Tal Ilan

Massekhet Hullin

A Feminist Commentary on the Babylonian Talmud

edited by

Tal Ilan

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Massekhet Hullin

Text, Translation, and Commentary

Mohr Siebeck

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ISBN 978-3-16-155200-7

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliographie; detailed bibliographic data are available on the Internet at *http://dnb.dnb.de*.

The book was printed by Gulde Druck in Tübingen on non-aging paper and bound by Buchbinderei Spinner in Ottersweier.

Printed in Germany.

Dedicated with love to my late mother, Shlomit Ilan
And to my late cousin, Ronit Gan

מוקדש באהבה לאמי שלומית אילן עליה השלום,
ולבת דודתי רונית גן ז״ל
ולמפעל חייהן הגדול והמפואר GAME שבאמצעותו לימדו את ילדי ישראל לקרוא אנגלית.

Acknowledgement

This book has now been almost ten years in the making. It is the second feminist commentary on a tractate from the Babylonian Talmud that I have written, but it is very different. My previous project – *Massekhet Ta'anit* – was a concise composition of four mishnaic chapters on 32 folios. It was mostly aggadic in character, touched on issues of *mo'ed* (which, in this case I would translate as ritual), which are usually easy to understand, and was in general very user-friendly. I found writing that feminist commentary very easy. *Massekhet Hullin* is composed of 12 mishnaic chapters, spread on 142 folios. It is, for the most, part halakhic and deals with the specialized issue of meat preparation and consumption in a kosher kitchen. In general, this issue is considerably less accessible and requires lengthier discussions and explanations than were necessary in the case of *Ta'anit*. Like *Massekhet Ta'anit, Massekhet Hullin* is not especially interested in women, but it turned out that it displays a very clear gendered message, which I followed with ever-growing interest as I worked through the tractate. *Hullin*'s message can be summed up with the words, "this tractate is about beasts, which are not so different from humans, but women are much more like beasts than men." *Hullin* is full of beasts and birds and insects and other real and imaginary animals. I like animals. I feel honored to be compared to them.

I would not have been able to finish writing this commentary without the help and support of many. Several members of the *FCBT* team have read chapters of this tractate and commented on them: Federico Dal Bo, Naftali Cohen, Alyssa Gray, Jane Kanarek Moshe Lavee and Marjorie Lehman. I have taken their comments very seriously, even if I did not always agree. Most of all, I am grateful to my student Judith von Bresinsky, who has been following my work on this commentary almost from its conception, has tirelessly read large chunks of it, and often corrected me and saved me from major errors. She has been both a critic and a friend; traits which I greatly treasure.

My assistant, Marcel Gaida, has tirelessly and professionally proofread and formatted the long and complex work, noting errors and suggesting numerous helpful corrections. His diligence has also speeded the completion of this work considerably. I am also grateful to my student Akiva Weingarten, who assisted me voluntarily in the indexing of the sources.

I am as ever grateful to Mohr Siebeck publishing house, and especially to its manager Henning Ziebritzki and to Matthias Spitzner of the same publishing house, for supporting the *FCBT* project over the years, and of course for the publication of this very thick volume.

I dedicate this book to my late mother, Shlomit Ilan, and cousin, Ronit Gan, who have both passed away in the last two years. Even though they were not talmudists, in many respects they represent much better than me the secular Israeli world from which I come, and to which I belong. I admire the great project to which they devoted their lives – teaching Israeli children with learning disabilities to read English (through a project my mother invented, called GAME) and am grateful to have been able to participate in this project, if only on the margin.

Berlin 3.1.2017

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Introduction

General Introduction[1]

Title and Historical Background

The word *hullin* (masc. plural of the Hebrew חול) means 'profane things' and it thus actually stands in contrast to the name of the entire order in which it is embedded – *Qodashim*, i.e. 'holy things.' This, however, is not as odd and paradoxical as it might seem at a first glance. The Order of *Qodashim* deals in general with questions of consecrated things, namely animals, plants and objects. It naturally begins with Tractate *Zevahim*, i.e. animal sacrifices, slaughtered at the altar in the Temple for divine consumption. Tractate *Hullin* deals with slaughter of animals for non-sacral, i.e. for profane consumption. In fact, Tractate *Hullin* was often conceived as a counterpart of Tractate *Zevahim* and they were known as *shehitat qodashim* (slaughter of holy things) and *shehitat hullin* (slaughter of profane things). Tractate *Hullin* is thus the tractate that discusses at greatest depth the issue of *kashrut* (Jewish dietary laws). A large part of it is devoted to the methods of kosher slaughter – which beasts may be consumed and under what circumstances; like for example, what renders the slaughtered beast *trefah* (unfit for consumption by Jews); what does the prohibition of consuming milk and meat together entail.

