

VII.

THE STRUCTURE AND SYSTEM OF BAVLI TRACTATE KERITOT

Whether or not the Talmud of Babylonia is structured and guided by a program that we may call systematic forms the principal question addressed by an academic commentary. For if the document exhibits structure and sets forth a system, then it is accessible to questions of rationality. We may ask about the statement that its framers or compilers wished to make by putting the document together as they did. But if we discern no structure and perceive no systematic inquiry or governing points of analysis, then all we find here is inert and miscellaneous information, facts but no propositions, data but no arguments or viewpoints. Now the Talmud commonly finds itself represented as lacking organization and exhibiting a certain episodic and notional character. That view moreover characterizes the reading and representation of the document by learned and experienced scholars, who have devoted their entire lives to Talmud study and exegesis. It must follow that upon the advocate of the contrary view — the one implicit in the representation of the document for academic analysis of its structure and system — rests the burden of proof. I set forth the allegation that the Talmud exhibits a structure and follows a system and therefore exhibits a commonly-intelligible rationality. The claim to write an academic commentary explicitly states that proposition. For the tractate before us, I have therefore to adduce evidence and argument.

I maintain that through the normal procedures of reasoned analysis we may discern in the tractate a well-crafted structure. The structure made manifest, we may further identify the purpose and perspective, the governing system of thought and argument, of those who collected and arranged the tractate's composites and put them together in the way in which we now have them. By "structure" I mean, how is a document organized? and by "system," what do the compilers of the document propose to state in producing this complete and organized piece of writing? The answers to both questions derive from a simple outline of the tractate as a whole, underscoring the types of compositions and composites of which it is comprised. Such an outline tells us what is principal and what subordinate, and how each unit — composition formed into composites, composites formed into a complete statement — holds together and also fits with other units, fore and aft. The purpose of the outline then is to identify the character of each component of the whole, and to specify its purpose or statement. The former information permits us to describe the document's structure, the latter, its system.

While the idea of simply outlining a Talmud-tractate beginning to end, both in relationship to the Mishnah and also on its own, may seem obvious, I have never made such an outline before, nor has anyone else.* Yet, as we shall now see, the character of the outline dictates all further analytical initiatives. Specifically, when we follow the layout of the whole, we readily see the principles of organization that govern. These same guidelines on organizing discourse point also to the character of what is organized: complete units of thought, with a beginning, middle, and end, often made up of smaller, equally complete units of thought. The former we know as composites, the latter as compositions.

*I have provided complete outlines for the Mishnah and for the Tosefta in relationship to the Mishnah, and, not always in outline form, for the Midrash-compilations of late antiquity as well. In the work of others I have not found complete structural descriptions, similar to mine, except on an episodic basis, e.g., Joseph Heinemann's introduction to one parashah of *Leviticus Rabbah*, cf. *Journal of the American Academy of Religion*

Identifying and classifying the components of the tractate — the composites, the compositions of which they are made up — we see clearly how the document coheres: the plan and program worked out from beginning to end. When we define that plan and program, we identify the facts of a pattern that permit us to say in a specific and concrete way precisely what the compilers of the tractate intended to accomplish. The structure realizes the system, the program of analysis and thought that takes the form of the presentation we have before us. From what people do, meaning, the way in which they formulate their ideas and organized them into cogent statements, we discern what they proposed to do, meaning, the intellectual goals that they set for themselves.

These goals — the received document they wished to examine, the questions that they brought to that document — realized in the layout and construction of their writing, dictate the points of uniformity and persistence that throughout come to the surface. How people lay out their ideas guides us into what they wished to find out and set forth in their writing, and that constitutes the system that defined the work they set out to accomplish. We move from how people speak to the system that the mode of discourse means to express, in the theory that modes of speech or writing convey modes of thought and inquiry.

We move from the act of thought and its written result backward to the theory of thinking, the matter of intention that provokes reflection and produces a system of inquiry. That statement does not mean to imply I begin with the premise of order, which sustains the thesis of a prior system that defines the order. To the contrary, the possibility of forming a coherent outline out of the data we have examined defines the first test of whether or not the document exhibits a structure and realizes a system. So everything depends upon the possibility of outlining the writing, from which all else flows. If we can see the order and demonstrate that the allegation of order rests on ample evidence, then we may proceed to describe the structure that gives expression to the order, and the system that the structure sustains.

The present work undertakes the exegesis of exegesis, for the Talmud of Babylonia, like its counterpart in the Land of Israel, is laid out as a commentary to the Mishnah. That obvious fact defines the character of my academic commentary, since we have already faced the reality that our Bavli-tractate is something other than a commentary, though it surely encompasses one. The problems that captures my attention derived from the

deeper question of how people make connections and draw conclusions. To ask about how people make connections means that we identify a problem — otherwise we should not have to ask — and what precipitated the problem here has been how a composition or a composite fits into its context, when the context is defined by the tasks of Mishnah-commentary, and the composition or composite clearly does not comment on the Mishnah-passage that is subjected to comment.

The experience of analyzing the document with the question of cogency and coherence in mind therefore yields a simple recognition. Viewed whole, the tractate contains no gibberish but only completed units of thought, sentences formed into intelligible thought and self-contained in that we require no further information to understand those sentences, beginning to end. The tractate organizes these statements as commentary to the Mishnah. But large tracts of the writing do not comment on the Mishnah in the way in which other, still larger tracts do. Then how the former fit together with the latter frames the single most urgent question of structure and system that I can identify.

Since we have already examined enormous composites that find their cogency in an other than exegetical program, alongside composites that hold together by appeal to a common, prior, coherent statement — the Mishnah-sentences at hand — what justifies my insistence that an outline of the document, resting on the premise that we deal with a Mishnah-commentary, govern all further description? To begin with, the very possibility of outlining Babylonian Talmud tractate Keritot derives from the simple fact that the framers have given to their document the form of a commentary to the Mishnah. It is in the structure of the Mishnah-tractate that they locate everything together that they wished to compile. We know that is the fact because the Mishnah-tractate defines the order of topics and the sequence of problems.

Relationships to the Mishnah are readily discerned; a paragraph stands at the head of a unit of thought; even without the full citation of the paragraph, we should find our way back to the Mishnah because at the head of numerous compositions, laid out in sequence one to the next, clauses of the Mishnah-paragraph are cited in so many words or alluded to in an unmistakable way. So without printing the entire Mishnah-paragraph at the head, we should know that the received code formed the fundamental structure because so many compositions cite and gloss sentences of the Mishnah-paragraph and are set forth in sequence dictated by the order of sentences of said Mishnah-paragraph. Internal evidence alone suffices, then, to demonstrate that the structure of the tractate rests upon the Mishnah-tractate cited and discussed here. Not only so, but the sentences of the Mishnah-paragraphs of our tractate are discussed in no other place in the entire Talmud of Babylonia in the sequence and systematic exegetical framework in which they are set forth here; elsewhere we may find bits or pieces, but only here, the entirety of the tractate.

That statement requires one qualification, and that further leads us to the analytical task of our outline. While the entire Mishnah-tractate of Keritot is cited in the Talmud, the framers of the Talmud by no means find themselves required to say something about every word, every sentence, every paragraph. On the contrary, they discuss only what they choose to discuss, and glide without comment by large stretches of the tractate. A process of selectivity, which requires description and analysis, has told the compilers of the Talmud's composites and the authors of its compositions* what demands attention, and what does not. Our outline has therefore to signal not only what passage of the Mishnah-tractate is discussed, but also what is not discussed, and we require a general

theory to explain the principles of selection (“making connections, drawing conclusions” meaning, to begin with, making selections). For that purpose, in the outline, I reproduce the entirety of a Mishnah-paragraph that stands at the head of a Talmudic composite, and I underscore those sentences that are addressed, so highlighting also those that are not.

*This statement requires refinement. I do not know that all available compositions have been reproduced, and that the work of authors of compositions of Mishnah-exegesis intended for a talmud is fully exposed in the document as we have it. That is not only something we cannot demonstrate — we do not have compositions that were not used, only the ones that were — but something that we must regard as unlikely on the face of matters. All we may say is positive: the character of the compositions that address Mishnah-exegesis tells us about the concerns of the writers of those compositions, but we cannot claim to outline all of their concerns, on the one side, or to explain why they chose not to work on other Mishnah-sentences besides the ones treated here. But as to the program of the compositors, that is another matter: from the choices that they made (out of a corpus we cannot begin to imagine or invent for ourselves) we may describe with great accuracy the kinds of materials they wished to include and the shape and structure they set forth out of those materials. We know what they did, and that permits us to investigate why they did what they did. What we cannot know is what they did not do, or why they chose not to do what they did not do. People familiar with the character of speculation and criticism in Talmudic studies will understand why I have to spell out these rather commonplace observations. I lay out an argument based on evidence, not on the silences of evidence, or on the absence of evidence — that alone.

It follows that the same evidence that justifies identifying the Mishnah-tractate as the structure (therefore also the foundation of the system) of the Talmud-tractate before us also presents puzzles for considerable reflection. The exegesis of Mishnah-exegesis is only one of these. Another concerns the purpose of introducing into the document enormous compositions and composites that clearly hold together around a shared topic or proposition, e.g., my appendix on one theme or another, my elaborate footnote providing information that is not required but merely useful, and the like. My earlier characterization of composites as appendices and footnotes signalled the fact that the framers of the document chose a not-entirely satisfactory way of setting out the materials they wished to include here, for large components of the tractate do not contribute to Mishnah-exegesis in any way at all. If these intrusions of other-than-exegetical compositions were proportionately modest, or of topical composites negligible in size, we might dismiss them as appendages, not structural components that bear much of the weight of the edifice as a whole. Indeed, the language that I chose for identifying and defining these composites — footnotes, appendices, and the like — bore the implication that what is not Mishnah-commentary also is extrinsic to the Talmud’s structure and system.

But that language served only for the occasion. In fact, the outline before us will show that the compositions are large and ambitious, the composites formidable and defining. Any description of the tractate’s structure that dismisses as mere accretions or intrusions so large a proportion of the whole misleads. Any notion that “footnotes” and “appendices” impede exposition and disrupt thought, contribute extraneous information or form tacked-on appendages — any such notion begs the question: then why fill up so much space with such purposeless information? The right way is to ask whether the document’s topical composites play a role in the re-presentation of the Mishnah-tractate by the compilers of the Talmud. We have therefore to test two hypotheses:

[1] the topical composites (“appendices,” “footnotes”) do belong and serve the compilers’ purpose, or

[2] the topical composites do not participate in the re-presentation of the Mishnah-tractate by the Talmud and do not belong because they add nothing and change nothing.

The two hypotheses may be tested against the evidence framed in response to a single question: is this topical composite necessary? The answer to that question lies in our asking, what happens to the reading of the Mishnah-tractate in light of the topical composites that would not happen were we to read the same tractate without them? The outline that follows systematically raises that question, with results specified in due course. It suffices here to state the simple result of our reading of the tractate, start to finish: the question of structure, therefore also that of system, rests upon the position we identify for that massive component of the tractate that comprises not Mishnah-commentary but free-standing compositions and composites of compositions formed for a purpose other than Mishnah-commentary.

The principal rubrics are given in small caps. The outline takes as its principal rubrics two large-scale organizing principles.

The first is the divisions of the Mishnah-tractate to which the Talmud-tractate serves as a commentary. That simple fact validates the claim that the tractate exhibits a fully-articulated structure. But the outline must also underscore that the Mishnah-tractate provides both more and less than the paramount outline of the Talmud-tractate. It is more because sentences in the Mishnah-tractate are not analyzed at all. These untreated Mishnah-sentences are given in bold face lower case caps, like the rest of the Mishnah, but then are specified by underlining and enclosure in square brackets.

