from inside services.<sup>1</sup> And R. Jose comes to say that even as regards acts performed inside we do not hold that one man's wrongful intention should affect another's acts.

It was reported: If one slaughtered a beast with the intention [expressed during the slaughtering] of sprinkling the blood or burning the fat unto idols, R. Johanan says. The beast is forbidden for all purposes; Resh Lakish says. It is permitted.<sup>2</sup> 'R. Johanan says it is forbidden', because he accepts the principle: 'a wrongful intention expressed during one service with regard to another service is of consequence [even in connection with idolatry]', for one must draw an analogy between acts performed inside<sup>3</sup> and acts performed outside. 'Resh Lakish says: it is permitted', because he does not accept the principle, 'a wrongful intention expressed during one service with regard to another service is of consequence [in the case of idolatry]', for one must not draw any analogy between acts performed inside and acts performed outside. Now they are consistent in their views, for it was also reported: If one slaughtered [a sin-offering] under its own name with the intention [expressed at the time of slaughtering] of sprinkling the blood under the name of another sacrifice, R. Johanan says, it is invalid; Resh Lakish says. It is valid.

'R. Johanan says it is invalid', because he accepts the principle, 'a wrongful intention expressed during one service with regard to

## CHULLIN II – 31a-60b

another service is of consequence', [even in this case], for we derive it from the case of piggul.<sup>4</sup> 'Resh Lakish says it is valid', because he does not accept [in this case] the principle, 'a wrongful Intention expressed during one service with regard to another service is of consequence' for we may not derive it from the case of Piggul. And it was necessary [for both disputes to be reported]. For if this disputes only was reported. I should have said that only here does Resh Lakish maintain his view, because we must not draw an inference as to acts performed outside from acts performed inside, but where each is a service performed inside he would no doubt concur with R. Johanan [that we derive one from the other]. And if the other disputes only was reported, I should have said that only there does R. Johanan maintain his view, but in this case he would no doubt concur with Resh Lakish. It was therefore necessary [that both disputes be reported].

R. Shesheth raised an objection. We have learnt: R. JOSE EXCLAIMED, IS THERE NOT HERE AN A FORTIORI ARGUMENT? FOR IF IN THE CASE OF CONSECRATED ANIMALS, WHERE A WRONGFUL INTENTION CAN RENDER INVALID, IT IS ESTABLISHED THAT EVERYTHING DEPENDS SOLELY UPON THE INTENTION OF HIM WHO PERFORMS THE SERVICE. HOW MUCH MORE IN THE CASE OF UNCONSECRATED ANIMALS, WHERE A WRONGFUL INTENTION CANNOT RENDER INVALID. DOES EVERYTHING DEPEND SOLELY UPON THE INTENTION OF HIM WHO SLAUGHTERS! Now what is meant by the assertion that in the case of unconsecrated animals a wrongful intention will not render invalid? Shall I say it means that in no wise will it render invalid? Then how is it possible for the prohibition of that which has been slaughtered to idols ever to take effect?<sup>7</sup>

Obviously it means a wrongful intention expressed during one service with regard to another service, and the Mishnah is to be interpreted thus: 'If in the case of consecrated animals, where a wrongful intention expressed during one service with regard to another service renders them invalid, it is established that everything depends solely upon the intention of him who performs the service, how much more in the case of unconsecrated animals, where a wrongful intention expressed during one service with regard to another service does not render them invalid, does everything depend solely upon the intention of him who slaughters'!

Now the assertion with regard to services performed inside [namely, consecrated animals] contradicts Resh Lakish,<sup>8</sup> and the assertion with regard to services performed outside [namely, unconsecrated animals] contradicts R. Johanan.<sup>9</sup> I grant however, that as far as Resh Lakish is concerned, the assertion with regard to services performed inside presents no real difficulty, for one view<sup>10</sup> he expressed before he learnt [the interpretation of the Mishnah] from [his master].

R. Johanan, and the other after he learnt it from R. Johanan. But [the assertion with regard to] services performed outside clearly contradicts R. Johanan! — After raising this objection he [R. Shesheth] answered it thus: [The Mishnah] refers to the four principal services,<sup>11</sup> and the passage must be read as follows: If in the case of consecrated animals, where a wrongful intention<sup>12</sup> expressed in the course of any one of the four principal services renders them invalid, it is established that everything depends solely upon the intention of him who performs the service,

(1) So that by analogy, even in the case of acts performed outside the Temple, the owner should be in the position to affect by his wrongful intention the act of another.

(2) Even to be eaten, v. Tosaf. A.Z. 34b s.v. רש"ל.

## CHULLIN II – 31a-60b

(3) I.e., temple service. As to sacrifices it is established that if one, whilst performing one act of the sacrifice, expressed a wrongful intention in relation to another act thereof, the sacrifice would be invalid. E.g., if a person, whilst slaughtering the sacrifice, expressed the intention, of sprinkling the blood after the time prescribed for it, the sacrifice is Piggul.

(4) פגול. Strictly a sacrifice is rendered Piggul ('abhorred') if the officiating priest expressed an intention during one of the four principal services (v. infra) of performing another principal service, or of eating the sacrificial meat, at the improper time. V. Lev. VII, 18, and Zeb. II, 2. According to R. Johanan any wrongful intention expressed in this manner will have the effect of invalidating the sacrifice.

(5) Concerning the slaughtering of an animal with the intention of sprinkling the blood unto idols.

(6) Concerning the slaughtering of a sin-offering with the intention of sprinkling the blood under the name of another offering.

(7) Since even the expressed intention of slaughtering unto idols is of no consequence. And this prohibition is clearly established, v. A.Z. 32b.

(8) For the Mishnah asserts that any wrongful intention (not only a Piggul intention) in connection with the sacrifice renders it invalid; contra Resh Lakish.

(9) For the Mishnah states that in the case of unconsecrated animals a wrongful intention expressed during one service with regard to another service does not render it invalid; contra R. Johanan.

(10) I.e., his own view.

(11) Of every sacrifice, viz., slaughtering, receiving the blood, carrying it forward to the altar, and sprinkling it. If in the course of one of these services the priest intended to eat the sacrificial meat at the improper time the sacrifice is Piggul (Rashi). According to R. Gershom, Rashba and others, the meaning is: If in the course of the slaughtering he intended to perform one of the following services at the improper time, namely, to receive the blood, or to carry it forward, or to sprinkle it, or to burn the fat, the sacrifice is Piggul. V. ראש יוסף ad loc.

(12) Sc. of eating the flesh of the sacrifice beyond the time prescribed.

depend solely upon the intention of him who slaughters!

[The following Baraita] was taught in support of the view of R. Johanan: If a person [an Israelite] slaughtered an animal with the intention [expressed during the slaughtering] of sprinkling the blood or burning the fat unto idols, it is regarded as a sacrifice unto the dead.<sup>2</sup> If he slaughtered it and afterwards expressed his intention — this was an actual case which occurred in Caesarea and the Rabbis expressed no opinion with regard to it, neither forbidding nor permitting it. R. Hisda explained. They did not, forbid it in deference to the view of the Rabbis,<sup>3</sup> and they did not permit it in deference to the view of R. Eliezer.<sup>4</sup> But how do you know this? perhaps the Rabbis maintain their view only there [in our Mishnah] because we did not hear him [sc. the idolater] express any intention at all, but here since we heard him express an intention [after the slaughtering, even the Rabbis will admit that it is invalid, for] his last act proves what he had in mind at the beginning.<sup>5</sup> Or you might argue thus: Perhaps R. Eliezer maintains his view only there [in our Mishnah], because it deals with a heathen, and he is of the opinion that the thoughts of a heathen are usually directed towards idolatry, but here since we are dealing with an Israelite it would not be right to say that his last act proves what he had in mind at the beginning.<sup>6</sup> —

Rather, said R. Shizbi, [explain thus]: They did not permit it in deference to the view of R. Simeon b. Gamaliel.<sup>7</sup> Which statement of R. Simeon b. Gamaliel is meant? Shall I say it is his statement on the subject of Divorce? For we have learnt: If a person in good health said: 'Write a bill of divorce to my wife', it is held that he merely intended to tease her.<sup>8</sup> And there actually happened a case where a person of good health said: 'Write a bill of divorce to my wife', and he immediately went up to the roof and fell

### Chullin 39b

how much more in the case of unconsecrated animals, where a wrongful intention renders them invalid only if expressed in the course of any one of two services,<sup>1</sup> does everything

## CHULLIN II – 31a-60b

down from it and was killed,<sup>9</sup> and R. Simeon b. Gamaliel ruled: If he threw himself down, the divorce is valid, but if the wind pushed him over, the divorce is not valid. And the following argument ensued: Does not the case stated contradict [the given ruling]?<sup>10</sup> —

[And the reply was,] There is an omission [in the text] and it should read thus: If his last act proves what he had in mind at the beginning, the divorce will be valid. And there actually happened a case where a person in good health said: ‘Write a bill of divorce to my wife’, and he immediately went up to the roof and fell down from it and was killed, and R. Simeon b. Gamaliel ruled: If he threw himself down, the divorce is valid;<sup>11</sup> but if the wind pushed him over, the divorce is not valid!<sup>12</sup> — Perhaps this case is different for he actually said: ‘Write [the bill of divorce].’<sup>13</sup> Rather, said Rabina: It was in deference to the view of R. Simeon b. Gamaliel in the following case. For it was taught: If a person assigned in writing his estate, which included slaves, to another, and the latter said: ‘I do not want them’, they [sc. the slaves] may nevertheless eat terumah,<sup>14</sup> if their second master<sup>15</sup> was a priest. R. Simeon b. Gamaliel says. As soon as that person<sup>15</sup> has said: ‘I do not want them’, the heirs at once become the legal owners of them.<sup>16</sup> And the following argument ensued: Would the first Tanna regard the assignee as the legal owner even if he stands and objects?<sup>17</sup>

Whereupon Rabbah (others say: R. Johanan) explained. If he<sup>15</sup> objected from the outset, all agree that he has not acquired them; likewise if he remained silent at first,<sup>18</sup> but subsequently objected, all agree that he has acquired them. The dispute arises only where the assignor transferred the estate through a third party<sup>19</sup> to the assignee, and the latter was silent at first but subsequently objected to it. The first Tanna is of the opinion that by his silence he has acquired them, and his subsequent objection merely signifies that he has changed his mind. R. Simeon b. Gamaliel

is of the opinion that his last act proves what he had in mind at the beginning,<sup>20</sup> and the reason he did not object at the outset was because he, no doubt, said to himself, ‘Why should I object before they came into my possession?’ Rab Judah said in the name of Samuel that the halachah is in accordance with the view of R. Jose.<sup>21</sup>

Certain Arabs once came to Zikonia<sup>22</sup> and gave the Jewish butchers some rams to slaughter, saying: ‘The blood and the fat shall be for us,<sup>23</sup> while the hide and the flesh shall be yours’. R. Tobi b. R. Mattena sent this case to R. Joseph and asked. ‘What is the law in such a case as this?’ He sent back saying: ‘Thus has Rab Judah said in the name of Samuel: The halachah is in accordance with the view of R. Jose.’<sup>24</sup> R. Aha the son of R. Awia asked R. Ashi: According to the view of R. Eliezer,<sup>25</sup> what would be the law if a heathen gave a zuzz<sup>26</sup> to a Jewish butcher?<sup>27</sup> — He replied: We must consider the case; If he [the idolater] is a powerful man whom the Israelite cannot put off [by returning his zuz], then the animal is forbidden;<sup>28</sup> but if he is not [a powerful man], the Israelite would be able to say to him, [Strike] your head against the mountain!<sup>29</sup>

**MISHNAH.** IF A MAN SLAUGHTERED [AN ANIMAL] AS A SACRIFICE TO MOUNTAINS,<sup>30</sup> HILLS, SEAS, RIVERS, OR DESERTS, THE SLAUGHTERING IS INVALID.

(1) I.e., slaughtering and sprinkling of the blood. These two services are the only services referred to in the Bible in connection with sacrifices to idols; the former in Ex. XXII, 19, the latter in Ps. XVI, 4.

(2) And forbidden for all purposes.

(3) I.e., the first Tanna of our Mishnah, who does not hold the view that the thoughts of an idolater are usually directed towards idolatry. In this case, it is suggested, he will hold that all the acts performed before the actual expression of an intention towards idolatry are not regarded as intended for idolatry.

(4) Who holds that the thoughts of a heathen and, it is suggested here, also of a Jew who slaughters to an idol, are usually directed towards idolatry.



# CHULLIN II – 31a-60b

- (5) That the slaughtering was, without doubt, intended for idolatry.
- (6) For it is not conclusive that because after the slaughtering he expressed an intention for idolatry this intention was present at the time of slaughtering.
- (7) Who is of the opinion that a man's subsequent act reveals what he had in mind at the beginning.
- (8) And it is no divorce even though the bill was handed to the wife, because no instructions were given to deliver it to the wife; v. Git. 66a. In the case of a person who was dangerously ill, however, the law is that if he merely said: 'Write a bill of divorce to my wife', without adding. 'And deliver it to her', the divorce would be valid.
- (9) The bill of divorce however, was written and delivered to the wife before death took place.
- (10) For the rule as given does not admit of any such distinction.
- (11) For his subsequent suicidal act is a conclusive proof that his mind was unsettled from the outset, and so the divorce is valid as in the case of a person dangerously ill; v. p. 212, n. 4.
- (12) This proves that R. Simeon b. Gamaliel is of the opinion that a man's subsequent act is indicative of what was in his mind at the beginning.
- (13) And it might well be inferred that he intended the bill to be delivered to his wife, this intention no doubt being present in his mind at the time he gave instructions to write the bill of divorce. But in the case of idolatry, there is no possible inference to be drawn from subsequent conduct as to this man's earlier act.
- (14) For the assignment is operative in spite of the protestations of the assignee, so that the slaves being now members of a priest's household may eat terumah (v. Glos.) in accordance with Lev. XXII, 11.
- (15) The assignee.
- (16) And the slaves may not eat terumah if 'he heirs are not priests.
- (17) Surely not!
- (18) And accepted the deed of assignment.
- (19) The deed was handed to a third party for acceptance on behalf of the assignee, and in the latter's presence.
- (20) Viz., that he had no intention of accepting the slaves.
- (21) Of our Mishnah, that everything depends solely upon the intention of the slaughterer, and the intention of the owner will not affect the slaughtering.
- (22) A place near Pumbeditha. Obermeyer p. 234.
- (23) To be used for idolatrous purposes.
- (24) The rams are therefore permitted to be eaten, because the intention of the Arab owners cannot affect the slaughtering.

- (25) Of our Mishnah, who holds that even if a small portion of the animal belongs to a heathen the entire animal would be forbidden because of the idolatrous thoughts of the heathen.
- (26) A coin, v. Glos.
- (27) To receive meat for that amount from the animal which was to be slaughtered by the Jew.
- (28) For the heathen has an Interest in the animal to the value of a zuz.
- (29) Lit., 'behold thy head and the mountain', i.e., 'either take back your zuz or do without it'. This being the case, the animal is permitted to be eaten whether the Israelite actually returns the money to the heathen or provides him with meat.
- (30) Lit., 'in the name of'.

## Chullin 40a

**IF TWO PERSONS HELD ONE KNIFE AND SLAUGHTERED [AN ANIMAL], ONE INTENDING IT AS A SACRIFICE TO ONE OF THESE THINGS AND THE OTHER FOR A LEGITIMATE PURPOSE, THE SLAUGHTERING IS INVALID.**

**GEMARA.** It is only invalid but it is not regarded as a sacrifice of the dead.<sup>1</sup> I will point out a contradiction. [It was taught:] If a man slaughtered [an animal] as a sacrifice to mountains, hills, seas, rivers, deserts, the sun, the moon, the stars and planets. Michael the Archangel, or a small worm, it is regarded as a sacrifice of the dead!<sup>2</sup> — Abaye explained. It is no difficulty. Here [in our Mishnah] he declared it to be a sacrifice to the mountain itself,<sup>3</sup> but there he declared it to be a sacrifice to the deity of the mountain.<sup>4</sup> There is indeed support for this view, for [in the Baraitha quoted] they are all stated together with 'Michael the Archangel'.<sup>5</sup> This is conclusive.

**R. Huna stated:** If his neighbor's beast was lying in front of an idol, then as soon as he has cut one of the organs of the throat he has thereby rendered it prohibited.<sup>6</sup> He is evidently in agreement with the dictum of Ulla reported in the name of R. Johanan viz.. Although the Rabbis have declared that he who bowed down to his neighbor's beast has not rendered it prohibited, nevertheless if he

## CHULLIN II – 31a-60b

performed on it an act<sup>7</sup> [of idolatrous worship], he has thereby rendered it prohibited.

R. Nahman raised this objection against R. Huna, [It was taught:] If a person [inadvertently] slaughtered on the Sabbath a sin-offering outside [the Temple Court] as a sacrifice to an idol, he is liable to three sin-offerings.<sup>8</sup> Now if you say that as soon as he has cut one organ only he has rendered it prohibited, then he should not be liable on account of slaughtering outside,

(1) For then it would not only be invalid but even forbidden for all uses and purposes; v. A.Z. 29b.

(2) V. Ps. CVI, 28.

(3) Mountains and other inanimate things the works of nature cannot, according to Deut. XII, 2, be in law regarded as idols; v. A.Z. 45a. Hence sacrifices unto them are not sacrifices unto idols, and therefore the animal is not forbidden for use; it is however forbidden to be eaten since it has the appearance of idol worship.

(4) I.e., the spirit or angel of the mountain, etc. This is real idolatry and the animal which is slaughtered as a sacrifice is absolutely forbidden.

(5) Thus indicating that it is the spirit or godhead of the mountain that is intended to be the object of worship, just as in the case of Michael it is an angel or spirit that is referred to.

(6) The principle is that a person cannot render prohibited that which belongs to another merely by word of mouth but only by an act. It goes without saying that a man's own beast would be prohibited by this act.

(7) As e.g. by pouring wine between its horns. V. A.Z. 54a.

(8) (i) For breaking the Sabbath, (ii) for slaughtering a consecrated animal outside the Temple court, and (iii) for slaughtering unto idols.

### Chullin 40b

for it is as though he were cutting earth?<sup>1</sup> — R. Papa answered: We are dealing here with a sin-offering of a bird, so that all [the prohibitions] arrive simultaneously.<sup>2</sup> But let us consider! R. Huna based his statement, did he not, upon Ulla's view? But Ulla refers to any act, however slight!<sup>3</sup> —

Rather [assume that] he expressly declared that he intended to worship the idol only at the completion of the slaughtering.<sup>4</sup> If this is the case, why only 'a sin-offering'? It could have dealt with any offering!<sup>5</sup> —

Rather, said Mar Zutra in the name of R. Papa: We are dealing here with the case where half of the windpipe [of the sin-offering of a bird] was mutilated, and this person merely added to it the smallest cut,<sup>6</sup> thereby completing [the slaughtering]; and now all [the prohibitions] arrive simultaneously.

R. Papa remarked: Had not R. Huna specifically mentioned one organ', [the above Baraitha of the] 'Sin-offering' would never have presented any difficulty, for the expression 'an act' [used by Ulla] could mean a complete act [of idolatrous worship].<sup>7</sup>

R. Papa further remarked: Had not R. Huna expressly said: 'his neighbor's animal', [the above Baraitha of the] 'Sin-offering' would not have presented any difficulty. Why? Because a man can only render prohibited [even by his slightest act] that which belongs to him, but not that which belongs to others.<sup>8</sup> Is not this obvious? — It is not, for I might have said that since he received atonement through it, it is regarded as his own; he therefore must state it.

(Mnemonic *Na* 'A.Z.)<sup>9</sup>

R. Nahman, R. 'Amram and R. Isaac stated: A person cannot render prohibited<sup>10</sup> that which does not belong to him. An objection was raised: [It was taught:] If a person [inadvertently] slaughtered on the Sabbath a sin-offering outside [the Temple court] as a sacrifice to an idol, he is liable to three sin-offerings. And we interpreted this Baraitha as referring to a sin-offering of a bird,<sup>11</sup> half of whose windpipe was mutilated. Now the reason [for the ruling] is because it is a sin-

# CHULLIN II – 31a-60b

offering of a bird in which case all [the prohibitions] arrive simultaneously.

(1) For as soon as it becomes prohibited on account of idolatry i.e., after the cutting of the first organ, it is no longer regarded as consecrated, therefore the prohibition against slaughtering consecrated animals outside the Temple court does not arise. And although it has been taught above (supra 29b), that even where only one organ of a consecrated animal was slaughtered outside the sanctuary there is liability under this head, that is so only where the second organ was cut within, and the animal thus retained its sanctity from beginning to end, so that there was all the time a proper slaughtering. In our case, however, once it is forbidden on account of idolatry it is no longer sacred; it is, as it were, a clod of earth, and there is no proper slaughtering.

(2) For the cutting of one organ outside the sanctuary in the case of a sin-offering of a bird renders one liable (v. supra 29b); therefore all the Prohibitions arrive simultaneously, i.e., after the cutting of the first organ.

(3) And not necessarily the cutting of one whole organ; accordingly the prohibition under the head of idolatry takes effect before the others, consequently the prohibition for slaughtering outside the sanctuary cannot arise.

(4) When all the prohibitions arrive simultaneously. The Baraitha therefore need not be limited to a sin-offering of a bird but can refer to a sin-offering of cattle.

(5) If the slaughterer intended to worship the idol only at the completion of the slaughtering, why did the Tanna of the Baraitha limit his case to a sin-offering, which is distinctive in that it does not belong to the slaughterer (i.e., the offerer) but to the priests? He could have dealt with any offering, even a peace-offering which belongs to the offerer, and yet he would be liable on the three counts, since he intended to worship the idol only at the completion of the slaughtering, when the three prohibitions arise simultaneously. Since the Tanna limited his case to a sin-offering it is clear that the slaughterer intended to worship the idol at the beginning of the slaughtering, and the reason why the three prohibitions are incurred is because he cannot render prohibited by his idolatrous intent another's animal (sc. the sin-offering, which is the priests') with a slight act but only with a complete act. The Baraitha is thus in conflict with R. Huna who ruled that a slight act of idolatry (sc. the cutting of only one organ) renders another's animal prohibited. (Rashi's second interpretation.)

(6) And this small cut, although a slight act, constitutes the complete slaughtering.

(7) I.e., the complete slaughtering. As R. Huna expressly mentions 'one organ' (which is something incomplete), and he bases his view upon Ulla's statement, it is evident that Ulla refers to the slightest act of idolatrous worship.

(8) And a sin-offering belongs to the priests, save that the owner receives atonement through it.

(9) Lit., 'he stuck in'. The characteristic letters of the names of the three Rabbis, the authors of the following statement.

(10) Even by a complete act.

(11) By reason of the fact that the Baraitha speaks of a sin-offering and not of any other offering; for, granted that it could not have dealt with a peace-offering, as this offering is his, it could have dealt with a burnt-offering.

## Chullin 41a

but with regard to other sacrifices it would not be so. If then you say that a person cannot render prohibited that which does not belong to him, why must [the Baraitha] be interpreted a referring to the sin-offering of a bird? It can just as well refer to the sin-offering of an animal?<sup>1</sup> — Since he receives atonement through it, it is regarded as his own.<sup>2</sup>

**Come and hear: IF TWO PERSONS HELD ONE KNIFE AND SLAUGHTERED [AN ANIMAL], ONE INTENDING IT AS A SACRIFICE TO ONE OF THESE THINGS AND THE OTHER FOR A LEGITIMATE PURPOSE, THE SLAUGHTERING IS INVALID!<sup>3</sup> — We must suppose that he<sup>4</sup> had a share in it.**

**Come and hear: If a person rendered unclean [another's food], or if he mixed terumah [with another's common food], or if he offered unto an idol [another's wine], then if he did so inadvertently, he is not liable [for the damage], but if deliberately, he is liable?<sup>5</sup> — We must suppose also here that he had a share in it. This<sup>6</sup> is disputed by Tannaim. [It was taught:] If a gentile offered the wine of an Israelite as a libation, even though not in the presence of an idol, he has rendered it prohibited.<sup>7</sup> R. Judah b. Bathyra and R. Judah b. Baba declare it permitted for two**

## CHULLIN II – 31a-60b

reasons, first because a wine libation is offered only in the presence of the idol, and secondly, because he [the owner] can say to the gentile. 'You have no right to render my wine prohibited against my will' — R. Nahman, R. 'Amram and R. Isaac, however, will say that even the Tanna who holds that a person can render prohibited that which does not belong to him maintains this view only in the case of a gentile, but [not in the case of an Israelite, for] the Israelite merely intended to vex his fellow.<sup>9</sup>

**Come and hear: IF TWO PERSONS HELD ONE KNIFE AND SLAUGHTERED [AN ANIMAL], ONE INTENDING IT AS A SACRIFICE TO ONE OF THESE THINGS AND THE OTHER FOR A LEGITIMATE PURPOSE, THE SLAUGHTERING IS INVALID! — We must suppose that he was an Israelite apostate.<sup>10</sup>**

**Come and hear: If a person rendered unclean [another's food], or if he mixed terumah [with another's common food], or if he offered unto an idol [another's wine], then if he did so inadvertently, he is not liable [for the damage], but if deliberately, he is liable? — We must suppose also here that he was an Israelite apostate. R. Aha the son of Raba asked R. Ashi: What is the law if an Israelite, [about to slaughter another's beast as a sacrifice to idols], was warned against it and he accepted the warning?<sup>11</sup> — He replied: You speak, do you not, of one who has surrendered himself to death? Surely no one is more of an apostate than he!<sup>12</sup>**

**MISHNAH. ONE MAY NOT SLAUGHTER [IN SUCH MANNER THAT THE BLOOD RUNS] INTO THE SEA.<sup>13</sup> OR INTO RIVERS, OR INTO VESSELS;<sup>13</sup> BUT ONE MAY SLAUGHTER INTO A POOL OF WATER. OR WHEN ON BOARD SHIP ON TO THE BACKS OF VESSELS.<sup>14</sup> ONE MAY NOT SLAUGHTER AT ALL INTO A PIT;<sup>15</sup> YET A PERSON MAY DIG A PIT IN HIS OWN HOUSE FOR THE BLOOD**

**TO RUN INTO. IN THE STREET, HOWEVER, HE SHOULD NOT DO SO LEST HE APPEAR**

(1) For the slaughtering of a sin-offering to idols does not render it prohibited at all according to the view of these Rabbis, since a sin-offering belongs to the priests; consequently the offering remains consecrated, and the slaughterer therefore is liable to three sin-offerings as stated. For although he does not render the beast prohibited, he himself is nevertheless liable for his idolatrous worship.

(2) He can therefore render it prohibited; this being so, the prohibition of slaughtering outside the sanctuary would not arise. The Baraita therefore can only refer to the case of a sin-offering of a bird and in the circumstances stated above.

(3) This clearly proves that a Person can render prohibited that which does not belong to him.

(4) Sc. the one who by his intention rendered the animal invalid, or, in the subsequent case, who rendered the food of another unclean or unfit.

(5) The damage in each case is not discernible in the object itself, and this in law does not create any liability. By Rabbinic law, however, a person who caused this sort of damage deliberately was held liable to make good the loss. In this case his liability to pay will in no wise be affected by reason of the fact that he will suffer the death penalty on account of idolatrous worship. V. Cit. 52b.

(6) Whether or not a man can render prohibited what is not his.

(7) This Tanna is of the opinion that a person can render prohibited that which belongs to another.

(8) Although it must perforce be maintained that R. Huna's view cannot be reconciled with that of R. Judah b. Baba.

(9) But not to offer it unto idols.

(10) Sc. the one who rendered the animal invalid by his intention. An apostate Jew has certainly idolatry in his mind, and therefore like a gentile he would render prohibited even that which belonged to another.

(11) Would he render prohibited that which belonged to another or not? Would he, by his acceptance of the warning and acting in defiance thereof be considered as an Israelite apostate?

(12) By accepting the warning he has exposed himself to death (cf. Sanh. 41a), so that he is a renegade and therefore, like a gentile, would render prohibited that which belonged to another.

(13) This might be thought to be an act of idolatrous worship to the deity of the sea or of the river; and where the blood is collected in a vessel

## CHULLIN II – 31a-60b

it might appear as though it were being kept for an idolatrous purpose.

(14) Even though the blood falls off from the vessel into the sea; for it is clear to all that this is done merely to avoid fouling the ship.

(15) For it was the custom of heretics to slaughter so.

### Chullin 41b

**TO FOLLOW THE WAYS OF THE HERETICS.<sup>1</sup>**

**GEMARA.** ONE MAY NOT SLAUGHTER INTO THE SEA. Why is it that a person may not slaughter into the sea? It is, is it not, because it might be said that he is slaughtering to the deity of the sea? Then is it not the same when a person slaughters into a pool of water, for it might be said that he is slaughtering to the image [reflected in the water?] — Raba answered: This was taught only regarding turbid water.<sup>2</sup>

**ONE MAY NOT SLAUGHTER AT ALL INTO A PIT, YET A PERSON MAY DIG A PIT, etc.** Have you not just said that one may not slaughter into a pit at all? — Abaye answered: The first clause refers to a pit in the street. Said to him Raba: Since the final clause reads: **IN THE STREET, HOWEVER, HE SHOULD NOT DO SO,** it follows that the first clause does not refer to [a pit in] the street! — Raba therefore answered: This is the interpretation: **ONE MAY NOT SLAUGHTER AT ALL INTO A PIT.** But if a person desires to keep his yard clean, what should he do? He should prepare a place close to the pit and slaughter there, and the blood may be allowed to trickle down into the pit.

**IN THE STREET, HOWEVER, HE SHOULD NOT DO SO LEST HE APPEAR TO FOLLOW THE WAYS OF THE HERETICS.** A Baraitha was taught which supports Raba's view: If a person was travelling on a ship and there was no place on the ship where he might slaughter, he may

stretch out his hand over the side of the ship and slaughter there, and the blood is allowed to trickle down the sides of the ship [into the sea]. A person may not slaughter at all into a pit; but if he desires to keep his yard clean what should he do? He should prepare a place close to the pit and slaughter there, and the blood is allowed to trickle down into the pit. In the street, however, he should not do so, for it is written: Neither shall ye walk in their statutes,<sup>3</sup> if he did so, there must be an enquiry concerning him.<sup>4</sup>

**MISHNAH.** IF A MAN SLAUGHTERED [AN UNCONSECRATED ANIMAL OUTSIDE THE TEMPLE COURT] DECLARING IT TO BE<sup>5</sup> A BURNT-OFFERING OR A PEACE-OFFERING OR A GUILT-OFFERING FOR A DOUBTFUL SIN<sup>6</sup> OR THE PASSOVER-OFFERING OR A THANK-OFFERING, THE SLAUGHTERING IS INVALID;<sup>7</sup> R. SIMEON. HOWEVER, DECLARES IT VALID.<sup>8</sup> IF TWO PERSONS HELD ONE KNIFE AND SLAUGHTERED [AN UNCONSECRATED ANIMAL OUTSIDE THE TEMPLE COURT], ONE DECLARING IT TO BE ONE OF THE ABOVE AND THE OTHER INTENDING IT FOR A LEGITIMATE PURPOSE, THE SLAUGHTERING IS INVALID. IF A MAN SLAUGHTERED [AN UNCONSECRATED ANIMAL OUTSIDE THE TEMPLE COURT] DECLARING IT TO BE A SIN-OFFERING OR A GUILT-OFFERING<sup>9</sup> OR A FIRSTLING OR THE TITHE [OF CATTLE] OR A SUBSTITUTE OFFERING. THE SLAUGHTERING IS VALID.<sup>10</sup> THIS IS THE RULE: IF ONE SLAUGHTERED AN ANIMAL DECLARING IT TO BE A SACRIFICE WHICH CAN BE BROUGHT EITHER AS A VOTIVE OR A FREEWILL-OFFERING IT IS INVALID, BUT IF HE DECLARES IT TO BE A SACRIFICE WHICH CANNOT BE BROUGHT EITHER AS A VOTIVE OR A FREEWILL-OFFERING IT IS VALID.

**GEMARA.** IF ONE SLAUGHTERED... DECLARING IT TO BE A BURNT OFFERING, etc. Can a guilt-offering for a doubtful sin be brought as a votive or as a

## CHULLIN II – 31a-60b

freewill-offering? — R. Johanan answered. The author of this view is R. Eliezer, who maintains that a person can offer a guilt-offering for a doubtful sin daily. Can the Passover-offering be brought as a votive or as a freewill-offering [at any time]? Is not its time fixed?<sup>11</sup> — R. Oshaia answered, It is different with the Passover-offering, for it may be set aside for this purpose at any time during the year.<sup>12</sup>

R. Jannai said: The Mishnah refers only to unblemished animals, but in the case of blemished animals everybody knows [that it cannot be an offering].<sup>13</sup> R. Johanan, however, says that it refers even to blemished animals, for he might sometimes cover up the blemish and it would not be noticeable.

**IF ONE SLAUGHTERED... DECLARING IT TO BE A SIN-OFFERING.** R. Johanan said: The Mishnah refers only to the case where he [the slaughterer] was not obliged to bring a sin-offering, but where he was obliged to bring a sin-offering it might be said that he is slaughtering the animal as his sin-offering.<sup>14</sup> But he did not say. 'I declare it to be my sin-offering'? — R. Abbahu answered: We must suppose that he said: 'I declare it to be my sin-offering'.<sup>15</sup>

**A SUBSTITUTE OFFERING.** R. Eleazar said: The Mishnah refers only to the case where he did not have a consecrated animal at home, but where he had a consecrated animal at home it might be said that he has just now substituted this animal for it.<sup>14</sup> But he did not say. 'I declare it to be a substitute for the consecrated animal I have at home'? — R. Abbahu answered: We must suppose here also that he said: 'I declare it to be a substitute for the consecrated animal I have at home.'<sup>16</sup>

**THIS IS THE RULE.** What does it include? — It includes the burnt-offering of a Nazirite.<sup>17</sup> For you might have said that [everyone knows that] he has not vowed to be

a Nazirite [so that his words are meaningless];<sup>18</sup> it is therefore included, because it is possible that he vowed in secret [to become a Nazirite].

**IF HE DECLARES IT TO BE A SACRIFICE WHICH CANNOT BE BROUGHT EITHER AS A VOTIVE OR FREEWILL-OFFERING IT IS VALID.** What does this include? — It includes the burnt-offering of a woman after childbirth.<sup>19</sup> R. Eleazar said: This is so only when he has no wife, but if he has a wife it might be said that he is slaughtering it [for a burnt-offering] on her behalf.<sup>20</sup> But he did not say. 'I declare it to be the burnt-offering of my wife'? — R. Abbahu answered: We must suppose that he said: 'I declare it to be the burnt-offering of my wife'. Is not this obvious?

(1) Or: 'to confirm the heretics (i.e., minim) in their ways'. (Rashi).

(2) An image would not then be discernible in the water; it is therefore permitted.

(3) Lev. XVIII, 3.

(4) For he may be a min (a heretic) and his bread and wine would be forbidden to be eaten by Jews.

(5) Lit., 'in the name of'.

(6) Heb. אֲשַׁם תְּלוּי. The guilt-offering brought by a person who is in doubt whether he has committed an act which must be atoned for by a sin-offering. This sacrifice is merely suspensive until the doubt will be settled and it will be known whether this person must bring a sin-offering as well or not.

(7) The sacrifices enumerated here can be vowed or offered as freewill-offerings at all times; the onlooker therefore might suppose that the slaughterer has just now consecrated the animal for the particular offering mentioned and would believe that it is permitted to slaughter a consecrated animal outside the sanctuary. For this reason the Rabbis declared the slaughtering invalid.

(8) He is of the opinion that it should not be prohibited merely for appearance sake. V. however, Tosaf. ad loc.