By combining this *massekhet* into the Order of *Qodashim*, the rabbis go along here with the biblical concept of meat consumption. Meat was in antiquity (and in some societies still is) a real delicacy. While growing plants for consumption is a relatively easy, almost automatic, yearly cycle activity, breeding animals and slaughtering them takes much longer, is much more risky and the production is not as plentiful. The production of a beast for slaughter requires conception, gestation, birth and a long period of fattening, before it can be consumed. The theological (or should we say psychological) problem involved here is that animals are much nearer to humans than are plants, and their consumption requires the active taking of a life. To solve this problem, humans have, from

[1] I am grateful to Naftali Cohn and Federico Dal Bo for reading through this chapter and making many useful corrections and suggestions.

time immemorial, involved their gods in the consumption of meat. This idea is also strongly present in the Bible.[2]

The story of Cain and Abel already suggests that Abel's meat offering was pleasing to God, while Cain's fruits and vegetables were not (Gen 4). This implies that the God of the Hebrew Bible is prepared to participate in the consumption of meat together with humans, but probably considers the consumption of plant products as beneath his dignity. Yet the story continues, demonstrating how close slaughter of animals is to the slaughter of humans. Cain murders Abel. The dead person, like the dead beast, attracts God's attention. Unlike the slaughtered animal, with which he is pleased, God criticizes the slaughter of the person, stating: "The bloods of your brother cries to me from the earth" (Gen 4:10). This formula is important and we shall return to it.

The idea of God's self-evident desire to participate in the consumption of meat is further developed in the legal sections of the Bible. Thus, in the pre-Deuteronomic Book of the Covenant in Exodus, when God first commands the Israelites to sacrifice to him, it is stated that if the Israelites bring their sacrifices to God wherever they live, he will come and bless them there (Exod 20:20). Yet because Deuteronomy is the book which instructs the Israelites to sacrifice to God only at the place where he chooses for his name as residence (Deut 12:5 and elsewhere), which the Jews universally interpreted as the Temple in Jerusalem, it is also the biblical text which most significantly deals with the consumption of meat that is not shared with God and sacrificed. Here we read: "(If) you say: I shall eat some meat, for you have the urge to eat meat, you may eat meat whenever you wish. If the place where the Lord has chosen to establish His name is too far from you, you may slaughter any of the cattle or sheep that the Lord gives you, as I have instructed you, you may eat to your heart's content in your settlements. Eat it, however, as the gazelle and the deer are eaten. The clean may eat it with the unclean. But make sure you do not partake of the blood, for the blood is the life, and you must not consume the life with the flesh" (Deut 12:20-23).[3] From what is here permitted, we learn what had been forbidden before the unification of the cult in Jerusalem: To slaughter a domesticated animal without sharing it with God; to consume meat in a state of impurity and to consume the blood. The last prohibition remains in place even when the others are lifted, because the blood represents the soul of the beast,

[2] This is my interpretation of sacrifice. I am fully aware that it is one sided, simplistic and hardly justifies the complexity of issue at hand. For an examination of the relevant literature and a thorough analysis of it see KLAWANS, *Purity, Sacrifice and the Temple*, 3-13.

[3] Further on this text see MILGROM, "Profane Slaughter."

which is God's gift to it.[4] Like Abel's blood, so too is the beast's blood the bearer of life. The similarity between human and beast is made patently clear.

Thus, the Book of Deuteronomy emphasizes the connection between meat consumption and sacrifice, while at the same time severing it. *Hullin*'s positioning within Seder *Qodashim* performs a similar balancing-act.

Contents

In Hanoch Albeck's classic edition of the Mishnah, *Hullin* is the third tractate in the Order of *Qodashim*. He explains that the order of the tractates is based on the number of chapters in each, from longest to shortest.[5] Thus, *Zevahim*, with 14 chapters, is the first, *Menahot*, with 13 chapters, is the second and *Hullin*, with 12 chapters, is the third.[6] Yet, as stated above, since *Hullin* is often seen as the second part of Tractate *Zevahim* (both of them dealing with animal slaughter), it is found in the Tosefta (Vienna Ms) and in some Genizah fragments of the *Bavli*, in the second place, before Tractate *Menahot*.[7]

The twelve chapters of Tractate *Hullin* are set out in a fairly orderly fashion, most of them devoted to one specific topic. Aside from dealing with slaughter itself, the tractate also deals with how meat can become inedible for Jews (*terefah*), what animals (and birds and fish) are permitted for Jewish consumption, and how do foodstuffs become impure. It also devotes separate chapters to the biblical injunctions forbidding the slaughter of parent and offspring beast on the same day (Lev 22:28); commanding the covering of the blood of the animals slaughtered for profane consumption (Lev 17:13-14); forbidding the consumption of the sciatic tendon (Gen 32:33); or the consumption of milk with meat (Exod 23:19; cf. Exod 34:26; Deut 14:21); commanding one to set aside parts of the slaughtered beast as gifts to the priests (Deut 18:3-4) and finally commanding the sending away of the mother bird when taking her young (Deut 22:6-7). The chapters of the Mishnah are divided as follows:

Chapter 1: This chapter begins by defining who may slaughter for profane purposes and who may not (1:1). It begins with the words "All slaughter," (**הכל שוחטין**). This opening formulation is similar to that of two other tractates in *Seder Qodashim* – "All assess and are assessed" (**הכל מעריכין ונערכין**) in *mArakh* 1:1, and "All exchange" (**הכל ממירים**) in *Tem* 1:1. This formula indicates literary-editorial activity. The chapter then moves from the slaughterer to the slaughter

[4] For similar formulations see MILGROM, "Prolegomenon to Leviticus 17:11," 149-156; BRICHTO, "On Slaughter and Sacrifice, Blood and Atonement," 20-36.