Second, it is less because the structure of the tractate accommodates large composites that address topics not defined by the Mishnah-tractate. That brings us to the second of the two large-scale modes of holding together both sustained analytical exercises and also large sets of compositions formed into cogent composites. These are treated also as major units and are indicated by Roman numerals, alongside the Mishnah-paragraphs themselves; they are also signified in small caps. But the principal rubrics that do not focus on Mishnah-commentary but on free-standing topics or propositions or problems are not given in boldface type. Consequently, for the purposes of a coherent outline we have to identify as autonomous entries in our outline those important composites that treat themes or topics not contributed by the Mishnah-tractate.

I. Mishnah-Tractate Keritot 1:1-2

A. [THIRTY-SIX TRANSGRESSIONS IN ACCORD WITH THE LAW OF THE TORAH ARE SUBJECT TO EXTIRPATION: HE WHO HAS SEXUAL RELATIONS WITH (1) HIS MOTHER, AND (2) WITH HIS FATHER'S WIFE, AND (3) WITH HIS DAUGHTER-IN-LAW.

1. What is the purpose for enumerating items on a list in six cases: at Mishnah-tractate Keritot 1:1, Shabbat 7:2, Keritot 2:1 (twice), 2:3?

i. Amplification of the discussion of M. 2:3

2. Amplification of the discussion of M. 1:1's enumeration: its legal implications.

B. HE WHO HAS SEXUAL RELATIONS (4) WITH A MALE

AND (5) WITH A BEAST; AND (6) THE WOMAN WHO HAS SEXUAL RELATIONS WITH A BEAST; HE WHO HAS SEXUAL RELATIONS (7) WITH A WOMAN AND WITH HER

DAUGHTER, AND (8) WITH A MARRIED WOMAN; HE WHO HAS SEXUAL RELATIONS (9) WITH HIS SISTER, AND (10) WITH HIS FATHER'S SISTER, AND (11) WITH HIS MOTHER'S SISTER, AND (12) WITH HIS WIFE'S SISTER, AND (13) WITH HIS BROTHER'S WIFE, AND (14) WITH HIS FATHER'S BROTHER'S WIFE, AND (15) WITH A MENSTRUATING WOMAN (LEV. 18: 6FF.); (16) HE WHO BLASPHEMES (NUM. 15:30), AND (17) HE WHO PERFORMS AN ACT OF BLASPHEMOUS WORSHIP (NUM. 15:31), AND (18) HE WHO GIVES HIS SEED TO MOLEKH (LEV. 18:21), AND (19) ONE WHO HAS A FAMILIAR SPIRIT (LEV. 20: 6);

1. Carrying forward Yohanan's inquiry at A, we proceed with the analysis of the language of the Mishnah-rule in light of the insistence that the enumeration, thirty-six, is precise and bears a message. In that setting we ask about the case to which the clause before us refers.

C. (20) HE WHO PROFANES THE SABBATH DAY (EXO. 31:14); AND (21) AN UNCLEAN PERSON WHO ATE A HOLY THING (LEV. 22: 3), AND (22) HE WHO COMES TO THE SANCTUARY WHEN UNCLEAN (NUM. 19:20)

1. As above, Yohanan's question guides analysis of the language of the Mishnah-rule in light of the insistence that the enumeration, thirty-six, is precise and bears a message. The issue now concerns the fact that the profanation of the Sabbath may involve thirty-nine counts, covering thirty-nine distinct acts of labor. We show that several counts may constitute a single entry on the list.

i. Then may a single candidate for inclusion be divided into two or more counts for the purpose of the list at hand?

D. HE WHO EATS (23) FORBIDDEN FAT (LEV. 7:25): AND (24) BLOOD (LEV. 17:14), AND (25) REMNANT (LEV. 19:6-8), AND (26) REFUSE (LEV. 19:7-8); HE WHO (27) SLAUGHTERS AND WHO (28) OFFERS UP [A SACRIFICE] OUTSIDE [THE TEMPLE COURT] (LEV. 17: 9); (29) HE WHO EATS LEAVEN ON PASSOVER (EXO. 12:19); AND HE WHO (30) EATS AND HE WHO (31) WORKS ON THE DAY OF ATONEMENT (LEV. 23:29-30)

1. Exposition of the theoretical problem of the subdivision of a genus into species and how Scripture may be read to justify or not to justify doing so. The topic of the Mishnah accounts for the inclusion of the theoretical problem, which is formulated in terms of verses that introduce that same topic. What the Talmud contributes, as before, is a sustained meditation on a theoretical problem, intersecting in concrete exemplary detail with the rule of the Mishnah-paragraph. The Talmud's discussion is wholly theoretical in intent and in no way conducts exegesis of the Mishnah's statements, either clause by clause or in any larger framework; and that accounts also for the omission of passages that are not treated, which, as a matter of fact, do not in their nature allow discussion of the issue.

2. The same problem is worked out in the context of a single action of a single classification but performed in sequential spells of inadvertence, now yielding liability on more than a single count. In this way we show that liability may be incurred on distinct counts either of doing the same action in two distinct spells of inadvertence or of doing actions of two distinct classifications in a single spell of inadvertence.

i. Attached to this exposition is a set of exercises on how a given action may encompass two or more classifications of prohibitions and so involve guilt on two or more counts. These flow from a secondary exposition of material critical to the foregoing; they hold together because they treat a single problem through a variety of examples, the whole having taken shape prior to insertion here. The relevance of the insertion, however, derives not solely from the requirement to extend the discussion of the prior item, but from the focus of all entries upon the same basic problem that Yohanan has introduced in his opening up of the Mishnah-paragraph before us. Hence while paragraphed as supplementary, the entire set of compositions forms a composite appropriate to the present context.

a. A further set of composites on exegetical principles and how they work are inserted because at various points an item in each composite intersects with the topic at hand.

3. A set of exercises on the penalty of extirpation is introduced in conclusion. The point that is made concerns exegetical principles, but the cases all deal with extirpation. In this way the concern with method at 2.i.a and the concern with the topic of the Mishnah-paragraph join together in a strong conclusion.

E. HE WHO (32) COMPOUNDS ANOINTING OIL [LIKE THAT MADE IN THE TEMPLE (EXO. 30:23-33)]:

1. Tannaite introduction of the principle of intentionality into the matter of culpability.

F. TOPICAL EXPOSITION: THE ANOINTING OIL.

G. AND HE WHO (33) COMPOUNDS INCENSE [LIKE THAT MADE IN THE TEMPLE]:

1. Tannaite introduction of the principle of intentionality into the matter of culpability.

H. TOPICAL EXPOSITION: THE MIXTURE OF INCENSE

I. AND HE WHO (34) ANOINTS HIMSELF WITH ANOINTING OIL (EXO. 30-32); [HE WHO TRANSGRESSES THE LAWS OF] (35) PASSOVER (NUM. 9:13) AND (36) CIRCUMCISION (GEN. 17:14), AMONG THE POSITIVE COMMANDMENTS.

1. Tannaite clarification: What sort of act of anointing brings culpability?

J. FOR THOSE [THIRTY-SIX CLASSES OF TRANSGRESSIONS] ARE PEOPLE LIABLE, FOR DELIBERATELY DOING THEM, TO THE PUNISHMENT OF EXTIRPATION, AND FOR ACCIDENTALLY DOING THEM, TO THE BRINGING OF A SIN OFFERING, AND FOR NOT BEING CERTAIN OF WHETHER OR NOT ONE HAS DONE THEM, TO A SUSPENSIVE GUILT OFFERING [LEV. 5:17] — “EXCEPT FOR THE ONE WHO IMPARTS UNCLEANNESS TO THE SANCTUARY AND ITS HOLY THINGS, BECAUSE HE IS SUBJECT TO BRINGING A SLIDING SCALE OFFERING (LEV. 5:6-7, 11),” THE WORDS OF R. MEIR.

1. Clarification of the position of Meir.

i. What is at issue in the dispute?

K. AND SAGES SAY, “ALSO: [EXCEPT FOR] THE ONE WHO BLASPHEMES, AS IT IS SAID, ‘YOU SHALL HAVE ONE LAW FOR HIM THAT DOES ANYTHING UNWITTINGLY’ (NUM. 15:29) — EXCLUDING THE BLASPHEMER, WHO DOES NO CONCRETE DEED.”

1. Clarification of the “also,” which cannot refer to the blasphemer.

II. Mishnah-Tractate Keritot 1:3-5

A. (1) THERE ARE WOMEN WHO BRING A [SIN] OFFERING [AFTER CHILDBIRTH], AND IT IS EATEN [BY THE PRIESTS], (2) AND THERE ARE WOMEN WHO BRING AN OFFERING, AND IT IS NOT EATEN, (3) AND THERE ARE WOMEN WHO DO NOT BRING [AN OFFERING]. THESE [WOMEN AFTER CHILDBIRTH] BRING AN OFFERING, AND IT IS EATEN: (1) “SHE WHO ABORTS SOMETHING WHICH IS LIKE A BEAST OR A WILD ANIMAL OR A BIRD,” THE WORDS OF R. MEIR. AND SAGES SAY, “[SHE DOES NOT BRING AN OFFERING] UNLESS IT BEARS HUMAN APPEARANCE.” SHE WHO ABORTS (1) A SANDAL OR (2) AN AFTERBIRTH OR (3) A FULLY FASHIONED FOETUS OR (4) AN OFFSPRING WHICH IS CUT UP [DURING DELIVERY].

AND SO A SLAVE-GIRL WHO GIVES BIRTH BRINGS AN OFFERING, AND IT IS EATEN.

1. Proof from Scripture for the cited proposition of the Mishnah.
2. Clarification of the language of the Mishnah.

B. THESE BRING [AN OFFERING], BUT IT IS NOT EATEN: (1) SHE WHO ABORTS, AND IT IS NOT KNOWN WHAT IT IS THAT SHE HAS ABORTED; AND SO: TWO WOMEN WHO ABORTED, ONE [PRODUCING] SOMETHING WHICH IS EXEMPT [FROM THE REQUIREMENT OF BRINGING AN OFFERING], AND ONE [PRODUCING] SOMETHING WHICH IS LIABLE [TO AN OFFERING]. SAID R. YOSÉ, “UNDER WHAT CIRCUMSTANCES? WHEN THIS ONE WENT EAST AND THAT ONE WEST. BUT IF THE TWO OF THEM ARE STANDING TOGETHER, THEY [TOGETHER] BRING [ONE] OFFERING, AND IT IS EATEN.”

1. Clarification of the procedure: what the parties do to whom Yosé has made reference.

- i. Is Yosé consistent with other rulings that intersect in principle with this one?

C. THESE ARE THOSE WHO DO NOT BRING [AN OFFERING AT ALL]: SHE WHO ABORTS A FOETUS (1) FILLED WITH WATER, (2) FILLED WITH BLOOD, (3) FILLED WITH VARIEGATED MATTER; SHE WHO ABORTS SOMETHING SHAPED LIKE (1) FISH, (2) LOCUSTS, (3) ABOMINABLE THINGS, OR (4) CREEPING THINGS; SHE WHO ABORTS ON THE FORTIETH DAY. AND [SHE WHO PRODUCES] THAT WHICH COMES FORTH FROM THE SIDE. R. SIMEON DECLARES LIABLE IN THE CASE OF [PRODUCING] THAT WHICH COMES FORTH FROM THE SIDE.