(9) Lit., 'a guilt-offering for a certain (sin)'.

(10) The sin-offering and the guilt-offering cannot be offered at all times either as a votive or a freewill-offering, but are incumbent upon, and can only be brought by those who have committed a sinful act. These as well as the firstling (v. Deut. XIV, 23), the tithe (v. Lev. XXVII, 32) and the

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substitute offering (ibid. 10) are sacrifices of which the public are generally aware. Now as the public have no knowledge of this sacrifice to which the slaughterer refers it is obvious to all that he is not speaking the truth, so that there is no fear that an onlooker would receive a false impression.

(11) For the eve of the Passover.

(12) So that this man may be slaughtering now the animal which he has set apart for his paschal-offering, obviously not as the Passover-offering but as a peace-offering. And since it is being slaughtered outside the sanctuary the onlooker would receive a wrong impression.

(13) And the slaughtering would be valid, as no one would pay any attention to the words of the slaughterer.

(14) And the slaughtering would be invalid.

(15) In that case only is the slaughtering invalid; but where he did not use this formula or where it was known that he was not obliged to bring a sin-offering, his words are meaningless and the slaughtering is valid.

(16) Here too, only in this case is the slaughtering invalid, but not where it was generally known that he had no consecrated animal in his home.

(17) Cf. Num. VI. 14. Even though it was not known that he was a Nazirite the slaughtering is invalid.

(18) V. p. 223, n. 2.

(19) Cf. Lev. XII. 6. The slaughtering in this case is valid.

(20) And the slaughtering would be invalid.

### Chullin 42a

— No, for you might say that if his wife had given birth to a child it would be known to all,<sup>1</sup> he therefore teaches us [that the slaughtering in this case is invalid] for it is possible that she had a miscarriage.<sup>2</sup>

### CHAPTER III<sub>3</sub>

**MISHNAH.** THE FOLLOWING [DEFECTS]<sup>4</sup> RENDER CATTLE TREFAH: [I] IF THE GULLET WAS PIERCED;<sup>5</sup> [II] OR THE WINDPIPE SEVERED; [III] IF THE MEMBRANE OF THE BRAIN WAS PIERCED; [IV] IF THE HEART WAS PIERCED AS FAR AS THE CAVITY THEREOF; [V] IF THE SPINE WAS BROKEN AND THE CORD SEVERED;<sup>6</sup> [VI] IF THE LIVER WAS GONE AND NAUGHT REMAINED; [VII] IF THE LUNG WAS PIERCED, [VIII] OR WAS

DEFICIENT (R. SIMEON SAYS, PROVIDED IT WAS PIERCED AS FAR AS THE MAIN BRONCHI); [IX] IF THE ABOMASUM,<sup>7</sup> [X] OR THE GALL-BLADDER, [XI] OR THE INTESTINES WERE PIERCED; [XII] IF THE INNER<sup>8</sup> RUMEN<sup>7</sup> WAS PIERCED, [XIII] OR THE GREATER PART OF THE OUTER<sup>8</sup> COVERING TORN (R. JUDAH SAYS, IN A LARGE ANIMAL IF IT WAS TORN TO THE EXTENT OF A HANDBREADTH, AND IN A SMALL ANIMAL IF THE GREATER PART OF IT WAS TORN); [XIX] IF THE OMASUM<sup>7</sup> [XV] OR RETICULUM<sup>7</sup> WAS PIERCED ON THE OUTSIDE;<sup>9</sup> [XVI] IF THE ANIMAL FELL FROM THE ROOF; [XVII] IF MOST OF ITS RIBS WERE FRACTURED; [XVIII] OR IF IT WAS CLAWED<sup>10</sup> BY A WOLF (R. JUDAH SAYS, SMALL CATTLE [ARE TREFAH] IF CLAWED BY A WOLF, LARGE CATTLE IF CLAWED BY A LION; SMALL FOWL IF CLAWED BY A HAWK, LARGE FOWL IF CLAWED BY A FALCON).<sup>11</sup> THIS IS THE RULE: IF AN ANIMAL WITH A SIMILAR DEFECT COULD NOT CONTINUE TO LIVE,<sup>12</sup> IT IS TREFAH.

**GEMARA.** R. Simeon b. Lakish said: Where do we find in the Torah an allusion to Trefah? — Where [you ask]? Is it not written: Ye shall not eat flesh that is torn of beasts [Trefah] in the field?<sup>13</sup> The question was: Where do we find in the Torah the view that a Trefah animal cannot continue to live? For from the last clause of the Mishnah, THIS IS THE RULE: IF AN ANIMAL WITH A SIMILAR DEFECT COULD NOT CONTINUE TO LIVE, IT IS TREFAH, it follows that a Trefah animal cannot continue to live. Where then do we find it in the Torah? —

It is written: These are the living things which ye may eat,<sup>14</sup> that is, that which can continue to live<sup>15</sup> you may eat, but that which cannot continue to live you may not eat; hence a Trefah animal cannot continue to live.<sup>16</sup> And as to the one who holds the view that a Trefah animal can continue to live, [it

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will be asked]: where do we find this view indicated [in the Torah]? —

It is indicated in the verse: These are the living things which ye may eat, for it means, these living things you may eat but other living things you may not eat; hence a Trefah animal can continue to live. And for what purpose does the first teacher use the word ‘these’? —

He requires it for the following exposition of a Tanna of the school of R. Ishmael. For a Tanna of the school of R. Ishmael expounded: The verse: These are the living things which ye may eat, indicates that the Holy One, blessed be He, took hold of one of each species of animal, showed it to Moses and said to him, ‘This you may eat and this you may not eat’. But does not the second teacher also require this word for the exposition of the Tanna of the school of R. Ishmael? — Indeed, he does. Where then is it indicated [in the Torah] that a Trefah animal can continue to live? —

It is indicated in the exposition of another verse also by a Tanna of the school of R. Ishmael. For a Tanna of the school of R. Ishmael expounded: It is written: Between the living thing that may be eaten and the living thing that may not be eaten;<sup>17</sup> here are indicated the eighteen defects [which render an animal Trefah and] which were communicated to Moses on Mount Sinai. But are there no more?<sup>18</sup> But what about Basegar,<sup>19</sup> and the seven statements [reported by the Amoraim]?

(1) And since it is not known that his wife gave birth to a child his words would not be taken seriously, and the slaughtering should be valid.

(2) And this fact might not be known to all. It is to be noted that Rashi omits the statements of R. Eleazar and R. Abbahu from the Gemara, although he arrives at the same conclusions by logical argument.

(3) For the proper understanding of this chapter and its anatomical details it is recommended that the reader consult some text book on animal

anatomy. The following works are recommended: Bailliere's Atlas of the Ox, S. Sisson, The anatomy of the Domestic Animals (an excellent and most comprehensive work), I. L. Katzenelsohn, Ha-Talmud we-Hokmath ha-Refuah (in Hebrew, a brilliant study of the anatomy and medicine in the Talmud in the light of modern knowledge), J. Preeus, Biblisch Talmudische Medizin, O. Charnock Bradley, The Structure of the Fowl.

(4) Each of these eighteen defects are explained and commented upon with great detail in the Gemara.

(5) By ‘pierced’ is meant a puncture or perforation of an organ though naught of its substance is missing.

(6) The fracture of the spine is not a defect by itself; the defect here is that the cord has been severed and this is usually caused by a fracture of the spine.

(7) These are the four stomachs common to all ruminants. The food first passes into the Rumen, ברס, thence into the Reticulum, בית הכוסות, thence into the Omasum, המסס, and finally into the stomach proper or the Abomasum, קיבה.

(8) For the meanings of ‘inner’ and ‘outer’ v. infra 50b.

(9) I.e., but not where the two are joined together.

(10) Heb. דרוסה, lit., ‘trodden’; in its technical sense it means ‘struck by the fore-paw or claw of a beast or bird of prey whereby poison is discharged and enters the body of the victim’.

(11) Or: vulture.

(12) For twelve months.

(13) Ex. XXII, 30.

(14) Lev. XI, 2.

(15) I.e., is a living thing.

(16) For since a Trefah may not be eaten, it is not a living thing, i.e., it cannot continue to live for twelve months.

(17) Lev. XI, 47.

(18) Than the eighteen cases enumerated in our Mishnah.

(19) A mnemonic (meaning perhaps ‘under lock’) formed by the characteristic letters of the four cases of Trefah which follow, thus: ב from בהמה, פ from הפריון, ג from גלודה, and ר from הרותה.

### Chullin 42b

Of course to the Tanna of our Mishnah this is no difficulty, for he merely mentioned some [defects], whilst those which he omitted to mention he intended to include under the general head, THIS IS THE RULE. But against the Tanna of the school of R. Ishmael who expressly mentions the number eighteen,



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it will be asked: Are there no more? Is there not [also]: An animal whose hind leg was cut off above the knee-joint is trefah?<sup>2</sup> —

He [the Tanna of the school of R. Ishmael] concurs with the view expressed by R. Simeon b. Eleazar that [the wound] could be cauterized and the animal could recover.<sup>3</sup> Granted, however, that it could be cauterized and the animal could recover, but are we not arguing upon the view of the Tanna of the school of R. Ishmael? And he is of the view that a Trefah animal can continue to live!<sup>4</sup> — Rather [say]. He concurs with R. Simeon b. Eleazar who [indeed] declares [that in such a case the animal is] permitted.<sup>5</sup> But is there not the case of a deficiency of the spine? For we have learnt: What is considered a deficiency of the spine?<sup>6</sup>

Beth Shammai say. If two vertebrae were missing; Beth Hillel say: If only one was missing. And Rab Judah said in the name of Samuel that their views are the same with regard to trefah.<sup>7</sup> — The [piercing of the] omasum and the reticulum which you reckon as two cases you ought to reckon as one, so that you may exclude one and add this in its place. But is there not the case of an animal which was stripped of its hide?<sup>9</sup> — He concurs with the view of R. Meir that it is permitted. But is there not the case of an animal whose lungs were shriveled up?<sup>10</sup> — Who is it that includes the [piercing of the] gall-bladder in the list of defects?

It is R. Jose b. R. Judah. You should therefore exclude<sup>11</sup> the case of the gall-bladder and insert the case of the shriveled lungs in its place. But are there not the following seven statements [which should be included]? (i) R. Mattena said: If the top of the femur slipped out of its socket, the animal is trefah;<sup>12</sup> (ii) Rakish b. Papa said in the name of Rab: If one kidney was diseased it is trefah,<sup>13</sup> Further we have learnt: If the spleen was gone the animal is permitted.<sup>14</sup>

But R. 'Awira said in the name of Raba: This was taught only in the case where the spleen was gone, but (iii) if the spleen was pierced it is trefah;<sup>15</sup> (iv) Rabbah b. Bar Hana said in the name of Samuel: If the greater part of the organs of the throat was torn away, it is trefah.<sup>16</sup> And further Rabbah son of R. Shila said in the name of R. Mattena who reported in the name of Samuel,<sup>17</sup> (v) If a rib was dislodged from its socket, or (vi) if the greater part of the skull was shattered, or (vii) if the greater part of the membrane<sup>18</sup> which covers the greater portion of the rumen [was torn], it is Trefah! —

The eight cases of piercing<sup>19</sup> [enumerated in the Mishnah] you ought to reckon under one head; so that by eliminating seven cases you can insert these seven statements in their stead. If so, you ought also to reckon under one head the two cases of severing;<sup>20</sup> consequently there is one short of the number. Moreover, R. 'Awira's case is also a case of piercing, is it not?<sup>21</sup> —

(1) For although in the Mishnah the Tanna enumerates eighteen cases of Trefah, he does not, however, expressly state the number eighteen.

(2) v. infra 76a.

(3) It is therefore not Trefah according to R. Simeon b. Eleazar.

(4) So that the fact that the animal could recover has no bearing on the question whether or not it is Trefah.

(5) V. Tosef. Hul. III. According to Rashba (Adreth), Hiddushin, Yeb. 120b the statement 'because (the wound) could be cauterized', given in Tosef. as the reason for R. Simeon b. Eleazar's ruling, is an intrusion from Yeb. 120b. The correct reading on his view is simply R. Simeon b. Eleazar declares (the animal) permitted and when the Gemara here quotes R. Simeon b. Eleazar's reason the reference is to the case dealt with in Yeb. and not to that of an animal whose hind legs were cut off. V. however, Rashi.

(6) V. Ohol. II, 3. A complete spine of a corpse will render unclean men and vessels that are in the same 'tent' or under the same roof, but if it is incomplete it will only convey uncleanness by contact or by carrying, but will not render unclean men and vessels that are in the same 'tent'.

## CHULLIN II – 31a-60b

(7) I.e., according to Beth Shammai if two vertebrae of the spine of an animal were missing it is Trefah, and according to Beth Hillel, even if only one was missing.

(8) This case of the deficiency in the spine.

(9) Which is Trefah according to the Rabbis, v. infra 54a.

(10) I.e., shriveled up and hardened because of fright caused by man. This is also Trefah, v. infra 55b.

(11) From the eighteen cases of Trefah in the court of R. Ishmael's school.

(12) Provided that the ligaments were destroyed, v. infra 54b.

(13) v. infra 55a.

(14) Infra 54a.

(15) Only it pierced in the thick part, v. infra 55b.

(16) I.e., the greater part of the circumference of one of the organs of the throat was violently torn away from its connection on top, even though it is still attached in part. V. infra 44a. According to R. Hananel: The organs of the throat were separated from each other.

(17) v. infra 52a and b.

(18) The parietal peritoneum. V. however infra 50b and 52b.

(19) The piercing of the gullet, the membrane of the skull, the heart, the lung, the abomasum, the intestines, the rumen, and the omasum and reticulum. The gall-bladder has been excluded supra.

(20) The severance of the windpipe and of the spinal cord.

(21) So that it would be included with the others under the general head of 'piercing'. The position now is that there are only sixteen cases of Trefah.

If you say there are nine [enumerated in the Mishnah], you must remember that the piercing of the gall-bladder is the ruling of R. Jose son of R. Judah only. For it was taught: If the abomasum or the intestines were pierced it is Trefah. R. Jose son of R. Judah says: Even if the gall-bladder was pierced.

(Mnemonic: *The halachah. The colleague. An olive's bulk. The gall-bladder. The gizzard*).

R. Isaac son of R. Joseph said in the name of R. Johanan: The halachah follows the view of R. Jose son of R. Judah.

R. Isaac son of R. Joseph further said in the name of R. Johanan: What was the reply of the colleagues of R. Jose son of R. Judah? [They said: It is written,] He poureth out my gall upon the ground,<sup>4</sup> nevertheless Job continued to live! He retorted: You may not quote miraculous deeds [in support of an argument]. Otherwise you might as well ask, it is written: He cleaveth my reins asunder and doth not spare;<sup>4</sup> could he then continue to live on? You must therefore admit that a miracle is an exceptional case; [and the whole treatment of Job was miraculous] for it is written: Only spare his life,<sup>5</sup> and so here<sup>6</sup> a miracle is an exceptional case.

R. Isaac son of R. Joseph further said in the name of R. Johanan: The halachah follows the view of him who says: 'an olive's bulk'.<sup>7</sup> But did R. Johanan really say this? Did not R. Johanan<sup>8</sup> say that the halachah was in accordance with the ruling of an anonymous Mishnah? And we have learnt: IF THE LIVER WAS GONE AND NAUGHT REMAINED. Now it follows that if aught remained, even less than an olive's bulk, it is permitted! — Amoraim differ as to R. Johanan's view.<sup>9</sup>

R. Isaac son of R. Joseph further said in the name of R. Johanan: If the gall-bladder was pierced but the liver completely closed up [the hole], it is permitted.

### Chullin 43a

You have no other alternative but to say that the two cases<sup>1</sup> which were excluded above must now be added.

Ulla said: Eight types of [defects as] Trefah were communicated to Moses on Mount Sinai: If [an organ was] pierced, or severed, or gone, or deficient, or torn, or [if the animal was] clawed, or fell [from a height], or if [a limb was] fractured. This clearly excludes disease [of the kidneys] mentioned by Rakish b. Papa.<sup>2</sup>

Hiyya b. Rab said: There are eight cases of Trefah included under the head of piercing.<sup>3</sup>

## CHULLIN II – 31a-60b

R. Isaac son of R. Joseph further said in the name of R. Johanan: If the [muscular covering of the] gizzard was pierced but the inner lining was intact, it is permitted. The question was raised: What is the law if the inner lining was pierced but the muscular covering was intact? —

Come and hear: R. Nahman taught: If one [coat of the gizzard] was pierced but not the other, it is permitted. Rabbah said: The gullet has two coats, the outer red and the inner white; if one was perforated but not the other, it is permitted. Why was it necessary to state that the outer coat was red and the inner white? — To teach that if these coats interchanged, it is trefah.<sup>10</sup> The question was raised: What is the law if both coats were pierced, one hole, however, not coinciding with the other? —

Mar Zutra said in the name of R. Papa: In the gullet this would be permitted, but in the gizzard it would be Trefah.

R. Ashi demurred: The contrary should be the rule; as the gullet contracts and expands when [the animal] eats or bellows, it may sometimes happen that one hole will coincide with the other,<sup>11</sup> whereas the gizzard is at rest and the holes will always remain where they are.<sup>12</sup>

R. Aha the son of R. Joseph said to R. Ashi: We have indeed received the tradition in the name of Mar Zutra who reported in the name of R. Papa as you have suggested it.

Rabbah further said: A membrane which was formed in consequence of a wound in the gullet is no membrane.<sup>13</sup>

Rabbah further said: The gullet cannot be examined from the outside but only from the inside. For what purpose is this stated?

(1) I.e., the case of an animal whose hind leg was cut off, and the case of the animal which was stripped of its hide.

(2) It is evident that Ulla regards as Trefah only those defects which are traumas and excludes such defects caused by internal disorder or degeneration of an organ.

(3) I.e., those enumerated in our Mishnah, v. p. 229, n. 5. Hiyya b. Rab hereby definitely excludes R. 'Awira's case of the perforation of the spleen.

(4) Job. XVI, 13.

(5) Ibid. II, 6. The afflictions of Job were such as in ordinary cases would prove fatal but in his case it was ordained that, whatever sufferings befall him, his life was to be spared.

(6) With reference to the gall.

(7) I.e., if there remained of the liver an olive's bulk, although the rest of the liver had been removed or had wasted away, the animal is permitted. V. infra 46a.

(8) In the ed. the reading is, 'Rabbah b. Bar Hana said in the name of R. Johanan', but the first named Amora is omitted in many MSS.; v. D.S.

(9) R. Isaac b. Joseph the author of our statement is of the opinion that the principle laid down by R. Johanan was not to be applied generally, and certainly would not apply to the case of an anonymous Mishnah which is contradicted by another anonymous Mishnah, as here our Mishnah, supra 42a, is contradicted in its ruling with regard to the liver by the Mishnah which follows, infra 54a.

(10) I.e., if it was found that the inner coat of the gullet was red and the outer white, the animal or bird is Trefah.

(11) And it should be Trefah, for it must be remembered that the two coats of the gullet are but loosely connected by sub-mucous fibers, and therefore the coincidence of the holes is quite probable.

(12) And so it should be permitted.

(13) I.e., it is no protection and it is Trefah.

### Chullin 43b

— For the case of [an animal] about which there arose a doubt whether it was clawed or not.<sup>1</sup> There once came, before Rabbah, the case [of a bird]<sup>2</sup> about which there arose a doubt whether it was clawed or not, and he was about to examine the gullet<sup>3</sup> from the outside when Abaye said to him, 'Did you not say: Master, that the gullet cannot be examined from the outside but only from the inside'? Rabbah at once turned it inside out

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and examined it and found upon it two drops of blood, so he declared it Trefah. Rabbah, however, [by his action] merely wanted to test the acumen of Abaye.

Ulla said: If a thorn was impacted in the gullet, there is no fear that it pierced it through.<sup>4</sup>

(Mnemonic: *Clawed. Pieces. In the knife. Uncleaness*).

But why, according to Ulla, is this case different from that of [an animal] about which there arose a doubt whether it had been clawed or not?<sup>5</sup> — Ulla is of the opinion that we are not apprehensive for [an animal] about which there arose a doubt whether it had been clawed or not.<sup>6</sup> And why is it different from the case of ‘two pieces of fat one being forbidden fat and the other permitted fat’?<sup>7</sup> — In that case the forbidden [piece of fat] is clearly established, but here the prohibition is not clearly established.<sup>8</sup> And why is it different from the case of the man who slaughtered with a knife which was found afterwards to have a notch in it?<sup>9</sup> — In that case there had arisen a flaw in the knife.<sup>10</sup> And why is it different from the case of a doubt concerning uncleanness which occurred in a private domain which is regarded as unclean? — But according to your own argument it is analogous, is it not, with the case of a doubt concerning uncleanness which occurred in a public domain which is regarded as clean? — In truth the law [concerning uncleanness is exceptional for it] is derived by analogy from the case of a woman suspected of adultery.<sup>11</sup>

A certain Rabbi was once sitting before R. Kahana and recited as follows: The ruling of Ulla applies only to the case where it [the thorn] was found [in the cavity of the gullet], but where it was impacted [in the wall of the gullet] it is to be feared [that it actually pierced the gullet, and it is therefore Trefah].

R. Kahana thereupon said to his disciples, ‘Do not pay any attention to this Rabbi.

The ruling of Ulla was stated concerning a thorn that was impacted in the gullet; for if it were merely found [in the cavity of the gullet] it would not be necessary for Ulla to state it, since all beasts that pasture in the open field eat thorns.’ It was reported: As regards the pharynx,<sup>12</sup> Rab says: The slightest perforation therein [will render the animal<sup>13</sup> Trefah]; Samuel says, [It is Trefah only if] the greater portion [of its circumference was severed]. Rab said: ‘The slightest perforation’, because he regards it as being within the area prescribed for slaughtering;<sup>14</sup> Samuel said: ‘The greater portion’, because he does not regard it as being within the area prescribed for slaughtering. What is considered to be the pharynx? —

Mari b. Mar ‘Ukba said in the name of Samuel: That part of the gullet which, when cut, opens wide is the pharynx, but that part which, when cut, remains as it was is the gullet proper. R. Papi remarked: But the Master (that is, R. Bibi b. Abaye) did not say sob but thus: That part of the gullet which, when out, remains as it was is the pharynx, but that part which, when cut, closes up is the gullet proper.<sup>15</sup>

Jonah<sup>16</sup> said in the name of Zera, [It is that part where] deglutition [takes place]. And what is its extent? — R. ‘Awia answered: It is less than [the length of] a grain of barley but more than a grain of wheat.

An ox belonging to the family of R. ‘Ukba was slaughtered, the slaughtering having been commenced at the pharynx and completed in the gullet proper. Said Raba, ‘I will impose the restriction implied in Rab's view as well as the restriction implied in Samuel's view and will declare it Trefah. ‘The restriction of Rab's view’ — for Rab said that the slightest perforation therein [would render the animal Trefah]. But [if you

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will ask,] does not Rab hold that it is within the area prescribed for slaughtering? [In that respect I rule] in accordance with Samuel's view that it is not within the area prescribed for slaughtering. And [if you will further argue,] does not Samuel hold that it is Trefah only if the greater portion of its circumference was severed? [In that respect I am] in accordance with Rab's view that the slightest perforation therein will render the animal Trefah'.

Meanwhile the case was circulated till at last it was laid before R. Abba. He said to his disciples, 'The ox should have been permitted — whether one accepted the view of Rab or of Samuel.<sup>17</sup> Go, tell the son of Joseph b. Hama<sup>18</sup> to pay the owner the value of the ox'.<sup>19</sup>

Mar the son of Rabina said: I can adduce a passage which would confute this dictum of Raba's foes.<sup>20</sup> For it has been taught: 'The halachah is always in accordance with the ruling of Beth Hillel. Nevertheless one who desires to adopt the view of Beth Shammai may do so, and one who desires to adopt the view of Beth Hillel may do so. One who adopts the view of Beth Shammai only when they incline to leniency, and likewise the view of Beth Hillel only when they incline to leniency, is a wicked person.

(1) As in the circumstances mentioned infra 53b, when it is necessary to examine the gullet for any red patches or drops of blood. This examination can only be carried out by inspecting the inner coat of the gullet which is white; but it is useless to inspect the outer coat, since it is red, and a drop of blood would not be discernible thereon.

(2) So Tosaf. Rashi: or an animal. Cf. next note.

(3) After the slaughtering. V. supra 282.

(4) And the animal is permitted, for the piercing of one coat only of the gullet does not render the animal Trefah. The text might also be translated: There is no fear that the wound caused by the perforation had healed, so that there is here only a membrane formed over the wound, which as stated above, is no protection.

(5) In this, as in all the other cases of doubt, the stricter view is adopted, whereas Ulla here adopts a lenient view.

(6) To declare it Trefah because of the doubt. This is also the view of Rab, infra 53a.

(7) If a person ate one of these two pieces, not knowing which, he is liable to bring a guilt-offering for this doubt, אשם תלוי.

(8) For it may be that the thorn never pierced the gullet at all.

(9) Where, according to R. Huna, whose view is accepted as law, the slaughtering is invalid, although it is a case of doubt only; v. supra 10a, b.

(10) The knife now is definitely unsatisfactory, and the doubt is whether it was in this condition during the slaughtering or not. In Ulla's case, however, the thorn may not have pierced through the gullet at all.

(11) V. supra 9b. One cannot therefore draw any inferences from it either one way or the other.

(12) תורבץ הושט Lit., 'the forecourt of the gullet', i.e., the pharynx.

(13) Or bird.

(14) It is therefore, like the gullet itself, rendered Trefah by the slightest perforation.

(15) The circular fibers on the internal plane of the muscular coat of the gullet cause it to contract when cut, but these are not found in the pharynx.

(16) V. Beth Joseph in Tur Yoreh Deah c. 20, where it is suggested that 'Jonah' means a dove and the statement in the text refers to the pharynx of a dove and is to be rendered: 'As to a dove, Zera said, etc.'; this is most probable in view of the statement of R. 'Awia as to its extent.

(17) It is permitted according to Rab because he says it is within the region prescribed for slaughtering, and according to Samuel because only the severance of the greater portion of its circumference is, in his view, a defect.

(18) I.e., Raba.

(19) Raba was liable to make good the loss occasioned by his wrong decision. Cf. Sanh. 6a.

(20) An euphemism for Raba himself.

### Chullin 44a

One who adopts the view of Beth Shammai only when they incline to strictness and likewise the view of Beth Hillel only when they incline to strictness, [is a fool and] to such an one applies the verse: But the fool walketh in darkness.<sup>1</sup> But one must either adopt the view of Beth Shammai in all cases, whether they incline to leniency or strictness, or the view of Beth Hillel in all cases, whether

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they incline to leniency or strictness'. Now is not this statement self-contradictory? At first it says: 'The halachah is always in accordance with the ruling of Beth Hillel', and immediately after it says: 'Nevertheless one who desires to adopt the view of Beth Shammai may do so'? — This is no difficulty. The latter statement relates to the practice before the Heavenly Voice<sup>2</sup> was heard, whilst the former states the law as it is after the Heavenly Voice was heard. Or, you may even say that the latter statement too was made after the Heavenly Voice was heard. [and yet there is no contradiction], for that statement is the view of R. Joshua who exclaimed: We pay no attention to a Heavenly Voice! Nevertheless the question remains?<sup>3</sup> —

R. Tabuth said: He [Raba] acted entirely in accordance with Rab's view. For when Rami b. Ezekiel arrived [from Palestine] he stated: 'Don't pay any heed to the laws transmitted to you by my brother Judah in the name of Rab; for thus said Rab: The Sages prescribed the limits in the gullet'.<sup>4</sup> Now since he said that the Sages prescribed the limits [in the gullet], it follows that the pharynx is not within the region prescribed for slaughtering; nevertheless, [Rab ruled that] the slightest perforation therein [will render the animal Trefah].<sup>5</sup> How far on top?<sup>6</sup> —

Said R. Nahman: As far as [the last] hand grip.<sup>7</sup> And how far below? — R. Nahman said in the name of Rabbah b. Abbuha: As far as that part where it is villous.<sup>8</sup> But this cannot be, for Rabina said in the name of Geniba on the authority of Rab that the [last] handbreadth of the gullet close to the rumen was the inner rumen. Now [if you say: 'as far as that part where it is villous',] one would then actually be cutting the rumen!<sup>9</sup> — Render thus: The [first] handbreadth in the rumen close to the gullet is the inner rumen.<sup>10</sup> Alternatively, you may say that Rab was referring to an ox in which the villous portion is found higher up.<sup>11</sup>

R. Nahman said in the name of Samuel: If the pharynx was entirely detached from the jaw,<sup>12</sup> [the animal] is valid. And our Tanna confirms this, for we have learnt: If the lower jaw was removed, [the animal] is valid.<sup>13</sup>

R. Papa demurred, saying: But is this not a case of [throat] organs being torn away?<sup>14</sup> — And does not this statement of the Mishnah, 'If the lower jaw was removed, [the animal] is valid', present the same difficulty to R. Papa? — No, the Mishnah does not present any difficulty to R. Papa because in the one case [the organ] was torn away forcibly,<sup>15</sup> whilst in the case [of the Mishnah the jawbone] was merely carved away.<sup>16</sup> Against Samuel, however, the difficulty remains! — Do not read 'entirely', but rather 'the greater portion'. But has not Samuel himself said that if the greater portion of [the circumference of] the pharynx was severed it is trefah?<sup>17</sup> — There it was lacerated, but here it merely came away.<sup>18</sup> But has not Rabbah b. Bar Hana said in the name of Samuel that if the greater part of the [circumference of the] organs of the throat was torn loose the animal is Trefah? — R. Shisha the son of R. Idi answered: In that case the organs were forcibly torn loose.<sup>19</sup>

**OR THE WINDPIPE SEVERED.** It was taught: How much of the windpipe must be severed? The greater part of it. And what is meant by 'the greater part of it'? — Rab says,

(1) Eccl. II, 14.

(2) V. 'Er. 13a: 'A Heavenly Voice was heard, saying: The law is always in accordance with Beth Hillel'.

(3) Against Raba for adopting the strict side of Rab's view and the strict side of Samuel's view.

(4) I.e., the furthest limits of the gullet, above and below (v. Tosaf.) within which the slaughtering may be performed.

(5) Despite the fact that it is outside the region prescribed for slaughtering. Raba thus accepted Rab's view in its entirety.

(6) I.e., how far does the region of slaughtering extend in the gullet?

## CHULLIN II – 31a-60b

(7) I.e., up to the last three or four fingerbreadths of the gullet towards the head (Rashi). According to Hal. Ged. And Alfasi the text means ‘the grip of two fingers’, which means either two fingerbreadths, or what can be gripped by two fingers, placing one finger on each side of the gullet, in other words, one fingerbreadth.

(8) Presumably the beginning of the rumen, the mucous membrane of which is covered with minute processes, resembling hair, known as villi.

(9) And this surely is no valid slaughtering.

(10) It is so called because it is enclosed between the ribs.

(11) Extending into the last handbreadth of the gullet.

(12) It must be observed that from the Talmudic viewpoint, as implied in this passage, the pharynx which is a continuation of the gullet, is attached to the lower jaw-bone and to the flesh around it. Accordingly, Samuel teaches that even if the pharynx was entirely detached from its moorings, i.e., torn away both from the jaw-bone and the surrounding flesh so that the gullet now hangs loose, the animal is still valid. As for the difficulty of reconciling this viewpoint with present day knowledge of anatomy v. Katzenelsohn, op. cit. pp. 125-127.

(13) V. infra 54a. With the removal of the lower jaw-bone (and presumably the surrounding flesh with it) the organs of the throat would hang loose, nevertheless the animal is valid, thus in accord with Samuel.

(14) עיקור, one of the conditions which render the slaughtering invalid and is in itself a defect according to Rashi. V. Tosaf. s.v. והאיכא.

(15) In the case of עיקור the organ was torn away entirely, from the jawbone and the flesh, in which case the animal is unfit.

(16) But the organ was still attached to the flesh, in which case it is valid.

(17) Whereas here Samuel states that if the greater portion of the pharynx was torn loose from its moorings it is still valid. The text adopted here is that of MS.M. which is also given by Ban in his Glosses. Cur. edd. omit this question and the answer which follows.

(18) Where the organ merely came away from its moorings to the extent of the greater part of its circumference, but in no wise was there any laceration or trauma in the organ, it is still valid; but where the actual body of the organ was severed it is Trefah.

(19) By reason of a violent wrench the organ was torn loose and remained attached only by some thin strands of its tissue in a few places. In this case it is Trefah, for the attachments in these places are meager and would not hold the organ in Position. On the other hand, Samuel speaks of the

case in which the organ came away but not with violence, so that even though the greater part of its circumference on top was detached, what remains is firm and could hold the organ in its place; so he rules the animal still valid.

### Chullin 44b

The greater part of the outer circumference [of the windpipe].<sup>1</sup> Others say [in the name of Rab]: The greater part of the inner circumference.<sup>2</sup> An animal with its windpipe severed was brought before Rab. He set about to examine it on the basis of the greater part of the outer circumference; whereupon R. Kahana and R. Assi said: ‘But you have taught us, Master, to examine it on the basis of the greater part of the inner circumference!’ Rab therefore sent the case to Rabbah b. Bar Hana and he examined it on the basis of the greater part of the inner circumference. He permitted it and actually bought from the meat of the animal to the value of thirteen common *istirae*.<sup>3</sup> But was he right in doing so? Has it not been taught: ‘If a Sage has declared aught unclean his colleague may not declare it clean, or if he has declared aught forbidden his colleague may not permit it?’—

This case is different for Rab did not declare it forbidden.<sup>4</sup> And why did he eat of it seeing that a Sage had to make a decision with regard to it? Behold it is written: Then said I, ‘Ah Lord God! behold my soul hath not been polluted; for from my youth up even till now have I not eaten of that which dieth of itself or is torn of beasts; neither came there abhorred flesh into my mouth.’<sup>5</sup> And it has been interpreted as follows: ‘Behold my soul hath not been polluted’, for I did not allow impure thoughts to enter my mind during the day, so as to lead to pollution at night. ‘For from my youth up even till now have I not eaten of that which dieth of itself or is torn of beasts’, for I have never eaten of the flesh of an animal of which it had been exclaimed: ‘Slaughter it! Slaughter it!’ Neither came there abhorred flesh into my mouth, for I did

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not eat the flesh of an animal which a Sage declared to be permitted. It was reported in the name of R. Nathan that this means: I did not eat of an animal from which the priestly dues had not been set apart! —

This applies only to a matter which was declared to be permitted as the result of a logical argument; Rabbah b. Bar Hana, however, relied upon his tradition.<sup>6</sup> But, in any case, there is the suspicion?<sup>7</sup> And it has been taught: A judge who decided an issue declaring the one party entitled to a thing and the other disentitled, or who pronounced ought to be unclean or clean, or forbidden or permissible, likewise witnesses who gave evidence in a law suit, these may [in law] buy the matter that was in dispute, but the Sages have said: ‘Keep aloof from anything hideous or from whatever seems hideous’! —

This applies only to matters which are bought by appraisement;<sup>8</sup> in this case, however, the selling by weight is proof against suspicion. As in the following instance. Raba once declared an animal, a doubtful case of Trefah, to be permitted and then bought some of the meat. Whereupon the daughter of R. Hisda<sup>9</sup> said to him, ‘My father once permitted a firstling<sup>10</sup> but would not buy of its meat’! To which he replied: ‘This [suspicion] applies only in the case of a firstling since it may be sold only by appraisement;<sup>11</sup> in my case, however, the selling by weight is proof against suspicion. What other suspicion can there be? That I receive a choice piece? But every day I am given the choicest meat’. R. Hisda said: Who is a scholar?<sup>12</sup> He who would declare his own animal trefah.<sup>13</sup> R. Hisda further said: To whom does this verse apply: He that hateth gifts shall live?<sup>14</sup> To him who would declare his own animal Trefah.