[5] ALBECK, *Shisha Sidrei Mishnah: Seder Qodashim*, 3.

[6] It is the longest *Bavli* tractate though (with 142 folios in comparison with *Zevahim* with 120 and *Menahot* with only 110).

[7] ALBECK, *Shisha Sidrei Mishnah: Seder Qodashim*, 4.

itself and instructs one how to slaughter (1:2-3). In verse 4, however, it goes into a long digression based on a set formula that has little to do with slaughter or consumption of profane meat.[8] This sort of digression is typical of many chapters in the Mishnah,[9] and takes up the rest of the chapter.

Chapter 2: This chapter continues where chapter 1 left off, describing how one may slaughter, and for what purpose. It is very careful to ensure that slaughter (even for profane purposes) does not fall suspect to idolatry (2:7-9).

Chapter 3: This chapter begins by describing what makes a slaughtered beast or fowl unfit for Jewish consumption (*trefah*) and what makes them unfit (3:1-5). The Bible clearly described the signs according to which kosher beasts are distinguished from non-kosher ones (Lev 11:3). It does not, however, provide similar signs for birds, insects and fish. Chapter 3 continues by identifying the signs that make these creatures pure (3:6-7).

Chapter 4: This chapter is devoted in whole to the question of the fetus found in a slaughtered beast and to the point where it ceases to be a part of its mother and becomes an independent living being. The text emphasizes over and over that this happens at birth. This chapter has no biblical prooftexts, but it is probably formulated from start to finish as a polemic against Jewish groups whose point of view is voiced in the writings from Qumran, and who considered the fetus as an independent being from the moment of its conception.[10]

Chapter 5: This chapter is devoted to the biblical injunction not to slaughter a beast and its young on the same day (Lev 22:28). It begins with a formula that will repeat itself, with slight variations in the first mishnah of many of the following chapters, namely where this law applies: "both in the Land (of Israel) and abroad, while the Temple exists, and when it does not, in profane and in sacrificial (beasts)." (**בין בארץ בין בחוצה לארץ, בפני הבית ושלא בפני הבית, בחולין ובמוקדשין**). We find this formula in all chapters that follow closely biblical injunctions, i.e. the obligation to cover the blood of the slaughtered beast (chapter 6); the prohibition to consume the sciatic tendon (chapter 7); the priestly gifts set aside from the slaughtered beast (chapter 10); the first shearing of the flock to be set aside to the priests (chapter 11) and the sending away of the mother bird (chapter 12).

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[8] See below, *Mishnah* 2. *mHullin* 1:4-7.
[9] See ALBECK, *Introduction*, 88-9.
[10] See below *Mishnah* 4. *mHullin* 4.

Chapter 6: This entire chapter is devoted to the injunction to cover the blood of the slaughtered beast (Lev 17:13-14). It begins with the same formula as the previous chapter but differs slightly, in that it rules that this law does not apply to a sacrificed beast, only to one slaughtered for profane purposes. It then goes on to list in detail what slaughter requires covering of the blood, (6:2-6), and what substances can be used for covering (6:7).

Chapter 7: This chapter is devoted to the prohibition to consume the sciatic tendon (Gen 32:33). It too applies to the same categories listed in chapter 5, except that it does not apply to fowl, who have no such tendon (7:1).

Chapter 8: This chapter is devoted to the prohibition to consume meat and milk together. Unlike the three previous chapters, which all have clear biblical precedents, this law is a rabbinic interpretation and elaboration of an enigmatic (thrice repeated) biblical verse (Exod 23:19; cf. Exod 34:26; Deut 14:21). This chapter asserts that the prohibition includes not serving any of combination of the two substances together (8:1); not carrying them in the same receptacle (8:2); it further defines what beast-stomach can be used to produce cheese in it (8:5) and asserts that it applies also to fowl (8:4). In this chapter Rabbi Aqiva actually admits that the inclusion of fowl in this prohibition is not biblical.

Chapter 9: This chapter is about how foodstuffs contract impurity. These rules are quite complex, in part due to the assumption that under certain circumstances, and in given sizes, parts of the dead beast can impart impurity to foodstuffs. Additionally, a beast that was improperly slaughtered imparts another kind of impurity (*nevelah*). Complicated combinations of the two the two sorts of impurities contribute to the question of food purity, and these are intricately (and not always clearly) formulated in this chapter.

Chapter 10: This chapter is devoted to the gifts a person is supposed to set aside from his profanely slaughtered beast for the priests – the arm, the cheeks and the stomach (Deut 18:3). It too applies to the same categories listed in chapter 5, and as in chapter 6, it excludes sacrificed beasts, because the gifts in question in this chapter are given to the priests from beasts consumed at home on a daily basis, unlike sacrificial beasts, from which the priests are given the breast (חזה) and the shin (שוק) (Lev 7:31-32).

Chapter 11: This chapter is devoted to the next verse in Deuteronomy (18:4) and to another priestly gift, this time given not from the slaughtered beast (and actually, as 11:1 states, not from all beasts, only from sheep) – the first wool-sheering. It too applies to the same categories listed in chapter 5, and like in chapter 6, it excludes sacrificial beasts.