1. Scriptural basis for the positions of Simeon and sages.

III. Mishnah-tractate Keritot 1:6

A. SHE WHO PRODUCES AN ABORTION ON THE NIGHT [PRIOR TO THE DAWN] OF THE EIGHTY-FIRST DAY — THE HOUSE OF SHAMMAI DECLARE [HER] EXEMPT

FROM BRINGING AN OFFERING. THE HOUSE OF HILLEL DECLARE [HER] LIABLE. SAID THE HOUSE OF HILLEL TO THE HOUSE OF SHAMMAI, "WHAT IS THE DIFFERENCE BETWEEN THE NIGHT [PRIOR TO THE DAWN] OF THE EIGHTY-FIRST DAY FROM THE EIGHTY-FIRST DAY ITSELF [WHEN SHE CERTAINLY WOULD BE LIABLE]? IF IT [THE NIGHT] IS EQUIVALENT TO IT [THE DAY] IN RESPECT TO UNCLEANNES, SHOULD IT NOT BE EQUIVALENT TO IT IN RESPECT TO AN OFFERING?" SAID TO THEM THE HOUSE OF SHAMMAI, "NO. IF YOU HAVE SAID SO [THAT A WOMAN IS LIABLE] IN THE CASE OF THE WOMAN WHO ABORTS ON THE EIGHTY-FIRST DAY, AT WHICH POINT IT [THE ABORTION] WENT FORTH AT A TIME AT WHICH IT IS FITTING TO BRING AN OFFERING, WILL YOU SAY SO OF THE ONE WHO ABORTS ON THE NIGHT OF THE EIGHTY-FIRST DAY, AT WHICH POINT IT [THE ABORTION] DID NOT GO FORTH AT A TIME AT WHICH IT IS FITTING TO BRING AN OFFERING?" SAID TO THEM THE HOUSE OF HILLEL, "AND LO, SHE WHO PRODUCES AN ABORTION ON THE EIGHTY-FIRST DAY WHICH COINCIDES WITH THE SABBATH WILL PROVE [OUR CASE]. FOR IT DID NOT GO FORTH AT A TIME AT WHICH IT IS FITTING TO BRING AN OFFERING. YET SHE IS LIABLE TO BRING AN OFFERING." SAID TO THEM THE HOUSE OF SHAMMAI, "NO. IF YOU HAVE SAID SO IN THE CASE OF HER WHO ABORTS ON THE EIGHTY-FIRST DAY WHICH COINCIDES WITH THE SABBATH, AT WHICH TIME, EVEN THOUGH IT IS NOT FITTING TO BRING AN INDIVIDUAL'S OFFERING, IT IS FITTING TO BRING THE COMMUNITY'S OFFERING, WILL YOU SAY SO IN THE CASE OF HER WHO ABORTS ON THE NIGHT OF THE EIGHTY-FIRST DAY, FOR THE NIGHT IS NOT A TIME FITTING FOR BRINGING EITHER AN INDIVIDUAL'S OFFERING OR THE COMMUNITY'S OFFERING. HER BLOOD [UNCLEANNES] DOES NOT PROVE THE MATTER. FOR SHE WHO PRODUCES AN ABORTION DURING THE DAYS OF PURIFYING, HER BLOOD IS UNCLEAR. AND SHE IS FREE OF THE OBLIGATION TO BRING AN OFFERING."

1. Scriptural support for the position of the House of Hillel. Secondary refinement based on same.

IV. Mishnah-tractate Keritot 1:7

A. THE WOMAN WHO IS SUBJECT TO A DOUBT CONCERNING [THE APPEARANCE OF] FIVE FLUXES, OR THE ONE WHO IS SUBJECT TO A DOUBT CONCERNING FIVE MISCARRIAGES BRINGS A SINGLE OFFERING. AND SHE [THEN IS DEEMED CLEAR SO THAT SHE] EATS ANIMAL SACRIFICES. AND THE REMAINDER [OF THE OFFERINGS, A, B] ARE NOT AN OBLIGATION FOR HER. [IF SHE IS SUBJECT TO] FIVE CONFIRMED MISCARRIAGES, OR FIVE CONFIRMED FLUXES, SHE BRINGS A SINGLE OFFERING. AND SHE EATS ANIMAL SACRIFICES. BUT THE REST [OF THE OFFERINGS, THE OTHER FOUR] REMAIN AS AN OBLIGATION FOR HER [TO BRING AT SOME LATER TIME]. M'SH S: A PAIR OF BIRDS IN JERUSALEM WENT UP IN PRICE TO A GOLDEN DENAR. SAID RABBAN SIMEON B. GAMALIEL, "BY THIS SANCTUARY! I SHALL NOT REST TONIGHT UNTIL THEY SHALL BE AT [SILVER] DENARS." HE ENTERED THE COURT AND TAUGHT [THE FOLLOWING LAW]: THE WOMAN WHO IS SUBJECT TO FIVE CONFIRMED MISCARRIAGES [OR] FIVE CONFIRMED FLUXES BRINGS A SINGLE OFFERING. AND SHE EATS ANIMAL SACRIFICES. AND THE REST [OF THE OFFERINGS] DO NOT REMAIN AS AN OBLIGATION FOR HER." AND PAIRS OF BIRDS

STOOD ON THAT VERY DAY AT A QUARTER-DENAR EACH [ONE ONE-HUNDREDTH OF THE FORMER PRICE].

1. Tannaite complement to the Mishnah-rule.

V. Mishnah-tractate Keritot 2:1

A. [THERE ARE] FOUR WHOSE ATONEMENT IS NOT COMPLETE [UNTIL THEY BRING AN OFFERING]. AND FOUR BRING [AN OFFERING] FOR [A TRANSGRESSION DONE] DELIBERATELY AS THEY DO FOR [ONE DONE] INADVERTENTLY. THESE ARE THOSE WHOSE ATONEMENT IS NOT COMPLETE [UNTIL THEY BRING AN OFFERING]:

(1) THE MALE-ZAB [AFFLICTED WITH FLUX IN TERMS OF LEV. 15], AND (2) THE FEMALE-ZABAH: AND (3) THE WOMAN WHO HAS GIVEN BIRTH, AND (4) THE MESORA [AFFLICTED WITH THE SKIN DISEASE DISCUSSED AT LEV. 13-14].

1. What differentiates the male and female Zab that they form distinct categories though they constitute a single classification of uncleanness?

B. R. ELIEZER B. JACOB SAYS, “A PROSELYTE IS ONE WHOSE ATONEMENT IS NOT COMPLETE UNTIL THE BLOOD WILL BE SPRINKLED ON HIS BEHALF.” AND THE NAZIRITE AS TO [OBSERVING PROHIBITIONS AGAINST] WINE, SHAVING, AND UNCLEANNESS [HAS NOT COMPLETED ATONEMENT UNTIL HE HAS BROUGHT HIS OFFERING].

1. Mishnah-criticism continues with the obvious question concerning the formulation of the passage: why not include the proselyte on the initial list?

C. THE OFFERINGS OF A PROSELYTE. A FREE-STANDING EXPOSITION ON THE THEME.

VI. Mishnah-Tractate Keritot 2:2, 2:3A-C

A. THESE BRING [AN OFFERING FOR A TRANSGRESSION DONE] DELIBERATELY AS FOR [ONE DONE] INADVERTENTLY: (1) HE WHO HAS SEXUAL RELATIONS WITH A BONDWOMAN:

1. Scriptural basis for the rule of the Mishnah

B. AND (2) A NAZIRITE WHO WAS MADE UNCLEAN:

1. Scriptural basis for the rule of the Mishnah

C. AND (3) FOR [HIM WHO UTTERS A FALSE] OATH OF TESTIMONY:

1. Scriptural basis for the rule of the Mishnah

D. AND (4) FOR [HIM WHO UTTERS A FALSE] DEPOSIT OATH.

1. Scriptural basis for the rule of the Mishnah

E. FIVE BRING A SINGLE OFFERING FOR MANY TRANSGRESSIONS. AND FIVE BRING A SLIDING SCALE OFFERING. THESE BRING A SINGLE OFFERING FOR MANY TRANSGRESSIONS: (1) HE WHO HAS SEXUAL RELATIONS WITH A BONDWOMAN MANY TIMES:

1. Scriptural basis for the rule of the Mishnah

F. AND (2) A NAZIRITE WHO IS MADE UNCLEAN MANY TIMES:

1. Who is the Tannaite authority behind this anonymous rule?

VII. Mishnah-Tractate Keritot 2:3D-E

A. (3) HE WHO SUSPECTS HIS WIFE OF ADULTERY WITH MANY MEN:

1. Scriptural basis for the rule of the Mishnah

B. AND (4) A MESORA WHO WAS AFFLICTED BY NEGAIM MANY TIMES.

1. Scriptural basis for the rule of the Mishnah

C. [IF] HE BROUGHT HIS BIRDS AND [THEN] WAS AFFLICTED WITH A NEGA [THE SKIN AILMENT DISCUSSED AT LEV. 13-14], THEY [THE BIRDS] DO NOT GO TO HIS CREDIT UNTIL HE BRINGS HIS SIN OFFERING. R. JUDAH SAYS, “UNTIL HE BRINGS HIS GUILT OFFERING.”

1. Clarification of the rule of the Mishnah.

VIII. Mishnah-Tractate Keritot 2:4A-C

A. A WOMAN SUFFERED MANY MISCARRIAGES

1. What is the scriptural source of the Mishnah's rule?

B. (1) SHE ABORTED A FEMALE DURING EIGHTY DAYS, AND WENT AND ABORTED ANOTHER FEMALE DURING EIGHTY DAYS FOLLOWING, AND (2) SHE WHO BORE A MULTIPLE OF ABORTIONS [“TWINS”-EACH IN THE PERIOD OF PURIFYING OF THE FOREGOING]. R. JUDAH SAYS, “SHE [IN B2] BRINGS AN OFFERING FOR THE FIRST, AND SHE DOES NOT BRING AN OFFERING FOR THE SECOND. SHE BRINGS AN OFFERING FOR THE THIRD, AND SHE DOES NOT BRING AN OFFERING FOR THE FOURTH.”

1. Investigation of the premises of the position of the Mishnah-paragraph's Rabbis vis à vis Judah.

2. Theoretical question provoked by the Mishnah's rule.

IX. Mishnah-Tractate Keritot 2:4D-E

A. THESE BRING AN OFFERING OF VARIABLE VALUE: (1) FOR REFUSING TO GIVE EVIDENCE [“FOR HEARING THE VOICE” (LEV. 5: 1)]; AND (2) FOR AN EXPRESSION OF THE LIPS [A RASH OATH]; AND (3) FOR CONTAMINATING THE SANCTUARY AND ITS HOLY THINGS; AND (4) THE WOMAN WHO HAS GIVEN BIRTH, AND (5) THE MESORA.

1. Tannaite complement to the Mishnah-rule.

2. Secondary Tannaite complement to the Mishnah-rule.

X. Mishnah-Tractate Keritot 2:4F-M, 2:5

A. AND WHAT IS THE DIFFERENCE BETWEEN THE BONDWOMAN AND OTHER FORBIDDEN SEXUAL RELATIONSHIPS (LEV. 18), THAT THEY ARE NOT ALIKE (1)

EITHER IN PUNISHMENT OR (2) IN THE OFFERING [REQUIRED FOR THE TRANSGRESSION]?

FOR ALL [OTHER] FORBIDDEN SEXUAL RELATIONS [ARE EXPIATED] WITH A SIN OFFERING, BUT FORBIDDEN SEXUAL RELATIONS WITH A BONDWOMAN, WITH A GUILT OFFERING.