Mar Zutra gave the following exposition in the name of R. Hisda: He who studies Scripture and the Mishnah, and attends the lectures of the scholars,<sup>15</sup> and would declare

his own animal Trefah, of him it is written: When thou eatest the labor of thy hands, happy shalt thou be, and it shall be well with thee.<sup>16</sup> R. Zebid said: He is worthy of inheriting two worlds: this world and the world to come; ‘Happy shalt thou be’, in this world; ‘and it shall be well with thee’, in the world to come.

Whenever R. Eleazar was sent a gift from the house of the Nasi<sup>17</sup> he would not accept it, and whenever he was invited out to dine he would not go, for he used to say: ‘[It seems that] you<sup>18</sup> don't want me to live, for it is written: "He that hateth gifts shall live"’. Whenever R. Zera was sent a gift he would not accept it but whenever he was invited out to dine he would go, for he used to say,

(1) Lit., ‘the greater portion of its thickness’. It must be remembered that the trachea or windpipe is a cylindrical membranous tube, stiffened and held open by a series of many cartilaginous rings. These rings of cartilage are incomplete in part of their circumference, being about one third filled in by fibrous tissue. It is evident, therefore, that the greater part of the outer circumference which includes the thickness of the cartilage would not necessarily be also the greater part of the inner circumference.

(2) Lit., ‘the greater part of the cavity of the windpipe’.

(3) Silver coins (staters). ‘Common’ i.e., provincial coins as opposed to Tyrian coinage.

(4) Rab came to no decision in the case.

(5) Ezek. IV, 14. V. supra p. 201 and notes.

(6) Received from his teachers, that the inner circumference of the windpipe must be examined. Where a master relies upon a tradition he may overrule a decision of a colleague. V. Tosaf. s.v. ה"י.

(7) That he was given meat at a cheaper price in return for declaring the animal permissible, so that he appears to be receiving a reward or monetary advantage for deciding a case (Rashi).

(8) I.e., such things as are bought and sold by a general estimation of their weight or an approximate assessment of their value without resorting to the usual practice of weighing or measuring. Only in such a case is there ground for suspicion.

(9) She was the wife of Raba, cf. B.B. 12b.

(10) After the destruction of the Temple a firstling was permitted to be slaughtered and eaten by



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priests only if it had a physical blemish which would have rendered it unfit for a sacrifice. It was therefore necessary for a Rabbi to examine the blemish and give a ruling on it.

(11) V. Bek. 31a. The meat of a firstling was not permitted to be sold by weight in the butcher's shop but only by an approximate estimation of its value.

(12) To whom a lost object is to be restored on his identifying it by general impression without mentioning any special distinguishing marks; cf. B.M. 24a (Tosaf).

(13) When there has arisen a doubt with regard to it.

(14) Prov. XV, 27.

(15) This sequence is different from the current ed, but is based on many MSS. and on Alfasi; cf. Ber. 47b.

(16) Ps. CXXVIII, 2.

(17) שׂוּיָא. 'price', the Patriarch Judah II.

(18) Lit., 'the Master', the Nasi.

### Chullin 45a

'They are honored by [inviting] me'. Rab Judah said in the name of Rab: If the windpipe was perforated [with many holes] like a sieve, they are reckoned together in order to make up the greater part.<sup>1</sup> R. Jeremiah raised an objection. It was taught: If there was one long hole in the skull, or even if there were many small holes in it, in either case the hole or holes are computed to make up the measure of a hole the size of a [surgeon's] drill.<sup>2</sup> We therefore see that if the measure is that of a hole the size of a drill, several small holes are reckoned together so as to make up this measure; similarly we ought to say here, inasmuch as the measure<sup>3</sup> is that of a hole the size of an issar,<sup>4</sup> that several small holes shall be reckoned together to make up a hole the size of an issar? — He [R. Jeremiah] obviously overlooked the dictum of R. Helbo which he reported in the name of R. Hama b. Guria on the authority of Rab: Holes with loss of substance are reckoned together to make up the measure of a hole the size of an issar, but holes without any loss of substance are reckoned together to make up the greater part [of the circumference].<sup>5</sup>

Rabbah b. Bar Hana said in the name of R. Joshua b. Levi: If a strip [of the windpipe] was removed its spaces is computed to make up a hole the size of an issar. R. Isaac b. Nahmani enquired of R. Joshua b. Levi: What is the law if the windpipe was perforated like a sieve? — He replied: They have said: Holes with loss of substance are reckoned together to make up the measure of a hole the size of an issar, but holes without any loss of substance are reckoned together to make up the greater part [of the circumference]. What is the test in the case of a bird?<sup>7</sup> — R. Isaac b. Nahmani said: It was explained to me by R. Eleazar thus: Its must be cut out and placed over the opening of the windpipe; if it covers the greater part of the windpipe, the bird is Trefah, but if not, it is permitted. R. Papa said: And in order to remember this [test] think of a sieve.<sup>10</sup>

R. Nahman said, if the windpipe was lacerated in the shape of a door,<sup>11</sup> it is Trefah if an issar can pass through it horizontally.<sup>12</sup>

Rab said, if the windpipe was slit lengthwise it is permitted, provided there remained intact at least one ring<sup>13</sup> at the top and one ring at the lower end. When this was reported to R. Johanan he exclaimed: Why a ring? Why does Rab insist upon a ring? I would rather say: It is permitted — provided there remained a portions no matter how little, intact at the top and at the lower end. When this same ruling was reported to R. Johanan in the name of [the Babylonian] R. Jonathan he exclaimed: Our Babylonian friends know full well how to interpret the law!

R. Hiyya b. Joseph recited in the presence of R. Johanan: The whole of the neck is the appropriate place for slaughtering — that is, from the large ring<sup>14</sup> to the nethermost lobe of the lung. Raba said: 'The nethermost lobe' really means the uppermost lobe,<sup>15</sup> for I hold [that the appropriate place for slaughtering is] the entire extent of the neck observed at

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the time when the animal is grazing. But on no account may the organs [of the throat] be stretched [by force]. R. Hanina (others say: R. Hanania) enquired: What is the law if the animal of its own accord stretched its neck?<sup>16</sup> It is undecided.

R. Johanan and R. Simeon b. Lakish were once sitting together and the following was established:<sup>17</sup> If one stretched the organs of the throat of an animal by force and slaughtered in the extended part, the slaughtering is invalid. If the windpipe was pierced below the breast it is considered as if the lungs [were pierced].<sup>18</sup>

Our Rabbis taught: What counts as the breast?<sup>19</sup> It is that portion which looks down upon the ground; on top<sup>20</sup> it extends as far as the neck, and below as far as the rumen. Two ribs from the two sides, on this side and on that, are cut away with it.<sup>21</sup> This is the breast which is to be given to the priests.

**IF THE MEMBRANE OF THE BRAIN WAS PIERCED.** Rab and Samuel both said: If the outer membrane<sup>22</sup> only was pierced, even though the inner was not, [it is Trefah]. Others say [that Rab and Samuel both said: It is not Trefah] unless the inner membrane was [also]<sup>23</sup> pierced. R. Samuel b. Nahmani said: And in order to remember this think of the bag in which the brain lies.<sup>24</sup> Rabbah b. Bar Hana said in the name of R. Joshua b. Levi: The same is to be observed with the stones.<sup>25</sup> R. Simeon b. Pazzi said in the name of R. Joshua b. Levi on the authority of Bar Kappara: All the marrow that is within the cranium is regarded as the brain; from the point at which it begins to elongate it is counted as the spinal cord. At what point does it begin to elongate? — Said R. Isaac b. Nahmani: It was explained to me by R. Joshua b. Levi: there are two

(1) I.e., the holes are considered as being adjacent and in a line, and if then it appears that the greater portion of the circumference of the windpipe is severed the animal is Trefah.

(2) And if the hole is of the size of a surgeon's drill the skull will no longer convey uncleanness to men or vessels that are in the same 'tent' or under the same roof; V. Ohol. II, 3.

(3) Where the windpipe was perforated, as distinct from where it was merely severed. V. infra 54a.

(4) A coin, the Roman as, one twenty-fourth part of a denar.

(5) And Rab Judah was referring to holes without any loss of substance.

(6) I.e., its area.

(7) If there were several holes in it with loss of substance, or if a strip of the windpipe was removed. The measure of an issar obviously cannot apply to a bird too, since the entire width of its windpipe does not amount to an issar.

(8) Sc. the portion of the windpipe that is perforated with several holes, including even the solid substance between the holes (Rashi).

(9) Lit., 'he rolls it up'.

(10) Which is a cavity covered over by a network of small holes; here too the portion perforated must be placed over the cavity of the windpipe.

(11) I.e., a Portion of the windpipe was cut around on three sides but attached on the fourth side (Rashi). According to Alfasi and Maim., 'The windpipe was perforated from side to side', i.e., there were two holes in the windpipe exactly opposite each other. It is to be observed that 'like a door' is not found in MS.M. nor in the text of Alfasi. Moreover there is considerable doubt whether this case refers to a bird or cattle. V. commentaries.

(12) V. Tosaf. s.v. קרע and Kesef Mishnah on Maim. Yad, Hil. Shech. III, 24.

(13) Or: 'one section consisting of three rings'.

(14) Sc. the cricoid 'cartilage'.

(15) It is clear that the top lobe of the lung is meant but the description of it will vary according to the position of the animal. If the animal is suspended by its hind legs the top lobe is really the nethermost.

(16) And the animal was slaughtered in that extended portion of the neck.

(17) Lit., 'the matter emanated from them'.

(18) And the slightest perforation will render the animal Trefah.

(19) From all peace-offerings the breast as well as the thigh was presented to the priest; cf. Lev. VII, 34.

(20) This is the better text, so found in Tosef Hul. IX and in many MSS.; so also in Maim. In cur. edd. the directions are reversed.

(21) According to Rashi, one rib is to be cut away on each side; however, in the Tosef. loc. cit. and in Maim. it is expressly stated that two ribs must be cut away on each side. So too R. Hananel, v. Tosaf. ad loc.

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(22) I.e., the dura mater, the inner membrane being the pia mater.

(23) V. Asheri and R. Nissim ad loc.

(24) This is a mnemonic for remembering the second opinion, namely, that the inner membrane is the vital one. There is a play upon the word חייה, which means 'life' and also 'a bag'.

(25) I.e., the testicles of an animal are also invested by two coverings, an inner and outer membrane, like the brain.

### Chullin 45b

bean shaped protuberances<sup>1</sup> that lie at the entrance of the cranium; whatsoever lies on the inside of these protuberances is regarded as within [the cranium] and whatsoever lies on the outside of these protuberances is regarded as outside [the cranium]. As to that which lies directly opposite these protuberances, I know not how to regard it. It is the more reasonable view, however, to regard it as within [the cranium].

R. Jeremiah once examined the skull of a bird and found these two bean shaped protuberances at the entrance of the cranium.

**IF THE HEART WAS PIERCED AS FAR AS THE CAVITY THEREOF.** R. Zera raised the question: Does it mean as far as the small cavity<sup>2</sup> or as far as the large cavity? Thereupon Abaye said to him: Why are you in doubt? Have we not learnt: R. SIMEON SAYS, PROVIDED IT WAS PIERCED AS FAR AS THE MAIN BRONCHI? And this was explained by Rabbah b. Tahlifa in the name of R. Jeremiah b. Abba on the authority of Rab to mean that it [the lung] must be pierced as far as the large bronchus<sup>3</sup> — He replied: There is no comparison at all! There it says: AS FAR AS THE MAIN BRONCHI<sup>4</sup> that is the center into which the bronchial tubes converge, but here it says: AS FAR AS THE CAVITY THEREOF; what does it matter whether it is the large or small cavity?<sup>5</sup> As to the aorta,<sup>6</sup> Rab says: The slightest perforation therein [will render the animal Trefah]; Samuel says,

[It is Trefah only if] the greater portion [of its circumference was severed]. What is the aorta?

Said Rabbah b. Isaac in the name of Rab: It is the artery<sup>7</sup> which runs along the [chest] walls. The walls? But that is absurd! Rather it is the artery which runs in the groove between the lungs.<sup>8</sup>

Amemar said in the name of R. Nahman: There are three main vessels, one leads to the heart,<sup>9</sup> the other to the lungs<sup>10</sup> and the third to the liver;<sup>11</sup> the one that leads to the lungs is counted as the lungs,<sup>12</sup> the one that leads to the liver is counted as the liver,<sup>13</sup> but with regard to the one that leads to the heart there is the abovementioned dispute [between Rab and Samuel].

Mar b. Hiyya reports a different version: The one that leads to the lungs is counted as the liver, the one that leads to the liver is counted as the lungs, but with regard to the one that leads to the heart there is the abovementioned dispute [between Rab and Samuel]. R. Hiyya b. Joseph went and reported Rab's view to Samuel. Said Samuel: If this is what Abba<sup>14</sup> said, then he knows nothing about defects in animals.

**IF THE SPINE WAS BROKEN.** Our Rabbis taught: Rabbi says: The greater part of the circumference of the spinal cord must be severed. R. Jacob says: Even if it was only pierced [the animal is Trefah]. Rabbi, however, decided cases according to the view of R. Jacob. R. Huna said: The halachah is not in accordance with R. Jacob's view. What is meant by 'the greater part'? —

Rab said: It means the greater part of the circumference of the membrane<sup>15</sup> [which envelops the cord]. Others say [in the name of Rab]: It means the greater part of the circumference of the medulla.<sup>16</sup> Now those who say: 'the greater part of the circumference of the medulla', will certainly

## CHULLIN II – 31a-60b

hold [that the severance of] the greater part of the circumference of the membrane [renders the animal Trefah]; but as for those who say: 'the greater part of the circumference of the membrane', what would be their view if the greater part of the circumference of the medulla [was severed]?—

Come and hear: Niwli said in the name of R. Huna, 'The greater part' of which the Rabbis spoke means the greater part of the circumference of the membrane, for the actual medulla is of no consequence.<sup>17</sup> R. Nathan b. Abin was once sitting before Rab and was examining the spinal cord for any severance of the greater part of the circumference of the membrane and also for any severance of the greater part of the circumference of the medulla; whereupon [Rab] said to him: If the greater part of the circumference of the membrane is intact [no further examination is necessary, for] the actual medulla is of no consequence.

Rabbah b. Bar Hana said in the name of R. Joshua b. Levi: If [the medulla] liquefied, [the animal] is unfit; [likewise] if softened, it is unfit. What is meant by 'liquefied' and by 'softened'? 'Liquefied' means that it flows out as from a jug; 'softened' means that it cannot stand upright. R. Jeremiah asked: What is the law if it cannot stand upright because of its [abnormal] heaviness? It is Undecided. In the school of Rab it was taught: If it softened, the animal is unfit, but if part wasted away<sup>18</sup> the animal is still fit.

The following objection was raised: R. Simeon b. Eleazar said: If part of the spinal substance of an animal wasted away it is Trefah. — That was a case where the substance had softened. But surely this is not right,<sup>19</sup> for Levi was once sitting in the public baths when he saw a man shaking his head incessantly<sup>20</sup> and exclaimed: 'Ah, this man's brain has wasted away'. Now he meant to imply, did he not, that he could not continue

to live? — No, said Abaye; he meant to imply that he could not procreate. How far does the spinal cord extend?<sup>21</sup> — Rab Judah said in the name of Samuel: Up to the interval between the branch nerves.<sup>22</sup>

As R. Dimi b. Isaac was intending to go to Be Huzai<sup>23</sup> he came to Rab Judah and said: 'Would the Master indicate to me the position of these intervals?' 'Go', he replied: 'fetch me a kid and I will show them to you'. He brought them a fat kid so Rab Judah said to him, 'In this they are too deeply sunken in and are not distinguishable'. He then brought him a lean kid and Rab Judah said to him, 'In this they protrude too much<sup>24</sup> and are not distinguishable. But come', said he, 'and I will teach you the traditional law. Thus said Samuel, [The severance of the cord in any part] up to the first interval<sup>25</sup> is Trefah, in the third interval it is permitted, as to the second interval I do not know'.

R. Huna son of R. Joshua raised the point:

- (1) I.e., the occipital condyles which articulate the cranium to the first vertebra.
- (2) I.e., the atrium; the large cavity being the ventricle.
- (3) Abaye would therefore suggest that even in the case of the heart the hole must reach as far as the main or large cavity, i.e., the ventricle.
- (4) Lit., 'the house (or center) of the bronchial tubes'.
- (5) In either case it is Trefah.
- (6) Heb. קנה הלב 'the artery of the heart'.
- (7) Lit., 'the fat'. The aorta was regarded as composed of fat by reason of its whiteness.
- (8) I.e., the mediastinal cavity.
- (9) The aorta.
- (10) The trachea or windpipe.
- (11) The vena cava inferior.
- (12) And the slightest perforation therein will render the animal Trefah.
- (13) So that it is Trefah only if it was gone entirely.
- (14) I.e., Rab. V. supra p. 202, n. 5.
- (15) And it is Trefah even though the medulla or spinal tissue is intact and has not been affected at all.
- (16) If it is severed to this extent it is Trefah even though the membrane which envelops the cord is intact.

## CHULLIN II – 31a-60b

(17) Lit., ‘neither raises nor lowers’. For a discussion of this passage in the light of medical science v. Katzenelsohn, op. cit. pp. 132-3.

(18) And a cavity was formed (Rashi). V. Alfasi.

(19) To say that a wasting away of part of the spinal cord leaves the animal valid.

(20) Or ‘who struck his head’ (Aruch).

(21) I.e., at what point does the vitality of the spinal cord cease so that any severance of the cord beyond that point would be of no consequence.

(22) Heb. בין הפרשות, ‘between the partings’, i.e., that part of the cord between the pairs of nerves that branch off from the cord (Rashi, first interpretation). It must be observed that the spinal cord is a long, almost cylindrical rod of nerve tissue accommodated in the vertebral canal, and it extends from the skull to about the middle of the sacrum (the bone at the lower end of the spine and is wedged in between the hip bones). At intervals along the entire length of the cord are given off pairs of spinal nerves (thirty-seven in number, classified as eight cervical, thirteen thoracic, six lumbar, five sacral, and five coccygeal) which break up into branches, and these again into smaller ones until almost every tissue in the body is reached. These spinal nerves (called in the text ‘branch nerves’: Heb. פרשות) as they emerge from the vertebral canal are at once concealed in muscles and are not visible, with the exception of the first three sacral nerves which are visible and soon unite to form the sacral plexus from which proceeds the sciatic nerve, the largest nerve in the body. Accordingly the intervals between the branch nerves spoken of in the text will refer to the length of spinal cord between the first pair of sacral nerves and the second, and between the second pair and the third. The significance of Samuel’s statement is that any severance of the cord below the interval is of no consequence and the animal is valid.

(23) The modern Khuzistan.

(24) And the hip bones press hard on the nerves so that they are hardly noticeable.

(25) The first interval is that portion of the spinal cord between the branching off of the first sacral nerve and the second, the second interval between the second and third sacral nerves, and the third interval after the third sacral nerve.

### Chullin 46a

Is ‘up to’ inclusive<sup>1</sup> or not?<sup>2</sup> R. Papa raised the point: If you say that ‘up to’ is not inclusive, what is the law then [if the spinal cord was severed] at the point where the nerves branch off?<sup>3</sup> R. Jeremiah raised the

point: If you say that ‘up to’ is inclusive, what is the law then if the branch nerve itself<sup>4</sup> [was severed]? —

Come and hear: ‘The branch nerve is accounted as flesh.’<sup>5</sup> Presumably this refers to the first and second branch nerves, does it not? — No, it refers to the third.<sup>6</sup> In a bird, says R. Jannai, [the vitality of] the cord extends as far as [the point opposite] the lower extremity of the wings.<sup>7</sup> R. Simeon b. Lakish says: As far as the point opposite the [beginning of the] wings. Ulla said: I was once standing before Ben pazzi when a bird was brought to him for examination. He had examined [the spinal cord] as far as the point opposite the [beginning of the] wings when he was sent for by the Nasi, whereupon he arose and went away. Now I did not know whether [his leaving at this point was] because he did not consider it necessary to examine it any further or only out of respect for the Nasi.

**IF THE LIVER WAS GONE AND NAUGHT REMAINED.** It follows, however, that if aught remained, even though less than an olive’s bulk, it is permitted; but we have learnt: If the liver was gone, provided there remained an olive’s bulk thereof, it is permitted!<sup>8</sup> — R. Joseph said: There is no contradiction; the one [Mishnah] represents the view of R. Hiyya and the other the view of R. Simeon b. Rabbi. For R. Hiyya used to throw it away,<sup>9</sup> whilst R. Simeon b. Rabbi would eat it.<sup>10</sup> And in order to remember this, think of the saying: ‘the rich are parsimonious’.<sup>11</sup>

An army once was stationed at Pumbeditha. Rabbah and R. Joseph fled the town and were met on the way by R. Zera, who said to them, ‘Fugitives! Remember the olive’s bulk of which the Rabbis spoke must be found in the region of the gall-bladder’. R. Adda b. Ahaba said: It must be found in the most vital place.<sup>12</sup> Therefore, said R. Papa, there must be one olive’s bulk in the region of the gall-bladder and another in the most vital place.

## CHULLIN II – 31a-60b

**R. Jeremiah enquired: What is the law if the olive's bulk was [not found in one place but was] obtained by collecting it? or if there only remained of the liver a long, thin strip? R. Ashi asked: What is the law if that which remained of the liver was flattened? These questions remain undecided. R. Zerika enquired of R. Ammi, What is the law if the liver was [for the most part] torn away from its connections though [in parts] it was still attached to the diaphragm? — He replied: In this case of the liver being torn loose I see no difficulty at all, for as to the one who says, there must be an olive's bulk in the region of the gall-bladder, it is so here, and as to the one who says there must be an olive's bulk in the most vital part, that, too, is here.**

**IF THE LUNG WAS PIERCED. Rab, Samuel and R. Assi say: The outer membrane<sup>13</sup> [must be pierced]; others say [that they said], The inner membrane. R. Joseph b. Manyomi said in the name of R. Nahman, In order to remember this think of the rose-colored coat in which the lungs lie.<sup>14</sup> It is clear<sup>15</sup> that if the outer membrane was pierced, but not the inner one, [the animal is permitted, for] the inner membrane is a sufficient protection; this being in accordance with Raba's decision, for Raba ruled: That if the outer membrane of the lung was peeled off,**

(1) So that the severance of the cord in the first interval is Trefah.

(2) And the severance of the cord in the first interval is also a matter of doubt as in the second interval.

(3) I.e., the point in the cord where the first pair of sacral nerves is given off.

(4) I.e., the first sacral nerve (Rashi).

(5) And any severance thereof is of no consequence.

(6) This entire passage has been dealt with in accordance with Rashi's first interpretation. For other interpretations see Rashi and the Commentaries. V. also Glosses of J. H. Dunner on this passage and Katzenelsohn op. cit. pp. 114, 134-7, 280, 282.

(7) V. Tosaf. a.l. and Asheri for meaning of 'extremity of wings'. It might mean either the extremity of the articulation of the humerus (i.e., the bone of the upper arm) to the scapula (i.e., the shoulder blade), or the extremity of the entire wing as it lies on the body of the bird, V. Commentaries.

(8) Infra 54a.

(9) I.e., where there did not remain of the liver an olive's bulk he regarded the animal as Trefah.

(10) Lit., 'dipped it' in sauce; i.e., he regarded it as permitted even though there did not remain an olive's bulk of the liver. V. Rashi, however, for another interpretation suggesting the reverse.

(11) Indicating that it was R. Simeon b. Rabbi, son of the Nasi, and a wealthy person, who permitted it.

(12) I.e., where the liver is attached to the diaphragm (by the falciform ligament); others interpret, where the liver is reflected on to the right kidney (by the suprarenal ligament).

(13) Lit., 'the upper' i.e., the membrane which envelops the lungs; v. Katzenelsohn op. cit. p. 139.

(14) This refers to the inner membrane or the pinkish coat which invests the pulmonary substance (the parenchyma pulmonis). R. Nahman is of the opinion that the inner is the vital membrane, and this must be pierced in order to render the animal Trefah.

(15) This argument follows the second version that the inner membrane is the vital one.

### Chullin 46b

so that now the lung resembles a red date, it is permitted. [The only question is,] if the inner membrane was pierced, but not the outer one, will the latter afford sufficient protection or not? R. Aha and Rabina disagree, one maintains that it does not afford sufficient protection, the other that it does. The law is that it does afford sufficient protection, and this is in agreement with the decision of R. Joseph. For R. Joseph said: If the lung produces a sound [when inflated] and the source of the sound can be located, we must place over that spot a feather or a straw or spittle; if it stirs<sup>1</sup> the animal is Trefah, otherwise it is permitted. If the source cannot be located, we must take a basin of lukewarm water and put the lung therein. (The water must not be too hot, for then the lungs would shrivel up, nor too cold,

## CHULLIN II – 31a-60b

for then they would harden; but it must be lukewarm.) We then inflate the lung; if it bubbles it is Trefah, otherwise it is permitted, for then it is certain that the inner membrane only has been perforated, but not the outer one, and the sound is caused merely by the air vibrating between the two membranes.

(Mnemonic: *A date. Red. Dry. Scabs.*)

The text [stated above]: ‘Raba said: If the outer membrane of the lung was peeled off, so that now the lung resembles a red date, the animal is permitted’.

Raba further said: If a portion of the lungs turned red, the animal is permitted, but if the whole turned red, it is Trefah. Rabina said to Raba, Why is it that where a portion only turned red it is permitted? It is, is it not, because it will eventually recover [its normal color]? Then surely where the whole turned red it should also be permitted because it will eventually recover [its normal color]. For it was taught: With regard to other creeping and crawling things<sup>2</sup> [one would not be liable for causing them an injury on the Sabbath] unless the wound bled.<sup>3</sup> Should you argue and say that we ought to compare our case with the case of the ‘Eight species of creeping things’, about which it has been taught: [One is liable for desecrating the Sabbath by injuring these creatures] if only the blood collected in one spot, though there was no bleeding at all, then I would contend that even if only a portion of the lungs had turned red the animal should be trefah.<sup>4</sup> There is therefore no difference.<sup>5</sup>

Raba further said: If a portion of the lungs became dry [the animal] is Trefah. To what extent? — R. Papi said in the name of Raba, [It is so dry] that it crumbles with the nail. Is this view only in accord with the opinion of R. Jose b. ha-Meshullam? For we have learnt: What is meant by ‘dried’?<sup>6</sup> That is does not bleed when pierced. R. Jose b. ha-Meshullam says, [It is so dry] that it

crumbles with the nail!<sup>7</sup> — You can even say that our view is in accord with the opinion of the Rabbis, [but there is, however, this distinction to be drawn]. In the case of the ear of a firstling, inasmuch as it is constantly exposed to wind, it will not recover;<sup>8</sup> whilst in the case of the lungs, since they are not exposed to wind, they will recover.<sup>9</sup>

Raba further said: If the lungs were covered with scabs or with black patches or with patches of various colours,<sup>10</sup> it is permitted. Amemar said in the name of Raba, We may not compare cysts with each other.<sup>11</sup> Raba further said: If two lobes of the lungs adhere to each other [by fibrous tissue], no examination thereof can avail<sup>12</sup> [to render the animal permitted]. This is so, however, only if the lobes were not adjacent,<sup>13</sup> but if they were adjacent [it is permitted, for] this is their natural position.<sup>14</sup>

(1) Heb. מִבְּבֹקַי ‘to bubble’, strictly applied to water. The expression is terse and applies to all three, and the meaning is: if the straw or feather flutters, or the water bubbles, the animal is Trefah, for this is an indication that there is here a perforation and the air is escaping through it.

(2) I.e., not of those species enumerated in Lev. XI, 29 and 30.

(3) But any other wound caused, though quite red, if it does not bleed, is not regarded as an injury; hence there is no liability for causing such a wound on the Sabbath. Likewise the fact that the lungs have turned red, even completely red, is not to be regarded as an injury or trauma; accordingly it should not render the animal Trefah.

(4) The argument is: If the collection of the blood into one place as a result of a blow is technically an injury, and one who inflicts such a blow desecrates the Sabbath, the reason can only be because in all probability the skin will break, and eventually the blood will flow. It should then likewise be held in our case that the animal is Trefah even though only a portion of the lung turned red, for the skin will break eventually and there will be a perforation of the lungs.

(5) And in either case—whether the whole or only part of the lungs turned red—it is permitted (Rashi, Alfasi and Maim). R. Hananel and R. Tam hold that in either case it is Trefah.

## CHULLIN II – 31a-60b

(6) V. Bek. 37a, where it is taught that if the ear of a firstling dried up it is a blemish; and the Mishnah proceeds to define the term 'dried'.

(7) This is a greater degree of dryness than that mentioned by the first Tanna, which, being stated anonymously, was the general opinion of the Rabbis.

(8) And therefore it is regarded as a blemish even though the ear has not become quite dry and brittle.

(9) Accordingly it is Trefah only when it is so dry that it crumbles with the finger nail.

(10) Of course only such colors as do not render Trefah, v. infra.

(11) If after slaughtering an animal there is found on the lung a burst cyst (on such a part of it as is not usually handled by the slaughterer) but it is not known whether the cyst had burst before the slaughtering, in which case the animal would be Trefah, or after the slaughtering, in which case the animal would be permitted, we may not lance another cyst which happens to be on the same lung and compare the two, with the object that if they now resemble each other the animal will be permitted, for it is held that a burst cyst would present a different condition both in color and in general appearance at different times.

(12) It is Trefah, because every adhesion is caused by the presence of a perforation beneath it (Rashi), or because an adhesion will ultimately cause a perforation when it breaks away (Tosaf.).

(13) E.g., if the first lobe was attached to the third lobe.

(14) This being so the adhesion will act as a firm and effective covering over the underlying perforation, and is therefore permitted; so according to Rashi. The view of Tosaf. is that, the lobes being adjacent, there is no apprehension that the adhesion will snap and cause a perforation.

### Chullin 47a

Raba further said: If two cysts are contiguous, no examination thereof can avail.<sup>1</sup> If one cyst appears like two,<sup>2</sup> we must take a thorn and burst it; if [the mucous] runs from one into the other, it is clear that there is here only one cyst, and it is permitted, but if not, there are here two distinct cysts [which are contiguous], and it is Trefah.

Raba further said: The lungs have five lobes,<sup>3</sup> three on the right side and two on the left [that is, when held up with] the front facing

the examiner.<sup>4</sup> If there was one lobe missing or one too many, or if the number of lobes was transposed,<sup>5</sup> the animal is Trefah.

There once was brought before Meremar [a pair of lungs with] an additional lobe. R. Aha who was sitting at the entrance [of Meremar's house] asked [the butcher as he was leaving], 'What did he say about it'? He replied: 'He declared it to be permitted'. 'Then take it in to him again', said R. Aha. Whereupon Meremar said: 'Go, tell him that sits at the door that the law is not in accordance with Raba in the case of an additional lobe'. This is the rule, however, only if the additional lobe was in line with the other lobes, but if it was interjacent between the lungs,<sup>6</sup> it is Trefah.

There once was brought before R. Ashi [a pair of lungs that had] an interjacent lobe. He was about to declare it Trefah when R. Huna Mar b. Awia said to him, But all beasts that pasture in the open field have this<sup>7</sup> [interjacent lobe], and it is called by butchers 'the little rose-lobe',<sup>8</sup> This is the rule, however, only if it is found in front,

(1) Raba is of the opinion that where two or more cysts are contiguous they must have been caused by an underlying perforation.

(2) I.e., there appears a dividing line in the cyst.

(3) This does not take into account the main or diaphragmatic lobe which in Hebrew is אֵוֶמָא, as distinguished from אֵוֶמָה, the other lobes.

(4) I.e., when the animal is suspended after the slaughtering by its hind legs ventrally towards-the examiner.

(5) I.e., there were two lobes on the right side and three on the left.

(6) Or anywhere else on the lungs not in line with or in the range of the other lobes.

(7) MS.M. and a number of other MSS. add: 'And others say: All goats that pasture in the open field have it'. V. Tosaf. ad loc.

(8) So called on account of its thinness like the petal of a rose, and also because of its pinkish color.



# CHULLIN II – 31a-60b

## Chullin 47b

but if it is found on the back of the lungs, even though it is as small as a myrtle leaf, it is Trefah.

Rafram said: If the lung was like wood, it is Trefah. Some explain, [like wood] in color; others, [like wood] in touch. The former say: 'in color', meaning thereby that when distended it is pale [like wood]; but the others say: 'in touch', meaning thereby that it is hard [like wood], or, as some say, that it is quite smooth and has no fissures marking the lobes.<sup>1</sup>

Raba said: If [the lung was] blue it is permitted, if black like ink it is Trefah; for R. Hanina said: Black [blood] is [in reality] red blood which has turned black by disease.<sup>2</sup> If green<sup>3</sup> it is permitted, in accordance with R. Nathan; if red it is also permitted, in accordance with R. Nathan. For it was taught: R. Nathan said: 'I once came to a coastal town and was approached there by a woman who, having circumcised her first son and he died and her second son and he also died, brought her third son to me. I saw that the child was red so I said to her, "My daughter, wait until the blood will become absorbed in him". She accordingly waited and thereafter circumcised her child and he lived and was named Nathan the Babylonian after me. On another occasion when I went to Cappadocia I was approached by a woman who, having circumcised her first son and he died and her second son and he also died, brought her third son to me. I saw that the child had a greenish color; I examined him and found that he was anemic, without blood for circumcision. I said to her, "My daughter, wait until the blood will circulate more freely in the child". She accordingly waited and thereafter circumcised her child and he lived and was named Nathan the Babylonian after me'.

R. Kahana said: If [the lung] resembles liver<sup>4</sup> it is permitted, if it resembles meats it is Trefah; and in order to remember this, think of the verse: Flesh that is torn of beasts [Trefah] in the field.<sup>6</sup>

R. Sama, son of Raba, said: If the lung resembles cuscuta or the crocus or [the yolk of] an egg, it is Trefah. But what is meant by the statement above, 'If green it is permitted'? — That it resembles the leek in colour.<sup>7</sup>

Rabina said: If there is an obstruction<sup>8</sup> in the lung, we must fetch a knife and cut open the obstruction. If there is found there an accumulation of pus, then it is clear that the obstruction was caused by the pus, and it is therefore permitted. If there is no pus, we must then place over the obstruction a feather or spittle; if it stirs, it is permitted,<sup>9</sup> otherwise it is Trefah.

R. Joseph said: A membrane which had formed on the lungs in consequence of a wound is not a proper membrane.<sup>10</sup>

R. Joseph further said: If the lung produces a sound [when inflated] and the source of the sound can be located, we must place over that spot a feather or a straw or spittle; if it stirs it is Trefah, otherwise it is permitted. If the source cannot be located, we must then take a basin of lukewarm water and put the lung therein. (The water must not be too hot, for then the lungs would shrivel up, nor too cold, for then they would harden; but it must be lukewarm.) We then inflate the lung; if it bubbles it is Trefah, otherwise it is permitted, for then it is clear that the inner membrane only has been perforated, but not the outer one, and the sound is caused merely by the air vibrating between the two membranes.<sup>11</sup>

Ulla said in the name of R. Johanan: If the substance of the lung [decayed so that it] tosses about as [water] in a jug, it is permitted. Evidently he is of the opinion that

## CHULLIN II – 31a-60b

a deficiency of substance within an organ is not considered a defect.