Chapter 12: This last chapter is devoted to the injunction to send away the mother bird when taking her young (chicks or eggs) for consumption (Deut 22:6-7). It too applies to the same categories listed in chapter 5, and as in chapter 6, it excludes sacrificial beasts. It very carefully outlines all the cases where one is obligated to send the mother bird away, and when s/he is exempt, most of the differences touching on whether it is a wild or domesticated bird.

The chapter ends (as mishnaic tractates are supposed to end) with a semi-optimistic utterance (12:5). Since in the Bible, the verse that commands the sending away of the mother bird is coupled with another one containing the promise of a reward ("in order that you may fare well and have a long life" Deut 22:7), the entire tractate ends with the same promise magnified – if the fulfilment of such an insignificant commandment promises long life, how much more so the fulfilment of all the commandments.

Methodological Introduction

This volume is part of the feminist commentary on the Mishnah and the Babylonian Talmud (*FCBT*). I have described in detail the methodological underpinnings of this project both in the introduction to my commentary of *Massekhet Ta'anit* and in the introduction to the introduction volume to *Seder Mo'ed*.[11] Most of the methods developed in those chapters have been applied to this commentary. I add here only several observations that are intended to underline how *Hullin* differs from *Ta'anit* (and also how other tractates from *Seder Qodashin* differ from other tractates of *Seder Mo'ed*) or that have crystallized in my mind as I worked through this very long *massekhet* and are probably true for other long *massakhtot*.

Seder Qodashim has no *Yerushalmi*. This means that unlike my observations on the *Yerushalmi* in my *Ta'anit* volume, we cannot assume that "the *Bavli* is heavily indebted to the *Yerushalmi*" or that "some of the sugyot in the *Bavli* have direct parallels in the *Yerushalmi*."[12] This complicates in many respects the way one needs to investigate the very essence of the sources of the Babylonian Talmud. Many more times than when writing the commentary on *Ta'anit*, I found myself casting doubt on the authenticity of a text that purports to derive from the Land of Israel (often designating such a tradition a "pseudo-baraita"[13]), simply because there is no parallel source to it from our extant sources deriving from the Land. Absence, of course, cannot serve as absolute proof that something

[11] ILAN, *Ta'anit* (*FCBT* II/9) 6-9; ILAN, "Introduction," 1-18.
[12] ILAN, *Ta'anit* (*FCBT* II/9) 7.
[13] See e.g. with relation to *Bavli* 2/2. *bHullin* 31a-b; *Bavli* 2/7. *bHullin* 41b-42a.

had not existed in the past. This is a cautionary remark against myself and also perhaps against hasty conclusions I may have drawn.

Another observation on this *massekhet*, which touches not on its location but on its length, has to do with content. What I will now say was true for *Ta'anit* as well, but because of the latter's brevity, it was not so obvious that it required spelling out. The observation has to do with the question of unity of content. While it is true that the Mishnah to *Hullin* (and to all other tractates as well) is a literary composition, that has an artfully constructed structure, the talmudim are commentaries on it, and thus the structure of the Mishnah dictates to them what they will be discussing, and their compilers were constrained in their compositional structuring of the tractate. The interpretative (halakhic) questions that arose from the mishnayot, and the associative chain of thought of the talmudic exegetical method brought together into the interpretation disparate themes that are, when approached from a gender perspective, incoherent as a whole structure, but taken as separate units, make much sense and contribute to the understanding of women and gender within the tractate, the *Bavli* and the talmudic corpus in general.

Let me demonstrate. I cannot tell why the issue of the wayward woman (*sotah*) shows up in *bHullin* six times;[14] or why the law on honoring mother and father appears in the tractate four times.[15] I cannot say why Esther is discussed twice in the *massekhet*,[16] or why, in two separate places, stories about witches are told.[17] None of these are thematically connected one to the other, or refer back one to the other or acknowledge the existence of the other discussion on the same issue. Yet, of course, each one of these discussions has a separate and important contribution to gender questions.

Thus, for example, in *bHul* 104b Queen Esther is used to demonstrate that a person (usually a man, although Esther of course is a woman) should always state his/her source. In *bHul* 139b a complex midrash on Esther's (and Mordecai's and Haman's) name is suggested. There are some gender issues involved in this name-midrash. There is no connection between the two references to the Queen, while each is very well integrated into the topic of the chapter in which it appears. In the first instance, Esther, as an example of stating one's source, is presented in order to explain how *mHul* 8:1 was formulated – the author of the source was first forgotten, but then added, as an afterthought, because it is important to name the source of a tradition, as Esther had done.

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[14] (1) *Bavli* 1/8. *bHullin* 9a-b; (2) *Bavli* 3/1. *bHullin* 43b; (3) *Bavli* 6/5. *bHullin* 88b; (4) *Bavli* 10/4. (5) *bHullin* 132b-133a; (6) *Bavli* 12/4. *bHullin* 141a.

[15] (1) *Bavli* 5/1. *bHullin* 78b-79a; (2) *Bavli* 8/9. *bHullin* 110a; (3) *Bavli* 9/2. *bHullin* 122a; (4) *Bavli* 12/5. *bHullin* 142a.

[16] (1) *Bavli* 8/1. *bHullin* 104b; (2) *Bavli* 12/1. *bHullin* 139b.