ALL OTHER SEXUAL RELATIONS [ARE ATONED] WITH A FEMALE ANIMAL, BUT THE BONDWOMAN, WITH A MALE ANIMAL [F2]

IN RESPECT TO ALL OTHER SEXUAL RELATIONS, ALL THE SAME ARE THE MAN AND THE WOMAN. THEY ARE EQUIVALENT AS TO FLOGGING AND AS TO AN OFFERING

BUT IN RESPECT TO THE BONDWOMAN, THE MAN IS NOT TREATED AS EQUIVALENT TO THE WOMAN IN REGARD TO FLOGGING, AND THE WOMAN IS NOT REGARDED AS EQUIVALENT TO THE MAN IN RESPECT TO AN OFFERING:

1. Scripture proof for the fact taken for granted in the Mishnah rule: how do we know that she is flogged and he is not?
2. And what is the penalty inflicted on the man in this case? A logical secondary question invited by the Mishnah-rule.

i. Subordinated cases.

B. IN RESPECT TO ALL OTHER FORBIDDEN SEXUAL RELATIONS SCRIPTURE HAS TREATED HIM WHO BEGINS THE ACT AS CULPABLE AS HIM WHO COMPLETES IT, AND HE IS LIABLE FOR EACH AND EVERY ACT OF SEXUAL RELATIONS [WHICH IS NOT THE CASE HERE, M. 2:3C]. BUT THIS STRICT RULE DOES THE LAW STRINGENTLY IMPOSE IN THE CASE OF THE BONDWOMAN: THAT IT TREATS IN HER REGARD THE MAN WHO DOES THE ACT INTENTIONALLY AS EQUIVALENT TO THE ONE WHO DOES IT INADVERTENTLY.

WHAT IS THE BONDWOMAN [TO WHOM REFERENCE HAS BEEN MADE]? “ANY ONE, HALF OF WHOM IS IN BONDAGE AND HALF FREE [A BONDWOMAN BELONGING TO TWO PARTNERS, ONE OF WHOM HAS SET HER FREE], SINCE IT IS SAID, ‘AND SHE HAS NOT YET BEEN ALTOGETHER REDEEMED (LEV. 19:20),’ THE WORDS OF R. AQIBA. R. ISHMAEL SAYS, “THIS ONE [THE BONDWOMAN] IS [SIMPLY] A CONFIRMED BONDWOMAN.” R. ELEAZAR B. AZARIAH SAYS, “ALL PROHIBITED SEXUAL RELATIONSHIPS ARE EXPLICITLY STATED [AS WHOLLY FREE]. WHAT IS LEFT TO US EXCEPT ONE WHICH IS HALF IN BONDAGE AND HALF FREE [= LEV. 19:20]?”

1. The basis in a conflict over principles of scriptural exegesis for the dispute of the Mishnah; the differences spelled out in detail.

XI. Mishnah-Tractate Keritot 2:6

A. IN ALL FORBIDDEN SEXUAL RELATIONSHIPS:

1. We link the present rule to the foregoing and ask about the status of the bondmaid in the context of the rule now spelled out. The result is to impose here a conclusion derived earlier and to read several distinct Mishnah-rules within a single shared principle.

B. [IF] ONE IS AN ADULT AND ONE IS A MINOR, THE MINOR IS EXEMPT. [IF] ONE IS AWAKE AND ONE IS ASLEEP, THE ONE ASLEEP IS EXEMPT:

1. We ask a question of clarification, since the rule as given obviously contains a contradiction. The answer given at A is repeated.

C. [IF] ONE DOES THE ACT INADVERTENTLY AND ONE DELIBERATELY, THE ONE WHO DOES IT INADVERTENTLY IS LIABLE TO BRING A SIN OFFERING, AND THE ONE WHO DOES IT DELIBERATELY IS SUBJECT TO EXTIRPATION [M. 1:2A].

1. Tannaite rule that contradicts the principle before us is recited and harmonized.

XII. Mishnah-Tractate Keritot 3:1-2

A. [IF] THEY SAID TO HIM, “YOU HAVE EATEN FORBIDDEN FAT,” HE BRINGS A SIN OFFERING.

1. Analysis of the law of the Mishnah with respect to a detail that is implicit.
2. Scriptural basis for the factual premise of the Mishnah’s rule.

B. [IF] A WITNESS SAYS, “HE ATE,” AND A WITNESS SAYS, “HE DID NOT EAT” — [OF IF] A WOMAN SAYS, “HE ATE,” AND A WOMAN SAYS, “HE DID NOT EAT,” HE BRINGS A SUSPENSIVE GUILT OFFERING. [IF] A WITNESS SAYS, “HE ATE,” AND HE SAYS, “I DID NOT EAT” — HE IS EXEMPT [FROM BRINGING AN OFFERING].

[IF] TWO SAY, “HE ATE,” AND HE SAYS, “I DID NOT EAT” — R. MEIR DECLARES LIABLE. SAID R. MEIR, “IF [DESPITE HIS DENIAL] TWO BRING UPON HIM THE DEATH PENALTY, WHICH IS STRICT, WILL THEY NOT BRING UPON HIM THE OBLIGATION TO AN OFFERING, WHICH IS LENIENT?” THEY SAID TO HIM, “WHAT IF HE SHOULD CHOOSE TO SAY, ‘I DID IT DELIBERATELY, [IN WHICH CASE HE IS EXEMPT FROM A SIN OFFERING, AND THE WITNESSES CANNOT CONTRADICT HIM]?”

1. Inquiry into the theoretical foundations of sages’ position in the Mishnah.
2. Further cases that illustrate the theory behind Meir’s ruling here.

C. [IF] HE ATE [FORBIDDEN] FAT AND [AGAIN ATE] FAT IN A SINGLE SPELL OF INADVERTENCE, HE IS LIABLE ONLY FOR A SINGLE SIN OFFERING.

1. Clarification of the theory of the Mishnah rule.

D. [IF] HE ATE FORBIDDEN FAT AND BLOOD AND REMNANT AND REFUSE [OF AN OFFERING] IN A SINGLE SPELL OF INADVERTENCE, HE IS LIABLE FOR EACH AND EVERY ONE OF THEM. THIS RULE IS MORE STRICT IN THE CASE OF MANY KINDS [OF FORBIDDEN FOOD] THAN OF ONE KIND. AND MORE STRICT IS THE RULE IN [THE CASE OF] ONE KIND THAN IN MANY KINDS: FOR IF HE ATE A HALF-OLIVE’S BULK AND WENT AND ATE A HALF-OLIVE’S BULK OF A SINGLE KIND, HE IS LIABLE. [BUT IF HE ATE TWO HALF-OLIVE’S BULKS] OF TWO [DIFFERENT] KINDS, HE IS EXEMPT.

1. The Mishnah is shown not to make a redundant or self-evident statement.

XIII. Mishnah-Tractate Keritot 3:3

A. AND HOW MUCH SHOULD HE WHO EATS THEM TARRY? “AS IF HE ATE THEM AS PARCHED CORN,” THE WORDS OF R. MEIR. AND SAGES SAY, “[HE IS NOT LIABLE] UNLESS HE TARRIES FROM BEGINNING TO END FOR SUFFICIENT TIME TO EAT A HALF-LOAF [OF BREAD].”

1. Clarification of the intent of Meir’s ruling.

i. Exploration of the general theme, requisite measures of time in the eating of forbidden food.

B. TOPICAL ESSAY: A PREGNANT WOMAN OR NURSING MOTHER IS PERMITTED TO EAT WHAT OTHERS MAY NOT EAT, BUT ONLY IN LIMITED VOLUME

C. [IF] ONE ATE UNCLEAN FOODS [OR] DRANK UNCLEAN LIQUIDS, DRANK A QUARTER-LOG OF WINE, AND ENTERED THE SANCTUARY AND TARRIED THERE, [THE MEASURE OF TIME BETWEEN ENTERING THE TEMPLE HAVING EATEN UNCLEAN FOOD OR DRUNK WINE IS] SUFFICIENT TIME TO EAT A HALF-LOAF [OF BREAD].

1. Clarification of the law of the Mishnah.

D. R. ELEAZAR SAYS, “IF HE INTERRUPTED IT [THE ACT OF DRINKING], OR PUT INTO IT [THE WINE] ANY AMOUNT OF WATER, HE IS EXEMPT.”

1. Scriptural proof for the law taken for granted by the Mishnah-rule.

XIV. Mishnah-Tractate Keritot 3:4

A. THERE IS HE WHO CARRIES OUT A SINGLE ACT OF EATING AND IS LIABLE ON ITS ACCOUNT FOR FOUR SIN OFFERINGS AND ONE GUILT OFFERING: AN UNCLEAN [LAY] PERSON WHO ATE (1) FORBIDDEN FAT, AND IT WAS (2) REMNANT, (3) OF HOLY THINGS, AND (4) IT WAS ON THE DAY OF ATONEMENT. [R. MEIR SAYS, “IF IT WAS THE SABBATH AND HE TOOK IT OUT FROM ONE DOMAIN TO ANOTHER] IN HIS MOUTH, HE IS LIABLE [FOR ANOTHER SIN OFFERING.” THEY SAID TO HIM, “THEY SAID TO HIM, “THAT IS NOT OF THE SAME CLASSIFICATION OF TRANSGRESSION OF WHICH WE HAVE SPOKEN HERETOFORE SINCE IT IS NOT CAUSED BY EATING (A)].”

1. Theoretical question on the implication of Meir’s position: may a prohibition apply to that which is already subject to a prohibition? A prohibition that is more encompassing or one that is more extensive can take hold in the case of an existing prohibition.

B. R. MEIR SAYS, “IF IT WAS THE SABBATH AND HE TOOK IT OUT [FROM ONE DOMAIN TO ANOTHER] IN HIS MOUTH, HE IS LIABLE [FOR ANOTHER SIN OFFERING].” THEY SAID TO HIM, “THEY SAID TO HIM, “THAT IS NOT OF THE SAME CLASSIFICATION [OF TRANSGRESSION OF WHICH WE HAVE SPOKEN HERETOFORE SINCE IT IS NOT CAUSED BY EATING (A)].”

1. The implications of the framing of Meir’s position in the wording before us are spelled out.

XV. Mishnah-Tractate Keritot 3:5A-B

A. THERE IS HE WHO CARRIES OUT A SINGLE ACT OF SEXUAL INTERCOURSE AND BECOMES LIABLE ON ITS ACCOUNT FOR SIX SIN OFFERINGS: HE WHO HAS INTERCOURSE WITH HIS DAUGHTER IS LIABLE ON HER ACCOUNT BECAUSE OF VIOLATING THE PROHIBITION AGAINST HAVING INTERCOURSE WITH (1) HIS DAUGHTER, AND (2) HIS SISTER, AND (3) HIS BROTHER'S WIFE, AND (4) HIS BROTHER'S FATHER'S WIFE, AND (5) A MARRIED WOMAN, AND (6) A MENSTRUATING WOMAN.

1. Clarification of Meir's position on the present ruling in line with the principle that a prohibition may not apply to that which is already subject to a prohibition.

XVI. Mishnah-Tractate Keritot 3:5C-E

A. AND WHO HAS INTERCOURSE WITH HIS DAUGHTER'S DAUGHTER IS LIABLE ON HER ACCOUNT BECAUSE OF VIOLATING THE PROHIBITIONS AGAINST HAVING INTERCOURSE WITH (1) HIS DAUGHTER'S DAUGHTER, AND (2) HIS DAUGHTER-IN-LAW, AND (3) HIS WIFE'S SISTER, AND (4) HIS BROTHER'S WIFE, AND (5) HIS BROTHER'S FATHER'S WIFE, AND (6) A MARRIED WOMAN, AND (7) A MENSTRUATING WOMAN.