R. Abba raised this objection against Ulla. We have learnt: **IF THE LUNG WAS PIERCED OR WAS DEFICIENT.** Now what does 'DEFICIENT' mean? Should you say it means a deficiency from the outside, but that would be identical with 'pierced'.<sup>12</sup> It must mean therefore a deficiency within, thus proving that a deficiency within is considered a defect! — No; it really means a deficiency from the outside and as for your objection that it would then be identical with pierced, [I say that] it is stated in the Mishnah only on account of R. Simeon's view. For he said: **PROVIDED IT WAS PIERCED AS FAR AS THE MAIN BRONCHI.** Now this is his view only where there is a hole without any loss of substance, but where there is a hole with loss of substance even R. Simeon would agree.<sup>13</sup>

Once when R. Hananiah was in R. Nathan and all the great men of that age came to visit him. There was then brought in to him [R. Hananiah] a lung whose substance [had decayed and] was tossing about within as [water] in a jug, and he declared it to be permitted.

Raba said: Provided, however, the bronchial tubes within were intact. R. Aha, son of Raba, asked R. Ashi, How would we know it? — He replied: We take a glazed earthen basin, [pierce the lung] and pour it out into the basin, if there are seen any white streaks it is trefah,<sup>14</sup> but if not, it is permitted.

R. Nahman said: If the substance of the lung decayed<sup>15</sup> within but the entire external covering was intact, it is permitted. It was taught likewise: If the substance of the lung decayed within but the entire external covering was intact, it is permitted, even though [the cavity within] would hold a quarter log. If the womb of an animal was gone,

(1) There are many variants in the text of this passage; the translation, however, follows the text as found in MS.M. and other MSS. V. D.S. V. also Alfasi.

(2) V. Nid. 19a. Hence black is a symptom of decay and disease.

(3) Heb. ירוקה. This may mean either green or yellow. From the second anecdote of R. Nathan (v. infra) it would seem that yellow is intended, for this would very likely be the color of the anemic child; but v. p. 255, n. 1.

(4) I.e., hepatization — a consolidation of the lungs resulting in a liver-like solidification; this occurs in pneumonia.

(5) I.e., carnification — a state of certain organs in which the tissue becomes changed so as to resemble flesh.

(6) Ex. XXII, 30. Suggesting that if it is like flesh it is Trefah.

(7) ירוקה therefore means green and not the various shades of yellow, for these are Trefah. V. p. 254, n. 3.

(8) So that when the lungs are inflated some part will not distend.

(9) For this indicates that the air can penetrate.

(10) It does not form a strong and effective protection over the wound; it will most certainly break and it is therefore Trefah.

(11) V. supra 46b.

(12) And in that case it would be unnecessary to state it expressly in the Mishnah.

(13) That it is Trefah even though the perforation does not extend as far as the main bronchi.

(14) The white streaks are particles of the bronchial tubes which have been destroyed within.

(15) It is difficult to distinguish this case from that of Ulla supra, and indeed Maim, regards both statements as one. Rashi, however, distinguishes between the two cases and interprets this statement of R. Nahman thus: If the lung was depleted. i.e., a cavity was formed within but the rest of the pulmonary substance was sound, etc.

### Chullin 48a

it is permitted. If the liver of an animal was wormy — this was an actual case about which the people of Assia<sup>1</sup> made enquiry when they came up to Jabneh on each of the Three Festivals.<sup>2</sup> On the third time the Rabbis declared it to be permitted.

R. Joseph b. Manyomi said in the name of R. Nahman: If the lung adheres to the chest wall there is nothing to be feared;<sup>3</sup> if, however,

## CHULLIN II – 31a-60b

there is an eruption of ulcers [on the lung close to the adhesion] there is grave fear with regard to it.<sup>4</sup> Mar Judah said in the name of Abimi, In either case there is grave fear with regard to it. What must we do about it? — Said Raba, Rabin b. Shaba explained it to me that we must take a knife with a fine edge and separate [the lung from the chest wall]; if there is a taint upon the wall then we assume that the adhesion was caused by the wall [and the animal is permitted], but if not, we assume that it was caused by the lung and it is trefah.<sup>5</sup> R. Nehemiah b. R. Joseph applied the test of putting it in lukewarm water.<sup>6</sup>

Mar Zutra, son of R. Huna the son of R. Papi, said to Rabina, Do you report the test of R. Nehemiah the son of R. Joseph in connection with the above case? We report it in connection with Raba's case, for Raba said: If two lobes of the lungs adhere to each other [by fibrous tissue], no examination thereof can avail to render the animal permitted. R. Nehemiah the son of R. Joseph, however, used to apply the test of putting the lungs in lukewarm water. R. Ashi demurred: But what is the point of it? In our case the test is reasonable, for we could thereby assume that the disorder was caused by the wall, in which case the animal would be permitted; but in that case [of Raba, what is the point of the test?] If this lobe is found to be perforated the animal is Trefah, and if the other lobe is found to be perforated it is also trefah.<sup>7</sup> But did R. Nahman really say this?<sup>8</sup> R. Joseph b. Manyomi surely said in the name of R. Nahman, If the lung was pierced but the perforation was covered up by the [chest] wall, it is permitted! — There is no contradiction: in the latter case the adhesion was formed in that part where by natural development they [sc. the lung and the chest wall] are in contact with each other, whereas in the former case the adhesion was not formed in that part where they are in contact by nature. And at what point is it that by natural development they are in contact with

each other? — At the point where the lung is divided into lobes.<sup>9</sup>

The text [above stated]: 'R. Joseph b. Manyomi said in the name of R. Nahman, If the lung was pierced but the perforation was covered up by the [chest] wall, it is permitted'. Rabina added, provided it had grown into the flesh.<sup>10</sup> R. Joseph asked Rabina, And what would be the law if they had not inter-grown? It would [presumably] be Trefah, and obviously because we assume that the lung is perforated. But if this be so, even where they had inter-grown it should also [be Trefah]; for it has been taught: [A man whose privy member] is pierced is unfit,<sup>11</sup> because the flow [of semen] is sluggish [and it does not fertilize]. If the hole had closed up he is fit, for he can procreate. This is an instance where the unfit can in the course of time return to fitness?<sup>12</sup> Now what is excluded by 'this'? presumably such a case as the above?<sup>13</sup> — No. It only excludes the case of a membrane which had formed on the lungs in consequence of a wound, for it is not a [sound] membrane.<sup>14</sup>

R. 'Ukba b. Hama demurred: Had the wall above [the perforation of the lung] also been pierced it would be Trefah, [would it not]? Why then does not the Tanna of our Mishnah include [in the list of defects] 'the perforation of the wall'? — But even as you will have it, [you are also faced with this type of question]. For R. Isaac b. Joseph said in the name of R. Johanan that if the gall-bladder had been pierced and the liver had completely closed up [the hole] it was permitted. [Now you should ask:] Had the liver above [the hole in the gall-bladder] also been pierced it would be Trefah, [would it not]? Why then does not the Tanna of our Mishnah include also 'the perforation of the liver'? It is obvious, however, that the Tanna does not include the perforation of an organ which is not Trefah per se. Here, too, the Tanna does not include that which is not Trefah per se.<sup>15</sup>

# CHULLIN II – 31a-60b

Rabbah b. Bar Hana enquired of Samuel, 'What is the law if there was an eruption of ulcers [on the lungs]?' — He replied: 'It is permitted'. 'I also said so', said the other, 'but the students were hesitant about it, for R. Mattena stated, [If the boils are] full of pus it is Trefah; if full of clear water it is permitted'.<sup>16</sup> 'That statement', replied Samuel, 'was made with regard to the kidneys'.

R. Isaac b. Joseph was walking behind R. Jeremiah in the butchers' market and they noticed certain lungs with ulcers. Thereupon he [R. Isaac] said to R. Jeremiah, 'Master, would you care to buy of this meat'?<sup>17</sup> He replied: 'I have no money'. 'I can get it on credit for you', he said.<sup>18</sup> The other answered: 'Why should I put you off'?<sup>19</sup> Whenever such a case as this came before R. Johanan he would always send it to R. Judah son of R. Simeon, and the latter on the authority of R. Eleazar son of R. Simeon always ruled that it was permitted; though he [R. Johanan] himself did not hold that view'.<sup>20</sup>

Raba related, 'When we were walking behind R. Nahman in the leather dealers' market

- (1) V. Sanh., Sonc. ed., p. 151, n. 1.
- (2) V. Yeb., Sonc. ed., p. 862, n. 12.
- (3) That this adhesion was caused by a perforation in the lung, for it is more likely that the chest wall attracted the lung.
- (4) For it is manifest that the lung was the cause of the adhesion, which no doubt arose by reason of a perforation.
- (5) In the current ed. are added the words, 'Even though the air does not escape therefrom'. In most MSS. these words are omitted and are obviously superfluous. V. Glos. of Bah.
- (6) I.e., where there was found a degeneration in the chest wall to which the lung had adhered, the lung would have to be examined by being placed in a basin of lukewarm water; if the water bubbles — a sign that the air was escaping — it would be Trefah.
- (7) And there certainly was a perforation in one of the lobes for only that could have caused the adhesion. Of course the reason why the water does

not bubble is that a membrane had formed over the perforation.

(8) That where it is definitely established that the lung was perforated — e.g., if there was an eruption of ulcers around the adhesion — it is Trefah even though the chest wall securely and firmly covers up the perforation.

(9) I.e., at the top of the chest where the thoracic cavity narrows.

(10) I.e., there was a symphysis of the lung with the intercostal muscles.

(11) I.e., he may not marry an Israelitish woman; V. Deut. XXIII, 2.

(12) Yeb. 76a.

(13) I.e., an animal which has been rendered unfit by reason of a perforation in the lung will never revert to fitness, even though it has grown into the flesh between the ribs; contra R. Nahman.

(14) But it does not exclude the case of the lung, which, though perforated, has inter-grown with the flesh between the ribs.

(15) And the perforation of the chest wall is not a defect per se, but only because it no longer affords a secure and effective covering to the perforation in the lung.

(16) And ulcers are sores full of pus.

(17) R. Isaac wished to know whether R. Jeremiah regarded an animal with an ulcerated lung Trefah or not.

(18) Reading  $\text{קָרַח}$ ; so MS.M.

(19) Lit., 'what shall I do for you?'

(20) He neither declared it permitted nor would he forbid it.

## Chullin 48b

(others say: In the public place of the scholars), we noticed lungs covered with large tumors and he [R. Nahman] said nothing about it'.

R. Ammi and R. Assi were once passing through the market place of Tiberias when they saw lungs covered with large and hard lumps, and they said nothing to them [the butchers] about it.

It was stated: If a needle was found in the lungs, R. Johanan, R. Eleazar and R. Hanina declare the animal permitted; R. Simeon b. Lakish, R. Mani b. Patish and R. Simeon b. Eliakim declare it Trefah. Shall we say that they disagree upon the following law viz., The latter hold that a deficiency within<sup>1</sup> [the lung]

## CHULLIN II – 31a-60b

is considered to be a defect, whereas the former hold that it is not a defect? — No. All hold that a deficiency within is not a defect, but they disagree in this: the former assume that it entered [the lung] via the bronchus,<sup>2</sup> whereas the latter assume that it pierced [some organ] before it entered.<sup>3</sup>

A needle was once found in a portion of the lung and it was brought before R. Ammi. He was about to declare it permitted when R. Jeremiah (others say: R. Zerika) raised the following objection against him: [We have learnt:] IF THE LUNG WAS PIERCED OR WAS DEFICIENT. Now what does deficient mean? Should you say it means a deficiency from the outside, but that would be identical with 'pierced'. It must mean therefore a deficiency within, thus proving that a deficiency within is considered a defect.<sup>4</sup>

The case was then sent to R. Isaac Nappaha, who was also about to declare it permitted when R. Jeremiah (others say: R. Zerika) raised the following objection against him: [We have learnt:] IF THE LUNG WAS PIERCED OR WAS DEFICIENT. Now what does 'deficient' mean? Should you say it means a deficiency from the outside, but that would be identical with 'pierced'. It must therefore mean a deficiency within, thus proving that a deficiency within is considered a defect.

The case was then sent back to R. Ammi and he now declared it Trefah; whereupon his students said to him, But the Rabbiss have declared it permitted. He replied: They permitted it because they saw good grounds for permitting it,<sup>6</sup> but what grounds have we for permitting it? perhaps if the entire lung was before us we should have found it perforated! Now the reason [for declaring it Trefah] was that the entire lung was not before us, but if it were before us and was without perforation it would be permitted.

But has not R. Nahman stated that if one of the bronchial tubes was perforated it is trefah?<sup>7</sup> — That is so only where the perforation [in the bronchial tube] lies next to another [bronchial tube].<sup>8</sup> But has not R. Nahman taught that if in the colon an intestine was perforated in that part where it lies next to another [intestine, it is permitted, for] the latter affords a covering? — R. Ashi replied: Are you comparing defects with each other? Amongst the various defects we cannot say that this resembles that; for an animal may be cut in one place and die, and in another place and live.

A needle was once found in the large bronchus. The case was brought before those Rabbis<sup>9</sup> who in the previous case<sup>10</sup> ruled that it was Trefah; but they neither forbade nor permitted it. They did not permit it, by reason of their aforementioned view; yet they did not forbid it, because, since it was found in the large bronchus, it most probably<sup>11</sup> entered it [via the windpipe].

A needle was once found in a portion of the liver. Mar, son of R. Joseph, was about to declare [the animal] Trefah when R. Ashi said to him, Sir, and if it were found in the flesh [of the animal] would you also declare it trefah?<sup>12</sup> Rather, said R. Ashi, We must see: if the head<sup>13</sup> of the needle is outside [the liver it is Trefah, for] it must have pierced [the internal organs] and entered; but if the head is inside [it is permitted, for] it must have entered via the vein!<sup>14</sup> This is the rule, however, only in the case of a large needle, but in the case of a fine needle there is no difference whether the head was outside [the liver] or inside,<sup>15</sup> for it is always to be assumed that it pierced [the internal organs] before it entered. And why is this case different from that of a needle which was found

(1) In this case the needle would corrode the tissues of the lungs, thus forming a deficiency within.

## CHULLIN II – 31a-60b

(2) And therefore need not have pierced any of the internal organs; for the needle, it is assumed, passed down the trachea and entered directly, via the bronchus, into the lungs.

(3) These are of the opinion that the needle was swallowed by the animal together with its food and it passed down into the alimentary passages. The needle therefore must have pierced one of these, either the esophagus or one of the stomachs, and made its way into the lungs.

(4) And around the needle there must have set in decay due to corrosion, which eventually formed a deficiency within.

(5) R. Johanan, R. Eleazar and R. Hanina supra.

(6) As they had the entire lungs before them and saw that there was no perforation in them. The needle therefore could only have entered via the bronchus.

(7) And in our case the needle, conceding even that it came directly via the bronchus, must have pierced one of the bronchial tubes to be found, as indeed it was, in the tissue of the lungs.

(8) I.e., the perforation is at the point where the bronchial tubes branch out. The adjacent tube cannot cover up firmly the hole in this tube as its wall is hard and cartilaginous, whereas elsewhere the tissue of the lung would stop up the perforation.

(9) Sc. R. Mani, Resh Lakish and R. Simeon.

(10) Where the needle was found in the substance of the lungs.

(11) So Rashi. Lit., 'say'.

(12) Surely not. The perforation of the flesh or of the liver is not a defect.

(13) I.e., the thick head or knob of a pin or nail. It is assumed that a pin in the body would always travel point first and therefore if the point is turned inwards within an organ it must have entered that organ from the outside.

(14) Probably the ductus choledocus. The needle in all probability passed down into the alimentary passage, into the intestines, and thence into the liver via this duct, without piercing any organ. V. Katzenelsohn, pp. 180-183.

(15) In either case it is Trefah.

### Chullin 49a

in the thick wall of the reticulum, where it is held that if [it protruded only] on one side it is permitted, but if [it protruded] on both sides it is Trefah? [Why do we not suggest the test,] 'Let us see whether the head of the needle is on the outside or on the inside [of the reticulum]?'<sup>2</sup> — I will tell you: in that case since [the reticulum] contains food and

drink, it is likely that the food and the drink drove it in.<sup>3</sup>

A needle was once found in the portal vein of the liver. Huna Mar the son of R. Idi declared the animal Trefah, whilst R. Adda b. Manyomi permitted it. The case was taken to Rabina for his opinion and he said: 'Take away the cloaks of those who declare it trefah'.<sup>4</sup>

A date stone was found in the gall-bladder. Said R. Ashi, 'When we were at the school of R. Kahana he told us that in such a case it is certain that it entered via the portal vein, for although it cannot pass through [easily], it is likely that it was forced through by the movements [of the animal]'. This is so, however, only in the case of a date stone, but an olive stone would most certainly pierce [an internal organ].

R. Johanan said: Why is the lung called reah? — Because it makes the eyes bright.<sup>6</sup> It was asked: Is this so when one eats it [as it is], or only when one uses it medicinally?<sup>7</sup>—

Come and hear: R. Huna b. Judah stated that the price of a goose was one zuz, but a goose's lung was four zuzim. Now should you say that when one eats it as it is [it makes the eyes bright], why then should not one buy [the goose] for a zuz and eat also the lungs thereof? It obviously means that when used medicinally [it has this effect]. If the lung was found perforated in a part which is usually handled by the butcher, do we attribute it [to the handling] or not? R. Ahas b. Nathan says we do; Mar Zutra the son of R. Mari says we do not. The law is that we do attribute it.<sup>9</sup> R. Samuel the son of R. Abbahu said: 'My father, one of the heads of the Assemblies<sup>10</sup> under Rafram, said that we do attribute it [to the handling]'.

This was reported to Mar Zutra the son of R. Mari, but he would not accept it; whereupon R. Mesharsheya said: It is reasonable to

## CHULLIN II – 31a-60b

accept the view of my grandfather,<sup>11</sup> since we also attribute a perforation to a wolf.<sup>12</sup> With regard to a worm<sup>13</sup> [found on the lung], there is a difference of opinion between R. Joseph b. Dosai and the Rabbis. One holds that it wormed its way through [the lung] before the slaughtering,<sup>14</sup> the other that it wormed its way through after the slaughtering. The law is that it wormed its way through after the slaughtering [and so it is permitted].

**R. SIMEON SAYS, PROVIDED IT WAS PIERCED AS FAR AS THE MAIN BRONCHI.** Rabbah b. Tahlifa explained in the name of R. Jeremiah b. Abba, provided it was pierced as far as the large bronchus. R. Aha b. Abba was sitting before R. Huna and recited: R. Maluk said — in the name of R. Joshua b. Levi, The halachah is in accordance with R. Simeon. Whereupon he [R. Huna] said to him, You are quoting Maluk of Arabia, are you not? But he said that the halachah was not in accordance with R. Simeon!

When R. Zera went up [to Palestine] he found R. Bibi sitting and reciting as follows: R. Maluk said in the name of R. Joshua b. Levi, The halachah is in accordance with R. Simeon. Whereupon he [R. Zera] said to him, 'By your life! I, R. Hiyya b. Abba and R. Assi happened to be in the town where R. Maluk lived and we asked him, "Did the Master say that the halachah was in accordance with R. Simeon"? And he replied: "I said that the halachah was not in accordance with R. Simeon"'. He [R. Bibi] then said to him [R. Zera], And what tradition have you got in the matter? He replied: Thus said R. Isaac b. Ammi on the authority of R. Joshua b. Levi, The halachah is in accordance with the view of R. Simeon. The halachah, however, is not in accordance with the view of R. Simeon.<sup>15</sup>

**IF THE ABOMASUM WAS PIERCED.** R. Isaac b. Nahmani said in the name of R. Oshaia, It was the practice of the priests to permit the fat which is on the abomasum [to

be eaten], thus agreeing with the view of R. Ishmael which he reported in the name of his ancestors. And in order to remember this,<sup>16</sup> [think of the saying], 'Ishmael the priest favors the priests'.<sup>17</sup> Where do we see this?<sup>18</sup> — For it was taught; [it is written], On this wise ye shall bless the children of Israel.<sup>19</sup>

R. Ishmael said: We observe here a blessing for Israel at the mouth of the priests, but we know of no blessing for the priests themselves; when the verse adds: And I will bless them,<sup>20</sup> it means to say that, the priests bless Israel, and the Holy One, blessed be He, blesses the priests.

R. Akiba said: We observe here a blessing for Israel at the mouth of the priests but not from the Almighty; when the verse therefore adds: And I will bless them, it means to say that the priests bless Israel, and the Holy One, blessed be He, approves of it. But whence does R. Akiba derive that the priests also receive a blessing? —

R. Nahman b. Isaac said: From the verse: And I will bless them that bless thee.<sup>21</sup> In what respect then does R. Ishmael favor the priests? — In that he establishes in the one verse the blessing of the priests side by side with the blessing of Israel. What is this opinion of R. Ishmael which he reported in the name of his ancestors? —

It was taught: The fat that covereth the inwards<sup>22</sup>

- (1) It only pierced the inside coat of the reticulum.
- (2) And if the head of the pin was embedded in the inner wall of the reticulum with its point protruding into the cavity of the reticulum, according to the foregoing argument it should also be Trefah, for in all probability the pin entered from outside having first pierced some internal organ.
- (3) Even head first into the wall of the reticulum. Therefore so long as it has not pierced both walls it is permitted.
- (4) For they are liable in damages if on their ruling the animal was destroyed as Trefah.

## CHULLIN II – 31a-60b

- (5) It is therefore regarded like a needle. But v. Tosaf. s.v. אגל.  
(6) There is here a play upon words: ריאה, 'the lungs', and מאירה, 'makes bright'.  
(7) I.e., when prepared with other ingredients and applied to the eyes.  
(8) V. Marginal Gloss., cur. edd. Adda.  
(9) To the handling of the butcher, and the animal is therefore permitted.  
(10) Heb. Kallah. The general assembly of Babylonian students v. B.B., Sonc. ed., p. 60, n. 7.  
(11) I.e., R. Ahab. Nathan.  
(12) v. supra 9a; where a wolf ran off with the lungs and brought them back perforated the holes are attributed to the teeth of the wolf and the animal is permitted.  
(13) This parasite had wormed its way through the lung and had perforated the outer membrane.  
(14) Accordingly the lung was perforated before the slaughtering and it is therefore Trefah.  
(15) This is the final ruling of the Gemara.  
(16) Lit., 'and thy sign'.  
(17) R. Ishmael was a Priest and he always took a lenient view in any matter which affected priests.  
(18) That R. Ishmael rules in favor of the priests.  
(19) Num. VI, 23.  
(20) Ibid. 27.  
(21) Gen. XII, 3.  
(22) Lev. III, 3. All fat that was offered upon the altar is forbidden to be eaten.

### Chullin 49b

etc., includes the fat upon the intestines;<sup>1</sup> this is the view of R. Ishmael. R. Akiba says: It includes the fat upon the abomasum. Now this is in conflict with the following: [It is written,] And all the fat that is upon the inwards;<sup>2</sup> this, says R. Ishmael, teaches: as the fat upon the inwards [is characteristic in that it] is covered with a membrane which can be easily peeled off, so all fat [which is to be forbidden] must be covered with a membrane which can be easily peeled off.<sup>3</sup> R. Akiba says: It teaches: as the fat upon the inwards [is characteristic in that it] is an even layer, and is covered with a membrane which can be easily peeled off, so all fat [which is to be forbidden] must be an even layer, and covered with a membrane which can be easily peeled off!<sup>4</sup>—

Rabin sent this answer in the name of R. Johanan: That is, indeed, the proper construction of the latter Baraitha but [the authorities in] the former [Baraitha] must be reversed. But why do you choose to reverse the authorities in the former rather than in the latter Baraitha? — The position is different in the latter [Baraitha] for a it contains the argument 'As... so', it is clear, precision was intended.<sup>5</sup> If so, why does it say above 'thus agreeing with the view of R. Ishmael'? It ought to be 'thus agreeing with the view of R. Akiba'?<sup>6</sup> — R. Nahman b. Isaac answered: He [R. Ishmael] reported the decision in the name of his ancestors, though he himself did not accept it.

Rab said: Clean<sup>7</sup> fat can stop up<sup>8</sup> [a perforation], unclean fat cannot.<sup>9</sup> R. Shesheth said: Either can stop up [a perforation]. R. Zera asked: What of the fat of a wild beast?<sup>10</sup> Did he [Rab] mean the expression 'clean fat can stop up' to be taken strictly, and as the fat of this is clean [it can stop up a perforation]? Or did he thereby merely imply the reason, namely, that it clings fast, and as this does not cling fast [it cannot stop up a perforation]? —

Abaye said to him, What is your difficulty? Though it is permitted to be eaten it obviously does not cling fast.<sup>11</sup> There came before Raba the case of a perforation that was stopped up by unclean fat.

Said Raba, What have we to fear? After all R. Shesheth has ruled that even unclean fat can also stop up; and moreover, 'The Torah doth spare the money of an Israelite'.<sup>12</sup> Whereupon R. Papa said to Raba, But on the other hand, there is Rab's view [to the contrary]; and moreover, it is a question involving a prohibition of the Torah,<sup>13</sup> and you say: 'The Torah doth spare the money of an Israelite!' Manyomin, a pottery dealer, once left uncovered a pot of honey. He came to Raba [to enquire about it], and Raba said: What have we to fear? In the first place, we



## CHULLIN II – 31a-60b

have learnt: Three liquids are prohibited if left uncovered,<sup>14</sup> viz., water, wine and milk; and all other liquids are permitted.<sup>15</sup> In the second place, 'The Torah doth spare the money of an Israelite'. Whereupon R. Nahman b. Isaac said to Raba, But on the other hand, there is the view of R. Simeon [to the contrary]; and moreover, it is a question of possible danger to life,<sup>13</sup> and yet you say: 'The Torah doth spare the money of an Israelite'!

(Where have we learnt the view of R. Simeon? — In the following Baraitha: These five liquids are not prohibited if left uncovered: brine, vinegar, oil, honey and muries.<sup>16</sup> R. Simeon says: Even these are prohibited if left uncovered. Indeed, added R. Simeon, I once saw at Zaidan<sup>17</sup> a snake drinking brine! To which the Rabbis retorted: That was a foolish snake, and one cannot adduce a proof from fools!)

He then said to him,<sup>18</sup> You must at least admit that I am right with regard to brine,<sup>19</sup> for whenever R. Papa, or R. Huna the son of R. Joshua, or any of the other Rabbis had some liquid that had been left uncovered they would pour it into brine.<sup>20</sup> But, replied the other, you must at least admit that I am right with regard to honey [that it is forbidden], for R. Simeon b. Eleazar is in agreement with him [R. Simeon]; as it has been taught: Similarly, R. Simeon b. Eleazar would prohibit honey [that had been left uncovered].

R. Nahman said: Fat which lies helmet-like [upon the organ] cannot stop up a perforation. What is meant? — Some say, the nodules of fat of the rectum; others say, the pericardium.

Raba said: I heard two decisions of R. Nahman, one about the fat [upon the abomasum] called Himza and the other about the fat [upon the abomasum] called Bar Himza; one stops up a perforation and the

other does not, but I do not know which does and which does not. R. Huna b. Hinena and R. Huna the son of R. Nahman said: Bar Himza stops up a perforation, while Himza does not. R. Tabuth said: In order to remember this, think of the saying: 'the position of the son is better than that of the father'.<sup>21</sup> What is Himza? and what is Bar Himza? —

Come and hear: For R. Nahman remarked: They [in Palestine] eat it;

(1) I.e., the fat that is upon the duodenum (v. infra 93a) is included within the prohibition. But the fat upon the abomasum is permitted according to R. Ishmael. Thus R. Ishmael favors the priests.

(2) Ibid.

(3) According to this definition the prohibition includes the fat that is upon the abomasum and also the fat upon the duodenum, thus contradicting the preceding statement of R. Ishmael that the fat upon the abomasum is permitted.

(4) The fat which is upon the abomasum is not spread evenly over it but is attached to it in lumps; so, too, the fat upon the intestines. The prohibition therefore does not include these.

(5) Since in this Baraitha the argument is based upon the respective definitions which these Rabbis suggest of the fat that is upon the inwards, it is obvious that the Rabbis were exact and precise in their language, and it is out of the question to say that the authorities here are to be reversed.

(6) The authorities in the former passage having been reversed, it is R. Akiba who permits the fat upon the abomasums and not R. Ishmael.

(7) The expressions 'clean' and 'unclean' in this passage mean 'permitted' and 'forbidden' respectively.

(8) I.e., can effectively stop up a perforation in the organ to which this fat is naturally so attached. E.g., the fat upon the intestines, being permitted, would effectively stop up a perforation of the intestine beneath it.

(9) E.g., the fat which covers the inwards, being forbidden, would not effectively stop up a perforation of an internal organ.

(10) In the wild beast all fat is permitted, even the fat which covers the inwards. The question therefore is, according to Rab, would the fat which covers the inwards stop up a perforation.

(11) It therefore cannot stop up effectively any perforation.

## CHULLIN II – 31a-60b

(12) Cf., Lev. XIV, 36 and the Sifra thereon. V. Rashi.

(13) We should therefore adopt the stricter view.

(14) It is feared that a snake may have drunk from these liquids and deposited its poison therein. V. supra 10a.

(15) A snake, it is said, has no liking for any other liquids but these three, v. Ter. VIII, 4.

(16) מורייס, a kind of pickle containing fish-hash and wine.

(17) Sidon or Bethsaida.

(18) Raba to R. Nahman b. Isaac.

(19) That there is no fear with regard to it even though it was left uncovered, contra R. Simeon.

(20) And they would use the brine because the pungency of the brine would overcome and render harmless any poison that might have been in the liquid.

(21) V. Shebu. 48a. Bar means 'the son of'. Here the Bar Himza is more effective in stopping up a perforation than the actual Himza itself.

### Chullin 50a

surely for us [Babylonians] it should at least be effective to stop up a perforation!<sup>1</sup> Now concerning the fat that is upon the greater curvature [of the abomasum] there is no dispute at all that it is forbidden. The dispute is only concerning the fat that is upon the lesser curvature.<sup>2</sup>

(Others report: Concerning the fat that is upon the lesser curvature there is no dispute at all that it is permitted; the dispute is only concerning the fat that is upon the greater curvature.)<sup>3</sup>

This<sup>4</sup> accords with the statement of R. Awia in the name of R. Ammi who said: One must scrape away a little from the surface [of the fat upon the lesser curvature].<sup>5</sup> R. Jannai likewise said in the name of an elder, One must scrape away a little from the surface thereof. R. Awia said: 'I was once present before R. Ammi and [I saw that] they gave him this fat to eat after having scraped away a little from the surface thereof, and he ate it'.

The attendant of R. Hanina was standing in attendance before him when R. Hanina said

to him, 'Scrape away a little from the surface thereof and give me the fat to eat'. As he saw his attendant hesitating, he said to him, 'You are evidently a Babylonian, so you had better cut it off entirely and throw it away'.

It was taught: R. Simeon b. Gamaliel says: If there was a perforation in the intestines but it was stopped up by mucus, it is permitted. What is this mucus? — It is the viscous substance of the intestines which is removed by great pressure. The following statement R. Abba's colleague — i.e., R. Zera — learnt from R. Abba<sup>6</sup> (others say: R. Zera's colleague — i.e., R. Abba — learnt from R. Zera): R. Abba the son of R. Hiyya b. Abba said: Thus said R. Hiyya b. Abba in the name of R. Johanan: The halachah is in accordance with the view of R. Simeon b. Gamaliel in the matter of 'Trefah' and the halachah is in accordance with the view of R. Simeon in the matter of 'Mourning'. 'The halachah is in accordance with the view of R. Simeon b. Gamaliel in the matter of Trefah', as we have stated it above.<sup>7</sup> But what is this matter of 'Mourning' [concerning which the halachah is in accordance with the view of R. Simeon]? —

It has been taught: In the first three days of mourning he who arrives from a place nearby counts the days of mourning with the others;<sup>8</sup> [if he arrives] from a far place he must count the days of mourning for himself.<sup>9</sup> After these [three days], even if he arrives from a place nearby, he must count the days of mourning for himself. R. Simeon says: Even on the seventh day he who arrives from a place nearby counts the days of mourning with the others.

A certain Rabbi said: 'I pray that I be granted to go up [to Palestine] and learn the law from the mouth of the Master'.<sup>10</sup> When he came he found R. Abba the son of R. Hiyya b. Abba and asked him, 'Did the Master say that the halachah was in accordance with the view of R. Simeon b.

## CHULLIN II – 31a-60b

Gamaliel in the matter of Trefah'? — He replied: 'Indeed, I said that the halachah was not in accordance with his view. 'And what about the halachah being in accordance with the view of R. Simeon in the matter of Mourning'? —

He replied, 'There is a dispute about this. For it has been stated: R. Hisda said: The halachah is [in accordance with R. Simeon's view]; R. Johanan also said that that was the halachah. R. Nahman, however, said: The halachah is not [in accordance with R. Simeon's view]. The halachah<sup>11</sup> is not in accordance with the View of R. Simeon b. Gamaliel in the matter of Trefah, but the halachah is in accordance with the view of R. Simeon in the matter of Mourning, for Samuel has taught: In matters of mourning the law is always in accordance with him who states the more lenient view.

R. Shimi b. Hiyya said: We may compare defects in the intestines.<sup>12</sup> The intestines of an animal were brought before Raba [containing perforations]. He compared them [with other perforations that he now made] but they did not appear alike; whereupon his son R. Mesharsheya came and handled them,<sup>13</sup> and they now appeared like the others.<sup>14</sup> He [Raba] said to him, 'Whence did you know to do this'? — He replied: 'Think of the number of hands that had handled [the original perforations] before they were brought to my Master'! He exclaimed: 'My son is versed in the laws concerning Trefah like R. Johanan'!<sup>15</sup>

R. Johanan and R. Eleazar both said: We may compare defects in the lungs. Raba said: This is allowed only in the same lung, but we may not compare the defect in one lung with the defect in the other lung.<sup>16</sup> The law, however, is that the defect in one lung may be compared with the defect in the other lung, the small<sup>17</sup> with the small and the large with the large, but not the large with the small nor the small with the large.

Abaye and Raba both said: We may compare defects in the windpipe. R. Papa said: This is allowed only in the same group<sup>18</sup> [of cartilaginous rings], but we may not compare the defect in one group with the defect in another group [of rings in the same windpipe]. The law, however, is that the defect in the cartilaginous portion of one group may be compared with the defect in the cartilaginous portion of another group; likewise the defect in the membranous portion<sup>19</sup> of one group with the defect in the membranous portion of another group, but we may not compare the defect in the cartilaginous portion with the defect in a membranous portion, nor the defect in the membranous portion with the defect in a cartilaginous portion.

Ze'iri said: If the rectum was perforated it is permitted, for the hips support it, [and close up the perforation]. How much must be mutilated? R. Ila'i said in the name of R. Johanan, Where it is joined [to the hips] only the destruction of the greater part thereof [will render Trefah]; where it is not so joined even the slightest perforation [will render Trefah]. When the Rabbis reported this statement to Raba in the name of R. Nahman he exclaimed: Have I not told you not to hang on him [R. Nahman]

(1) This remark of R. Nahman indicates that Bar Himza, which, as stated above, is effective to stop up a perforation, must be the fat which is upon the lesser curvature of the abomasum. For, as immediately follows in the text, it is only this fat (sc. that upon the lesser curvature) which the Palestinians permit themselves to eat and which R. Nahman maintains should at least serve for us to stop up a perforation. The second version in the text (infra) has no bearing upon this remark of R. Nahman. V. Rashi.