[17] (1) *Bavli* 1/6. *bHullin* 7b; (2) *Bavli* 8/3. *bHullin* 105b.

In the second case, the Esther midrash shows up in a typical *Bavli* chain of associations: People of a town called Papuniya ask the sages a question connected with the sugya at hand. This reminds the rabbis of another question that people of the same city had asked: Since this is the Torah of Moses, where is he mentioned in it before his birth? This brings to mind another tradition, in which a similar question is posed: Is Esther too mentioned in the Torah (Pentateuch)? In each case, the rabbis answer the people of Papuniya's question very seriously. In answering the last question, the rabbis present their name midrash for Esther, based on a verse from Deuteronomy (31:18).

It is very obvious that there is no direct connection between the two Esther traditions of *Hullin*. Yet it is the obligation of the feminist commentary to interpret each of these traditions on their own, because of their gender relevance, even if in neither case can it be shown to touch directly on the overarching gender-interest of the Tractate. Thus, the commentary to *Hullin* includes discussions on disparate issues such as intermarriage between sages, in which women form the binding link;[18] the feminine or masculine character of the moon;[19] the sex habits of insects;[20] ovens made for little girls,[21] and a great many others.

All this does not to rule out the premise that Tractate *Hullin* of the Mishnah or of the *Bavli* does have overarching gender concerns that are ever present and will be discussed in detail in the feminist introduction.

Feminist Introduction

1. Women

Since the Mishnah is first and foremost a religious-legal codex, in which the expected behavior of a Jew is outlined, in all tractates we comment on the level of women's participation in the activities set out by the tractate, and as to whether there is gender segregation or some specific gender issue that prevents women from participating in them. *Seder Qodashim* in general, is about the Temple, and of course, since this was the major religious Jewish institution during the Second Temple period, women's participation in it was often proscribed, on the general principle that women were barred from the sacred in Jewish tradition.[22] However, Tractate *Hullin* is not about the sacred at all. It is all

[18] (1) *Bavli* 3/17. *bHullin* 63a; (2) *Bavli* 7/11. *bHullin* 93a; (3) *Bavli* 7/14. *bHullin* 95b; (4) *Bavli* 8/2. *bHullin* 104b; (5) *Bavli* 9/6. *bHullin* 124a.

[19] *Bavli* 3/15. *bHullin* 60b.

[20] *Bavli* 3/13. *bHullin* 58a-b.

[21] *Bavli* 9/5. *bHullin* 124a.

[22] Much has been written about this. In this series see COHEN, "Are Women in the Covenant?" STEMBERGER, "Did Women Actively Participate in the Sacrificial Cult?"

about the profane slaughter of beasts for kosher consumption, and as such one would not expect women to be barred from it on any general principle.

On the other hand, women in most human societies are not automatically associated with the slaughter of beasts. A typical picture of men's involvement in the slaughter and cooking of meat on fire, over and against women's cooking of vegetarian substances in a pot emerges from the following rabbinic source:

תניא נמי הכי: מניח ישראל בשר על גבי גחלים, ובא עובד כוכבים ומהפך, בו עד שיבא ישראל מבית הכנסת או מבית המדרש, ואינו חושש; שופתת אשה קדירה על גבי כירה, ובאת עובדת כוכבים ומגיסה עד שתבא מבית המרחץ או מבית הכנסת, ואינה חוששת (ב' ע"ז לח ע"א-ב).

It is also taught so: An Israelite man leaves meat on the coals and a gentile comes and turns it over before the Israelite returns from the synagogue or the house of learning, and he does not suspect (the gentile of having substituted the kosher for non-kosher meat or assisted in the cooking in his absence, rendering the meat "gentile cooking" which is forbidden[23]); a woman places a pot on the stove, and a gentile woman comes and stirs it before the woman returns from the bath-house or the synagogue, and she does not suspect (the gentile woman of having sacrificed the contents of the pot to idolatry in her absence) (*bAZ* 38a-b).

This is a text is about whether Jews may consume foodstuffs that were prepared by, gentiles, or gentiles were involved at some stage in their preparation. It is not about whether women do or do not deal with meat, but inadvertently, the rabbis here are telling us that it is typical for a man to barbecue meat, just as it is typical for a woman to stew a dish in a pot. Evidently, for the rabbis, meat was something associated with men. This claim is not based merely on this one source, but rather on the fact that all the traditions in rabbinic literature that describe the slaughter of animals, save one to which I shall return presently, assume a male subject. This is hardly surprising, given the male bias of the Hebrew and Aramaic languages, but we are speaking of hundreds of occurrences and since rabbinic literature also tells stories and anecdotes that involve women, and rules on the status of women, this finding is significant.

As shown above, in the description of the contents of Tractate *Hullin*, the issue of who is doing the slaughtering takes up a very small part of the tractate – one mishnah in fact (*mHul* 1:1) and one very long discussion of it in the *Bavli* (*bHul* 2b-13b) – and the question whether these include women is taken up not at all. Yet I had concluded in both my discussions of these cases, that despite the failure to mention women as such, and despite the fact that in the world the rabbis inhabited, women butchers were not the norm, in principle the rabbis had no problem with women slaughtering.[24] The best proof for this is one source found in the *Bavli* that does not speak of women butchers, but takes for

[23] I am grateful to Alyssa Grey for explaining to me this point.