R. YOSÉ SAYS, "IF THE GRANDFATHER TRANSGRESSED AND MARRIED HER, HE IS LIABLE ON HER ACCOUNT BECAUSE OF THE PROHIBITION OF HAVING SEXUAL RELATIONS WITH HIS FATHER'S WIFE."

AND SO HE WHO HAS SEXUAL RELATIONS WITH HIS WIFE'S DAUGHTER OR WITH THE DAUGHTER OF THE DAUGHTER OF HIS WIFE.

1. We require a case in which a woman may enter the status that is specified in the Mishnah.
2. We address the general query to Yosé that pertains in many cases: the principle that a prohibition may not apply to that which is already subject to a prohibition.

XVII. Mishnah-Tractate Keritot 3:6

A. HE WHO HAS SEXUAL RELATIONS WITH HIS MOTHER-IN-LAW MAY TURN OUT TO BE LIABLE ON HER ACCOUNT BECAUSE OF THE PROHIBITIONS AGAINST HAVING SEXUAL RELATIONS WITH (1) HIS MOTHER-IN-LAW, AND (2) HIS DAUGHTER-IN-LAW, AND (3) HIS WIFE'S SISTER, AND (4) HIS BROTHER'S WIFE, AND (5) HIS FATHER'S BROTHER'S WIFE, AND (6) A MARRIED WOMAN AND (7) A MENSTRUATING WOMAN. AND SO IS THE CASE FOR HIM WHO HAS SEXUAL RELATIONS WITH THE MOTHER OF HIS MOTHER-IN-LAW AND WITH THE MOTHER OF HIS FATHER-IN-LAW.

R. YOHANAN B. NURI SAYS, "HE WHO HAS SEXUAL RELATIONS WITH HIS MOTHER-IN-LAW MAY TURN OUT TO BE LIABLE ON HER ACCOUNT BECAUSE OF THE PROHIBITION AGAINST HAVING SEXUAL RELATIONS WITH (1) HIS MOTHER-IN-LAW, AND (2) THE MOTHER OF HIS MOTHER-IN-LAW, AND (3) THE MOTHER OF HIS FATHER-IN-LAW."

THEY SAID TO HIM, "ALL THREE IN FACT FALL INTO A SINGLE PROHIBITION."

1. Demonstration that the principle of classification invoked by Yohanan b. Nuri is accepted by another authority.

XVIII. Mishnah-Tractate Keritot 3:7

A. SAID R. AQIBA, “I ASKED RABBAN GAMALIEL AND R. JOSHUA IN THE MEAT MARKET OF EMMAUS, WHERE THEY HAD GONE TO BUY A BEAST FOR THE BANQUET OF RABBAN GAMALIEL’S SON: HE WHO HAS SEXUAL RELATIONS WITH HIS SISTER, WITH HIS FATHER’S SISTER, AND WITH HIS MOTHER’S SISTER IN ONE SPELL OF INADVERTENCE [M. L:LE9, 10, 11] — WHAT IS THE RULE? IS HE LIABLE ONCE [ON A SINGLE COUNT] FOR ALL OF THEM, OR ONCE [ON DISTINCT COUNTS] FOR EACH AND EVERY ACTION? THEY SAID TO ME, ‘WE HAVE NOT HEARD [THE RULE ON THAT CASE], BUT WE HAVE HEARD THE RULE, ‘HE WHO HAS SEXUAL RELATIONS WITH HIS FIVE WIVES WHEN THEY ARE MENSTRUATING, IN A SINGLE SPELL OF INADVERTENCE, IS LIABLE FOR ON THE COUNT OF EACH AND EVERY ACT OF SEXUAL RELATIONS. AND WE REGARD THE MATTERS [IN THE FORMER CASE] AS SUBJECT TO A PROOF BY AN ARGUMENT *A FORTIORI* [FROM THE LATTER CASE].”

1. The issue of the question that is raised by Aqiba once more requires clarification: to what case is reference made here?
2. Amplification of the argument a fortiori
3. Tannaite complement

XIX. Mishnah-Tractate Keritot 3:8

A. AND FURTHER DID R. AQIBA ASK THEM: “A LIMB IS DANGLING FROM A BEAST—WHAT IS THE RULE [AS TO WHETHER OR NOT IT IS UNCLEAN? IF IT WERE COMPLETELY DETACHED, IT WOULD BE CLASSIFIED AS CARRION AND AS UNCLEAN. THE QUESTION HERE CONCERNS A LIMB THAT IS NOT WHOLLY SEVERED.]” THEY SAID TO HIM, “WE HAVE NOT HEARD THE RULE [FOR THAT PARTICULAR CASE]. BUT WE HAVE HEARD THE RULE CONCERNING A LIMB WHICH IS DANGLING FROM A MAN, THAT IT IS DEEMED CLEAN. FOR SO DID [15B] THE PEOPLE AFFLICTED WITH BOILS DO IN JERUSALEM:

HE GOES ON THE EVE OF PASSOVER TO A PHYSICIAN, AND HE [THE PHYSICIAN] CUTS [THE BOIL] UNTIL HE LEAVES ON IT A HAIR’S BREADTH. AND HE STICKS IT ONTO A THORN. AND HE [THE PATIENT] PULLS AWAY FROM IT. AND THIS ONE WOULD PREPARE HIS PASSOVER. AND THE PHYSICIAN LIKEWISE WOULD PREPARE HIS PASSOVER. [NO ONE WOULD END UP UNCLEAN BY REASON OF CONTACT WITH THE DETACHED BOIL.] AND WE REGARD THE MATTERS AS SUBJECT TO A PROOF BY AN ARGUMENT *A FORTIORI*.”

1. The cited clause is introduced as evidence in the analysis of a another Mishnah-chapter’s case in which the consideration of detachment is the critical issue.

XX. Mishnah-Tractate Keritot 3:9

A. AND FURTHER DID R. AQIBA ASK THEM: “HE WHO SLAUGHTERS FIVE ANIMAL SACRIFICES OUTSIDE [THE TEMPLE COURTYARD] IN A SINGLE SPELL OF

INADVERTENCE, WHAT IS THE LAW? IS HE LIABLE FOR ONE [SINGLE] OFFERING FOR ALL OF THEM, OR FOR ONE [OFFERING] FOR EACH AND EVERY ACT OF SLAUGHTER?" THEY SAID TO HIM, "WE HAVE NOT HEARD." SAID R. JOSHUA, "I HEARD [THE RULE WHICH APPLIES] IN THE CASE OF HIM WHO EATS FROM A SINGLE ANIMAL SACRIFICE IN FIVE DISHES, THAT HE IS LIABLE ON ACCOUNT OF EACH AND EVERY ACT FOR VIOLATION OF THE LAWS OF SACRILEGE. AND I REGARD THE MATTERS AS SUBJECT TO PROOF BY AN ARGUMENT A FORTIORI." SAID R. SIMEON, "NOT IN THIS WAY DID R. AQIBA INTERROGATE THEM BUT IN THE CASE OF: ONE WHO EATS REMNANT FROM FIVE ANIMAL SACRIFICES IN A SINGLE ACT OF INADVERTENCE — WHAT IS THE LAW? IS HE LIABLE FOR A SINGLE OFFERING FOR ALL OF THEM, OR IS HE LIABLE FOR AN OFFERING FOR EACH AND EVERY ONE? THEY SAID TO HIM, 'WE HAVE NOT HEARD.' SAID R. JOSHUA, 'I HEARD THAT IN THE CASE OF ONE WHO EATS FROM A SINGLE ANIMAL SACRIFICE IN FIVE DISHES IN A SINGLE ACT OF INADVERTENCE, THAT HE IS LIABLE TO BRING AN OFFERING FOR EACH AND EVERY ONE ON ACCOUNT OF VIOLATION OF THE LAWS OF SACRILEGE. AND I REGARD THE MATTERS AS SUBJECT TO PROOF BY AN ARGUMENT A FORTIORI.' "SAID R. AQIBA, 'IF IT IS LAW, WE SHALL ACCEPT IT. BUT IF IT IS FOR PURPOSES OF ARGUMENT, THERE IS AN ANSWER.' HE SAID TO HIM, 'ANSWER.' HE SAID TO HIM, 'NO. IF YOU HAVE SO STATED IN THE CASE OF THE LAWS OF SACRILEGE, IN WHICH INSTANCE THE ONE WHO GIVES SOMETHING TO SOMEONE ELSE TO EAT IS EQUIVALENT TO THE ONE WHO EATS, AND THE ONE WHO CAUSES ANOTHER TO ENJOY BENEFIT IS EQUIVALENT TO THE ONE WHO DERIVES BENEFIT HIMSELF, JOINING TOGETHER A QUANTITY SUFFICIENT TO BE SUBJECT TO THE LAWS OF SACRILEGE OVER A LONG PERIOD OF TIME, WILL YOU SAY SO IN THE CASE OF REMNANT, TO WHICH NONE OF ALL OF THESE CONSIDERATIONS APPLY?'"

1. What is wrong with the first version that Simeon should have found it necessary to make up a more suitable one?
2. We fill in the missing statement of Joshua.

XXI. Mishnah-Tractate Keritot 3:10

A. SAID R. AQIBA, "I ASKED R. ELIEZER, 'HE WHO PERFORMS MANY ACTS OF PROHIBITED LABOR ON MANY SABBATHS BUT OF A SINGLE SORT OF PROHIBITED LABOR IN A SINGLE SPELL OF INADVERTENCE-WHAT IS THE LAW? IS HE LIABLE FOR A SINGLE OFFERING FOR ALL OF THEM, OR IS HE LIABLE FOR AN OFFERING FOR EACH AND EVERY ONE?' HE SAID TO ME, 'HE IS LIABLE FOR AN OFFERING FOR EACH AND EVERY SUCH ACTION, ON THE BASIS OF AN ARGUMENT A FORTIORI: NOW IF IN THE CASE OF A MENSTRUATING WOMAN, WHO DOES NOT YIELD MANY SORTS OF SUBDIVISIONS OF TRANSGRESSION OR MANY SORTS OF SIN OFFERINGS, ONE IS LIABLE FOR EACH AND EVERY ACT OF SEXUAL RELATIONS, THE SABBATH, WHICH YIELDS MANY SORTS OF SUBDIVISIONS OF TRANSGRESSION [DIFFERENT TYPES OF LABOR] AND MANY SORTS OF SIN OFFERINGS ON THEIR ACCOUNT — IS IT NOT LOGICAL THAT HE SHOULD BE LIABLE FOR EACH AND EVERY ACT OF LABOR?' I SAID TO HIM, 'NO. IF YOU HAVE SO STATED IN THE CASE OF HAVING SEXUAL RELATIONS WITH A MENSTRUATING WOMAN, WHO IS SUBJECT TO TWO DISTINCT