(2) The dispute between the Palestinians and the Babylonians revolves about the views of R. Akiba and R. Ishmael (stated supra 49a) as to what constitutes forbidden fat. In this respect it must be remembered that the fat upon the greater curvature of the abomasum is well-nigh flat and lies almost as an even layer upon the abomasum,

# CHULLIN II – 31a-60b

consequently it is forbidden according to all views, whereas the fat upon the lesser curvature does not lie in an even layer. Now the Palestinians accepted the view of R. Akiba, that the condition of the fat lying as an even layer is an essential characteristic in the definition of forbidden fat, and this being so they permit the fat that is upon the lesser curvature. The Babylonians, on the other hand, accepted the view of R. Ishmael and consequently forbid this fat.

(3) According to this version all accept the view of R. Akiba that only the fat that lies as an even layer is forbidden; consequently the fat on the lesser curvature is permitted. But the issue between the Babylonians and the Palestinians is as to whether the fat upon the greater curvature is to be regarded as an even layer or not. According to the former it is so, hence it is forbidden; according to the Palestinians it is not so, hence it is permitted.

(4) Sc. the view stated in the first version.

(5) Only the surface of this fat is forbidden as it has been in close proximity to the fat that covers the inwards, which is forbidden. The rest of this fat, however, is allowed to be eaten according to the Palestinian view, and R. Ammi was a Palestinian.

(6) R. Abba, son of R. Hiyya b. Abba, not to be confused with R. Abba mentioned first (Rashi).

(7) That where a perforation in the intestines was stopped up by the viscous substance attached thereto it is permitted.

(8) V. M.K. 21b. A man who was not more than a day's journey away from home when the death of a near relative occurred and who returned to his home within the first three days of the mourning, joins the other mourners in the counting of the Shib'ah, or the traditional seven days of mourning, and his period of mourning comes to an end at the same time as that of the others.

(9) I.e., he must count seven full days of mourning from the time that he arrives, though the other mourners have almost completed their period of mourning.

(10) R. Abba the son of b. R. Hiyya.

(11) This is the final ruling of the Gemara.

(12) I.e., we may compare a perforation found in the intestines concerning which there is a doubt whether it existed before the slaughtering, in which case the animal would be Trefah, or it was made after the slaughtering, in which case it is permitted, with a perforation made in that same organ after the slaughtering. If the two perforations are alike in appearance the animal is permitted, for it is clear that they both were made after the slaughtering.

(13) Sc. the newly made perforations.

(14) He therefore declared the animal to be permitted.

(15) V. supra 28b.

(16) I.e., even in the lungs of one animal one may not compare a defect in the right lung with a defect in the left lung, or vice versa.

(17) I.e., the defect in the lungs of a small animal, e.g. sheep or goat, with the defect in the lungs of another small animal: so R. Hananel and first explanation of Rashi. Another suggestion in Rashi is: the defect in the main lobe of one lung with the defect in the main lobe of the other lung, and the defect in the small lobes of one lung with the defect in the small lobes of the other lung.

(18) A section consisting of three rings.

(19) This includes the membranous substance between each of the rings as well as the posterior portion of each ring, for the rings of cartilage are incomplete in part of their circumference, being about one-third filled in by fibrous tissue.

## Chullin 50b

empty vessels?<sup>1</sup> Thus said R. Nahman, Where it is joined [to the hips] even if the whole was gone, provided there remained a portion thereof which can be covered by a hand-grasp, it is permitted. How much is this? — A bitra in an ox.<sup>2</sup>

**IF THE INNER RUMEN WAS PIERCED.** Rab Judah reported in the name of Rab that Nathan b. Shila, chief slaughterer in Sepphoris, testified before Rabbi in the name of R. Nathan as follows: 'What is the inner rumen? It is the sania dibi'.<sup>3</sup> R. Joshua b. Karha also said that it is the sania dibi. R. Ishmael said: It is the entrance of the rumen.<sup>4</sup> R. Assi said in the name of R. Johanan, It is a narrow part in the rumen but I don't know which it is.

Said R. Nahman b. Isaac, The rumen has fallen into the well.<sup>5</sup> R. Aha b. 'Awa said in the name of R. Assi, It [the above-mentioned narrow part] is that portion of the rumen where it begins to taper down [to join with the gullet]. R. Jacob b. Nahmani said in the name of Samuel, It is that part of the rumen which has no downy lining. R. Abina said in the name of Geniba on the authority of Rab: The last handbreadth of the gullet adjoining the rumen is the inner rumen. In the West

## CHULLIN II – 31a-60b

[Palestine] it was said on the authority of R. Jose b. Hanina, The entire rumen is the inner rumen. And what is the outer rumen? It is the membranes which covers the greater part of the rumen.<sup>7</sup> Rabbah son of R. Huna said: It is the mafra'ta.<sup>8</sup> What is the mafra'ta?

R. Awia said: It is that part of the rumen which is exposed when the butcher tears open the abdomen.<sup>9</sup> In Nehardea they acted on the view of Rabbah son of R. Huna. R. Ashi asked Amemar, But what about all the other views? — He answered: They are all included in the view of Rabbah son of R. Huna. But what about the view of R. Assi in the name of R. Johanan? — He answered: It has already been explained by R. Aha son of R. Awia.<sup>10</sup> And what about the view of R. Abina and of those in the West? — He answered: These are obviously at variance [with the view of Rabbah son of R. Huna].

R. JUDAH SAYS, IN A LARGE ANIMAL, etc. R. Benjamin b. Japhet reported in the name of R. Eleazar, LARGE does not mean a large animal nor SMALL a small one, but the meaning is: If it was torn to the extent of a handbreadth but this was not the greater portion [of the rumen, it is Trefah], and this is what the Mishnah teaches us by stating IN A LARGE ANIMAL TO THE EXTENT OF A HANDBREADTH; and if the greater portion was torn but it was not the extent of a handbreadth, [it is Trefah], and this is what the Mishnah teaches us by stating IN A SMALL ANIMAL THE GREATER PORTION OF IT.<sup>11</sup> But it is obvious, is it not, that where the greater portion was torn, though it was not the extent of a handbreadth, [it is Trefah]? — It was only necessary to be stated with regard to such a case as where the laceration [extended over the greater portion but it] would have made up a handbreadth had it only been torn a little more, for then you might have said that it was not Trefah until the extent of a handbreadth was torn; he therefore teaches [that it is not so].

Geniba said in the name of R. Assi: If a circular hole was cut out [in the rumen having a diameter] of a sela', it is Trefah, for then if you were to stretch out [the circumference thereof] it would amount to a handbreadth. R. Hiyya b. Abba said: Geniba explained it to me on the bridge of Nehardea thus: A hole [having a diameter] of a sela' is permitted; if it is more than a sela' it is Trefah. What, for example, is a hole larger than a sela'? — Said R. Joseph. A hole through which three date stones with some of the fruit attached<sup>12</sup> could pass with pressure, or easily without any fruit thereon.

IF THE OMASUM OR RETICULUM WAS PIERCED. Our Rabbis taught: Where a needle was found impacted in the thick wall of the reticulum, if it had protruded only on one side<sup>13</sup> it is permitted. but if it had protruded on both sides it is Trefah. If there was found on it a spot of blood

(1) I.e., do not attribute to R. Nahman absurd views.

(2) בטרא or בטרא. According to Rashi it means, 'one fingerbreadth'; according to Alfasi and Tosaf. (supra 44a) 'four fingerbreadths'.

(3) טניא דיבי, lit., 'disliked by wolves'. It is a certain part at the top of the rumen which is described by this term. For an exhaustive discussion on this passage v. Katzenelsohn op. cit. pp. 186-189.

(4) Lit., 'the stomach of the rumen'. 'Stomach' was frequently used by ancient doctors to describe the entrance to an organ, viz., 'mouth', 'entrance'.

(5) I.e., the matter is far from clear, for R. Johanan has suggested some portion which he cannot identify or locate.

(6) Lit., 'the flesh'.

(7) I.e., the peritoneum.

(8) מפרעתא from root פרע 'to tear open'.

(9) I.e., the anterior half of the rumen.

(10) That it is that portion of the rumen where it begins to taper, and that is included in the anterior half of the rumen.

(11) Either the one measure or the other measure, whichever is the smaller, will render the animal Trefah.

(12) I.e., with some of the fruit attached to the stone.

(13) I.e., it had only pierced the inner coat of the reticulum.

## CHULLIN II – 31a-60b

### Chullin 51a

it is certain that [the perforation occurred] before the slaughtering;<sup>1</sup> but if there was not found on it a spot of blood [it is permitted,<sup>2</sup> for] it is certain that [the perforation occurred] after slaughtering. If the top of the wound was covered with a crust it is certain that the wound occurred at least three days before the slaughtering;<sup>3</sup> if it was not covered with a crust then the burden of proof lies upon the claimant.<sup>4</sup> Why is this case different from all other cases of perforation of an organ, where the Master declares it to be Trefah even though there was not a drop of blood [around the perforation]? — In those cases there was no object to which the blood could cling; here, however, since a needle is impacted [in the reticulum], had it pierced it before the slaughtering some blood would surely have clung to it.

R. Safra said to Abaye: ‘Has my Master seen that scholar who came from the West and who goes by the name of R. ‘Awira? For he relates that once there came before Rabbi the case of a needle found impacted in the thick wall of the reticulum and which protruded only on one side and he declared it Trefah!’ Abaye thereupon sent for this scholar, but he would not come; so Abaye went to him. He found him on the roof and he called out, ‘Would you come down Sir?’ He would not come down; Abaye then went up to him and said: ‘Would you tell me the actual facts of that case?’ He replied. ‘I am in charge of the assemblies<sup>5</sup> to His Excellency the Great Rabbi,<sup>6</sup> and as R. Huna of Sepphoris and R. Jose the Mede were sitting with him there came before Rabbi the case of a needle found impacted in the thick wall of the reticulum. It protruded only on one side, but when Rabbi turned it over he found, on the outside [directly above the needle], a spot of blood, so he declared it to be Trefah, saying: “If there was no wound there<sup>7</sup> whence came the spot of blood”?’ Abaye exclaimed: You caused me a

great deal of trouble [all for nothing]! It is expressly stated in our Mishnah, IF THE OMASUM OR RETICULUM WAS PIERCED ON THE OUTSIDE.<sup>8</sup> IF [THE ANIMAL] FELL FROM THE ROOF.

R. Huna said: If a person left an animal on the roof and when he returned he found it on the ground below, we do not apprehend any lesion of the Internal organs.<sup>9</sup> A goat belonging to Rabina was on the roof and through the sky-light saw some peeled barley below. It jumped and fell down from the roof to the ground. He [Rabina] came before R. Ashi and enquired. Was the reason for R. Huna's statement, ‘If a person left an animal on the roof, and returned and found it on the ground we do not apprehend a lesion of the internal organs’, that it had something to hold on,<sup>10</sup> but in this case it had nothing to hold on; or was it that it estimated the distance,<sup>11</sup> so that here too it estimated the distance? — He replied. The reason was that it estimated the distance; so that here too it estimated the distance [and it is therefore permitted].

A ewe belonging to R. Habiba was seen dragging along its hind legs. Said R. Yemar, It is suffering from a hip disease.<sup>12</sup> Rabina demurred, perhaps its spinal cord is severed? It was thereupon examined and was found to be as Rabina had thought. Nevertheless the law is in accordance with the view of R. Yemar, for a hip disease is a common disorder, whereas the severance of the spinal cord is not common.

R. Huna said: In the case of rams that attack each other we do not apprehend any lesion of the internal organs, for although they groan with pain the whole time, [we say] it is merely a fever that has taken hold of them. But if they were thrown to the ground we certainly apprehend a lesion of the internal organs.

R. Manasseh said: In the case of rams, stolen by thieves,<sup>13</sup> we do not apprehend any lesion

## CHULLIN II – 31a-60b

of the internal organs. Why? Because when they [the thieves] throw them [over the fence] they throw them in such a manner that they fall on their hips, so that they should run on ahead of them. But if they returned them [by throwing them back over the fence], we certainly apprehend a lesion of the internal organs.<sup>14</sup> This is so, however, only if they returned them on account of fear, but if they returned them by way of repentance they would make proper repentance.<sup>15</sup>

**Rab Judah said in the name of Rab:** If a man struck an animal [with a stick] upon the head and the blow reached as far as the tail, or if [he struck it] upon the tail and the blow reached as far as the head, [so that in either case the stick came down] upon the entire length of the backbone, we do not apprehend any lesion of the internal organs. If, however, the stick came to an end in the middle of the backbone, we apprehend a lesion of an internal organ;<sup>16</sup> likewise, if the stick had nodes, or if he struck the animal across the back, we must apprehend a lesion of an internal organ.

**R. Nahman said:** [The passage of the young through] the womb cannot cause a lesion of the internal organs. Said Raba, to R. Nahman: There is [a Baraita] taught<sup>17</sup> that supports you, viz., ‘A boy, one day old.

(1) And it is Trefah.

(2) Even though the needle protruded on both sides, since there is no blood clinging to it, the animal is permitted. V. Maim. Yad, Shech, VI, 12; also Asheri a.l. and gloss thereto.

(3) So that the sale of this animal, if transacted in these three days, is null and void and the purchaser is entitled to a refund of his money.

(4) There is here a doubt whether the wound occurred before or after the animal had passed from the vendor to the purchaser, and it is for the purchaser who is suing for the return of the purchase money to prove his case, namely, that the animal was already Trefah at the time of the sale.

(5) מַפְטִיר כְּנֻסִיּוֹת, ‘Janitor at the meetings of scholars’, Jast.

(6) I.e., R. Judah Ha-nasi, the Patriarch (Rashi). More probably ‘Great Rabbi’ is a title of dignity when speaking of the head of the Academy. So, too, the term לְעִילָא is evidently a title of honor ‘His Excellency’; cf. the parallel Heb. expression, לְמַעַלְלָהּ, in Men. 103b. (Glosses of S. H. Dunner).

(7) I.e., if the needle had not penetrated both walls of the reticulum.

(8) And in the case in question there was sufficient evidence that the needle had pierced both coats of the reticulum.

(9) It may be slaughtered immediately and there is no necessity to examine all the internal organs.

(10) And so by clinging to the wall it breaks its fall and it is not so severe. In this case, however, where the goat jumped

through the skylight, there were no walls to which it might have clung; accordingly we must apprehend a lesion of the internal organs.

(11) And considered it safe for a jump, and therefore there is no fear of any injury to any of the internal organs.

(12) A cramp of the hip-joint, sciatica. The animal however is permitted.

(13) Which are thrown over the fence of the enclosure on to the ground.

(14) For they care not how the animal falls to the ground.

(15) So that when returning them they would take every precaution not to injure the animals.

(16) particularly an injury to the spinal cord.

(17) Nid. 43b.

### Chullin 51b

can convey uncleanness by reason of an issue’. Now if there was any ground to fear [that the passage through the womb might cause] a lesion of the internal organs, then [surely he should not convey such uncleanness, for] the rule of the verse should be applied here: Out of his flesh,<sup>1</sup> but not by reason of an accident!<sup>2</sup> — It may be dealing there with the case of a child that was extracted from the side of his mother.<sup>3</sup>

**Come and hear:** A calf that was born on a festival may be slaughtered [the same day] on the festival!<sup>4</sup> — Here, too, we must suppose that it was extracted from the side.

**Come and hear:** ‘But they agrees that if the firstling was born [on the festival] with a blemish, it is of the class of things designated

## CHULLIN II – 31a-60b

for food'. Now should you say that this too was extracted from the side, [this cannot be since] a firstling extracted from the side has no sanctity! For R. Johanan has stated. R. Simeon admits<sup>6</sup> that with regard to consecrated animals it [sc. an animal extracted from the side] has no sanctity whatsoever! — We must suppose in this case<sup>7</sup> that it planted its hoofs on the ground.<sup>8</sup>

R. Nahman further said: In the slaughter-houses we do not apprehend any lesion of the internal organs. An ox once fell and the noise of its groaning was heard. [When it was slaughtered] R. Isaac b. Samuel b. Martha came and bought of the choicest portions of its meat. Thereupon the Rabbis asked him, Whence do you know this?<sup>10</sup> — He replied. Thus said Rab, The animal [whilst falling] plants its hoofs firmly [on the ground] until it actually reaches the ground.

Rab Judah said in the name of Rab: If the animal [after a fall] stood up, it need not be kept alive for twenty-four hours, but it certainly must be examined [against an internal injury].<sup>11</sup> If it actually walked, there is no need for any examination. R. Hiyya b. Ashi said: In either case it must be examined. R. Jeremiah b. Aba said in the name of Rab, If it stretched out its fore-leg to stand, even though it did not stand, [it is as though it had stood]; or if it moved its hind leg to walk, even though it did not walk, [it is as though it had walked]. R. Hisda said: If it made an effort to stand, even though it did not stand, [it is as though it had stood]. The law is: If it accidentally fell from the roof and stood up but did not walk, it must be examined [against an internal injury], but it need not be kept alive for twenty-four hours; if it walked, it needs no examination.<sup>12</sup>

Amemar said in the name of R. Dimi of Nehardea: The examination of which the Rabbis have spoken in the case of a fall must be carried out in the region of the intestines.<sup>13</sup> Mar Zutra said to him, We rule

on the authority of R. Papa that an examination must be carried out on all the internal organs.

Huna Mar the grandson of R. Nehemiah enquired of R. Ashi, What about the organs of the throat? — He replied. These organs are unaffected<sup>14</sup> by a fall.

Rab Judah said in the name of Samuel: Where a bird was thrown with force upon water it is sufficient if it swam the length of its body.<sup>15</sup> This is so, however, only if it swam upstream,<sup>16</sup> but if it swam downstream,<sup>17</sup> clearly the current of the water carried it along. If the waters were still then it matters not.<sup>18</sup> And if twigs were strewn upon the water and the bird overtook them,<sup>19</sup> then it has obviously overtaken them [by moving of its own accord]. If a sheet was stretched taut [and a bird fell down upon it], we must apprehend an injury to the internal organs; if it was not stretched taut, we do not apprehend an injury. Likewise if the sheet was folded double,<sup>20</sup> [even though it was stretched taut] we do not apprehend any injury. [If a bird was caught in its flight] by a closely knotted net, we must apprehend an injury to the internal organs; if it was not closely knotted, we do not apprehend any injury. [If a bird fell] on flax<sup>21</sup> tied up in bundles, we must apprehend an injury; on the sides of the bundles we do not apprehend any injury. On bundles of reeds, we must apprehend an injury. On flax which was pounded and corded, we do not apprehend any injury; on flax which was pounded but not corded, we must apprehend an injury. On flax stalks which contain seed vessels, we must apprehend an injury because of the knots. On coarse tow, we must apprehend an injury; on fine tow, we do not apprehend any injury. On dried bark, we must apprehend an injury; but on crushed bark, we do not apprehend any injury. On sifted ashes, we must apprehend an injury;<sup>22</sup> but on unsifted ashes, we do not apprehend any injury.



# CHULLIN II – 31a-60b

- (1) Lev. XV, 2.
- (2) V. Zabin II. 2. Any issue in a person caused by an accident or injury does not produce the uncleanness which normally results from an issue. Now if there is any apprehension that a child, whilst passing through the womb, might suffer an injury, he should not then convey uncleanness by reason of his issue, for it might have been caused by an accidental injury in birth.
- (3) By a Caesarean operation, the child not having passed through the womb.
- (4) V. Bez. 6b. The prohibition of mukzeh does not apply, for the dam as well as its young were designated for food on the Festival, v. supra 14a. There is evidently no apprehension whatsoever of an internal injury caused during calving.
- (5) Those Tannaim, who in Bez. 26b differ in the case where a firstling became blemished on the festival whether or not it belongs now to that class of food designated for the festival, agree in this case, where the firstling was born with a blemish on the festival, that it may be slaughtered and eaten on the festival, because it was never at any moment of its life forbidden.
- (6) V. Nid. 400. There is a dispute there between R. Simeon and the Rabbis on the question whether a child that had been extracted from the side of its mother by means of an operation is to be regarded as a child 'born', entailing all those conditions of uncleanness upon the mother as stated in Lev. XII, or not. They are, however, in agreement with regard to consecrated animals, that an animal so extracted has no sanctity whatsoever, for it is expressly prohibited as a sacrifice by the interpretation of Lev. XXII. 27; v. supra 38b.
- (7) The case adduced from Bez. 26b supra.
- (8) In an attempt to stand. This is a sufficient indication that it has not sustained an internal injury at birth; v. infra.
- (9) When the animal is cast on to the ground for the slaughtering.
- (10) That there is no apprehension whatsoever of any lesion to an internal organ caused by the fall.
- (11) It may be slaughtered immediately but the organs that might have been affected by the fall, e.g., the spinal cord and also the ribs and the intestines, must be examined for any injury.
- (12) According to Asheri the ruling in the text does not form part of the Gemara. Rashal deletes the passage.
- (13) The intestines and the various stomachs must be examined for any perforation or laceration.
- (14) Lit., 'hardened against'. Therefore no examination of these organs are necessary where the animal sustained a fall.
- (15) This corresponds to walking in the case of cattle. There is no longer any fear that the bird

was injured Internally and it may be slaughtered immediately

(16) Lit., 'from below upwards'.

(17) Lit., 'from above downwards'. In this case there is no indication that it moved of its own accord.

(18) In whichever direction it moved, it is permitted.

(19) Even though it only moved downstream.

(20) A sheet which is folded cannot be stretched quite taut, and therefore it would not cause any injury to the bird.

(21) The reason generally in all these cases is that if the substance is hard or closely packed, a bird falling thereon would sustain internal injuries, but if the pile is soft or loose, the bird would not sustain any injuries.

(22) For when it is piled up in a heap it cakes and hardens and would cause an injury to the bird.

## Chullin 52a

On fine sand, we do not apprehend any injury; but on coarse sand, we must apprehend an injury. Likewise on dust of the wayside, we apprehend an injury.<sup>1</sup> On straw, if tied in bundles, we must apprehend an injury; but if loose, we do not apprehend any injury. On wheat, or on similar grain, we must apprehend an injury; on barley, or on similar grain, we must apprehend an injury.<sup>2</sup> On all kinds of pulse,<sup>3</sup> except fenugreek,<sup>4</sup> we must apprehend a lesion of the internal organs. On chick-peas, we do not apprehend any lesion of the internal organs; but on lentils, we must apprehend such an injury. This is the rule: on such things as slip away from each other,<sup>5</sup> we do not apprehend any lesion of the internal organs; but on things which do not slip away from each other, we must apprehend a lesion of the internal organs.

If [a bird was] glued,<sup>6</sup> R. Ashi permits it<sup>7</sup> and Amemar forbids it. If it was glued by one wing only, all agree that it is permitted.<sup>8</sup> They disagree only where [it was glued] by both wings. He that forbids it gives as his reason, How can it keep aloft? But he that permits it says: It can keep aloft in the air by the movement of its wings at the joints.<sup>9</sup> Others

## CHULLIN II – 31a-60b

report as follows: If [it was glued] by both wings, all agree that it is forbidden. They disagree only where [it was glued] by one wing only. He that permits it gives as his reason, It can very well fly with one wing. But he that forbids it says. Since it cannot fly with the one wing [which is glued] it cannot fly with the other [which is free]. The law is: If both wings [were glued to the board], it is forbidden,<sup>10</sup> if one wing only [was glued], it is permitted.

**IF MOST OF ITS RIBS WERE FRACTURED.** Our Rabbis taught: This is meant by ‘most of its ribs’: Either six on each side [were fractured] or eleven on one side and one on the other side.<sup>11</sup> Ze'iri added, provided [in each case the fracture was] in that half of the rib nearest the spine. Rabbah b. Bar Hana said in the name of R. Johanan, [We are dealing only] with the large ribs which are filled with marrow. Ulla reported that Ben Zakkai taught: If most of the ribs on one side<sup>12</sup> were dislocated, or if most of the ribs on both sides were fractured, [the animal is Trefah]. R. Johanan said: Whether the ribs were dislocated or fractured, [the animal is Trefah] only if most of the ribs on both sides [were dislocated or fractured]. Rab said: If a rib together with its vertebra was dislocated, the animal is trefah.<sup>13</sup>

R. Kahana and R. Assi asked Rab, What if the rib on each side of the vertebra was dislocated but the vertebra remained firm in its place? — He replied. Then you are speaking of an animal cut asunder!<sup>14</sup> But is not Rab's case too the case of an animal cut asunder?<sup>15</sup> — Rab was speaking of the dislocation of a rib only without the vertebra. But did he not expressly say: ‘A rib together with its vertebra’? — He meant, A rib with half of its vertebra. It follows then that R. Kahana and R. Assi were speaking of the case where the ribs [on each side of the vertebra were dislocated] but the vertebra remained firm; would Rab then have replied to them, ‘Then you are speaking of an animal

cut asunder’? Has not Ulla reported that Ban Zakkai taught: If most of the ribs on one side were dislocated, or if most of the ribs on both sides were fractured, [the animal is Trefah]?<sup>16</sup> — He will say: In that case [of Ulla] the ribs were not opposite each other,<sup>17</sup> but in this case the ribs were opposite each other.<sup>18</sup>

But did not R. Johanan say that most of the ribs on both sides must either be fractured or dislocated? And in speaking of most of the ribs on both sides it cannot be otherwise but that at least one rib was dislocated opposite the other!<sup>19</sup> — There [in the case of R. Johanan] only the rib, but not the facet, [was dislocated], but here [in the case put by R. Kahana and R. Assi] the rib together with its facet<sup>20</sup> [was dislocated]. But if so, is not this case identical with Rab's own statement?<sup>21</sup> — They had not heard of Rab's statement. Then why did they not ask him [about the dislocation of one rib together with its facet] as in the statement of Rab? —

They thought, Let us rather ask him one question which would give us the answer to two. For if we were to ask him about [the dislocation of] one rib [with its facet] we would have had satisfaction only if he had answered that it was Trefah, since this same ruling would apply with even greater force to the case of the dislocation of two ribs; but had he answered that it was permitted we would still have been in doubt as to two ribs.<sup>22</sup> But even now when they ask him about the dislocation of two ribs [with their facets] the same difficulty presents itself, does it not? For only if he had answered that it was permitted would they have had satisfaction, since this same ruling would apply with even greater force to the case of the dislocation of one rib, but had he answered that it was Trefah they would still have been in doubt as to one rib? —

They thought, In that case he would have been annoyed and would have replied. Seeing

## CHULLIN II – 31a-60b

that the dislocation of one rib [with its facet] renders the animal Trefah can there be any question about two?<sup>23</sup> But did they not actually ask him [about the dislocation of two ribs], nevertheless he was not annoyed?<sup>24</sup> — His answer: ‘Then you are speaking of an animal cut asunder’, is the expression of his annoyance.<sup>25</sup>

Rabbah son of R. Shila said in the name of R. Mattana on the authority of Samuel: If a rib was dislodged from its socket,<sup>26</sup> or if the greater portion of the skull was shattered, or if the greater portion of the membrane which covers the greater part of the rumen [was torn] — in each case [the animal] is Trefah. ‘If a rib was dislodged from its socket’. I can point out a contradiction to this. [For we have learnt]:

- (1) This too hardens and forms into lumps.
- (2) In MS.M. this clause is omitted; in other MSS. the reading is, ‘We do not apprehend any injury’. As the text stands, it is difficult to understand why this clause was not included together with wheat.
- (3) E.g., beans or peas. These are smooth and slippery and cannot be piled up into a solid mass.
- (4) Or: linseed.
- (5) I.e., which are smooth and round and so could not form a hard mass.
- (6) By its wings to a board to prevent it from flying away.
- (7) If in an attempt to fly it fell down together with the board to the ground.
- (8) For it could at least keep itself aloft in the air by its other wing which is free.
- (9) Since only the tips of its wings are glued to the board the bird can in a restricted way jerk its wings at the joints and thus keep aloft.
- (10) Unless after its fall it stood up and walked.
- (11) The animal has twenty-two large ribs each filled with marrow, eleven ribs on each side. Twelve at least of these ribs must be fractured in order to render the animal Trefah.
- (12) I.e., six ribs.
- (13) Even though it is certain that the spinal cord has not been injured.
- (14) And it would be nebelah forthwith, v. supra 21a.
- (15) Since a rib together with its vertebra has been dislocated the corresponding rib on the other side of that vertebra has also been loosened, hence the animal is virtually divided into two.

(16) So that at least six ribs must be dislocated in order to render the animal Trefah. Rab surely would not have said that where only two ribs were dislocated the animal is virtually cut asunder, and is nebelah!

(17) I.e., each of the ribs was dislocated from a different vertebra, but no two ribs were dislocated from the same vertebra.

(18) I.e., the ribs on either side of the same vertebra were dislocated.

(19) For there are but eleven ribs on each side and twelve must be fractured or dislocated in order to render the animal Trefah; hence the ribs on either side of at least one vertebra were dislocated.

(20) Lit., ‘the pestle with the mortar’.

(21) For, as we have explained: Rab also was dealing with the dislocation of a rib plus half of its vertebra. i.e., its facet, and he ruled that it was Trefah; why then did R. Kahana and R. Assi enquire of Rab as to the dislocation of two ribs and their facets? That would surely be Trefah!

(22) They therefore asked him concerning the dislocation of two ribs with their facets.

(23) So that they would have known from the tone of Rab's answer the law about the dislocation of one rib.

(24) Although Rab had already taught that the dislocation of one rib with part of its vertebra i.e., its facet renders the animal Trefah.

(25) And this answer of Rab conveyed to them also the information that the dislocation of one rib together with its facet is Trefah.

(26) According to Rashi only the rib, but not its facet, was dislodged; according to R. Tam the facet was also dislodged. V. Tos. s.v. געקרה.

### Chullin 52b

‘What is considered a deficiency of the spine? Beth Shammai say. If two vertebrae were missing; Beth Hillel say: If only one was missing’. And Rab Judah said in the name of Samuel that their views are the same with regard to rendering the animal trefah!<sup>1</sup> — Here we are speaking of a rib [being dislodged] but not the vertebra and there of a vertebra [being dislodged] but not the rib. I can well understand a rib [being dislodged] without its vertebra but how can it happen that the vertebra [should become dislodged] without [dislodging at the same time] the ribs?<sup>2</sup> — It can happen below at the loins.<sup>3</sup>

## CHULLIN II – 31a-60b

R. Oshaia raised the question, Why is not this dispute<sup>4</sup> included in the list of differences wherein Beth Shammai adopt the more lenient view and Beth Hillel the stricter view? — Raba answered. Because the dispute arose originally with regard to the law of uncleanness and in this respect Beth Shammai hold the stricter view.<sup>6</sup> ‘If the greater portion of the skull was shattered’.

R. Jeremiah asked: Does it mean the greater portion of the height of the skull or the greater portion of its circumference?<sup>7</sup> This remains undecided. ‘If the greater portion of the membrane which covers the greater part of the rumen [was torn]’.

R. Ashi asked: Does it mean that the greater portion was torn or that it was gone? But you can surely answer this from our Mishnah which reads: **IF THE INNER RUMEN WAS PIERCED OR THE GREATER PART OF THE OUTER COVERING WAS TORN.** And this was interpreted by the scholars in the West [Palestine] on the authority of R. Jose b. Hanina thus: The entire rumen is the inner rumen. And what is the outer rumen? It is the membrane which covers the greater part of the rumen!<sup>8</sup> — Was not this question raised on the statement of Samuel? But R. Jacob b. Nahmani has reported in the name of Samuel that it [sc. the inner rumen] is that part of the rumen which has no downy lining.<sup>9</sup>

**IF IT WAS CLAWED BY A WOLF.** Rab Judah said in the name of Rab: In the case of cattle from the wolf and upwards,<sup>10</sup> and in the case of birds from the hawk and upwards. What does this exclude? Should you say it excludes the cat, surely we have expressly learnt: **IF IT WAS CLAWED BY A WOLF!**<sup>11</sup> And should you further say that the Mishnah merely wishes to teach that a wolf can claw even large cattle,<sup>12</sup> surely [this is not so, for] our Mishnah adds: **R. JUDAH SAYS. SMALL CATTLE IF CLAWED BY A WOLF, AND LARGE CATTLE IF**

**CLAWED BY A LION.** And should you further say that R. Judah differs [from the view of the first Tanna],<sup>13</sup> surely [it is not so, for] R. Benjamin b. Japhet has stated in the name of R. Ila'a<sup>14</sup> that the sole purpose of R. Judah's statement was merely to explain [the words of the first Tanna but not to dissent therefrom]! — Do you point out a contradiction between one authority and another!<sup>15</sup> If you wish, however, I can say that it [the Mishnah] indeed excludes the cat [and yet R. Judah's statement was necessary], for you might have said [the reason why the Mishnah mentions the wolf was because] it was the more common occurrence;<sup>16</sup> he therefore teaches us [that it is not so].

R. ‘Amram said in the name of R. Hisda: Goats and lambs [are Trefah] if clawed either by a cat or a marten, birds if clawed by a weasel. An objection was raised: The clawing by a cat or a hawk or a marten [does not render Trefah] unless the claw actually penetrated into [the abdominal] cavity.<sup>17</sup> Now it follows from this that the clawing itself is of no consequence! But how do you explain this? Is the clawing by a hawk of no consequence? Surely we have learnt: **IF CLAWED BY A HAWK!** — This is no difficulty, for the statement [of our Mishnah] refers to birds [being clawed], whereas the statement [of the Baraitha] refers to goats and lambs; but against R. Hisda [this Baraitha] is indeed an objection! — He [R. Hisda] concurs with the view of the following Tanna. For it was taught: Beribbi<sup>18</sup> said: Only in that case when no one was present to save [the attacked animal] did the Rabbis say that the clawing [by a cat] was of no consequence.<sup>19</sup> but when some one was present to save [the attacked animal] the clawing [by a cat] is of consequence.<sup>20</sup> Do you then hold that when no one is present to save [the animal], the clawing [by a cat] is of no consequence?

But it once happened that a hen belonging to R. Kahana was being pursued by a cat and it

## CHULLIN II – 31a-60b

ran into a room. The door shut in the face of the cat so that [in its fury] it struck the door with its paw. There were then found on it five spots of blood!<sup>21</sup> — When the attacked animal tries to save itself it is the same as when others are present to save it. But [does not this incident contradict the view of] the Rabbis?<sup>22</sup> — They maintain that it has venom, but the venom does not burn.<sup>23</sup>

Others report the passage thus:<sup>24</sup> The author of that Baraita is Beribbi.<sup>25</sup> For it was taught: Beribbi said: Only in that case when there was some one present to save [the attacked animal] did the Rabbis say that the clawing [by a cat] was of consequence, but when no one was present to save [the attacked animal] the clawing by a cat is of no consequence. Do you then hold that when no one is present to save [the animal] the clawing [by a cat] is of no consequence?

But it once happened that a hen belonging to R. Kahana was being pursued by a cat and it ran into a room. The door shut in the face of the cat so that [in its fury] it struck the door with its paw. There were then found on it five spots of blood! — When the attacked animal tries to save itself it is the same as when others are present to save it. R. Kahana enquired of Rab:

- (1) V. supra 42b. It is here taught that only the removal of a vertebra renders the animal Trefah, but not the dislodgement of a rib.
- (2) For as soon as the vertebra is removed the ribs on each side of it are dislodged and fall apart.
- (3) In the lumbar region where there are vertebrae but no ribs.
- (4) Between Beth Shammai and Beth Hillel as to what deficiency in the backbone would render the animal Trefah; according to the former two vertebrae must be missing, and according to the latter only one. Thus Beth Shammai clearly hold the more lenient view.
- (5) In 'Ed. IV.
- (6) For they hold that the backbone of a corpse will still convey uncleanness to men and vessels in the same 'tent' although one vertebra thereof was missing.
- (7) I.e., does the greater portion refer to the length of the skull commencing from the eyes rising

upwards towards the top of the head, or to the width of the skull, i.e., the distance from ear to ear? (R. Gershom).

(8) According to the interpretation of the scholars in the West the Mishnah expressly teaches that if the greater portion of the membrane was torn, it is Trefah.