[24] See in the discussions in *Mishnah* 1. *mHullin* 1:1 and *Bavli* 1/1. *bHullin* 2a-b.

granted that a woman may have engaged in such an action, and that stains from the beast's blood may have been left on her clothes. They argue that, if a woman found blood on her clothes at a time when she does not calculate that she should be menstruating, "… she assigns (the stain) to anything she can. If she slaughtered a beast or an animal or fowl … she assigns (her stain) to these" (*mNid* 8:2).[25]

2. Gender

a. Gendered meat consumption

Tractate *Hullin* indicates that the consumption of meat was a highly gendered activity. This is evident from the use of male and female language in the tractate, which statistics nicely demonstrate. Beasts slaughtered for consumption in Hebrew are called in general בהמה or in plural בהמות, a term that is generically female. The English generic term "cattle", as the Hebrew בהמות, includes both male bulls and female cows, but somehow, in the generalized picture of the slaughter process we encounter in Tractate *Hullin*, the act of slaughtering is grammatically performed on the female. Thus, the Hebrew verb שחיטתה (her slaughter) occurs in *mHullin* and in *bHullin* 21 times, in each and every case referring to the slaughtered (feminized) beast (objective genitive). The masculine counterpart of this nominalised verb – שחיטתו – appears in the same corpus much more frequently – 106 times, but aside from ten instances[26] "his slaughter" refers to the person who performs the slaughter (always male) and not to the slaughtered beast (subjective genitive). In Tractate *Hullin*, males grammatically slaughter females.

This grammatical division is probably based on the fact that slaughter in Tractate *Hullin* is profane. A comparison with Tractate *Zevahim* in the same order, where cultic slaughter is involved, reveals a different picture. The root for "slaughter" שחט is much less frequently employed in this tractate, since words for ritual slaughter, such as זבח and הקריב (both referring to the one doing the sacrificing) take its place. Instead, we note how the term בהמה (beast) is employed. While in Tractate *Hullin* this femininely-declined word shows up 240 times, in *Zevahim* it is only recorded 76 times. When we deal with the male bull (פר) and the female cow (פרה), sub-groups subsumed under בהמה, we encounter the following results: The male פר appears four times in Tractate *Hullin* but 43 times in Tractate *Zevahim*. In the reverse order we find the female פרה. In *Hullin*

[25] Another, albeit gentile, woman slaughtering a beast is mentioned in a long tale related in the late *LamZut* 1.

[26] (1) *mHul* 4:4; (2) *bHul* 27b; (3) 29a; (4) 35b; (5) 72b; (6) 74a; (7-8) 76a; (9) 85b; (10) 86a.

it appears 40 times, while in *Zevahim* only fifteen. The impression one gets from these results is that, as opposed to sacrifices for God, in which male animals are preferred, slaughtering the female is the norm for human consumption.

To argue that this division is already based on a biblical bias would be incorrect. Beasts for human consumption in the Bible are described neutrally and genderless, but the gender of beasts for the altar is of prime importance. The Book of Leviticus, which addresses this issue systematically, is very even-handed in its handling of sacrifices. Three sorts of sacrifices are listed in this composition – the *olah* (usually translated as burnt offering), the *shelamim* (usually translated as peace offering) and the *hata'at* (usually translated as sin offering). The gender of the beasts to be offered in each case is evenly divided: The *olah* must be male (Lev 1:3), the *hata'at* must be female (Lev 4:28) and the *shelamim* can be either (Lev 3:1).[27]

Moreover, from a practical point of view, dedicating males for God and consuming the females at a time when there is no Temple (namely the time of the Mishnah and the Talmud), and when no beast is actually being sacrificed to God, is economically, and thus historically wrong. The survival of female beasts to adulthood is what would ensure the survival of a herd. The size of the herd is measured according to the number of its wombs and not according to the number of its studs. One bull can take care of an entire herd. The rest can easily be spared for human consumption. There is little doubt that Jews in antiquity knew this as well as economists and farmers today. The results I present here are therefore no reflection of reality, but rather of a gendered imagination active in the formation of the talmudic corpus – what is sacred and holy, fit for the divine, is male. Female is profane. Formulating this in imitation of Sherry Ortner's words: Male is to female, as divine is to profane.[28]

Can we take this a step further? Let us return very briefly to the Bible. In Gen 4 we learned that God is both pleased with animal sacrifice and outraged by human slaughter. God was not interested in Abel as a sacrifice to him. Yet the biblical law specifically states that God requires the Israelites to dedicate

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[27] MILGROM, in his *Anchor Bible* interpretation to Leviticus, gives each an economic explanation. On the male *olah* he first quotes Philo's explanation: "The male is preferred because it is 'more complete, more dominant' (Philo, *On the Special Laws* I, 200)" but concludes with his own opinion "… the more likely reason is that economically the male is more expendable, the female being the one to supply milk and offspring," p. 147. On the female *hata'at* he inquires: "Why is the female, the more valuable animal, required of the commoner?" and replies: "… a commoner, particularly a poor one, is likely to keep only female animals which provide sustenance …" p. 252. On the mixed *shelamim* he writes: "whereas all other animals are fixed regarding their sex the well-being offering is not. This is due primarily to the fact that the latter function is to provide meat for the offerer, a consideration that would vitiate any attempt to restrict either the animal's species or its sex," see p. 204.