WARNINGS — FOR THE MAN IS SUBJECT TO WARNING AGAINST HAVING SEXUAL RELATIONS WITH A MENSTRUATING WOMAN, AND A MENSTRUATING WOMAN IS SUBJECT TO WARNING AGAINST HAVING SEXUAL RELATIONS WITH THE MAN — WILL YOU SAY THE SAME FOR THE SABBATH, TO WHICH APPLIES ONLY A SINGLE WARNING?’ HE SAID TO ME, ‘HE WHO HAS SEXUAL RELATIONS WITH MINORS [WHO ARE MENSTRUATING] WILL PROVE THE MATTER. FOR TO THEM APPLIES ONLY A SINGLE WARNING [THAT APPLICABLE TO HIM, SINCE THEY ARE EXEMPT]. YET HE IS LIABLE FOR EACH AND EVERY ACT OF SEXUAL RELATIONS.’ I SAID TO HIM, ‘NO. IF YOU HAVE SO STATED IN CONNECTION WITH HIM WHO HAS SEXUAL RELATIONS WITH [MENSTRUATING] MINORS, IN WHICH INSTANCE, EVEN THOUGH THERE IS NO WARNING APPLICABLE TO THEM NOW, THERE WILL BE SUCH A WARNING APPLICABLE TO THEM IN DUE COURSE, WILL YOU SO RULE IN THE CASE OF THE SABBATH, WHICH IS SUBJECT TO A WARNING NEITHER NOW NOR IN DUE COURSE?’ HE SAID TO ME, ‘HE WHO HAS SEXUAL RELATIONS WITH A BEAST WILL PROVE THE MATTER.’ I SAID TO HIM, ‘THE BEAST IS SUBJECT TO THE SAME RULE AS THE SABBATH.’ “

1. Clarification of the question at the head of the discussion and the dialectic of the answer.

XXII. Mishnah-Tractate Keritot 4:1-2F

A. IT IS A MATTER OF DOUBT WHETHER OR NOT ONE HAS EATEN FORBIDDEN FAT, AND EVEN IF HE ATE IT, IT IS A MATTER OF DOUBT WHETHER OR NOT IT CONTAINS THE REQUISITE VOLUME — FORBIDDEN FAT AND PERMITTED FAT ARE BEFORE HIM, HE ATE ONE OF THEM BUT IS NOT CERTAIN WHICH ONE OF THEM HE ATE — HIS WIFE AND HIS SISTER ARE WITH HIM IN THE HOUSE — HE INADVERTENTLY TRANSGRESSED WITH ONE OF THEM AND IS NOT CERTAIN WITH WHICH OF THEM HE TRANSGRESSED — THE SABBATH AND AN ORDINARY DAY — HE DID AN ACT OF LABOR ON ONE OF THEM AND IS NOT CERTAIN ON WHICH OF THEM HE DID IT — HE BRINGS [IN ALL THE FOREGOING CIRCUMSTANCES] A SUSPENSIVE GUILT OFFERING. JUST AS, IF HE ATE FORBIDDEN FAT AND [AGAIN ATE] FORBIDDEN FAT IN A SINGLE SPELL OF INADVERTENCE, HE IS LIABLE FOR ONLY A SINGLE SIN OFFERING [M. 3:2A], SO IN CONNECTION WITH A SITUATION OF UNCERTAINTY INVOLVING THEM, HE IS LIABLE TO BRING ONLY A SINGLE GUILT OFFERING. IF THERE WAS CLARIFICATION [OF THE FACTS OF THE MATTER] IN THE MEANTIME, JUST AS HE BRINGS A SINGLE SIN OFFERING FOR EACH AND EVERY TRANSGRESSION, SO HE BRINGS A SUSPENSIVE GUILT OFFERING FOR EACH AND EVERY [POSSIBLE] TRANSGRESSION. JUST AS, IF HE ATE FORBIDDEN FAT, AND BLOOD, AND REMNANT, AND REFUSE, IN A SINGLE SPELL OF INADVERTENCE, HE IS LIABLE FOR EACH AND EVERY ONE [M. 3:2B], SO IN CONNECTION WITH A SITUATION OF UNCERTAINTY INVOLVING THEM, HE BRINGS A SUSPENSIVE GUILT OFFERING FOR EACH AND EVERY ONE.

1. Examination of the case to which the rule makes reference, with an analysis of what is at stake in the versions of the matter. The scriptural foundations of the Mishnah’s rule form the center of interest.

2. Further cases along the same lines as the one of the Mishnah. The result is to identify the principles that are set forth by the Mishnah's cases, e.g., [1] that the violation of a prohibition has been established and [2] that it is not possible to clarify whether or not a prohibition has been violated. The primary principle that generates the problem is that the suspensive guilt offering corresponds in its circumstance to the sin offering, so the rules governing the latter apply to the former. That consideration runs through most of the cases and problems that are subjected to exegetical exercises.

XXIII. Mishnah-Tractate Keritot 4:2G-V, 3

A. FORBIDDEN FAT AND REMNANT ARE BEFORE HIM — HE ATE ONE OF THEM BUT IS NOT CERTAIN WHICH ONE OF THEM HE ATE [M. 4:C-D] — HIS WIFE, WHO IS MENSTRUATING, AND HIS SISTER ARE WITH HIM IN THE HOUSE — HE INADVERTENTLY TRANSGRESSED WITH ONE OF THEM BUT IS NOT CERTAIN WITH WHICH ONE OF THEM HE HAS TRANSGRESSED [M. 4:E-F] — THE SABBATH AND THE DAY OF ATONEMENT — HE DID AN ACT OF LABOR AT TWILIGHT BUT IS NOT CERTAIN ON WHICH ONE OF THEM HE DID THE ACT OF LABOR [M. 4:G-H] — R. ELIEZER DECLARES HIM LIABLE TO A SIN OFFERING. AND R. JOSHUA EXEMPTS HIM.

1. Once again we take up the unifying conception, set forth piece-meal by the Mishnah's cases. The main point is clear here. The position of Joshua is now explicit: we must know precisely what sin has been committed if the obligation to a sin offering for an inadvertent action is to be incurred. Eliezer will concur in principle: one must know that he has sinned; but the precise character or classification of the action is immaterial, since a sin in some form or other has been committed. In retrospect, we now realize that the entire approach to Mishnah-exegesis has been shaped within the point of insistence of Joshua. Then the Bavli has asked us to read the Mishnah in light of a principle that only now is brought to the surface.

B. SAID R. YOSÉ, “THEY DID NOT DISPUTE ABOUT THE CASE [K-L] OF HIM WHO PERFORMS AN ACT OF LABOR AT TWILIGHT, THAT HE IS EXEMPT. FOR I SAY, ‘PART OF THE WORK DID HE DO WHILE IT WAS STILL THIS DAY, AND PART OF IT ON THE NEXT.’ CONCERNING WHAT DID THEY DISPUTE? CONCERNING ONE WHO DOES WORK WHOLLY ON ONE OF THE TWO DAYS BUT DOES NOT KNOW FOR CERTAIN WHETHER HE DID IT ON THE SABBATH OR WHETHER HE DID IT ON THE DAY OF ATONEMENT. OR CONCERNING HIM WHO DOES AN ACT OF LABOR BUT IS NOT CERTAIN WHAT SORT OF ACT OF LABOR HE HAS DONE — R. ELIEZER DECLARES LIABLE TO A SIN OFFERING. AND R. JOSHUA EXEMPTS HIM.”

1. Tannaite complement to the formulation of the arguments in the Mishnah's version.

C. SAID R. JUDAH, “R. JOSHUA DID DECLARE HIM EXEMPT EVEN FROM THE REQUIREMENT TO BRING A SUSPENSIVE GUILT OFFERING.”

1. Tannaite complement to the formulation of the arguments in the Mishnah's version.

D. R. SIMEON SHEZURI AND R. SIMEON SAY, “THEY DID NOT DISPUTE ABOUT SOMETHING WHICH IS SUBJECT TO A SINGLE CATEGORY, THAT HE IS LIABLE. AND CONCERNING WHAT DID THEY DISPUTE? CONCERNING SOMETHING WHICH IS SUBJECT TO TWO DISTINCT CATEGORIES. FOR R. ELIEZER DECLARES LIABLE FOR A SIN OFFERING. AND R. JOSHUA EXEMPTS.” SAID R. JUDAH, “EVEN IF HE INTENDED TO GATHER FIGS BUT GATHERED GRAPES, GRAPES BUT GATHERED FIGS, BLACK ONES BUT GATHERED WHITE ONES, WHITE ONES BUT GATHERED BLACK ONES — R. ELIEZER DECLARES LIABLE TO A SIN OFFERING. “AND R. JOSHUA EXEMPTS.” SAID R. JUDAH, “I SHOULD BE SURPRISED IF R. JOSHUA DECLARED HIM WHOLLY EXEMPT. IF SO, WHY IS IT SAID, ‘IN WHICH HE HAS SINNED’ (LEV. 4:23)? TO EXCLUDE HIM WHO WAS OCCUPIED [WITH SOME OTHER MATTER AND ENTIRELY UNINTENTIONALLY COMMITTED A TRANSGRESSION].”

1. Systematic analysis of Samuel’s clarification of the theory of the Mishnah-rule: where do we realize cases in which the principle pertains.

i. Secondary cases that bear on the foregoing exposition.

XXIV. Mishnah-Tractate Keritot 5:1

A. IF ONE ATE HE BLOOD OF SLAUGHTERING IN THE CASE OF CATTLE, WILD BEAST, AND FOWL, WHETHER [SAID ANIMALS ARE] UNCLEAN OR CLEAN, THE BLOOD [SHED IN THE CASE OF] STABBING, AND THE BLOOD [SHED IN THE CASE] OF TEARING [THE WINDPIPE OR GULLET], AND THE BLOOD LET IN BLOODLETTING, BY WHICH THE LIFELOOD FLOWS OUT — THEY ARE LIABLE ON ITS ACCOUNT:

1. General scriptural proof for the general rules of culpability for the eating of blood. The proof encompasses the items listed here, but is not limited to them.

i. Secondary expansion of materials introduced in the foregoing. This augmentation fills the bulk of the discussion and moves some distance from the Mishnah-paragraph and its Tannaite complement, but the whole remains a continuous exposition of XXIII.A.1.

2. Further candidates for inclusion on the Mishnah’s list of classifications of blood on account of the eating of which one is liable.

3. Definition of terms of the Mishnah-rule.

B. AND THE BLOOD LET IN BLOODLETTING, BY WHICH THE LIFELOOD FLOWS OUT:

1. Definition of the Mishnah’s term.

C. BLOOD FROM THE SPLEEN, BLOOD FROM THE HEART, THE BLOOD FROM THE EGGS [OR TESTICLES], THE BLOOD OF FISH, THE BLOOD OF LOCUSTS, BLOOD WHICH IS SQUEEZED OUT [THAT IS, BLOOD WHICH OOZES OUT OF THE ARTERIES AFTER THE LIFELOOD FLOWS OUT] — THEY ARE NOT LIABLE ON THEIR ACCOUNT:

R. JUDAH DECLARES LIABLE IN THE CASE OF BLOOD WHICH IS SQUEEZED OUT:

1. Clarification of Judah’s position.

XXV. Mishnah-Tractate Keritot 5:2-3C

A. R. AQIBA DECLARES [A PERSON] LIABLE TO A SUSPENSIVE GUILT OFFERING IN THE CASE OF A MATTER OF DOUBT REGARDING ACTS OF SACRILEGE. AND SAGES DECLARE EXEMPT. AND R. AQIBA CONCEDES THAT HE DOES NOT EFFECT HIS ACT OF RESTITUTION [LEV. 5:15-16] UNTIL [HIS ACT OF SACRILEGE] ACTUALLY IS MADE KNOWN TO HIM. AND HE BRINGS WITH IT AN UNCONDITIONAL GUILT OFFERING. SAID R. TARFON, “HOW IS IT THAT THIS ONE BRINGS TWO GUILT OFFERINGS? BUT LET HIM BRING HIS RESTITUTION [FOR SACRILEGE] AND ITS ADDED FIFTH. AND LET HIM BRING A GUILT OFFERING WORTH TWO SELAS AND STATE, ‘IF I BEYOND DOUBT COMMITTED AN ACT OF SACRILEGE, THIS IS RESTITUTION FOR MY SACRILEGE, AND THIS IS MY GUILT OFFERING...:’”

1. Scriptural foundation for the position of Aqiba and for the dispute between him and sages.

B. AND IF MY ACT OF SACRILEGE IS SUBJECT TO DOUBT, THEN THE COINS ARE A FREEWILL OFFERING, AND THE GUILT OFFERING IS SUSPENDED [CONDITIONAL].’ FOR THE KIND OF ANIMAL THAT HE BRINGS IN THE CASE OF CERTAINTY, HE BRINGS IN THE CASE OF UNCERTAINTY.” SAID TO HIM R. AQIBA, “YOUR OPINION IS SOUND IN THE CASE OF AN ACT OF SMALL-SCALE SACRILEGE. LO, IN THE CASE OF ONE WHO IS IN DOUBT ABOUT CAUSING AN ACT OF SACRILEGE FOR A HUNDRED MANEH, HOWEVER, IS IT NOT BETTER FOR HIM TO BRING A GUILT OFFERING WORTH TWO SELAS AND NOT BRING A RESTITUTION FOR SACRILEGE IN A MATTER OF DOUBT WHICH COSTS A HUNDRED MANEH?” THUS R. AQIBA CONCEDES THE POSITION OF R. TARFON IN THE CASE OF SMALL SCALE SACRILEGE.