(9) The Mishnah according to Samuel does not deal with the membrane at all, but only with the actual rumen; it cannot therefore throw any light on the elucidation of Samuel's statement here.

(10) I.e., the Mishnah does not mean a wolf exclusively, but it means any other beast of prey which is larger and fiercer than the wolf. The same is the intention of the Mishnah in the case of birds.

(11) And this clearly excludes the cat.

(12) It is argued that the wolf was expressly stated not in order to exclude the cat but to teach that the clawing by a wolf can render even a large cattle, e.g., an ox, Trefah. Small cattle however, e.g., sheep, can be clawed even by a cat.

(13) The first Tanna being of the opinion that a wolf can claw even large cattle.

(14) In MS.M. as well as in Rashi the reading is 'R. Eleazar'.

(15) Rab does not agree with the view expressed above in the name of R. Ila'a but holds that R. Judah expressed a dissenting view, the first Tanna being of the opinion that the clawing by a wolf would render Trefah even large cattle. Now it might have been inferred from this that the clawing by a cat would render Trefah small cattle, e.g., sheep and goats; Rab therefore expressly teaches us that a cat is absolutely excluded, and its clawing is of no consequence.

(16) But not to imply that the clawing by a cat is of no consequence.

(17) And pierced an internal organ. Accordingly the claw is on a par with a thorn or a needle, but it does render Trefah solely by the clawing and the poisonous discharge that follows.

(18) V. supra 22b.

(19) As stated in the cited Baraita.

(20) The presence of a rescuer infuriates the cat so that it becomes fiercer in its attack and discharges its venom. R. Hisda concurs with this view, and only in these circumstances does he maintain that the clawing by a cat renders Trefah.

(21) I.e., five red spots of venom were found on the door. This indicates that the cat discharges venom in its attack, even though no one was present to save the victim.

(22) The Rabbis who differ from the view of Beribbi maintain that the clawing by a cat is of no consequence under any circumstances. The question is then, How will they explain away the presence of the venom on the door, which

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indicates that a cat does discharge venom in its attack?

(23) The discharged venom does not destroy any of the organs.

(24) In answer to the objection raised above against R. Hisda from the Baraita quoted.

(25) But R. Hisda is of the opinion that in all circumstances the clawing by a cat renders Trefah. And he maintains that the Tanna of our Mishnah also concurs with this view.

### Chullin 53a

Is the clawing by a cat of consequence<sup>1</sup> or not? — He replied: Even the clawing by a weasel is of consequence. And is the clawing by a weasel of consequence or not? — He replied. Even the clawing by a cat is of no consequence. And is the clawing by a cat or by a weasel of consequence or not? — He replied: The clawing by a cat is of consequence but the clawing by a weasel is not. Now there is really no contradiction between these replies. For when he said: ‘Even the clawing by a weasel is of consequence’, he meant with reference to birds; and when he said: ‘Even the clawing by a cat is of no consequence’, he meant with reference to large sheep; and when he said: ‘The clawing by a cat is of consequence but the clawing by a weasel is not’, he meant with reference to kids and lambs.

R. Ashi asked: Is the clawing by the other<sup>2</sup> unclean birds of consequence or not? — R. Hillel said to R. Ashi: When we were at the school of R. Kahana he taught us that the clawing by the other unclean birds was of consequence. But have we not learnt: **SMALL FOWL IF CLAWED BY A HAWK?**<sup>3</sup> — It means, the clawing by a hawk is of consequence upon other [birds even as large] as itself, while the clawing by other birds is of consequence only upon others smaller than themselves. Others say that it means, the clawing by a hawk is of consequence upon others even larger than itself, while the clawing by other birds is of consequence only upon others as large as themselves.

R. Kahana said in the name of R. Shimi b. Ashi: The clawing by a fox is of no consequence. But this is not so? For when R. Dimi came [from Palestine] he related that there once happened a case where a ewe-lamb was clawed by a fox at the baths of Beth Hini,<sup>4</sup> and when the case was brought to the Sages they ruled that the clawing was of consequence! — R. Safra answered: In that case it must have been a cat [and not a fox].

Others report it thus: R. Kahana said in the name of R. Shimi b. Ashi, The clawing by a fox is of consequence. But this is not so? For when R. Dimi came [from Palestine] he related that there once happened a case where a ewe-lamb was clawed by a fox, and when the case was brought to the Sages they ruled that the clawing was of no consequence! — R. Safra answered: It must have been a dog [and not a fox].

R. Joseph said: We have it on tradition that the clawing by a dog is of no consequence. Abaye said: We have it on tradition that clawing is only with the fore-leg, thus excluding the hind leg; that clawing is only with the claws, thus excluding the teeth; that the clawing must be intentional, thus excluding an unintentional act;<sup>5</sup> and that the clawing must be by a living animal, thus excluding the clawing by a dead animal.<sup>6</sup> But since you have already said it must not be unintentional, is it then at all necessary to say that it must not be by a dead animal? — It is indeed necessary for the case where the animal struck with its claw and it was immediately amputated. Now you might have thought that it discharges the poison at once when it strikes with the claw, we therefore learn that it discharges the poison only when it withdraws the claw.<sup>7</sup>

Rabbah son of R. Huna said in the name of Rab: If a lion had entered amidst oxen and later there was found a nail [from a lion's claw] lodged in the back of one of them, there

## CHULLIN II – 31a-60b

is no fear that the lion had clawed it. Why? Because although most lions attack with their claws there are a few that do not; moreover, all that do claw do not usually lose a nail, therefore the fact that this ox has a nail lodged in its back suggests that it had rubbed itself against a wall.<sup>8</sup> On the contrary, we should argue thus: Although most oxen rub themselves against a wall there are a few that do not; moreover, all that do rub themselves against a wall do not usually find a nail lodged in their backs, therefore the fact that this ox has a nail lodged in its back suggests that it was clawed by a lion! — One can argue this way and one can argue that way; therefore as there is a doubt whether [the ox] had been clawed or not<sup>9</sup> [it is permitted, for] Rab is consistent in his view that we are in no way apprehensive of an animal about which there is a doubt whether it has been clawed or not.

Abaye said: This is the rule only when the nail was actually there [protruding from the back of the ox], but if there was found the mark of the nail [of a claw upon the back], we are certainly apprehensive about it. And even when the nail was actually there this rule<sup>10</sup> applies only if the nail was moist [with blood], but if it was dry it is quite usual for it to fall loose.<sup>11</sup> And even when the nail was moist the rule applies only to a single nail, but if there were two or three nails [upon the back of the animal] we are apprehensive about it; provided, however, they were in the shape of a paw.

It was stated: Rab says: We are in no way apprehensive of an animal about which there is a doubt whether it has been clawed or not; Samuel says. We are apprehensive about it.<sup>12</sup> Now all agree as to the following: if there was a doubt whether it [the lion] entered [among the cattle] or not, we may assume that it did not enter. If there was a doubt whether [an animal had been clawed] by a dog or by a cat, we may assume that it was a dog.<sup>13</sup> If it [the lion] entered, and

quietly lay down among the cattle, we may assume that it became friendly with them. If it broke the head of one, we may assume that its fury has thereby been assuaged.<sup>14</sup> If the lion was roaring and the cattle were lowing, we may assume that they are trying to frighten

- (1) So as to render the clawed animal Trefah.
- (2) Besides the hawk and the falcon which are mentioned in the Mishnah.
- (3) Apparently the clawing by other birds is of no consequence.
- (4) East of Caesarea, v. Horowitz, I.S. Palestine p. 131.
- (5) E.g., where the animal accidentally fell down upon cattle and its claws entered the body of the victim.
- (6) Presumably the dead animal had fallen upon cattle and its claws had struck the victim.
- (7) So that if the claw had been amputated before it had been withdrawn from the victim, the latter is not Trefah, for at the time when the poison is discharged the limb was already dead.
- (8) It is so rare an occurrence for a lion to lose a nail while attacking with its claw, that it is much more probable to suggest that the animal got the nail lodged in its back from having scratched itself against a wall in which this nail protruded.
- (9) In the current ed. there are added the words: 'We must place it on its former status'. These words are omitted in MS.M., and are evidently redundant. V., however, Glosses of Samuel Strashun.
- (10) That we are in no wise apprehensive about it, so that it is permitted.
- (11) From the claw during the act of clawing.
- (12) And it is Trefah.
- (13) The clawing of a dog being of no consequence (supra), the animal is permitted.
- (14) And there is no fear for the others. It must be assumed, however, that this was the first victim of the lion.

### Chullin 53b

each other.<sup>1</sup> Their dispute arises only where the lion was silent and they were lowing; one [Samuel] is of the opinion that this is an indication that it has already attacked them, whereas the other [Rab] is of the opinion that they are lowing out of fear only.

## CHULLIN II – 31a-60b

Amemar said: The law is that we must be apprehensive of [an animal] about which there was a doubt whether it had been clawed or not. Whereupon R. Ashi said to Amemar, But what about Rab's view? — He replied: I have not heard of it, by which I mean to say. I don't agree with it. Or else I can say that Rab withdrew his opinion in favor of Samuel's.

For it once happened that a basket of [live] birds, about which there was a doubt whether they had been clawed or not, was brought before Rab. He thereupon sent it to Samuel, who at once strangled the birds and threw them into the river. Now if you were to say that Rab had not retracted his view, then why did he not permit them? But you hold, do you not, that Rab had retracted his view; why then did he not himself forbid them? Rather [what you must say is that] it happened in the town where Samuel lived.<sup>2</sup> Why did he need to strangle them? He could have thrown them alive into the river? — They would then fly away.<sup>3</sup> And why did he not keep them alive for twelve months?<sup>4</sup> — One might fall into sin on account of them.<sup>5</sup> And why did he not sell them to gentiles? — They might re-sell them to Israelites. And why did he not strangle them and throw them on to the dung heap? Then you might just as well ask: Why did he not throw them to the dogs? [The answer] rather [is that] he wanted to make known to all this prohibition.

A duck belonging to R. Ashi went among the reeds and emerged with its neck smeared with blood. Said R. Ashi: We hold, do we not, that wherever there is a doubt whether the animal was clawed by a dog or by a cat it may be assumed that it was clawed by a dog? Here, too, there being a doubt whether it was injured by a reed or clawed by a cat, it may be assumed that it was injured by a reed.<sup>6</sup>

The sons of R. Hiyya said: The examination of which the Rabbis have spoken in the case of 'clawing',<sup>7</sup> must be carried out in the

region of the intestines.<sup>8</sup> R. Joseph said: This statement of the sons of R. Hiyya was made long ago by Samuel, for Samuel said in the name of R. Hanina b. Antigonus. The examination of which [the Rabbis] have spoken in the case of clawing, must be carried out in the region of the intestines. Ilfa raised the question: Are the organs of the throat affected by clawing or not? —

R. Zera said. The question raised by Ilfa was answered long ago by R. Hanan b. Raba, for R. Hanan b. Raba said in the name of Rab, The examination of which the Rabbis have spoken in the case of clawing, must be carried out over all the internal organs, including even the organs of the throat. Ilfa raised the question: How much of the organs of the throat must be torn loose [in order to render the animal Trefah]? —

R. Zera said: The question raised by Ilfa was answered long ago by Rabbah b. Bar Hana, for Rabbah b. Bar Hana said in the name of Samuel, If the greater part [of the circumference] of the organs of the throat was torn loose [from its connection on top], the animal is Trefah. R. Ammi asked: What is the law if decay set in [as a result of clawing]? —

R. Zera said: The question raised by R. Ammi was answered long ago by Rab Judah, for Rab Judah said in the name of Rab, In the case of clawing [the animal is not Trefah] unless the flesh in the region of the intestines became red. If the flesh decayed it is to be regarded as though it were gone entirely.<sup>9</sup> What is meant by 'decayed'? — R. Huna the son of R. Joshua said: It is all such flesh as is scraped away by the surgeon in order to leave only healthy flesh.

R. Ashi said: When we were at the school of R. Kahana there was brought before us a lung which when laid down lay firm, but when lifted up decomposed and fell to pieces, and we declared it to be Trefah, in



## CHULLIN II – 31a-60b

accordance with the view of R. Huna the son of R. Joshua.<sup>10</sup> R. Nahman said: In the case of a thorn [the animal is not Trefah] unless it penetrated into the [abdominal] cavity;<sup>11</sup> in the case of clawing, unless the flesh in the region of the intestines became red. R. Zebid reported thus: In the case of clawing, [the animal is not Trefah] unless the flesh in the region of the intestines became red; and if [clawed in the region of] the organs of the throat, unless the organs themselves became red.

R. Papi reported that R. Bibi b. Abaye raised this question:

- (1) And the lion has not yet attacked the cattle.
- (2) Rab did not wish to interfere where Samuel had jurisdiction. This incident therefore does not prove that Rab had retracted his view. V. Rashi.
- (3) And might then be caught and sold to Jews as permitted birds.
- (4) In accordance with the principle, laid down infra 58a, if these birds live through this period it is a certain indication that they are not Trefah.
- (5) For in the course of this period it might be forgotten that these birds were being kept under a test, and they might be taken and slaughtered.
- (6) So that the examination is limited to the organs of the throat and need not be carried out in the region of the intestines (v. infra). For a fuller explanation of the practical result that arises from this view v. R. Nissim a.l.
- (7) Where there was a doubt about an animal whether it had been clawed or not (or, according to Tosaf., even if it was certain that the animal was clawed), it must be examined for any red spots, for these indicate the presence of poison injected into the flesh by the claw.
- (8) I.e., the back, the flanks and the abdominal region.
- (9) And where the absence of the flesh would render the animal Trefah, so also would the decaying of the flesh (Rashi). According to Maim. Yad, Shechitah V, 9, it means here that the decay of any flesh as the result of clawing is always regarded as Trefah.
- (10) Who laid down the principle that any organ which has decayed or decomposed must be regarded as missing. Here, therefore, it is regarded as though the lung was missing and the animal is Trefah.
- (11) If, however, the thorn penetrated into the abdominal cavity the animal is Trefah, and no examination of the internal organs will be of avail;

for a perforation of the intestines would not be noticeable even on examination.

### Chullin 54a

With regard to the gullet, as the slightest perforation [is sufficient to render the animal Trefah], so too is the slightest indication of clawing; but with regard to the windpipe, since [it is established that] there must be a hole the size of an issar,<sup>1</sup> what is the law as to the clawing thereof? — After raising this question he himself answered it thus: In either organ the slightest indication of clawing [will render the animal Trefah]. Why? Because the poison gradually burns away more and more.

R. Isaac b. Samuel b. Martha was sitting before R. Nahman and recited: The examination of which the Rabbis have spoken in the case of clawing, must be carried out in the region of the intestines. Thereupon R. Nahman said to him, 'By God! Rab used to rule [that an examination must be made of all the internal organs] from the pan to the hips'. Now what is 'the pan'? Is it the pan of the fore-limb?<sup>2</sup> But then this view would be identical with [that mentioned above] 'in the region of the intestines'.<sup>3</sup> It must mean, therefore, from the pan of the brain to the hips.<sup>4</sup>

When R. Hiyya b. Joseph went up [to Palestine] he found R. Johanan and R. Simeon b. Lakish stating their view, namely, that the examination of which [the Rabbis have] spoken in the case of clawing, must be carried out in the region of the intestines. He thereupon said: 'By God! Rab used to rule [that an examination must be made of all the internal organs] from the pan to the hips'.

Resh Lakish retorted: 'Who is this Rab? Who is this Rab? I know him not'. Said R. Johanan to him, 'Do you not remember that disciple who attended the lectures of the Great Rabbi and of R. Hiyya, and, by God! all the years during which that disciple sat

## CHULLIN II – 31a-60b

before his teachers<sup>5</sup> I remained standing! And in what [do you think] he excelled? He excelled in everything!<sup>6</sup> Immediately Resh Lakish exclaimed: Verily that man is to be remembered for good! For in his name has the following dictum been reported, viz., If, after slaughtering, [the windpipe] was found to be torn loose,<sup>7</sup> the animal is permitted, for it is impossible to have cut through an organ that had been torn loose.<sup>8</sup> R. Johanan, however, said: He should compare it.<sup>9</sup> R. Nahman said: The rule [of Rab] holds good only if the slaughterer did not grasp the organs [when slaughtering], but if he did grasp the organs, [the slaughtering is invalid, for] then it is possible to cut through an organ that had been torn loose.

**THIS IS THE RULE.** What cases does it include? — It includes the Seven Statements.<sup>10</sup> The members of the house of Joseph the fowler used to kill beasts by striking them on the sciatic nerve. When they came to enquire<sup>11</sup> of R. Judah b. Bathyra, he said to them, ‘May we then add to the list of defects [which render an animal Trefah]? We accept only those enumerated by the Rabbis’. The members of the house of R. Papa b. Abba the fowler used to kill beasts by striking them on the kidney. When they came to enquire<sup>11</sup> of R. Abba, he said to them, ‘May we then add to the list of defects? We accept only those enumerated by the Rabbis’. But do we not see that the beast dies [from the blow]? It is established [beyond doubt] that if salves were applied, it would live.

**MISHNAH.** AND THE FOLLOWING [DEFECTS] DO NOT RENDER CATTLE TREFAH: IF THE WINDPIPE WAS PIERCED, OR SLIT LENGTHWISE;<sup>12</sup> (TO WHAT EXTENT MAY IT BE DEFICIENT? R. SIMEON B. GAMALIEL SAYS, UP TO AN ITALIAN ISSAR).<sup>13</sup> IF PART OF THE SKULL BROKE OFF BUT THE MEMBRANE OF THE BRAIN WAS NOT PIERCED; IF THE HEART WAS PIERCED BUT NOT AS FAR AS THE CAVITY THEREOF; IF THE SPINE WAS BROKEN BUT

THE CORD WAS NOT SEVERED; IF THE LIVER WAS GONE BUT AN OLIVE'S SIZE THEREOF REMAINED; IF THE OMASUM AND RETICULUM WERE PIERCED ON THE INSIDE;<sup>14</sup> IF THE SPLEEN WAS GONE, OR THE KIDNEYS, OR THE LOWER JAW-BONE.<sup>15</sup> OR THE WOMB; IF THE LUNG WAS SHRIVELLED UP BY AN ACT OF GOD.<sup>16</sup> IF AN ANIMAL WAS STRIPPED OF ITS HIDE, R. MEIR DECLARES IT VALID BUT THE RABBIS DECLARE IT INVALID.

**GEMARA.** It was reported: R. Johanan says. The former Mishnah, ‘The following [defects] render cattle Trefah’, is to be emphasized; R. Simeon b. Lakish says. This Mishnah, ‘AND THE FOLLOWING [DEFECTS] DO NOT RENDER CATTLE TREFAH’, is to be emphasized. What is the real issue between them? — It is R. Mattena's case. For R. Mattena ruled: If the top of the femur slipped out of its socket, the animal is Trefah — Now R. Johanan who said that the former Mishnah, namely, ‘The following [defects] render cattle Trefah’, was to be emphasized. argues thus: The Tanna stated various defects and finally added: ‘This is the rule’.

(1) V. next Mishnah.

(2) I.e., the shoulder-blade or scapula.

(3) For it includes all the internal organs, the lungs and the liver, and these are the organs comprehended within the expression ‘from the scapula to the hips’.

(4) And this would include the organs of the throat too.

(5) I.e., as an advanced student Rab was permitted to sit at the lectures.

(6) Aliter: ‘What kind of man was he? He was a man in everything’.

(7) And it is doubtful whether it was torn loose before or after the slaughtering.

(8) The fact that the organ has been cut in the proper manner proves that it was torn away only after the slaughtering.

(9) Lit., ‘he should bring and compare’. I.e., he should make another cut in this same windpipe, and if the cuts resemble each other the animal would be Trefah, for it is evident that just as the second cut so the first cut too was made in an organ that had already been torn loose.

(10) V. supra 42a and b.

## CHULLIN II – 31a-60b

(11) To ascertain whether the slaughtering of an animal so struck would be valid or not.

(12) But none of 'its substance was missing; V. supra 45a

(13) A coin, the Roman as, a twenty-fourth part of a denar.

(14) I.e., the perforation was in that part where one organ lies close to the other without any space intervening. The food therefore would only pass from one organ into the other and could in no way cause an infection of the internal organs.

(15) The organs of the throat, however, remained intact attached to the muscles of the throat.

(16) Lit., 'by the hands of heaven'. I.e., sclerosis of the lung, here caused by a fright through an act of nature, by thunder or by lightning.

### Chullin 54b

He saw, however, that R. Mattena's case might be admitted [as a Trefah] under the clause 'This is the rule',<sup>1</sup> for it is well nigh similar to a case where the entire organ was gone, he therefore taught: 'The following [defects] render cattle Trefah', emphasizing that only the following render cattle Trefah, but the defect stated by R. Mattena does not render the animal Trefah. R. Simeon b. Lakish who said that this Mishnah, namely, 'AND THE FOLLOWING [DEFECTS] DO NOT RENDER CATTLE TREFAH', was to be emphasized, on the other hand, argues thus: The Tanna stated various defects and finally added: 'This is the rule'. He saw, however, that R. Mattena's case might not be admitted [as a Trefah] under the clause 'This is the rule', for it is not quite the same as when an organ is pierced or severed or gone entirely, he therefore taught: THE FOLLOWING [DEFECTS] DO NOT RENDER CATTLE TREFAH, emphasizing that only the following do not render an animal Trefah, but the defect stated by R. Mattena does. The text [stated above]: 'R. Mattena ruled: If the top of the femur slipped out of its socket, the animal is Trefah'. Raba, however, ruled that it was permitted; though if the ligaments were severed it is Trefah. The law is: Even if the ligaments were severed it is permitted, unless they had decayed.<sup>2</sup>

TO WHAT EXTENT MAY IT BE DEFICIENT? etc. Ze'iri said: 'You, who have never seen the size [of an Italian issar], may take instead as a standard the size of a Gordian denar,<sup>3</sup> which is equal in size to the small peshita, current among the small coins of Pumbeditha'.

R. Hana, the money-changer, said: 'Once there stood before me Bar Nappaha who asked me for a Gordian denar with which to measure a defect. I wanted to rise before him but he would not allow me, saying. "Sit down, my son, sit down. Craftsmen are not allowed to rise before scholars whilst they are engaged in their work"'.<sup>4</sup> But are they not? Surely we have learnt: All craftsmen must rise before them,<sup>5</sup> enquire after their welfare and greet them, 'Our brethren from such and such a place, ye are welcome'. — R. Johanan said: Before them they must rise but not before scholars. Thereupon R. Jose b. Abin remarked: Come and see, how precious is a precept when performed in its due season! for they [craftsmen] must rise before these but not before scholars! But whence do you gather this? Perhaps [they are shown respect] so as not to put a stumbling-block in their way for the future!<sup>6</sup>

R. Nahman said: An exact sela' is regarded as more than a sela'; likewise an exact issar is regarded as more than an issar.<sup>7</sup> This shows that R. Nahman is of the opinion that 'up to' is not inclusive.<sup>8</sup>

Raba raised an objection against R. Nahman. We have learnt: A string which hangs over from the texture of a bed, [that is of any length] up to five handbreadths, is clean.<sup>9</sup> Presumably if it was exactly five handbreadths it would be regarded as less!<sup>10</sup> — No. Exactly five would be regarded as more.<sup>11</sup>

Come and hear: If it was from five up to ten handbreadths in length, it is unclean. Presumably if it was exactly ten

# CHULLIN II – 31a-60b

handbreadths long it would be regarded as less.<sup>12</sup> — No. Exactly ten would be regarded as more.

**Come and hear:** Small earthenware vessels, or the bottoms or sides [of broken earthenware vessels] that can stand without support.

- (1) Which clause was added for the sole purpose of including other defects not specifically mentioned.
- (2) In which case the animal would be Trefah.
- (3) Name of a gold denar coined by one of the Roman emperors by that name.
- (4) I.e., whilst working for others (Rashi). According to Tosaf., however, it may mean that even when they are engaged in their own work they need not stand up.
- (5) Sc. those Jews who came to Jerusalem bringing with them the offering of first-fruits to the Temple. V. Bik. III, 3.
- (6) For if they were not shown respect when they came, they might refrain from coming again in the future. But it is certainly not the case, as was suggested by R. Jose b. Abin, that their action is more commendable than the study of the Torah.
- (7) Wherever the Rabbis fixed the standard of measure, either a sela', as in the case of a deficiency in the skull or a deficiency in the rumen, or an issar, as in our Mishnah, they intended to convey that where the measure was exactly the size of the standard fixed it was always to be regarded as more than the standard, with all the results consequent thereto.
- (8) For when our Mishnah says: UP TO AN ITALIAN ISSAR, It means that up to that size is a deficiency permitted, but the deficiency of an exact issar, being regarded as more than an issar, would render the animal Trefah.
- (9) V. Kelim XIX, 2. If the bed was rendered unclean, this piece of string which has not yet been cut away from the texture of the bed would not be unclean, for it is insignificant. If, however, it was more than five handbreadths in length it would be unclean, for it would then be of some use — indeed, with this length of string they used to tie up the Passover lambs and hang up the beds. If it was more than ten handbreadths in length it would be clean, for it is considered independent from the texture, and hence cut away from it, and it is established law that a string by itself cannot be rendered unclean.
- (10) I.e., less than five handbreadths and it would be clean; thus proving that 'up to' is inclusive.
- (11) I.e., more than five handbreadths and it would be unclean; for 'up to' is exclusive.

(12) And unclean; v. p. 298, n. 6.

## Chullin 55a

[can contract uncleanness if they can now hold] enough oil to anoint a limb of a child,<sup>1</sup> [provided that, when unbroken, these vessels could hold any amount] up to a log. Presumably what could hold exactly a log would be regarded as holding less!<sup>2</sup> — No. Exactly a log would be regarded as holding more.<sup>3</sup>

**Come and hear:** If [these vessels, when unbroken, could hold anything] from a log up to a se'ah, [their remnants must now be capable of holding] one quarter log. Presumably what holds exactly a se'ah would be regarded as holding less! — No. Exactly a se'ah would be regarded as holding more.<sup>3</sup>

**Come and hear:** If [these vessels, when unbroken, could hold anything] from one se'ah up to two se'ahs, [their remnants must now be capable of holding] one half log. Presumably what holds exactly two se'ahs would be regarded as holding less! — No. Exactly two se'ahs would be regarded as holding more.<sup>4</sup> But it has been taught: If the vessel, when unbroken, could hold exactly a log it must be regarded as holding less, or if exactly a se'ah it must be regarded as holding less, or if exactly two se'ahs it must be regarded as holding less.<sup>5</sup> — [It must be said that] there [and in all cases] the stricter view is adopted.<sup>6</sup> For R. Abbahu reported in the name of R. Johanan: All standards fixed by the Rabbis are to be applied strictly except the size of a bean, the standard for stains,<sup>7</sup> which is to be applied leniently. And there is, indeed, a support for this ruling; for the following has been taught as a comment [upon that Mishnah]:<sup>8</sup> If it was exactly five handbreadths long it is regarded as more, but if it was exactly ten handbreadths long it is regarded as less.<sup>9</sup>

# CHULLIN II – 31a-60b

**IF THE SPLEEN WAS GONE.** R. 'Awira said in the name of Raba: This was taught only if it was gone, but should it have been pierced it would be Trefah. R. Jose b. Abin (others say: R. Jose b. Zabida) raised this objection. We have learnt: Whatsoever is cut off from the embryo within the womb [of the animal and left inside] may be eaten,<sup>10</sup> but whatsoever is cut off from the spleen or kidneys [of the animal itself and left inside] may not be eaten. It follows, however, that the animal itself is permitted!<sup>11</sup> — No; the law is that the animal itself is also forbidden, but only because the Tanna stated in the first clause that it<sup>12</sup> may be eaten did he state in the second clause too that it<sup>12</sup> may not be eaten.<sup>13</sup> Alternatively, I can say: Pierced is one thing but cut another.<sup>14</sup>

**IF THE KIDNEYS WERE GONE.** Rakish b. Papa said in the name of Rab, If one kidney was diseased it is Trefah. In the West it was said: Provided the infection extended

(1) Whatsoever cannot hold this quantity is not regarded as a receptacle and the law of uncleanness does not apply. On the question whether or not this minimum quantity is essential in an unbroken earthenware vessel, v. Tosaf. a.l. and the commentaries on this Mishnah in Kelim II. 2.

(2) I.e., less than a log; and the standard of 'enough oil to anoint a limb of a child' would apply, thus proving that 'up to' is inclusive. Log and se'ah are Heb. measures both of liquids and of solids.

(3) And the standard stated in the next clause would apply.

(4) And in order to be able to contract uncleanness the minimum capacity of a remnant of a vessel which, when unbroken, held more than two se'ahs is one whole log. V. Kelim II, 2.

(5) It is evident from this Baraita that 'up to' is always inclusive.

(6) The conclusion therefore is that the expression 'up to' sometimes is and sometimes is not inclusive. If, in any context, a matter up to a certain measure is permitted (as in the case of our Mishnah supra 54a), the strict view must be adopted and 'up to' will not be inclusive. But, on the other hand, if any matter up to a certain measure is forbidden, or is capable of being

rendered unclean, the strict view must again be adopted and 'up to' will be inclusive.

(7) If a woman observes a blood stain, the size of a bean, on her under-clothes she becomes unclean, for the stain might be the blood of menstruation. If the stain is exactly, or less than, the size of a bean, she would not be unclean, for she may set it down to the blood of a louse; v. Nid. 58b. The reason for this leniency is because the law relating to stains is merely Rabbinic.

(8) In Kelim XIX, 2. V. supra p. 298, n. 6.

(9) In each case the string is rendered unclean because we adopt throughout the stricter ruling, so that in the first case of this Baraita 'up to' is not inclusive but in the second case it is.

(10) When the animal is slaughtered subsequently. V. infra 68a.

(11) Even though its spleen was cut, which is presumably very much the same as when pierced; thus refuting R. 'Awira's ruling.

(12) Sc. the actual part that was cut off.

(13) But the animal itself is also Trefah by reason of this mutilation of its spleen.

(14) I.e., the law is different in each case. Where the whole or part of the spleen has been removed the animal is permitted, but where it has pierced it is Trefah according to R. 'Awira. This is a difficult distinction to accept, and indeed it is omitted in many MSS. V. Marginal Gloss and notes on this passage in D.S.

## Chullin 55b

up to the hilum [of the kidney]. Where is this? — At the white [calyces in the middle of the kidney] which are immediately below the loins. R. Nehuniah said: I enquired of all those who decide questions of Trefah in the West and they told me that the law was in accordance with the ruling of Rakish b. Papa, but that the law was not in accordance with the ruling of R. 'Awira. This<sup>1</sup> is so, however, only if it [the spleen] was pierced in the flat part, but if it was pierced in the thick part it is Trefah. And if there remained [of the spleen] the thickness of a golden denar [that had not been pierced], it is permitted. It was said in the West: Whatsoever is considered a defect in the lung is not a defect in the kidney, for a perforation is a defect in the lung and is not a defect in the kidney; and of course, whatsoever is not considered a defect in the lung is not a defect in the kidney.

## CHULLIN II – 31a-60b

R. Tanhuma demurred: Is this a fast rule? But take the case of pus, which [if found] in the lung is not considered a defect, but in the kidney is considered a defect. And indeed, take the case of clear water which [if found] in either organ is not a defect.<sup>2</sup> Rather said R. Ashi: Do you compare defects with each other? Amongst the various defects we cannot say that this resembles that; for an animal may be cut in one place and die, and in another place and live.<sup>3</sup> Now this ruling, that if filled<sup>4</sup> with clear water it is permitted, applies only if the water was pellucid, but if it was turbid it is Trefah. And the ruling, that if filled with pellucid water it is permitted, applies only if the water was not fetid, but if it was fetid it is Trefah. If the kidney diminished in size,<sup>5</sup> down to a bean in the case of small cattle, or down to a medium sized grape in the case of large cattle, [it is Trefah].<sup>6</sup>

**(IF THE LOWER JAW-BONE WAS GONE.** R. Zera said: The Mishnah teaches [that it is permitted] only where the animal can continue to live by the stuffing and the pushing of food [into its gullet], but if it cannot continue to live by the stuffing and the pushing of food [into its gullet] it is Trefah.)<sup>7</sup>

**IF THE WOMB WAS GONE.** A Tanna taught: ‘Em, tarpahath, and shalpuhith, are all one and the same thing.<sup>8</sup>

**IF THE LUNG WAS SHRIVELLED UP<sup>9</sup> BY AN ACT OF GOD IT IS PERMITTED.** Our Rabbis taught: What is harusah?<sup>9</sup> If its lung was shriveled up; if by an act of God it is permitted, but if by the act of man<sup>10</sup> it is Trefah. R. Simeon b. Eleazar says: Even by other creatures. It was asked: Does he [R. Simeon b. Eleazar] refer to the first clause,<sup>11</sup> thus making the law more lenient, or does he refer to the second clause,<sup>12</sup> thus making it more strict? —

Come and hear: It was taught: If it was shriveled up by an act of man it is Trefah. R. Simeon b. Eleazar says: Even by other creatures [it is also Trefah].

Rabbah b. Bar Hana was once travelling through a desert when he came upon certain rams whose lungs were all shriveled up.<sup>13</sup> He went and enquired about them at the college, and was told the following: In summer one must take white glazed basins, fill them with cold water, and leave the lungs therein for a period of twenty-four hours; if they return to their normal state it is a sign that it was caused by an act of God, and they are permitted, otherwise they are Trefah. In winter one must take dark<sup>14</sup> glazed basins, fill them with warm water, and leave the lungs therein for a period of twenty-four hours; if they return to their normal state they are permitted, otherwise they are Trefah.

**IF AN ANIMAL WAS STRIPPED OF ITS HIDE.** Our Rabbis taught: If it was stripped of its hide, R. Meir declares it valid, but the Rabbis declare it invalid.

Long ago Eleazar the scribe and Johanan b. Gudgada had testified that an animal stripped of its hide was invalid. R. Simeon b. Eleazar said that R. Meir had retracted his view. It would follow, therefore, that according to R. Simeon b. Eleazar R. Meir did dispute the law of an animal stripped of its hide [with the Rabbis]. But Surely it has been taught: R. Simeon b. Eleazar said: There was never any dispute between R. Meir and the Rabbis in the case of an animal stripped of its hide, for it is certainly invalid. Moreover, R. Oshaia, the son of R. Judah the spice-dealer, had testified before R. Akiba on the authority of R. Tarfon, that an animal stripped of its hide was invalid. But if there remained thereof the size of a sela’, it was permitted! — R. Nahman b. Isaac answered that the words, ‘There was never any dispute’, meant that R. Meir did not persist in the controversy.<sup>15</sup>

## CHULLIN II – 31a-60b

The Master stated: 'If there remained thereof the size of a sela' it was permitted'. Where must this be? — Rab Judah said in the name of Samuel: Along the entire backbone. It was asked: Does this mean, a long thin strip [along the entire backbone], so that when rolled up it would be the size of a sela', or does it mean, [a strip] the width of a sela' along the entire backbone?—

Come and hear, for R. Nehorai explained it on the authority of Samuel to mean, [a strip] the width of a sela' along the entire backbone. Rabbah b. Bar Hana said, [There must be the size of a sela'] at the top of every joint. R. Eleazar b. Antigonus said in the name of R. Eleazar b. R. Jannai, At the navel. R. Jannai son of R. Ishmael raised this question: What if the skin along the entire backbone was gone but all the rest of it remained, or if the skin at the navel was gone but all the rest of it remained, or if the skin at the top of each joint was gone but all the rest of it remained? — This remains undecided.