[28] ORTNER, "Is Female to Male as Nature is to Culture?" 68-87.

their male firstborns to him. Beast male firstborns should be sacrificed. Human male firstborns should be redeemed (Exod 13:12-13). But what about the females? God seems to be neither interested in the sacrifice of female firstborn beasts, nor is he concerned about the sacrifice of human females. While one of the most formative stories in the Bible demonstrates forcefully how God intervened to prevent the sacrifice of a son (Isaac – see Gen 22), one of the most neglected stories relates how God stood by and did nothing to prevent the sacrifice of a daughter (Yiftah's – see Judg 11).[29] This is to say neither that God is interested in the sacrifice of daughters, nor that he condones the slaughter of females. But we can imagine that if these two topics remained mainly untouched by the theological voice of the Bible, the rabbis felt safe imagining themselves consuming the flesh of female beasts.

b. Assimilation of women and beasts

As it deals intensively with the taking of lives of (edible, kosher) animals, Tractate *Hullin* is intrinsically interested in the similarities between humans and beasts.[30] Murder is forbidden, as is of course cannibalism,[31] but killing animals and eating them is permitted. The answer the rabbis give to the question, why is this so, seems to be based on a hierarchical value-scale envisioned by the rabbis. Humans are valued as lesser than angels but as more precious than beasts, because of certain traits that they possess. In the *Bavli* this is clearly formulated:

> **תנו רבנן: ... ששה דברים נאמרו בבני אדם, שלשה כמלאכי השרת, שלשה כבהמה. שלשה כמלאכי השרת: יש להם דעת כמלאכי השרת, ומהלכין בקומה זקופה כמלאכי השרת, ומספרים בלשון הקדש כמלאכי השרת. שלשה כבהמה: אוכלין ושותין כבהמה, ופרין ורבין כבהמה, ומוציאין רעי כבהמה (ב׳ חגיגה טו ע״א).**
>
> Our rabbis taught: … Six things were said of humans: In three (they are) like ministering angels and in three like beasts. Three like ministering angels: They have a mind, like ministering angels, and they walk upright, like ministering angels, and speak in the holy tongue, like ministering angels. Three like beasts: They eat and drink, like beasts, they multiply, like beasts, and they produce bodily refuse like beasts (*bHag* 16a).

From this text it is clear, that humans are like angel in their spiritual faculties, but are very much like beasts in their anatomy and biology. Thus, I suggest that the permission to consume beasts (and hunt and kill animals in general) is based on their lack of both intellect and the ability to speak. If we draw a hierarchical chart based on this source we find angels at the top, humans in the middle and

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[29] On this episode in rabbinic literature see ILAN "Bat Yiftah as Human Sacrifice."

[30] Also on women and beasts, see previously in this series, DAL BO, *Keritot* (*FCBT* V/7) 305.

[31] But see DAL BO, *Keritot* (*FCBT* V/7) 400.

beasts at the bottom. It is important to emphasize, though, that the humans to which the *bHagigah* text refers are Jews, because they speak "the holy tongue" and it is unlikely that our rabbis imagined gentiles doing this.

Although in such clear formulaic language, we only find this value-scale in the *Bavli*, its foundations and building blocks are already formulated in the Mishnah, divided it into many sub-charts of hierarchical value. Thus, according to *mHor* 3:8, (Jewish) priests are superior to (Jewish) Levites, who are superior to Israelites, who are superior to groups of persons of impaired birth, such as (Jewish) *netinim* or (Jewish) *mamzerim*, and these are superior to proselytes, who are superior to manumitted slaves. This list already implies that all Israelites, even of impaired birth, are considered superior to all non-Israelites, even those (like the proselyte) who are in the process of becoming Jews. In this hierarchical chart, the priest stands at the top and the gentile at the bottom. We can imagine that this chart could be seen as a subdivision of the middle part – the humans – in the chart that places angels at the top and beasts at the bottom. This makes the human (Jewish priest) considerably nearer to an angel, and the gentile considerably nearer to a beast.

And the rabbis promote further hierarchies. To *mHag* 1:1, which states that all are obligated to participate in the pilgrimage, a long list of exclusions is appended: "The deaf, the imbecile, the minor, a *tumtum*, an androgynous, and women and slaves that have not been manumitted, and the lame/amputated and the blind, and the sick and the elderly" (חרש, שוטה וקטן, וטומטום ואנדרוגינוס, ונשים, ועבדים שאינם משוחררים, החיגר והסומא, והחולה והזקן). These people, who are also Jews, are hierarchically inferior to all the persons mentioned in the chart of *mHor* 3:8. This is clear from the fact that the chart in *mHorayot* ends with the manumitted slave, but the list in *mHag* 1:1 includes the slave that has not been manumitted. If we continue drawing our subcategories of humans, who are at the bottom of the human scale, and thus ever closer to beasts, this list is obviously the place to look for them.