1. Clarification of the position of Aqiba.

XXVI. Mishnah-Tractate Keritot 5:3D-8

A. A WOMAN [AFTER GIVING BIRTH] WHO BROUGHT A SIN OFFERING OF FOWL IN A CASE OF DOUBT [AS TO THE CHARACTER OR VIABILITY OF THE FOETUS], IF BEFORE THE NECK WAS SEVERED, IT BECAME KNOWN TO HER THAT SHE HAD CERTAINLY BROUGHT FORTH [A VIABLE FOETUS] — LET HER MAKE IT INTO AN UNCONDITIONAL OFFERING [FOR CERTAINTY]. FOR THE KIND OF ANIMAL THAT SHE BRINGS IN THE CASE OF UNCERTAINTY SHE BRINGS IN THE CASE OF CERTAINTY. A PIECE OF MEAT OF UNCONSECRATED FOOD AND A PIECE OF MEAT OF HOLY THINGS — [IF] ONE ATE ONE OF THEM, AND IT IS NOT KNOWN WHICH OF THEM HE ATE — HE IS EXEMPT. R. AQIBA DECLARES HIM LIABLE TO A SUSPENSIVE GUILT OFFERING. [IF] HE ATE THE SECOND, HE BRINGS AN UNCONDITIONAL GUILT OFFERING. [IF] ONE PERSON ATE THE FIRST AND ANOTHER CAME AND ATE THE SECOND, “THIS ONE BRINGS A SUSPENSIVE GUILT OFFERING AND THAT ONE BRINGS A SUSPENSIVE GUILT OFFERING,” THE WORDS OF R. AQIBA. R. SIMEON SAYS, “BOTH OF THEM BRING A SINGLE GUILT OFFERING.” R. YOSÉ SAYS, “TWO DO NOT BRING A SINGLE GUILT OFFERING.”

1. Clarification of the position of Yosé.

B. A PIECE OF MEAT OF UNCONSECRATED FOOD AND A PIECE OF MEAT CONSISTING OF FORBIDDEN FAT — [IF] ONE ATE ONE OF THEM, AND IT IS NOT KNOWN WHICH

OF THEM HE ATE — HE BRINGS A SUSPENSIVE GUILT OFFERING. [IF] HE ATE THE SECOND, HE BRINGS A SIN OFFERING. [IF] ONE PERSON ATE THE FIRST, AND ANOTHER CAME ALONG AND ATE THE SECOND, THIS ONE BRINGS A SUSPENSIVE GUILT OFFERING AND THAT ONE BRINGS A SUSPENSIVE GUILT OFFERING. R. SIMEON SAYS, “BOTH OF THEM BRING A SINGLE SIN OFFERING.” R. YOSÉ SAYS, “TWO DO NOT BRING A SINGLE SIN OFFERING.” A PIECE OF MEAT CONSISTING OF FORBIDDEN FAT AND A PIECE OF MEAT OF HOLY THINGS — [IF] ONE ATE ONE OF THEM, AND IT IS NOT KNOWN WHICH OF THEM HE ATE — HE BRINGS A SUSPENSIVE GUILT OFFERING. [IF] HE ATE THE SECOND, HE BRINGS A SIN OFFERING AND AN UNCONDITIONAL GUILT OFFERING. [IF] ONE PERSON ATE THE FIRST, AND ANOTHER CAME ALONG AND ATE THE SECOND, THIS ONE BRINGS A SUSPENSIVE GUILT OFFERING, AND THAT ONE BRINGS A SUSPENSIVE GUILT OFFERING. R. SIMEON SAYS, “BOTH OF THEM BRING [ONE] SIN OFFERING AND [ONE] GUILT OFFERING.” R. YOSÉ SAYS, “TWO DO NOT BRING [ONE] SIN OFFERING AND [ONE] GUILT OFFERING.” A PIECE OF MEAT CONSISTING OF FORBIDDEN FAT AND A PIECE OF MEAT CONSISTING OF FORBIDDEN FAT OF HOLY THINGS — [IF] ONE ATE ONE OF THEM, AND IT IS NOT KNOWN WHICH OF THEM HE ATE — HE BRINGS A SIN OFFERING. R. AQIBA SAYS, “HE BRINGS A SUSPENSIVE GUILT OFFERING.” [IF] HE ATE THE SECOND, HE BRINGS TWO SIN OFFERINGS AND AN UNCONDITIONAL GUILT OFFERING. IF ONE PERSON ATE THE FIRST, AND ANOTHER CAME ALONG AND ATE THE SECOND, THIS ONE BRINGS A SIN OFFERING AND THAT ONE BRINGS A SIN OFFERING. R. AQIBA SAYS, “THIS ONE BRINGS A SUSPENSIVE GUILT OFFERING, AND THAT ONE BRINGS A SUSPENSIVE GUILT OFFERING.” R. SIMEON SAYS, “THIS [ONE BRINGS] A SIN OFFERING, AND THAT ONE, A SIN OFFERING. AND BOTH OF THEM BRING A SINGLE GUILT OFFERING.” R. YOSÉ SAYS, “TWO DO NOT BRING A SINGLE GUILT OFFERING.”

A PIECE OF MEAT CONSISTING OF FORBIDDEN FAT AND A PIECE OF MEAT CONSISTING OF FORBIDDEN FAT WHICH IS REMNANT — [IF] ONE ATE ONE OF THEM, AND IT IS NOT KNOWN WHICH OF THEM HE ATE — HE BRINGS A SIN OFFERING AND A SUSPENSIVE GUILT OFFERING. [IF] HE ATE THE SECOND, HE BRINGS THREE SIN OFFERINGS.

1. Analysis of the rule of the Mishnah.

C. [IF] ONE PERSON ATE THE FIRST, AND SOMEONE ELSE CAME ALONG AND ATE THE SECOND, THIS ONE BRINGS A SIN OFFERING AND A SUSPENSIVE GUILT OFFERING, AND THAT ONE BRINGS A SIN OFFERING AND A SUSPENSIVE GUILT OFFERING.

R. SIMEON SAYS, “THIS ONE [BRINGS] A SIN OFFERING, AND THAT ONE A SIN OFFERING, AND BOTH OF THEM BRING A SINGLE SIN OFFERING [IN ADDITION].”

R. YOSÉ SAYS, “ANY SIN OFFERING WHICH IS BROUGHT ON ACCOUNT OF SIN — TWO PEOPLE DO NOT BRING IT.”

1. Clarification of the position of Simeon on the apparent premise of his ruling in the Mishnah.

XXVII. Mishnah-Tractate Keritot 6:1-2

A. HE WHO BRINGS A SUSPENSIVE GUILT OFFERING, AND IS INFORMED THAT HE DID NOT COMMIT A SIN — IF THIS WAS BEFORE IT WAS SLAUGHTERED, “IT [THE ANIMAL] GOES FORTH AND PASTURES AMONG THE FLOCK,” THE WORDS OF R. MEIR. AND SAGES SAY, “IT IS SET OUT TO PASTURE UNTIL IT IS BLEMISHED, THEN IT IS SOLD, AND ITS PROCEEDS FALL [TO THE TEMPLE TREASURY] AS A FREEWILL OFFERING:”

1. Systematic and detailed clarification of what is at issue in the Mishnah's dispute: Meir's position on conditional consecration.

B. ACQUIRING OWNERSHIP OF ABANDONED PROPERTY: WHEN DOES THE OWNER GIVE UP HOPE OF RECOVERING THE PROPERTY AND SO RELINQUISH TITLE TO IT?

C. R. ELIEZER SAYS, “IT IS OFFERED UP. FOR IF IT DOES NOT COME ON ACCOUNT OF THIS SIN, LO, IT COMES ON ACCOUNT OF SOME OTHER SIN”

1. Exposition of Eliezer's position in the present context in particular.

D. IF AFTER IT WAS SLAUGHTERED, HE IS [SO] INFORMED, THE BLOOD IS TO BE POURED OUT. AND THE MEAT GOES FORTH TO THE PLACE OF BURNING:

1. We examine the conflict of the premise of the rule above with the premise of an intersecting rule.

E. [IF THE MAN IS INFORMED AFTER] THE BLOOD IS [PROPERLY] TOSSED, THE MEAT IS TO BE EATEN.

1. The rule of the Mishnah is now explained, with Scripture providing the explanation.

F. R. YOSÉ SAYS, “EVEN IF [HE IS INFORMED WHILE] THE BLOOD IS IN THE CUP, IT IS TO BE TOSSED, AND THE MEAT IS TO BE EATEN:”

1. The principle behind Yosé's position is spelled out.

G. AN UNCONDITIONAL GUILT OFFERING IS NOT SUBJECT TO THE FOREGOING RULE. IF [THE MAN IS SO INFORMED] BEFORE IT IS SLAUGHTERED, IT GOES FORTH AND PASTURES IN THE FLOCK. [IF THE MAN IS SO INFORMED] AFTER IT HAS BEEN SLAUGHTERED, LO, THIS IS TO BE BURIED. [IF THE MAN IS SO INFORMED AFTER] THE BLOOD HAS BEEN TOSSED, THE MEAT GOES OUT TO THE PLACE OF THE BURNING.

THE OX WHICH IS STONED IS NOT SUBJECT TO THE FOREGOING RULE. IF [IT TURNS OUT THAT THE OX HAS NOT KILLED A MAN] BEFORE IT IS STONED, IT GOES FORTH AND PASTURES IN THE FLOCK. [IF IT TURNS OUT THAT THE OX HAS NOT KILLED A MAN] AFTER IT IS STONED, IT IS AVAILABLE FOR BENEFIT. THE HEIFER WHOSE NECK IS BROKEN IS NOT SUBJECT TO THE FOREGOING RULE. IF [THE MURDERER IS FOUND] BEFORE ITS NECK IS BROKEN, IT GOES FORTH AND PASTURES IN THE FLOCK. [IF THE MURDERER IS FOUND] AFTER ITS NECK IS BROKEN, IT IS BURIED IN ITS PLACE. FOR ON ACCOUNT OF A MATTER OF DOUBT DID IT COME IN THE FIRST PLACE. IT HAS MADE ATONEMENT FOR ITS MATTER OF DOUBT AND GOES ITS WAY [HAVING SERVED ITS PURPOSE].