Rab said: Any [remnant of] skin anywhere [the size of a sela'] saves [the animal from being declared Trefah], except the skin around the hoofs.<sup>16</sup> But R. Johanan said: Even the skin around the hoofs saves [the animal from being declared Trefah]. R. Assi enquired of R. Johanan, 'Would the skin around the hoofs save [the animal from being declared Trefah]?' — He replied: 'It would'. 'But', retorted the other, 'you, our teacher, have taught us, "In the following cases the skin is accounted as flesh:... the skin around the hoofs"'.<sup>17</sup> — He replied: 'Do not weary me [with your arguments], for I taught that as the opinion of an individual.<sup>18</sup> For it was taught:<sup>19</sup> If a man slaughtered a burnt-offering purposing to burn an olive's bulk of the skin from under the fat tail<sup>20</sup> at the improper place, the sacrifice is invalid, and he is not liable to the punishment of Kareth,<sup>21</sup> but [if he purposed to burn it] at the

improper time, it would be piggul,<sup>21</sup> and he would be liable to the punishment of Kareth.

Eliezer b. Judah of Ibelaim<sup>22</sup> stated in the name of R. Jacob, similarly R. Simeon b. Judah of Kefar 'Ikus<sup>23</sup> stated in the name of R. Simeon, [If a man while slaughtering a burnt-offering purposed to burn] either the skin around the hoofs, or the skin of the head of a young calf,<sup>24</sup> or the skin from under the fat tail, or any of the skins which were enumerated by the Sages in connection with the law of uncleanness when they stated that 'In the following cases the skin is as the flesh'<sup>25</sup>

- (1) That R. 'Awira's ruling is not accepted.
- (2) This question is unintelligible, and Rashi is at a loss to explain it. The fact that this is clearly implied in the second ruling which followed as a matter of course makes this statement meaningless; but v. Tosaf a.I. It seems that the entire passage is corrupt. R. Gershom comments upon this line, but on the other hand does not seem to have had the second ruling in his text. A very likely original text is to be found in the Alfasi on this passage, q.v.
- (3) And consequently some defect may not be accounted Trefah in the lung and yet be Trefah in the kidney.
- (4) Sc. the lung or the kidney.
- (5) The kidney shriveled up or wasted away by disease; this is known as Bright's disease.
- (6) So Maim. and Asheri; but v. Hal. Ged.
- (7) The whole of this paragraph is omitted in most MSS. Asheri remarks that the law stated in this passage is based on the authority of the Geonim, so that it is clear that it did not form part of the text of the Gemara. Rashal deletes it from current ed.
- (8) שלפוחית 'טרפחות' אה. They all mean the womb or matrix.
- (9) Heb. חרותה, 'engraved, wrinkled or shrunken'.
- (10) A person frightened the animal either with a stick or by slaughtering another animal in its presence (Alfasi).
- (11) I.e., a fright caused by other creatures, e.g., the roaring of a lion, would come under the category of an act of God, and would be permitted.
- (12) That it is in the same category as the act of man, and it would be Trefah.
- (13) But it was not known whether the lungs were shriveled up by an act of God or by the act of man.

## CHULLIN II – 31a-60b

(14) Or: 'copper basins', and in the former case earthenware basins'.

(15) But finally agreed with the view of the Rabbis.

(16) I.e., the skin of the nethermost limb of either the fore-legs or the hind legs; v. infra 122a. This skin is quite tender and is regarded as flesh and not as hide; consequently such skin would not save the animal from being declared Trefah.

(17) V. infra 122a. The skin being tender conveys uncleanness like the flesh.

(18) The opinion in the Mishnah quoted agrees with the second opinion in the following Baraitha, but is not the accepted law.

(19) Zeb. 282.

(20) According to this view this is the only skin that is regarded as flesh.

(21) V. Glos.

(22) Abel in the neighborhood of Sepphoris; v. Klein Beitrage, p. 28.

(23) A variant for Ketar Acco in lower Galilee.

(24) I.e., only so long as it sucks from the dam.

(25) V. infra 122a.

### Chullin 56a

meaning to include the skin of the pudenda<sup>1</sup> at the improper place, the sacrifice would be invalid, and he would not be liable to the punishment of Kareth, but at the improper time it would be Piggul, and he would be liable to the punishment of Kareth.

**MISHNAH.** THE FOLLOWING [DEFECTS]<sup>2</sup> RENDER BIRDS TREFAH: IF THE GULLET WAS PIERCED, OR THE WINDPIPE SEVERED; IF A WEASEL STRUCK<sup>3</sup> [THE BIRD] ON THE HEAD IN SUCH A PLACE AS WOULD RENDER IT TREFAH;<sup>4</sup> IF THE GIZZARD OR THE INTESTINES WERE PIERCED. IF IT FELL INTO THE FIRE AND ITS INTERNAL ORGANS WERE SCORCHED AND THEY<sup>5</sup> TURNED GREEN, IT IS INVALID, BUT IF THEY REMAINED RED IT IS VALID. IF ONE TROD UPON IT OR KNOCKED IT AGAINST A WALL OR IF AN ANIMAL TRAMPLED UPON IT,<sup>6</sup> AND IT STILL JERKS ITS LIMBS, AND IT REMAINED ALIVE AFTER THIS FOR TWENTY-FOUR HOURS, AND IT WAS THEREAFTER SLAUGHTERED, IT IS VALID.

**GEMARA.** Rab, Samuel and Levi say: One should insert the finger into the mouth [of the bird and press upon the upper palate] and apply this test:<sup>7</sup> if the brain substance oozes [through the hole in the skull] it is Trefah, but if not it is permitted. This is well, however, only according to him who says that unless the lower membrane of the brain has also been pierced [it would not be Trefah]; but according to him who says that [it is Trefah] even if only the upper membrane and not the lower had been pierced, we ought to be apprehensive of this test for it might well be that the upper membrane has been pierced and the lower has not.<sup>9</sup> — If it were so, that the upper membrane had been pierced, then the lower on account of its tenderness would most certainly break<sup>10</sup> [by reason of the pressure of the finger].

Ze'iri said: No test is of any avail against [the bite of] a weasel because its teeth are fine. But what does it matter if its teeth are fine? — R. Oshaia corrected: Because its teeth are fine and curved.<sup>11</sup> When he [Ze'iri] went up to Nehardea he sent back word saying. 'That statement which I made before you was wrong. Verily, it has been reported in the name of R. Simeon b. Lakish that one may examine [the membrane of the brain against the bite of] a weasel with the finger but not with a nail,<sup>12</sup> but R. Johanan had said: Even with a nail'. Now they differ upon the same principles as in the controversy between R. Judah and R. Nehemiah. For one used to make the test with the finger and the other used to make the test with a needle. Said he who made the test with the finger to him who made the test with a needle, 'How long will you go on wasting the money of Israel?!'<sup>13</sup> Replied he who made the test with a nail to him who made the test with the finger. 'And how long will you go on feeding Israel with nebelah?! Nebelah? But it has been ritually slaughtered! Rather [say] Trefah, for the membrane of the brain might have been pierced.<sup>14</sup>



## CHULLIN II – 31a-60b

It can be proved that it was R. Judah who used to make the test with the finger, for it has been taught:<sup>15</sup> R. Simeon b. Eleazar says in the name of R. Judah. One may examine [the membrane of the brain against the bite of] a weasel with the finger but not with a nail. If the bone [of the skull] was broken, even though the membrane of the brain had not been pierced, [it is Trefah]. It is indeed proved — But is there not a contradiction in this very [Baraita]? It first says: ‘One may examine [the membrane of the brain against the bite of] a weasel with the finger but not with a nail’, which shows clearly that the examination is adequate, and then it says. ‘If the bone [of the skull] was broken even though the membrane of the brain had not been pierced [it is Trefah]’, which shows clearly that the examination is of no avail! — The latter statement refers to a water bird for it has no membrane. ‘It has no membrane’! Is this possible? — Rather, it means, its membrane is so fine [that the examination is of no avail].

R. Nahman said to R. ‘Anan: ‘Did you not tell us, Master, that Samuel used to make the test with the finger and would declare the bird permitted?<sup>16</sup> And our colleague Huna also reported that Rab used to make the test with the finger and declare it permitted. But surely Levi has taught. The defects enumerated by the Sages in the case of cattle equally apply [wherever possible] to birds; there is, however, this addition in the case of birds, namely: If the bone [of the skull] was broken even though the membrane of the brain has not been pierced!’ — He replied: ‘The latter [defect] refers only to a water bird, for it has no membrane’. ‘It has no membrane’! Is this possible? — Rather, it means, its membrane is very fine.

A hen belonging to R. Hana was sent to R. Mattana, for the bone of its skull had been broken but the membrane of the brain had not been pierced; and he declared it to be

permitted. He [R. Hana] remarked: But Levi has taught: The defects enumerated by the Sages in the case of cattle equally apply to birds; there is, however, this addition in the case of birds, namely: If the bone of the skull was broken even though the membrane of the brain has not been pierced! — He replied: That [defect] refers only to a water bird for it has no membrane. ‘It has no membrane’! Is this possible? — Rather, it means, its membrane is very fine.

R. Shizbi used to examine [the membrane of the brain of a bird] by the light of the sun. R. Yemar used to examine it with water.<sup>17</sup> R. Aha b. Jacob used to examine it

- (1) Sc. the skin of the female genitalia. This was not expressly stated but had to be included by inference because the Baraita deals with a burnt-offering which is a male beast.
- (2) As a general rule it is accepted that all those defects which render cattle Trefah will likewise render birds Trefah, v. infra, the dictum of Levi. The Tanna of this Mishnah therefore enumerates only those defects which apply exclusively to birds, except for three or four defects for which there are special reasons for their repetition; v. Rashi.
- (3) This must mean that the weasel struck it with its teeth and not with its fore-paw, for then it would have to be considered under the defect of ‘clawing’; v. supra 52bff.
- (4) I.e., in that part of the skull under which is situated the membrane of the brain.
- (5) I.e., those organs which are naturally red, e.g., the heart or the liver or the gizzard. On the other hand, a scorching of those organs which are normally greenish yellow, e.g. the intestines, would render the bird Trefah only if they turned red.
- (6) In these three cases there is grave fear that it sustained a lesion of the internal organs as in the case of a fall, v. supra 51aff.
- (7) In the case of a bird struck on the head by a weasel in order to ascertain whether the membranes of the brain have been pierced or not.
- (8) V. supra 450.
- (9) So that even though nothing of the brain substance exudes it might nevertheless be Trefah because of the perforation of the upper membrane. Accordingly the test stated is not reliable.
- (10) One may therefore be certain that if nothing of the brain substance exudes the upper membrane has not been pierced.

## CHULLIN II – 31a-60b

(11) And the hole in the skull would not coincide with the hole in the membrane, so that even in the membrane of the brain were pierced, the bone of the skull that is immediately above it would prevent any of the brain substance from escaping.

(12) The test with a nail (or a needle or a straw, cf. *infra*) is a delicate operation. The bone of the skull must first be removed and the nail must be passed gently over the surface of the membrane of the brain. If anything catches or holds up the nail in its course it indicates a perforation and it is Trefah. The danger in this operation is that the man whilst making this test might inadvertently pierce the membrane with the nail, and he would then have to declare the bird Trefah, though it was not really Trefah, thus occasioning loss unto the Israelite.

(13) By reason of the danger demonstrated in the preceding note.

(14) And the test with the finger is of no avail since the teeth of a weasel are fine and curved; v. *supra*. p. 306, n. 6.

(15) Tosef. Hul. III.

(16) If nothing of the brain substance escaped, although there is an obvious hole or crack in the skull.

(17) He would first empty the brain matter out of the membrane and then would fill the latter with water; if the water leaked out it is evident that it had been pierced and it would be Trefah. Another method of testing by water is to pour water into the hole of the skull and after a few moments to pour it out into a basin; if the water now appears milky it is a clear indication that some of the brain matter has escaped and mixed with this water, and it would be Trefah on account of the perforation of the membrane.

### Chullin 56b

with a straw of wheat.<sup>1</sup> R. Shizbi said: Our geese are regarded as water birds.<sup>2</sup>

**IF IT FELL INTO THE FIRE.** R. Johanan said on the authority of R. Jose b. Joshua: The size of the green patch [on any of the internal organs required to render a bird Trefah] is the same as the size of the hole. Just as a hole, however small, [renders Trefah], so does a green patch, however small, [render Trefah]. R. Joseph, son of R. Joshua b. Levi, asked R. Joshua b. Levi: What is the law if that part of the liver which lies in front of the entrails turned green? —

He replied: It would be Trefah. But, retorted the other, it should not be worse than if the liver was gone?<sup>3</sup> — Raba answered: Since the part of the liver which lies in front of the entrails has turned green, one can be certain that the bird had fallen into the fire and its internal organs had been scorched; it is therefore Trefah.

R. Joshua b. Levi had a hen which he sent to R. Eleazar ha-Kappar Beribbi.<sup>4</sup> He replied. They<sup>5</sup> are still green; and he declared it permitted. But we have learnt: **IF THEY TURNED GREEN IT IS INVALID!** — They said: **IF THEY TURNED GREEN IT IS INVALID**, only with regard to the gizzard, the heart, or the liver.<sup>6</sup> There is also a Baraitha that supports this, viz., With regard to which organs did they state the rule [that if they turned green it was invalid]? Only with regard to the gizzard, the heart, or the liver.

R. Isaac b. Joseph had a hen which he sent to R. Abbahu.<sup>4</sup> He replied. They<sup>5</sup> have turned red; and he declared it Trefah. But we have learnt: **IF THEY REMAINED RED IT IS VALID!** — He replied, [The rule is:] If organs which are normally red turned green, or organs which are normally green turned red [it is Trefah]; for they said: **IF THEY REMAINED RED IT IS VALID**, only with regard to the heart, the gizzard, or the liver.

R. Samuel b. Hiyya said in the name of R. Mani: If organs which are normally red turned green [on the hen falling into the fire], but after being cooked turned again to red, it is valid. Why? For it was merely the smoke that had entered into them [and had discolored them temporarily]. R. Nahman b. Isaac remarked: Then we too can say likewise: If organs which are normally red did not turn green [on the hen falling into the fire], but after being cooked were found to have turned green, it is invalid. Why? Their shame has only now been brought to light!<sup>7</sup> Therefore, said R. Ashi, one should not eat [a hen that had fallen into the fire] without first

## CHULLIN II – 31a-60b

cooking the internal organs.<sup>8</sup> But this is not right, for we do not assume any taint [without cause].<sup>9</sup>

**IF ONE TROD UPON IT OR KNOCKED IT AGAINST A WALL... IT IS VALID.** R. Eleazar b. Antigonus said in the name of R. Eleazar son of R. Jannai: In each case the bird must be examined.<sup>10</sup>

**MISHNAH.** AND THE FOLLOWING [DEFECTS] DO NOT RENDER BIRDS TREFAH: IF THE WINDPIPE WAS PIERCED OR SLIT LENGTHWISE; IF A WEASEL STRUCK IT ON THE HEAD IN SUCH A PLACE AS WOULD NOT RENDER IT TREFAH;<sup>11</sup> IF THE CROP WAS PIERCED (RABBI SAYS, EVEN IF IT WAS GONE); IF THE ENTRAILS PROTRUDED [FROM THE BODY] BUT WERE NOT PIERCED; IF ITS WINGS WERE BROKEN, OR ITS LEGS; OR IF ITS FEATHERS WERE PLUCKED OUT. R. JUDAH SAYS, IF ITS DOWN<sup>12</sup> WAS GONE IT IS INVALID.

**GEMARA.** Our Rabbis taught: It is related of R. Simai and R. Zadok that when they were on their way to Lydda in order to intercalate the year they spent the Sabbath at Ono,<sup>13</sup> and they ruled concerning the womb as Rabbi concerning the crop. It was asked: Does it mean, they ruled that if the womb was gone it was forbidden.<sup>14</sup> and they also ruled, like Rabbi, that if the crop was gone it was permitted? Or, does it mean, they ruled that if the womb was gone it was permitted just as Rabbi rules concerning the crop, but in the case of the crop they do not agree with Rabbi's ruling?<sup>15</sup> — It remains undecided.

Rabbah, others say R. Joshua b. Levi, said: The top of the crop is regarded as the gullet.<sup>16</sup> Where is this? — R. Bibi b. Abaye said: It is that part of the crop at which point it begins to elongate.<sup>17</sup>

**IF THE ENTRAILS PROTRUDED.** R. Samuel b. R. Isaac said: The Mishnah refers only to the case where they were not twisted<sup>18</sup> [when put back], but if they were twisted [when put back] it would be Trefah, for it is written: Hath He not made thee and established thee?<sup>19</sup> which implies that the Holy One, blessed be He, created in man every organ on its foundation,<sup>20</sup> so that if any one organ is twisted man cannot live. It was taught: R. Meir used to expound this verse as follows: Hath He not made thee and established thee? [Israel is] a community<sup>21</sup> wherein all [classes] are to be found: out of them come their priests, out of them their prophets, out of them their princes, out of them their kings, as it is written: Out of them shall come forth the corner-stone, out of them the stake, etc.<sup>22</sup>

A gentile<sup>23</sup> once saw a man fall from the roof to the ground so that his belly burst open and his entrails protruded. [The gentile] thereupon brought the son [of the victim] and by an optical illusion made out as if he slaughtered him in the presence of the father.<sup>24</sup>

(1) V. supra p. 307, n. 1.

(2) And are to be declared Trefah if only the bone of the skull had been broken, because the membrane is so very fine.

(3) In which case it would be permitted.

(4) The hen had presumably fallen into the fire.

(5) Sc. the intestines.

(6) I.e., in respect of those organs only which are normally red.

(7) The symptoms of scorching have only now appeared, but it is certainly Trefah.

(8) For the symptoms might appear in the organs only after the cooking.

(9) So that as long as there are no evident symptoms of scorching we must not assume any taint in the condition of the bird.

(10) I.e., even where it continued alive for twenty-four hours it must nevertheless be examined in order to ascertain that the spinal cord has not been severed.

(11) I.e., in any part of the head not immediately above the brain. For the meaning of 'struck' v. 2 supra p. 305, n. 7.

## CHULLIN II – 31a-60b

(12) I.e., the soft and fine feathers which are close to the body of the bird.

(13) A village about three miles to the north of Lydda, mentioned in Ezra II, 33. Its modern name is Kefr Ana.

(14) MS.M. reads 'permitted'. This reading is preferred by Tosaf. s.v. איבעיא.

(15) The question is really this: Did they make two decisions, one affecting the womb and the other the crop, or did they only make one decision and that with regard to the womb?

(16) So that the slightest perforation there would render the bird Trefah.

(17) Lit., 'all that stretches with it', i.e., with the esophagus. It refers to the point at which the crop begins to taper and

to form into the tube of the esophagus.

(18) Because this would cause a deterioration and finally a perforation of the intestines (Tosaf.)

(19) Deut. XXXII. 6. Heb. ויכוונך.

(20) Heb. כונניות, 'fixed on a basis', 'foundations'.

(21) Lit., 'a city'.

(22) Zech. X. 4.

(23) Lit., 'an Aramean'. In MS.M. 'A Roman'; so also in Alfasi.

(24) The purpose of this trick was to horrify him so terribly as to cause him to take in a deep breath and draw in his entrails, thus they would be replaced without the aid of the hand of man.

Hezekiah stated: A bird has no lungs. R. Johanan said: It has [lungs] and they are like rose petals situated immediately beneath the wings. What is meant by, 'A bird has no lungs'? Does it mean that it has no lungs at all? But we see that it has! And should it mean that any defect therein would not render Trefah? Surely Levi has taught: The defects enumerated by the Sages in the case of cattle apply also to birds, with this addition in the case of birds, namely: If the bone [of the skull] was broken even though the membrane of the brain has not been pierced! — We must therefore say that the statement 'It has no lungs' means that they are in no wise affected, whether the bird falls down [from the roof] or is scorched [in the fire]. Why is it so? — R. Hannah answered: Because they are protected by most of the ribs. But surely since R. Johanan has said that it has [lungs] and they are like rose petals situated immediately beneath the wings, it follows that Hezekiah was of the opinion that it has no [lungs] at all! —

### Chullin 57a

The father became faint, sighed deeply and drew in his entrails; whereupon his belly was immediately stitched up.

**IF ITS LEGS WERE BROKEN.** A basket full of birds, each bird having its legs broken,<sup>1</sup> was brought before Raba. He examined each at the juncture of the tendons and declared them to be permitted.

Rab Judah said in the name of Rab: If the fore-leg of an animal was dislodged,<sup>2</sup> it is permitted; if the femur of an animal was dislodged, it is Trefah; if the femur of a bird was dislodged, it is Trefah; if the wing of a bird was dislodged, it is Trefah, for we apprehend that the lung has been pierced. Samuel said: It should be examined.<sup>3</sup> R. Johanan also said: It should be examined.

In truth, it has been said in the West in the name of R. Jose, son of R. Hanina, 'It is evident from the statement of Beribbi<sup>4</sup> that he knew nothing of fowls'. R. Huna said in the name of Rab: If the femur of a bird was dislodged, it is permitted. Rabbah, son of R. Huna, said to R. Huna, 'But the Rabbis who came from Pumbeditha reported the statement of Rab Judah in the name of Rab thus: If the femur of a bird was dislodged it is Trefah!' — He replied: 'My son, every river has its own course'.<sup>5</sup>

R. Abba once went and found R. Jeremiah b. Abba examining [a bird] at the juncture of the tendons.<sup>6</sup> Said R. Abba, 'Why does the Master go to all this trouble? Has not R. Huna reported in the name of Rab: If the femur of a bird was dislodged it is permitted?'<sup>7</sup> — He replied. 'I know only of the following Mishnah: If the hind legs of an animal were cut off below the knee-joint it is permitted, above the knee joint it is Trefah;

## CHULLIN II – 31a-60b

similarly, if the juncture of the tendons was gone it is trefah.<sup>8</sup> And Rab has said: The same is the law in the case of a bird'.<sup>9</sup> 'Then is there not here a contradiction between the two statements of Rab?' —

He [R. Jeremiah] remained silent. The other thereupon suggested. 'Perhaps he [Rab] makes a distinction in law between a limb dislodged and a limb cut off'?<sup>10</sup> — He [R. Jeremiah] then said: 'And you merely suggest this distinction in Rab! Rab has expressly said so: If the femur [of a bird] was dislodged it is permitted, but if cut off it is Trefah. And be not amazed at this! For if the animal is cut in one place it will die, and if cut in another place it will live'!

When R. Abba went up [to Palestine] he found R. Zera sitting and reciting as follows: R. Huna said in the name of Rab: If the femur of a bird was dislodged it is Trefah. R. Abba said to him, 'By your life! Since the day you left [Babylon] to go up here!<sup>11</sup>

(1) אנקורי. According to Jast. 'a bird with traces of bites or wounds on its legs'. Rashi gives as a second explanation of this word, which he quotes as the view of the Geonim, viz., 'black birds with white spots on their heads'.

(2) In all these cases of dislodgement of a limb it must be assumed that the ligaments were destroyed, so Rashi and Tosaf.

(3) I.e., the lung must be inflated, and if no air escapes from it, it is permitted.

(4) A title of honor, applied to Hezekiah.

(5) Meaning that every district has its own customs and usages. Rab indeed was of the opinion that if the femur of the bird was dislodged it was permitted, but where the practice obtained, as in Pumbeditha, to regard it as Trefah, Rab would not interfere with or overrule the prevailing custom. This, however, gave rise to the belief that Rab also held it to be Trefah.

(6) The femur of this bird had been dislodged and he was therefore examining the bird in order to ascertain that the juncture of the tendons was unaffected.

(7) And we are not concerned about the juncture of the tendons as to whether it has been affected or not.

(8) Infra 76a.

(9) I.e., if the juncture of the tendons in a bird was gone or destroyed it would be Trefah.

(10) Where the limb was dislodged and detached from the body, although the juncture of the tendons is now gone entirely, the animal is permitted, but where the limb was cut on the juncture of the tendons it would be Trefah, for the constant pain of this injury would affect the general condition of the animal.

(11) R. Zera had also left Babylon some time before R. Abba in order to continue his studies in Palestine.

### Chullin 57b

we had an opportunity of asking R. Huna about this and he told us. If the femur of a bird was dislodged it was permitted.

Moreover, I once found R. Jeremiah b. Aba sitting and examining [the femur of a bird] at the juncture of the tendons, and I put to him the question. "Does not the Master concur with the view reported by R. Huna in the name of Rab that if the femur of a bird was dislodged it was permitted"? and he replied. "I know only of the Mishnah: If the hind legs of an animal were cut off below the knee joint it is permitted, above the knee joint it is Trefah; similarly, if the juncture of the tendons was gone it is Trefah. And Rab has said. The same is the law in the case of a bird". I then said to him, "Then is there not here a contradiction between the two statements of Rab"? At this he remained silent, and I thereupon suggested: "Perhaps Rab makes a distinction in law between a limb dislodged and a limb cut off"? And he replied, "And you merely suggest this distinction in Rab! Rab has expressly said so: If the femur [of a bird] was dislodged it is permitted, but if cut off it is Trefah". Now what further traditions have you about it'? — [He replied,] 'Thus said R. Hiyya b. Ashi in the name of Rab. If the femur of a bird was dislodged it is Trefah'. So, too, did R. Jacob b. Idi say in the name of R. Johanan. If the femur of a bird was dislodged it is Trefah. And R. Jacob b. Idi further said: Had R. Johanan been present there when the leading

## CHULLIN II – 31a-60b

scholars<sup>1</sup> ruled that it was permitted, he would not have raised a voice against it.<sup>2</sup> For R. Hanina reported in the name of Rabbi: If the femur of a bird was dislodged it is permitted.

Indeed, R. Hanina once had a hen the femur of which had become dislodged and he brought it to Rabbi, and the latter declared it to be permitted. Thereupon R. Hanina preserved it in salt and used it to demonstrate the law to the pupils: ‘This did Rabbi permit to me, this did Rabbi permit to me’.

The law, however, does not rest with any of the above views [that declare it to be permitted], but it is as stated in the following incident:<sup>3</sup> R. Jose b. Nehorai asked R. Joshua b. Levi, ‘How large must a hole in the windpipe be [in order to render the animal Trefah]?’ He replied. ‘We have learnt it as a clear statement in our Mishnah, viz., Up to an Italian issar’. The other retorted: ‘But there was a lamb in our neighborhood in whose windpipe there was a [large] hole and they inserted in it a tube of reed and it recovered’! He rejoined. ‘And can you rely upon this? Is not the law widespread in Israel that if the femur of a bird is dislodged it is Trefah?’

Nevertheless it is related that R. Simeon b. Halafta had a hen whose femur was dislodged, and they prepared for it a tube of reed [as a support] and it recovered! You can only suggest in explanation [that it recovered] within twelve months<sup>4</sup> [of the injury], so in the former case too you must say [that it recovered] within twelve months [of the injury].

It was said of R. Simeon b. Halafta that he was an experimenter in all things. Indeed he once made an experiment to disprove R. Judah's view. For we have learnt: R. JUDAH SAYS, IF ITS DOWN WAS GONE IT IS INVALID. Now R. Simeon b. Halafta once had a hen whose down was gone entirely. He

put it into the oven, having first wrapped it in the [warm] leather apron used by bronze workers, and it grew feathers even larger than the original ones. But perhaps R. Judah maintains that a Trefah can improve?<sup>5</sup> — Surely not in that very physical blemish which rendered it Trefah! For here it grew feathers even larger than the original ones.<sup>6</sup> Why was he called an experimenter? —

R. Mesharsheya said: It is written: Go to the ant, thou sluggard; consider her ways and be wise: which having no chief, overseer, or ruler, provideth her bread in the summer.<sup>7</sup> He [R. Simeon b. Halafta] said: I shall go and find out whether it is true that they have no king. He went at the summer solstice,<sup>8</sup> and spread his coat over an ant-hill. When one [ant] came out he marked it, and it immediately entered and informed the others that shadows had fallen,<sup>9</sup> whereupon they all came forth. He then removed his coat and the sun beat down upon them. Thereupon they set upon this ant and killed it.<sup>10</sup> He then said: It is clear that they have no king, for otherwise they would surely have required to obtain royal sanction!<sup>11</sup> R. Aha, son of Raba, said to R. Ashi: But perhaps the king was with them, or they had royal authority,<sup>12</sup> or it was during an interregnum [when they were under no law], as it is written: In those days there was no king in Israel: every man did that which was right in his own eyes!<sup>13</sup> Rather must you take the word of Solomon for it.

R. Huna said: The test for a Trefah is twelve months.<sup>14</sup> An objection was raised. It was taught: The test for a Trefah is that it cannot bring forth young.<sup>15</sup> R. Simon b. Gamaliel says. If it improves in health it is certainly<sup>16</sup> fit, if it wastes away it is certainly Trefah. Rabbi says: The test for a Trefah is thirty days. But they said to him: Is it not a fact that many continue to live for two or three years?<sup>17</sup> —

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Tannaim differ in this, for it was taught: If in the skull there was one long hole or if there were many small holes in it — in either case the hole or holes are computed to make up the measure of a hole the size of a [surgical] drill.<sup>18</sup> R. Jose b. ha-Meshullam said: It happened at 'Ain Ibl<sup>19</sup> that a person had a hole in his skull and they put over it a plaster of a gourd-shell and he recovered. But R. Simeon said to him: Do you mean to prove your case from that? It happened in the summer months but when winter set in he died.<sup>20</sup> R. Aha b. Jacob said: The halachah is that a Trefah animal can bring forth young and can also improve. Amemar said: As to the eggs of a bird that was [rendered] Trefah,

- (1) Lit., 'collegiates'.
- (2) Lit., 'he would not have moved'.
- (3) Cf. infra: 'The law is widespread in Israel that if the femur of a bird is dislodged it is Trefah'.
- (4) I.e., it was only a temporary recovery and could not continue to live for full twelve months after the injury, for the principle is well established that a Trefah cannot continue to live for twelve months after the injury.
- (5) R. Judah would hold that it is not unlikely for an animal though Trefah to improve temporarily in its physical condition.
- (6) Inasmuch as the loss of its feathers was the cause of the bird being regarded Trefah it surely would not now increase its plumage.
- (7) Prov. VI, 6-8.
- (8) Lit., 'at the cycle of Tammuz', i.e., the quarter of the year following June 21 st, the summer solstice.
- (9) For ants shun the fierce heat of the sun and only venture forth in the shade.
- (10) For having deceived them.
- (11) For the execution of the delinquent ant.
- (12) I.e., they acted within the law which provides that one that deceives others shall be put to death.
- (13) Jud. XVII, 6.
- (14) If an animal about which there arose a doubt whether it was Trefah or not continued to live twelve months — or according to Rabbi, infra, thirty days — it certainly was not Trefah.
- (15) This does not mean to say that if it cannot bring forth young it is certainly Trefah, for this may be due to various causes; but it means that if it does bring forth young it is certainly not Trefah (Tosaf.).
- (16) Lit., 'it is known'.

(17) The objection against R. Huna is that none of the teachers in this Baraitha mention the test period of twelve months.

(18) V. supra 45a.

(19) 'Ain Ibl North West of Saffed. Klein's N.B., p. 41.

(20) The man did not, as R. Jose imagined, live on for years. He did not live full twelve months, for as soon as the winter set in he died. It is therefore indicated in this Baraitha that a Trefah cannot live through a winter and a summer, i.e., twelve months, thus agreeing with R. Huna.

## Chullin 58a

those of the first set are forbidden<sup>1</sup> but the subsequent ones are permitted, for they are the product of two causes.<sup>2</sup>

R. Ashi raised this objection against Amemar. [We have learnt:] But they agree that the egg of a bird that was Trefah is forbidden because it developed in what was forbidden.<sup>4</sup> — In that case the bird was fertilized through friction in the dust.<sup>5</sup> But why did he not reply that the egg was of the first set? — Because if so it should have said 'it was finished' and not 'it developed'.<sup>6</sup> But then what of [the following Baraitha]?

It was taught: R. Eliezer says. The calf of a cow which was Trefah may not be offered as a sacrifice upon the altar; R. Joshua says: It may. Now what are the circumstances of the case in which they differ? It must be, surely, that the animal was first rendered Trefah and then impregnated,<sup>7</sup> R. Eliezer maintaining that the product of two causes is prohibited, and R. Joshua maintaining that it is permitted. This being so, why do they differ as to its validity for sacred purposes? Why do they not rather differ as to its validity for ordinary purposes? — In order to set forth the view of R. Joshua, that it is valid even for sacred purposes. But why do they not differ as to its validity for ordinary purposes so as to set forth the view of R. Eliezer, that it is invalid even for ordinary purposes? — It is preferable to set forth the view which shows leniency. Nevertheless they

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agree that the egg of a bird which was Trefah is forbidden, if the bird was fertilized through friction in the dust, for then the egg is the product of one cause.

R. Aha accepts the view of R. Aha b. Jacobs and accordingly reports the statement of Amemar as we have stated it above.<sup>9</sup> Rabina, however, does not accept the view of R. Aha b. Jacob, and therefore reports the statement of Amemar in this form: Amemar said: As to the eggs of a bird about which there arose a doubt whether it was [rendered] Trefah or not, those of the first set must be held over; if the bird continues to lay eggs<sup>10</sup> then these are permitted, but if not these are forbidden.

R. Ashi raised this objection against Amemar. [It was taught]: But they agree that the egg of a bird that was Trefah is forbidden because it developed in what was forbidden!<sup>11</sup> — He replied: That refers to the egg of the first set. If so, it should have said 'it was finished' and not 'it developed'.<sup>12</sup> — Read then, 'it was finished'. But what of [the Baraita] which was taught: R. Eliezer says. The calf of a cow which was Trefah may not be offered as a sacrifice upon the altar; R. Joshua says: It may. Now what are the circumstances of the case in which they differ? It must be, surely, that the animal was first impregnated and then became trefah.<sup>13</sup> R. Eliezer maintaining that the embryo is part of its mother,<sup>14</sup> and R. Joshua maintaining that the embryo is not part of its mother. This being so, why do they differ as to its validity for sacred purposes? Why do they not rather differ as to its validity for ordinary purposes? — In order to set forth the view of R. Joshua. But why do they not differ as to its validity for ordinary purposes so setting forth the view of R. Eliezer? — It is preferable to set forth the view which shows leniency. Nevertheless they agree that the egg of a bird that was Trefah beyond doubt, is forbidden, if it was one of the first set, because it is part of the body [of the bird].<sup>15</sup> The law is: In a male twelve months is a

criterion, and in a female, if it cannot bring forth young.<sup>16</sup>

R. Huna said: All invertebrates cannot live for twelve months. Said R. Papa: We can infer from R. Huna's statement, having regard to Samuel's statement, namely, that a cucumber which became wormy in its growth was forbidden,<sup>17</sup>

(1) I.e., those that were in the bird at the time that it was rendered Trefah.

(2) The egg is the product of the hen which is forbidden and the cock which is permitted; and it is held that the product of two causes, one of which is prohibited and the other permitted, is permitted.

(3) R. Eliezer and R. Joshua; although they differ concerning the calf of a cow that was Trefah, v. infra; so Rashi. According to Tosaf (s.v. וישוין) Beth Shammai and Beth Hillel are in agreement here, although they differ concerning the egg of a bird that was nebelah; v. 'Ed. V, 1.

(4) And no distinction is made between the eggs of the first set and of the subsequent sets; presumably the egg is forbidden in every case, contra R. Huna.

(5) Parthenogenesis: thus the egg is the product of the hen alone; and as the hen is Trefah all the eggs that it produces would be forbidden.

(6) With regard to the eggs of the first set it should have used the term 'finished', for these commenced to form before the hen was rendered Trefah. 'Developed' implies the entire forming and fashioning of the egg.

(7) For in this case only is the calf regarded as the product of two combined causes, i.e., of the cow which is Trefah and of the bull which is permitted. Where the cow was already with young when it became Trefah the calf, according to all views, would be forbidden, since it was rendered Trefah together with its dam.

