

CHAPTER VI.

MISHNA I.: R. Jehudah b. Baba attested five cases. Girls underage are made to express their refusal; a woman is allowed to remarry on the testimony of one witness; in Jerusalem a cock that had killed a person was stoned; wine only forty days old was brought upon the altar as a drink-offering; and finally, the daily morning sacrifice was (once) offered at the fourth hour (in the morning).

MISHNA II.: R. Jehoshua and R. Nehunia b. Elinathan of the Babylonian village attested that an organ (even if not an olive big) of the dead is defiling, as against R. Eliezar, who asserts that the sages taught thus only in reference to an organ of alive body; and the others rejoined: Is it not an inference *a fortiori*--viz.: since the organ of a live body which latter is clean is, if severed, unclean, so much the more so that of a dead body, which latter is of itself unclean? His answer was: And yet the sages taught so only in respect of an organ of a live body. According to others the answer was this: The uncleanness of the living is more extensive than that of the dead, for the living (who has a running issue) renders all that he lies or sits on capable of defiling man as well as garments, and all that rests above him, by his exhalation capable of defiling food and beverage, all which the dead does not.

MISHNA III.: Flesh of the size of an olive severed from an organ dismembered from a living (person) is unclean according to R. Eliezar, but clean according to R. Jehoshua and Nehunia. On the other hand, a bone the size of a barley-corn severed from said organ R. Nehunia declares unclean, and R. Jehoshua with R. Eliezar, clean. R. Eliezar was then asked: What prompts you to vindicate the former decision? He replied: We find that a severed live organ is regarded as a whole corpse; hence, as from a dead severed flesh of the size of an olive is unclean, severed flesh of such size from the living must be unclean, too! I, therefore, base my decision on this analogy. Whereupon it was rejoined: While you justly declare unclean flesh of an olive size severed from a corpse, for a barley-corn-sized bone of a, corpse

is likewise unclean, you commit yourself to a discrepancy in your decision regarding the flesh and the bone of a severed organ of a living body respectively, whereby your analogy is annihilated! Similarly was R. Nehunia asked to base his view, which he did by a like analogy, thus: We find that a severed organ of the living is like an entire corpse and a barley-corn-sized bone of the latter is unclean, whence my decision. Whereupon he was answered: If you justly declare unclean so small a bone severed from a corpse by reason of holding unclean flesh the size of an olive severed from a corpse, you cannot on this basis declare unclean a bone the size of a barley-corn severed from the dismembered organ of a living body, since you hold clean the flesh even of an olive-size severed therefrom!

R. Eliezar was then asked: Why have you divided your views? Declare either both unclean or

both clean? And he, answered: The uncleanness of the flesh is more extensive than that of the bones, because the flesh of carcasses and reptiles is defiling while bones of these are not. Another explanation according to others: An organ that has yet enough of its flesh on causes uncleanness through touching, carrying or sheltering it, and remains yet unclean even if it misses some of its flesh, while if some of its bone is wanting it is clean.

R. Nehunia was asked: Why have you divided your views? Declare either both unclean or both clean? And he answered: The uncleanness of bones is more extensive than that of flesh, for flesh severed from the living body is clean, while the organ, if severed from it in its natural state, is unclean. Another explanation: Flesh the size of an olive defiles by being touched, carried or sheltered, in like manner do bones defile in their majority; if some of the flesh misses it is clean none the less, if some of the majority of the bones lacks it is still unclean by touch and carriage, though not by shelter. Or thus: All the flesh of a corpse is clean when it does not all in all measure the size of an olive, while the greater part of its body or of its bones are unclean even when they do not make up a quarter of a Kab.

R. Jehoshua answered the question as to why he decides in both cases "clean," thus: The analogy between the dead and the living does not hold good, for to the former apply the requisite of majority, quarter-Kab, and spoonful of decomposed stuff, while to the living all this does not apply.

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