What most (or, according to some opinions, all) of these listed in *mHag* 1:1 have in common is some disability or defect. The deaf cannot hear, the blind cannot see, the lame cannot walk properly etc. The rabbis obviously also see in sexual alterity some sort of defect. An androgynous, who is both male and female, is in their opinion deformed. And so is a woman.[32] Up to this point we would not even have noticed that the list in *mHor* 3:8 refers only to males. Even the manumitted slave at the bottom of the list of *mHor* 3:8 is expected to go on pilgrimage, but not the woman. Not any woman. Not an Israelite, not a *mamzeret*, not a proselyte, not a manumitted maid. On our hierarchical chart, this list makes the (even Jewish) woman that much closer to a beast than the regular male Jew, even one of impaired birth, even a proselyte, even a manumitted slave.

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[32] For details, see ILAN, "The Woman as 'Other'," 90-91.

Indeed, we can probably identify the woman's position on this scale of values even more exactly from another series of well-known mishnayot. In *mQid* 1:1-4, the various forms in which a (Jewish) man acquires property are spelt out: 1:1 tells you how a woman is acquired; 1:2 relates what is the procedure of acquiring a Hebrew slave; 1:3 is about a Canaanite slave; 1:4 discusses the acquisition of beasts. Thus, in this list a woman is placed in a position denoting a greater value than both slaves and beasts, but only the slaves stand between her and the beast.

Tractate *Hullin* is eminently aware of these hierarchies and constantly tests the borders between animal and human. Thus, in the first halakhah in Tosefta *Hullin* (parallel to the first mishnah in the *massekhet*, dealing with who may slaughter) the Tosefta rules that if a monkey performed (even kosher) slaughter, the slaughtered beast is rendered non-kosher (ושחיטת הקוף הרי זו פסולה). The Mishnah had ruled that all may slaughter, except a gentile, a deaf, an imbecile and a blind person. The last three seem to be ruled out because they are physically or mentally unable to perform the act, but for the gentile there is another reason, and that is his lowlier position on the rabbinic value-chart. The Tosefta adds to this list the sectarian (probably Christian) and the monkey. We see that, to the hierarchical categories listed in *mHor* 3:8 (all Israel), *mHag* 1:1 (deaf, imbecile, blind, woman), our *Hullin* traditions in the Mishnah and the Tosefta add (probably at the very bottom) the gentile, the Christian and the monkey. The gap in the hierarchical chart between human and animal is thus closed. In it, the gentile, and the (rapidly becoming gentile) Christian are located closest to the beast; probably even closer than the slave (enslaved to a Jew). The following table sums up the finds from *bHag* 16a; *mHor* 3:8; *mHag* 1:1; *mQid* 1:1-4 and *tHul* 1:1.[33]

[33] And for a similar chart see DAL BO, *Keritot* (*FCBT* V/7) 201 and the discussion there.

bHag 16a	Angels				
	Humans	Jews	Priests	*mHor* 3:8	
			Levites		
			Israelites		
			netinim		
			mamzerim		
			Proselytes		
			Manumitted slaves		
			Physically/mentally/ sexually disordered	*mHag* 1:1	
			Women		*mQid* 1:1
			Slaves (Hebrew/Canaanite)		
		Gentiles/Christians		*mHul* 1:1+ *tHul* 1:1	
	Beasts				

Neither *mHullin*, nor *bHullin*, ever return to, or overtly explore the similarities between the animal world and gentiles[34] or Christians,[35] but they continually investigate the similarities between women and beasts. Already *mHullin* offers a number of direct references. In *mHul* 9:2, the terminology used to describe women's and beasts' genitalia is the same; in *mHul* 4:7, the existence of a placenta in a beast is compared to one in a woman.[36] Thus, the Mishnah shows us the way in which for the rabbis, women are like beasts. They have a similar anatomy especially in their reproductive organs, and they give birth. This premise is implicitly suggested in the mishnaic texts just cited. It is elaborated at great lengths in the *Bavli*. Thus for example, when the *bHullin* discusses the newborns of animals, it uses the same terminology it uses elsewhere for human newborns: They designate "one that emerges from the side" (**יוצא דפן**), a beast who was born of a caesarian section; they designate "orphan" (**יתום**) one whose mother died at birth; and they argue forcefully for both human and beast, that

[34] Once, in *bHul* 5a, on the question of who may slaughter, when discussing a renegade Jew, a midrash is offered on Lev 1:2: "When any of you presents an offering from the cattle to ה׳" (אָדָם כִּי יַקְרִיב מִכֶּם קָרְבָּן לַה׳ מִן הַבְּהֵמָה) in which the words "from the cattle" (**מִן הַבְּהֵמָה**) are twisted so as to imply that someone from the cattle is doing the offering, and when inquiring who they are, the *Bavli* replies: **להביא בני אדם שדומים לבהמה** ("this includes people who are like beasts"). Rashi interprets this to mean "gentiles." Also, in *bHul* 63a birds are called by names of Sasanian kings, see below *Bavli* 3/16. *bHullin* 62b-63a.

[35] Covertly, we may refer the reader to *bHul* 49b, with reference to a snake drinking from broth left uncovered, the rabbis say: **שטיא הוה, ואין מביאין ראיה מן השוטים** ("he was a fool, and one does not bring proof from fools"). Elsewhere in the *Bavli* (*bShab* 104b) this same expression is used regarding Jesus.

[36] See under *Mishnah* 4. *mHullin* 4; *Mishnah* 7. *mHullin* 9:2.

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