(8) V. supra 57b, that an animal even though Trefah can continue to bring forth young, and similarly a bird even though Trefah can continue to lay eggs.

(9) That there is a distinction made between the eggs of the first set, i.e., those laid immediately after the bird was rendered Trefah, and those of subsequent sets.

(10) This according to Rabina is an indication that it is not Trefah.

(11) Thus proving that a bird that was Trefah can lay eggs.

(12) V. p. 317, n. 9.



## CHULLIN II – 31a-60b

(13) It cannot be otherwise, for according to the view now held an animal which is Trefah can no more become pregnant.

(14) Lit., 'is a thigh of'. And when the cow was rendered Trefah the embryo was at the same time rendered invalid.

(15) And so was rendered Trefah simultaneously with the mother bird.

(16) So that if a male or female animal has continued to live for twelve months after the day on which a doubt arose about it, or if a female animal has brought forth young, there is no longer any doubt about it and it is permitted.

(17) From Lev. XI, 41 is derived the law that only such worms and creeping things as have crawled upon the earth are forbidden to be eaten, but those that generated in fruit and vegetables and had never crawled upon the ground are permitted. In this case of Samuel, since the cucumber is in the course of growth and has not yet been plucked up from the ground, the worms found crawling in it are deemed to be crawling upon the ground and are therefore forbidden.

### Chullin 58b

that dates which were kept in a vessel [and which became wormy]<sup>1</sup> are permitted after twelve months.<sup>2</sup>

Rab said: No gnat lives a complete day, and no fly lives a complete year. R. Papa said to Abaye. But there is a popular story, 'For seven years the she-gnat quarreled with the he-gnat. Said she to him, "I was once watching a resident of Mahza bathing in the sea, and when he came out and wrapped himself in a sheet you came and settled down on him and sucked his blood, but you did not tell me of it"'. — He replied: If as you suggest [that it is to be taken literally], behold that other popular saying. 'A weight of sixty minas of iron is suspended on the gnat's proboscis'.<sup>3</sup> Is this possible? How much does the whole [gnat] weigh? Obviously it speaks of their minas,<sup>4</sup> so in the previous saying it speaks of their years.<sup>4</sup>

We have learnt elsewhere:<sup>5</sup> An animal that has five legs or only three is considered with blemish.<sup>6</sup> R. Huna said: This was stated only of a fore-leg that is wanting or too many, but

if a hind leg is wanting or too many it is even Trefah. Why? Because every addition [of a limb] is deemed equal to the loss [of the limb].<sup>7</sup>

An animal having two sania dibis was brought before Rabina, and he declared it Trefah because of R. Huna's principle. If, however, they run into each other it would be permitted.<sup>9</sup>

A tube running from the reticulum to the omasum was once found in an animal. R. Ashi was about to declare it Trefah when R. Huna Mar b. Hiyya said to him, But all animals that feed in the open fields have this tube! A tube running from the reticulum to the rumen was once found in an animal. R. Ashi was about to declare it permitted when R. Oshaia said to him, Did you weave them all in one web?<sup>10</sup> Where it has been expressly stated<sup>11</sup> it has been stated, but where it has not been expressly stated it has not been stated.<sup>12</sup>

Nathan b. Shila, chief slaughterer in Sepphoris, testified before Rabbi: If two sets of intestines issue concurrently from the [abomasum of the animal].<sup>13</sup> it is Trefah; in a bird, however, [an abnormality] such as this would be permitted.<sup>14</sup> This is the rule only if they emerge from two separate parts [of the abomasum], but if they emerge from the same place [in the abomasum] and coalesce within a fingerbreadth,<sup>15</sup> it is permitted. R. Ammi and R. Assi differ; one says they must be fused into one; the other says they need not be fused into one. Now it is well according to him who says that they must be fused into one, for that would be the meaning of the phrase 'within a fingerbreadth';<sup>16</sup> but according to him who says that they need not be fused into one, what does 'within a fingerbreadth' mean? — It means, [that they are in fact fused into one] in the last fingerbreadth below.<sup>17</sup>

## CHULLIN II – 31a-60b

R. JUDAH SAYS, IF ITS DOWN WAS GONE IT IS INVALID. R. Johanan said that R. Judah and R. Ishmael both taught the same rule.<sup>18</sup> R. Judah we have just quoted. R. Ishmael we find in the following Mishnah: The down is to be reckoned<sup>19</sup> [with the flesh]. Raba said: Perhaps it is not so? It may be that R. Judah said so only with regard to the law of Trefah, for there is nothing else to protect [the bird], but in respect of the law of Piggul he would agree with the Rabbis.<sup>20</sup> And, on the other hand, it may be that R. Ishmael said so only with regard to the law of Piggul, but in respect of the law of Trefah he would hold that it at no time afforded any protection.<sup>21</sup>

**MISHNAH.** IF AN ANIMAL SUFFERED FROM CONGESTION OF THE BLOOD, OR WAS OVERCOME BY FUMES OR BY THE COLD, OR IF IT ATE OLEANDER<sup>22</sup> OR HENS' DUNG, OR IF IT DRANK NOXIOUS WATER, IT IS PERMITTED. IF IT ATE POISON OR WAS BITTEN BY A SNAKE, IT IS NOT FORBIDDEN AS TREFAH BUT IT IS FORBIDDEN AS A DANGER TO LIFE.

**GEMARA.** Samuel said: If it swallowed asafetida it is Trefah. Why? Because it will perforate the internal organs. R. Shizbi raised the following objection. It was taught: If an animal suffered from congestion of the blood, or was overcome by fumes, or if it ate oleander or hens' dung, or if it drank noxious water, or if it swallowed crowfoot, asafetida or pepper, or if it ate poison, it is permitted. If it was bitten by a snake or a mad dog, it is not forbidden as Trefah but is forbidden as a danger to life. Is there not here a contradiction in the matter of asafetida,<sup>23</sup> and also in the matter of poison?<sup>24</sup> — In the matter of asafetida there is no contradiction, because one<sup>25</sup> speaks of the drops of asafetida and the other<sup>26</sup> of the leaves.<sup>27</sup> And in the matter of poison there is also no contradiction, because cine<sup>26</sup> speaks of poison for animals<sup>28</sup> and the other<sup>29</sup> of poison for man. But if it is only a poison for animals

then it is the same as oleander? — It mentions two kinds of poison.

What is crowfoot? — Rab Judah said,

(1) But it is not known whether the worms entered the dates whilst yet in growth or only after they were plucked from the tree.

(2) I.e., if twelve months have elapsed since the dates were picked from the tree. Worms found then in the dates are certainly permitted, for they could not possibly have crawled in the fruit whilst it was yet on the tree, since they could not have existed for so long.

(3) I.e., its sting is virulent. Amino is a weight equivalent to a hundred zuz.

(4) I.e., according to their ideas of weight and time.

(5) Bek. 40a.

(6) And is unfit for a sacrifice. But it is not Trefah, and therefore may be slaughtered for general use.

(7) The abnormal addition of a limb or organ is treated in law as if both the abnormal and also the normal limb or organ were gone. So that if in the absence of a certain limb the animal would be Trefah, it would likewise be Trefah if there were two of those limbs. (Rashi).

(8) Lit., 'disliked by wolves'. A popular name for the inner rumen; v. supra 50b.

(9) For it is really one stomach divided into two bags.

(10) I.e., you cannot bring all cases under one category.

(11) That such a tube is usually found in animals that pasture in the open field.

(12) In such cases it is regarded as an abnormal addition and is Trefah in accordance with R. Huna's principle supra.

(13) From two parts of the abomasum. This is the interpretation of Rashi and R. Gershom. Alfasi and Maim. Interpret quite differently. According to them the passage deals not with a double set of intestines but with an appendix that branches off the main intestines.

(14) For it is not uncommon to find two sets of intestines in a bird. V. Rashi.

(15) I.e., they have not been separate for more than a fingerbreadth. The word וכליך, generally translated 'and they end', may be derived from the root כלל which means to merge into one, to coalesce. The dispute between R. Ammi and R. Assi which follows arises from the meaning given by each to this word; v. Hal. Ged. ed. Hildesheimer, p. 538.

(16) I.e., within the space of a finger breadth they become fused into one.

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(17) At the entrance of the rectum. This is Rashi's interpretation; v. R. Nissim a.l.

(18) Namely, that the down of a bird is regarded on the same footing as the skin on an animal.

(19) So as to make up an olive's size. The reference is to Toh. I, 2, and, according to Rashi and the present text of the Gemara is to be explained as follows: If the priest, whilst nipping off the head of a sin-offering of a bird, expressed the intention of eating an olive's bulk of it at the improper time, and this olive's bulk was made up partly of the flesh and partly of the down of the bird, it would be Piggul (v. Glos.), and he would be liable to the penalty of Kareth. In MS.M. and in the old editions, as evidenced by the views of R. Gershom, Tosaf., R. Samson and others, there are found the words 'the law of uncleanness' in place of the words in our text 'the law of Piggul'. The interpretation accordingly is as follows: R. Ishmael holds that the down is to be reckoned together with the flesh so as to make the size of an egg — this being the minimum size — in order to convey uncleanness. In other words the down is deemed to be a foodstuff as the flesh.

(20) That the down is not deemed to be a foodstuff.

(21) And therefore if the down was gone it is of no consequence and it would still be permitted.

(22) This and the other herbs mentioned in this passage, as asafetida, crowfoot, succory, are species of plants some of which exude poisonous juices while others have poisonous leaves.

(23) Between the ruling of this Baraitha and that of Samuel.

(24) Between the ruling of this Baraitha and that of our Mishnah.

(25) Sc. Samuel.

(26) Sc. the Baraitha.

(27) The leaves, not being poisonous, will not affect the animal that eats them.

(28) As the poison in question has no injurious effect upon man, the Baraitha therefore teaches that the animal that took it is still valid.

(29) Sc. our Mishnah.

### Chullin 59a

It is the root of succory.

R. Judah said: He who eats three tiklas<sup>1</sup> of asafetida on an empty stomach will shed his skin. R. Abbahu said: It actually happened with me when I once ate one tikla of asafetida; and, indeed, had I not sat in water,<sup>2</sup> I should have lost my skin. I thus

applied to myself the verse: Wisdom preserveth the life of him that hath it.<sup>3</sup>

R. Joseph said: He who eats sixteen eggs, forty nuts and seven caper-berries, and drinks one quarter of a log of honey [in one meal] on an empty stomach, in the summer months,<sup>4</sup> snaps his heart strings<sup>5</sup> asunder.

There came before the Resh Galutha<sup>6</sup> a young deer whose hind legs were broken. Rab examined it in the region of the juncture of the tendons and declared it to be permitted. He was about to eat a portion of it grilled.<sup>7</sup> when Samuel said to him, 'Master, have you no fears lest it has been bitten by a snake'. 'Then, what is the remedy'? he asked. 'Let it be put into an oven and it will expose itself'. It was immediately put into an oven and it fell to pieces. Samuel applied to Rab the verse: There shall no mischief befall the righteous,<sup>8</sup> and Rab applied to Samuel the verse: No secret troubleth thee.<sup>9</sup>

**MISHNAH.** THE CHARACTERISTICS<sup>10</sup> OF CATTLE AND OF WILD ANIMALS ARE STATED IN THE TORAH. THE CHARACTERISTICS OF BIRDS ARE NOT STATED, BUT THE SAGES HAVE SAID, EVERY BIRD THAT SEIZES ITS PREY<sup>11</sup> IS UNCLEAN. EVERY BIRD THAT HAS AN EXTRA TOE,<sup>12</sup> A CROP, AND A GIZZARD THAT CAN BE PEELED,<sup>13</sup> IS CLEAN. R. ELIEZER, SON OF R. ZADOK SAYS, EVERY BIRD THAT PARTS ITS TOES<sup>14</sup> IS UNCLEAN. OF LOCUSTS: ALL THAT HAVE FOUR LEGS, FOUR WINGS, LEAPING LEGS, AND WINGS COVERING THE GREATER PART OF THE BODY, [ARE CLEAN]. R. JOSE SAYS, IT MUST ALSO BEAR THE NAME LOCUST'. OF FISHES: ALL THAT HAVE FINS AND SCALES ARE CLEAN. R. JUDAH SAYS, THERE MUST BE [AT LEAST] TWO SCALES AND ONE FIN. THE SCALES ARE THOSE [THIN DISCS] WHICH ARE ATTACHED TO THE FISH, THE FINS ARE THOSE [WINGS] BY WHICH IT SWIMS.

## CHULLIN II – 31a-60b

**GEMARA.** Our Rabbis taught: The following are the characteristics of cattle: Every beast that parteth its hoof, etc.<sup>15</sup> If an animal chews the cud one may be certain that it has no upper teeth and it is therefore clean. Is this a general rule? Behold the camel chews the cud and has no upper teeth and yet is unclean! — The camel has canines. But the young camel has not even canines!<sup>16</sup> Furthermore, the rock-badger and the hare chew the cud, nevertheless they have upper teeth and are unclean! Now are teeth mentioned at all in the Torah? — Rather this is the meaning of the passage: If an animal has no upper teeth<sup>17</sup> one may be certain that it chews the cud and parts the hoof, and it is therefore clean. But one can examine its hoofs? —

We must suppose that its hoofs were cut off. And this accords with R. Hisda's statement, for R. Hisda said: If a man was walking in the desert and found an animal with its hoofs cut off, he should examine its mouth; if it has no upper teeth he may be certain that it is clean, otherwise he may be certain that it is unclean; provided, however, he recognizes the camel. But the camel has canines! — Read, provided he recognizes the young camel. You admit then that there is the young camel [which is the exception to the rule]. But there might well be other species similar to the young camel? —

That should not enter your mind. For a Tanna of the school of R. Ishmael taught: It is written: The camel because it cheweth the cud.<sup>18</sup> The Ruler of the universe knows that there is no other beast that chews the cud and is unclean except the camel; therefore the verse particularly stated 'it'. R. Hisda further said: If a man was walking in the desert<sup>19</sup> and found an animal with its mouth mutilated, he should examine its hoofs; if they are parted he may be certain that it is clean, but if not he may be certain that it is unclean; provided, however, he recognizes the swine. You admit then that there is the swine [which is the

exception to the rule]. But there might well be other species similar to the swine? —

That should not enter your mind. For a Tanna of the school of R. Ishmael taught: It is written: And the swine because it parteth the hoof.<sup>20</sup> The Ruler of the universe knows that there is no other beast that parts the hoof and is unclean except the swine; therefore the verse particularly stated 'it'. R. Hisda further said: If a man was walking in the desert and found an animal with its hoofs cut off and its mouth mutilated, he should examine its flesh; if it runs crosswise<sup>21</sup> he may be certain that it is clean, but if not he may be certain that it is unclean; provided however, he recognizes the 'arod.<sup>22</sup> You admit then that there is the 'arod [which is the exception to the rule]. But there might well be other species similar to the 'arod? — There is a tradition that there are not. Where should he examine the flesh? — Abaye (others say: R. Hisda) said: Under the rump.

**THE CHARACTERISTICS OF WILD ANIMALS.** Our Rabbis taught: The following are the characteristics of wild animals... But surely the wild animal is included under cattle with regard to the characteristics [of cleanness]!<sup>23</sup> — R. Zera said,

- (1) A tikla is a weight equal to half a shekel.
- (2) In order to cool himself of the fever.
- (3) Eccl. VII, 12.
- (4) Lit., 'at the summer solstice'. V. supra 57b, p. 316, n. 2.
- (5) It probably means he overtaxes his stomach by such gross excesses in eating.
- (6) ריש גלוחא, the Exilarch.
- (7) Or, 'raw'.
- (8) Prov. XII, 21.
- (9) Dan. IV, 6.
- (10) I.e., the features which distinguish an animal as clean. Throughout this passage until the end of this chapter the terms clean and unclean mean permitted to be eaten and forbidden respectively.
- (11) Heb. דורס, to tread or attack with the claws. Here it has a special and technical meaning and various interpretations have been suggested: (i) a bird which seizes prey in flight without alighting upon the ground (R. Gershom); (ii) a bird which

## CHULLIN II – 31a-60b

holds down the prey with its claws whilst it pecks away with its beak to eat it (Rashi and Maim.); (iii) a bird which eats its prey whilst it still lives and does not wait until it dies (Tosaf. s.v. עורר p. 61a).

(12) I.e., a toe behind, the hallux. According to R. Nissim it means that the middle toe in front is longer than the others.

(13) The inner bag or lining of the gizzard can with ease be separated from the outside muscular portion.

(14) I.e., whenever it perches on a bar or rope it divides its toes evenly, two toes on each side.

(15) Deut. XIV, 6. Lev. XI, 3.

(16) It should therefore be clean, seeing that it chews the cud and has no upper teeth, not even canines!

(17) Sc. the incisors of the upper jaw. The absence of the upper incisors and canines is a characteristic of all ruminants. The camel forms the exception to this order for it has canines in both jaws.

(18) Lev. XI, 4.

(19) Lit., 'on the way'.

(20) Lev. XI, 7.

(21) I.e., the muscles at the rump under the tail run in a crisscross fashion, one series of muscles running downward and another running transversely.

(22) ערוד, v. Job XXXIX, 5, where it is translated as the wild ass. It is certainly a forbidden animal.

(23) The same characteristics which distinguish the clean cattle also distinguish the clean wild animals. Indeed, Lev. XI, 2 expressly mentions the wild animal in the same verse with cattle.

### Chullin 59b

[It must be distinguished from cattle] in order that its fat be permitted to be eaten.<sup>1</sup> And it should read thus: The following are the characteristics of wild animals whose fat is permitted: All that have horns and [sharp pointed] hoofs.

R. Dosa says — Those that have horns need not be examined as to their hoofs, but those that have [sharp pointed] hoofs must still be examined as to their horns. And the Keresh,<sup>2</sup> though it has but one horn, is permitted. But is this a general rule? Behold the goat has horns and [sharp pointed] hoofs, nevertheless its fat is forbidden! — We mean horns that are rounded.<sup>3</sup> But are not the horns of an ox

rounded, yet its fat is forbidden? — We mean horns that are notched.<sup>4</sup> But are not the horns of the goat notched, nevertheless its fat is forbidden?<sup>5</sup> — We mean horns that are forked.<sup>6</sup> But the horns of the deer<sup>7</sup> are not forked, nevertheless its fat is permitted! — We mean horns that are pointed.<sup>8</sup> Therefore, if its horns are forked, there is no question at all about it.<sup>9</sup> But if they are not forked, we then require them to be rounded and pointed and also notched, and the notches must run one into the other. This indeed is the doubt in connection with the Karkuz goat.<sup>10</sup>

Once there was taken out of a Karkuz goat belonging to the Resh Galutha a basketful of fat. R. Ahai forbade it, but R. Samuel the son of R. Abbahu ate of it, and applied to himself the verse: A man's belly shall be filled with the fruit of his mouth.<sup>11</sup> They sent word from there<sup>12</sup> saying: The law accords with R. Samuel the son of R. Abbahu, nevertheless give heed to the opinion of R. Ahai for he enlightens the eyes of the exile. 'And the Keresh, though it has but one horn, is permitted'. Rab Judah said: The Keresh is the deer of Be-Ila'i,<sup>13</sup> the Tigris is the lion of Be-Ila'i.<sup>13</sup> R. Kahana said: There is a distance of nine cubits from one ear to the other ear of the lion of Be-Ila'i. R. Joseph said: The hide of the deer of Be-Ila'i is sixteen cubits long.

The Emperor once said to R. Joshua b. Hananiah, 'Your God is likened to a lion, for it is written: The lion hath roared, who will not fear? The Lord God hath spoken, who can but prophesy?<sup>14</sup> But what is the greatness of this? A horseman can kill the lion!' He replied: 'He has not been likened to the ordinary lion, but to the lion of Be-Ila'i!' 'I desire', said the Emperor, 'that you show it to me'. He replied: 'You cannot behold it'. 'Indeed', said the Emperor, 'I will see it'. He [R. Joshua b. Hananiah] prayed and the lion set out from its place. When it was four hundred parasangs distant it roared once, and all pregnant women miscarried and the walls of Rome fell. When it was three

## CHULLIN II – 31a-60b

hundred parasangs distant it roared again and all the molars and incisors of man fell out; even the Emperor himself fell from his throne to the ground. 'I beseech you', he implored, 'pray that it return to its place'. He prayed and it returned to its place.

Another time the Emperor said to R. Joshua b. Hananiah, 'I wish to see your God'. He replied: 'You cannot see him'. 'Indeed', said the Emperor,

(1) The fat of cattle, such as was offered upon the altar in Temple times, is forbidden to be eaten, v. supra 49b, whereas the fat of wild animals is permitted; hence it is essential to distinguish between the two species.

(2) קריש, a kind of antelope.

(3) Heb. כרוכות. Horns consisting mainly of tubes which are very close together and near the root are encircled by variable rings, as in the case of the ox. (Rashi and Aruch).

(4) Heb. חרוקות, in other texts חדוקות, meaning rough, full of notches.

(5) It must be now assumed that 'notched' is the only characteristic feature necessary for the purpose and that roundness is no longer essential.

(6) Heb. מפיצלות, forked and branched like antlers (Rashi); or, bent or hooked at the end (Tosaf.).

(7) Heb. צבי, usually translated 'deer'; according to Rashi, however, it cannot be the deer because the deer has certainly forked horns. Possibly the pronghorn antelope is meant.

(8) Heb. הדורית, or הדורות, meaning 'rounded and cylindrical'; in other texts חדודות, 'pointed'. The latter reading is adopted by Aruch and preferred by Rashi.

(9) Lit., 'there is neither judgment nor judge', i.e., it is certainly a wild animal.

(10) According to Lewysohn, Zoologie des Talmuds, p. 126, it is the gazelle. The Aruch adopts the reading כרביץ, which would be the name of a place, v. Neub. Geog. p. 393. The doubt in connection with this goat is that it has all the characteristics that distinguish the horns of wild animals except that the notches do not run into each other (Tosaf.); it has all the characteristics of wild animals save that it bears the name 'goat' (Rashi).

(11) prov. XVIII, 20. By virtue of his learning and the traditions he received from his teachers he was able to enjoy to the full the fat of this animal.

(12) Sc. Palestine.

(13) A forest of this name (Rashi). V. Lewysohn, op. cit. p. 70. According to Jastrow it refers to the mountains of interior Asia, v. Dict. p. 520.

(14) Amos III, 8.

### Chullin 60a

'I will see him'. He went and placed the Emperor facing the sun during the summer solstice and said to him, 'Look up at it'. He replied: 'I cannot'. Said R. Joshua, 'If at the sun which is but one of the ministers that attend the Holy One, blessed be He, you cannot look, how then can you presume to look upon the divine presence'!

On another occasion the Emperor said to R. Joshua b. Hananiah, 'I wish to prepare a banquet for your God'. He replied: 'You could not undertake it'. 'Why'? 'Because his attendants are too numerous'. 'Indeed, I will do it'. 'Then go and prepare it on the spacious banks of Rebitha'.<sup>1</sup> He [the Emperor] spent the six months of summer in making preparations when a tempest arose and swept everything into the sea. He then spent the six months of winter in making preparations when rain fell and washed everything into the sea. 'What is [the meaning of] this'? asked the Emperor. 'They are but the sweepers and sprinklers that march before him'! 'In that case', said the Emperor, 'I cannot do it'.

The Emperor's daughter once said to R. Joshua b. Hananiah, 'Your God is a carpenter, for it is written: Who layeth the beams of His upper chambers in the waters.<sup>2</sup> Ask him to make for me a spool!' He replied: 'Very well'. He prayed for her and she was smitten with leprosy. She was then removed to the open square of Rome and was given a spool. (For so it was the custom in Rome, whoever was smitten with leprosy was given a spool and removed to the open square, and was given skeins to wind, so that people may see them and pray for their recovery). One day as R. Joshua was passing he saw her sitting in the open square of Rome and winding the skeins on to the spool. He remarked: 'My God has given you a

## CHULLIN II – 31a-60b

beautiful spool! She said: 'I pray you, ask your God to take back what He has given me'. He replied: 'Our God grants a request, but [when granted] never takes it back'.

Rab Judah said: An ox has a large belly, large hoofs, a large head and a long tail; an ass has just the reverse. What is the point of this? — For commercial transactions.<sup>3</sup>

Rab Judah further said: The bullock which Adam sacrificed had but one horn in its forehead, as it is said: And it shall please the Lord better than a bullock that hath horns [makrin] and hoofs.<sup>4</sup> But does not makrin imply two horns? — R. Nahman said: Mkrn is written.<sup>5</sup>

Rab Judah further said: The bullock which Adam sacrificed had fully developed horns before it had hoofs,<sup>6</sup> as it is said: 'And it shall please the Lord better than a bullock that hath horns and hoofs'; the verse first says: 'that hath horns' and then 'hoofs'. This supports R. Joshua b. Levi, who said: All the animals of the creation were created in their full-grown stature, with their consent, and according to the shape of their own choice, for it is written: And the heaven and the earth were finished, and all the host of them<sup>7</sup> read not zeba'am<sup>8</sup> but zibyonam.<sup>9</sup>

R. Hanina b. Papa expounded: May the glory of the Lord endure for ever; let the Lord rejoice in His works!<sup>10</sup> This verse was said by the Angel of the Universe.<sup>11</sup> For when the Holy One, blessed be He, enjoined after its kind<sup>12</sup> upon the trees, the plants applied unto themselves an a fortiori argument, saying: 'If the Holy One, blessed be He, desired a motley growth, why did He enjoin "after its kind" upon the trees? Moreover, is there not here an a fortiori argument? If upon trees which by nature do not grow up in a motley growth the Holy One, blessed be He, enjoined "after its kind", how much more so does it apply to us!' Immediately each plant came forth after its kind. Thereupon the Angel of the Universe

declared: 'May the glory of the Lord endure for ever: let the Lord rejoice in His works!'

Rabina propounded the question: If a man grafted one plant on to another,

(1) The name of a river; v. however, Neub. Geog. p. 277-8, where it is suggested that the correct text is 'on the shore of the Great Sea'. V. D.S.

(2) Ps. CIV, 3.

(3) I.e., one who is about to purchase an ox or an ass should look for these particular qualities in the ox and the reverse in the ass.

(4) Ps. LXIX, 32. Heb. מקרין; so according to traditional reading. The verse alludes to the sacrifice offered by Adam.

(5) מקרן The word is written defectively without the 'yod', and this suggests the peculiarity of a single horn, as the word may be read מקרן

(6) Which is just the reverse of the natural development in the bullock. Since the full-grown animal was brought forth from the ground (Gen. I 24) in an upright stature (v. infra) its horns obviously appeared first and then its hoofs.

(7) Gen. II, 1.

(8) צבאם, 'the host of them'.

(9) צבינות. The three ideas of the text are suggested by the slight variations and different meanings of the original word צבאם: (i) from the root נצב, meaning upstanding, full-grown; (ii) from צבי, meaning desire, consent; and (iii) from צביון meaning pleasure, choice. V. R.H. 11a.

(10) Ps. CIV, 31.

(11) The angel Metatron, v. Tosaf. ad loc.

(12) Gen. I, 11. This phrase is stated in connection with the trees but not with plants.

### Chullin 60b

what would be the law according to the view of R. Hanina b. Papa?<sup>1</sup> Since 'after its kind' is not expressly stated with regard to plants one should not be liable; or, seeing that the Lord approved of their action, it is regarded as if 'after its kind' were expressly stated [and one would be liable]. The question remains undecided.

R. Simeon b. Pazzi pointed out a contradiction [between verses]. One verse says: And God made the two great lights,<sup>2</sup> and immediately the verse continues: The greater light... and the lesser light. The moon

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said unto the Holy One, blessed be He, 'Sovereign of the Universe! Is it possible for two kings to wear one crown'? He answered: 'Go then and make thyself smaller'. 'Sovereign of the Universe!' cried the moon, 'Because I have suggested that which is proper must I then make myself smaller'? He replied: 'Go and thou wilt rule by day and by night'. 'But what is the value of this?' cried the moon; 'Of what use is a lamp in broad daylight'? He replied: 'Go. Israel shall reckon by thee the days and the years'. 'But it is impossible', said the moon, 'to do without the sun for the reckoning of the seasons, as it is written: And let them be for signs, and for seasons, and for days and years'.<sup>3</sup> 'Go. The righteous shall be named after thee<sup>4</sup> as we find, Jacob the Small,<sup>5</sup> Samuel the Small,<sup>6</sup> David the Small'.<sup>7</sup> On seeing that it would not be consoled the Holy One, blessed be He, said: 'Bring an atonement for Me for making the moon smaller'. This is what was meant by R. Simeon b. Lakish when he declared: Why is it that the he-goat offered on the new moon is distinguished in that there is written concerning it unto the Lord?<sup>8</sup> Because the Holy One, blessed be He, said: Let this he-goat be an atonement for Me for making the moon smaller.

R. Assi pointed out a contradiction [between verses]. One verse says: And the earth brought forth grass,<sup>9</sup> referring to the third day, whereas another verse when speaking of the sixth day says: No shrub of the field was yet in the earth.<sup>10</sup> This teaches us that the plants commenced to grow but stopped just as they were about to break through the soil, until Adam came and prayed for rain for them; and when rain fell they sprouted forth. This teaches you that the Holy One, blessed be He, longs for the prayers of the righteous. R. Nahman b. Papa had a garden and he sowed in it seeds but they did not grow. He prayed; immediately rain came and they began to grow. That, he exclaimed, is what R. Assi had taught.

R. Hanan b. Raba said: The shesu'ah<sup>11</sup> is a specific creature that has two backs and two spinal columns. Was Moses a hunter or an archer? This refutes those who maintain that the Torah was not divinely revealed.<sup>12</sup>

R. Hisda said to R. Tahlifa b. Abina, 'Go, write down the words for "hunter"<sup>13</sup> and "archer"<sup>14</sup> in your homiletic note-book and explain them so'.

It is written: The five lords of the Philistines: the Gazite and the Ashdodite, the Ashkelonite, the Gittite and the Ekronite; also the Avvim.<sup>15</sup> The verse says five but enumerates six! — R. Jonathan said: Their overlords<sup>16</sup> were five in number. R. Hisda said to R. Tahlifa b. Abina, 'Write down the word for "overlord"<sup>16</sup> in your homiletic notebook and explain it so'.

This interpretation differs from Rab's view, for Rab had declared that the Avvim originally came from Teman.<sup>17</sup> There is also a Baraitha in support of this, viz., The Avvim originally came from Teman, and were named Avvim because they laid waste ['iwwethu]<sup>18</sup> their home. Another interpretation: They were named Avvim because they longed for ['iwwu]<sup>19</sup> many gods.

A further interpretation: They were named Avvim because whosoever looked at them was seized with trembling ['awwith].<sup>20</sup> R. Joseph said: Every one of them had sixteen rows of teeth.

R. Simeon b. Lakish said: There are many verses which to all appearances ought to be burnt<sup>21</sup> but are really essential elements in the Torah. [E.g.] It is written: And the Avvim that dwelt in villages as far as Gaza.<sup>22</sup> In what way does this concern us? Inasmuch as Abimelech adjured Abraham saying: Thou wilt not deal falsely with me, nor with my son, nor with my son's son,<sup>23</sup> the Holy One, blessed be He, said: Let the Kaphtorim come and take away the land from the Avvim, who



## CHULLIN II – 31a-60b

are philistines, and then Israel may come and take it away from the Kaphtorim.<sup>24</sup> Similarly you must explain the verse: For Heshbon was the city of Sihon the King of the Amorites, who had fought against the former King of Moab.<sup>25</sup> In what way does this concern us? Inasmuch as the Holy One, blessed be He, had commanded Israel: Be not at enmity with Moab,<sup>26</sup> He therefore said: Let Sihon come and take away the land from Moab and then Israel may come and take it from Sihon.

This, indeed, explains the saying of R. Papa, 'Ammon and Moab were rendered clean [unto Israel] through Sihon'.<sup>27</sup> Hermon the Sidonians call Sirion and the Amorites call it Senir.<sup>28</sup> A Tanna taught: Senir and Sirion are mountains in the land of Israel; this verse, however, teaches us that every one of the nations of the world went and built for itself a large city naming it after a mountain of the land of Israel, thus teaching you that even the mountains of the land of Israel are dear to the nations of the world.

In another instance it is written: And as for the people, he removed them city by city.<sup>29</sup> In what way does this concern us? — In order that his brothers be not called strangers.<sup>30</sup>

**THE CHARACTERISTICS OF BIRDS ARE NOT STATED.** Are they not? But it has been taught: [It is written,] The eagle,<sup>31</sup>

(1) The expression 'after its kind' suggests separateness and so implies a prohibition against grafting one kind on to another. Since, however, this is not expressly stated with reference to plants, but they acted so merely of their own accord, it is doubtful therefore whether there is with regard to plants an implied prohibition against grafting.

(2) Gen. I, 16.

(3) Ibid. 14.

(4) Righteous men shall be named 'the Small' after the moon which was reduced to become the small luminary.

(5) Cf. Amos VII, 2: How shall Jacob stand? for he is small.

(6) A renowned Tanna of the first century, called 'the Small' on account of his humility.

(7) Cf. I Sam. XVII, 14: And David was the youngest (smallest).

(8) Num. XXVIII, 15: And a he-goat for a sin-offering unto the Lord. These words, 'unto the Lord', are not found in connection with sacrifices on other festive seasons.

(9) Gen. I, 12.

(10) Gen. II, 5.

(11) V. Deut. XIV, 7. According to Rabbinic tradition the word *השטופה*, which in the E.V. is translated as 'cloven', is the name of a specific creature with the Peculiarities here stated.

(12) For Moses could not of his own knowledge have described the various animals mentioned in the Torah, nor could he have known so well the nature of them all.

(13) *קניגי* from Gr. \*\*, a hunter.

(14) *בליסטרי* from 'ballistarius', one who attends to the catapult, an archer. R. Tahlifa was advised to note these words as foreign words.

(15) Josh. XIII, 3.

(16) *ארוניקי* (there are many variations: MS.M. *אדוניקי*; Aruch *אדניקי*; Musafia *אדוניקי*) meaning chiefs, overlords. The etymology of the word is doubtful, v. Jast. and Aruch.

(17) They were not indigenous to Philistia but came from Teman (a region in the country of Edom) and settled with the Philistines.

(18) There is here a play upon the words *עוים*, Avvim, and *עוהו* or, as in some texts, *עוי*, which means they destroyed or laid waste.

(19) *אוי*, they desired.

(20) *עויית*, convulsions.

(21) In many MSS. are added the words 'like the books of Miram' or 'of minim', i.e., heretics. These words were obviously struck out by the censor for the Present editions. As to 'Miram', v. Jastrow Dict. s.v. *המירם*, p. 355.

(22) Deut. II, 23.

(23) Gen. XXI, 23.

(24) The Israelites, being bound by the oath of Abraham not to molest the Philistines, indirectly, however, gained possession of their land by dispossessing the Kaphtorim who had vanquished the Philistines.

(25) Num. XXI, 26.

(26) Deut. II, 9.

(27) I.e., Israel by defeating Sihon indirectly got possession of the land of Ammon and Moab. V. Git. 38a; Sanh. 94b.

(28) Ibid. III, 9.

(29) Gen. XLVII, 21.

(30) For now the Egyptians too were rendered homeless, and were themselves strangers in the cities wherein Joseph had settled them.

(31) Lev. XI, 13 and Deut. XIV, 12. Heb. *נשר*, usually translated 'eagle', but the griffon vulture or great

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vulture is probably intended. It must be observed that the identification of the various birds dealt with in this chapter is extremely doubtful and the suggestions made are merely tentative; v. Tosaf. infra 63a, s.v. ׀. For the most part the identifications of Lewysohn, discussed in his work, *Die Zoologie des Talmuds*, have been adopted.