1. A case relevant to the problem and principle of the Mishnah is introduced.

XXVIII. Mishnah-Tractate Keritot 6:3-5

A. R. ELIEZER SAYS, “A MAN VOW AND IT IS CALLED THE GUILT OFFERING OF THE PIOUS.” THEY SAID CONCERNING BABA B. BUTA THAT HE VOLUNTEERED A SUSPENSIVE GUILT OFFERING EVERY DAY, EXCEPT FOR THE DAY AFTER THE DAY OF ATONEMENT. HE SAID, “BY THIS SANCTUARY! IF THEY WOULD ALLOW ME, I SHOULD BRING [ONE EVEN THIS DAY]. BUT THEY SAY TO ME, ‘WAIT UNTIL YOU ENTER THE REALM OF DOUBT.’” AND SAGES SAY, “THEY BRING A SUSPENSIVE GUILT OFFERING ONLY FOR A MATTER, THE DELIBERATE COMMISSION OF WHICH IS SUBJECT TO THE PENALTY OF EXTIRPATION, AND THE INADVERTENT COMMISSION OF WHICH IS SUBJECT TO THE PENALTY OF A SIN OFFERING:”

1. The reasoning behind the position of Eliezer is spelled out.

i. Further rules concerning the suspensive guilt offering, to be read in conjunction with the Mishnah-paragraph.

B. THOSE WHO OWE SIN OFFERINGS AND UNCONDITIONAL GUILT OFFERINGS FOR WHOM THE DAY OF ATONEMENT PASSED [WITHOUT THEIR MAKING THOSE OFFERINGS] ARE LIABLE TO BRING [THE OFFERINGS] AFTER THE DAY OF ATONEMENT:

1. The basis for the ruling of the Mishnah is set forth out of the resources of Scripture.

C. THOSE WHO OWE SUSPENSIVE GUILT OFFERINGS ARE EXEMPT:

1. Scriptural basis for the rule of the Mishnah.

D. SINS FOR WHICH THE DAY OF ATONEMENT EFFECTS ATONEMENT. A SEQUENCE OF CASES THAT DISTINGUISHES OFFERINGS ON ACCOUNT OF SIN FROM OFFERINGS ON OTHER COUNTS ALTOGETHER, E.G., UNCLEANNES.

E. HE WHO IS SUBJECT TO A DOUBT AS TO WHETHER OR NOT HE HAS COMMITTED A TRANSGRESSION ON THE DAY OF ATONEMENT, EVEN AT TWILIGHT, IS EXEMPT. FOR THE ENTIRE DAY EFFECTS ATONEMENT. A WOMAN WHO OWES A BIRD OFFERING AS A MATTER OF DOUBT, FOR WHOM THE DAY OF ATONEMENT PASSED [WITHOUT HER MAKING SAID BIRD OFFERING] IS LIABLE TO BRING IT AFTER THE DAY OF ATONEMENT. FOR IT RENDERS HER FIT FOR EATING ANIMAL SACRIFICES [AND IS NOT EXPIATORY IN CHARACTER].

A SIN OFFERING OF FOWL WHICH IS BROUGHT ON ACCOUNT OF DOUBT, IF AFTER ITS NECK IS PINCHED IT IS KNOWN [THAT THE WOMAN HAS NOT ACTUALLY SINNED AT ALL], LO, THIS IS TO BE BURIED:

1. Case illustrating the rule of the Mishnah.

XXIX. Mishnah-Tractate Keritot 6:6

A. HE WHO SETS ASIDE TWO SELAS [LEV. 5:15] FOR A GUILT OFFERING AND PURCHASED WITH THEM TWO RAMS [AT ONE SELA EACH] FOR A GUILT OFFERING — IF ONE OF THEM [WENT UP IN VALUE SO THAT IT NOW] IS WORTH TWO SELAS, LET IT BE OFFERED FOR HIS GUILT OFFERING. AND THE SECOND IS SET OUT TO

PASTURE UNTIL IT IS BLEMISHED, THEN SOLD, AND ITS PROCEEDS FALL [TO THE TEMPLE TREASURY] AS A FREEWILL OFFERING [M. TEM. 3:3: THAT IS, IN THE CLASS OF A GUILT OFFERING, THE OWNERS OF WHICH HAVE EFFECTED ATONEMENT].

[IF] HE [WHO SETS ASIDE TWO SELAS FOR A GUILT OFFERING] PURCHASED WITH THEM TWO RAMS FOR UNCONSECRATED USE, ONE WORTH TWO SELAS AND ONE WORTH TEN ZUZ — THE ONE WORTH TWO SELAS IS OFFERED FOR HIS GUILT OFFERING [INCURRED THROUGH THE ACT OF SACRILEGE]. AND THE SECOND IS FOR RESTITUTION FOR HIS SACRILEGE.

[IF] ONE WAS FOR A GUILT OFFERING AND ONE WAS FOR UNCONSECRATED PURPOSES, IF THE ONE FOR THE GUILT OFFERING WAS WORTH TWO SELAS IT IS OFFERED FOR HIS GUILT OFFERING. AND THE SECOND IS FOR RESTITUTION FOR HIS SACRILEGE. AND LET HIM BRING WITH IT A SELA AND ITS ADDED FIFTH.

1. The meaning of the Mishnah's language is clarified.s

B. THE THEORY OF ATTAINING ATONEMENT WITH THE INCREASE IN THE VALUE OF CONSECRATED PROPERTY: *may or may not a person gain atonement through the increase in the value of consecrated property?*

1. Secondary theoretical problems generated by the basic thesis explored in the initial composition.

XXX. Mishnah-Tractate Keritot 6:7

A. HE WHO SETS ASIDE HIS SIN OFFERING AND DIES — HIS SON SHOULD NOT BRING IT AFTER HIM [FOR A SIN THE SON HAS COMMITTED (M. Tem. 4: 1)].

NOR SHOULD ONE BRING FOR ONE SIN [A BEAST SET ASIDE IN EXPIATION] FOR ANOTHER — EVEN [A BEAST SET ASIDE AS A SIN OFFERING] FOR FORBIDDEN FAT WHICH HE ATE LAST NIGHT SHOULD HE NOT BRING [AS A SIN OFFERING] FOR FORBIDDEN FAT WHICH HE ATE TODAY, SINCE IT IS SAID, “HIS OFFERING FOR HIS SIN” (LEV. 4:28) — THAT HIS OFFERING SHOULD BE FOR THE SAKE OF HIS [PARTICULAR] SIN.

1. Scriptural basis for the rule of the Mishnah.

XXXI. Mishnah-Tractate Keritot 6:8

A. [WITH FUNDS] CONSECRATED [FOR THE PURCHASE OF] A FEMALE LAMB [AS A SIN OFFERING], THEY PURCHASE A FEMALE GOAT. [WITH FUNDS] CONSECRATED [FOR THE PURCHASE OF] A FEMALE GOAT [AS A SIN OFFERING], [THEY BRING] A LAMB. [WITH FUNDS] CONSECRATED [FOR THE PURCHASE OF] A FEMALE LAMB AND A FEMALE GOAT [THEY PURCHASE] TURTLEDOVES OR YOUNG PIGEONS (LEV. 5: 7). [WITH FUNDS] CONSECRATED [FOR THE PURCHASE OF] TURTLE DOVES OR YOUNG PIGEONS [THEY PURCHASE] A TENTH OF AN EPHAH [OF FINE FLOUR, FOR A MEAL OFFERING]. HOW SO? [IF] ONE SET ASIDE [FUNDS] FOR THE PURCHASE OF A FEMALE LAMB OR A FEMALE GOAT AND THEN GREW POOR, HE MAY BRING A BIRD. [IF] HE GREW STILL POORER, HE MAY BRING A TENTH OF AN EPHAH [OF FLOUR]. [IF] HE SET ASIDE FUNDS FOR A TENTH OF AN EPHAH [OF

FLOUR] AND GOT RICH, HE MAY BRING A BIRD. [IF] HE GOT STILL RICHER, HE MAY BRING A FEMALE LAMB OR A FEMALE GOAT. [IF] HE SET ASIDE A FEMALE LAMB OR A FEMALE GOAT AND THEY WERE DISFIGURED, IF HE WANTS, HE MAY BRING A BIRD WITH THEIR PROCEEDS. [IF] HE SET ASIDE A BIRD AND IT WAS DISFIGURED, HE SHOULD NOT BRING A TENTH OF AN EPHAH WITH ITS PROCEEDS, FOR A BIRD IS NOT SUBJECT TO REDEMPTION.

1. Proof from Scripture for the proposition of the Mishnah.

- i. We proceed to special problems in connection with the Mishnah's rule about responding to a change in the farmer's financial situation. The whole is inserted because it intersects with our Mishnah-passage.

XXXII. Mishnah-Tractate Keritot 6:9

A. R. SIMEON SAYS, "LAMBS COME BEFORE GOATS IN ALL PLACES [IN SCRIPTURE]. IS IT POSSIBLE [THAT THE REASON IS] THAT THEY ARE CHOICER? SCRIPTURE STATES, 'AND IF [AS AN ALTERNATIVE] HE BRING A LAMB AS HIS OFFERING FOR A SIN OFFERING' (LEV. 4:32), TEACHING THAT THE TWO ARE DEEMED EQUIVALENT. TURTLEDOVES COME BEFORE PIGEONS IN ALL PLACES [IN SCRIPTURE] SCRIPTURE STATES, 'A YOUNG PIGEON OR A TURTLEDOVE FOR A SIN OFFERING' (LEV. 12: 6), TEACHING THAT THE TWO ARE DEEMED EQUIVALENT. THE FATHER COMES BEFORE OVER THE MOTHER IN ALL PLACES [IN SCRIPTURE]. IS IT POSSIBLE [THAT THE REASON IS] THAT THE HONOR OWING TO THE FATHER IS SUPERIOR TO THE HONOR OWING TO THE MOTHER? SCRIPTURE STATES, 'YOU SHALL FEAR EVERY ONE HIS MOTHER AND HIS FATHER' (LEV. 19: 3), TEACHING THAT THE TWO ARE DEEMED EQUIVALENT." BUT SAGES HAVE STATED: "THE FATHER COMES BEFORE OVER THE MOTHER UNDER ALL CIRCUMSTANCES, BECAUSE BOTH HE AND HIS MOTHER ARE LIABLE TO PAY HONOR TO HIS FATHER. AND SO WITH RESPECT TO STUDY OF TORAH: IF THE SON ACQUIRED MERIT [BY SITTING AND STUDYING] BEFORE THE MASTER, THE MASTER TAKES PRECEDENCE OVER THE FATHER UNDER ALL CIRCUMSTANCES, BECAUSE BOTH HE AND HIS FATHER ARE LIABLE TO PAY HONOR TO HIS MASTER."

B. ISSACHAR OF KEFAR BARQAI TREATS HIMSELF WITH HONOR BUT TREATS WITH CONTEMPT THE HOLY THINGS OF HEAVEN. [Inserted here because of a reference in the story that states that proposition to the view that lambs and goats are in fact equivalent.]

Points of Structure

The main point may be stated very simply: the structure of our tractate is supplied by the Mishnah-tractate, and the system of the tractate aims at a single goal: to assign a position of privilege to the Mishnah as the source of organization and coherent for whatever the framers wish to say and as the focus of the system they wish to set forth. All Talmud-tractates find exact description in that sentence, but this one, more than most, adheres to it with great punctiliousness. That is why we see only a few free-standing composites bearing propositions not immediately relevant to the Mishnah-paragraph to which they stand adjacent. We should err, however, were we to miss the systemic statement that these compelling facts mean to make. It is not merely to allege and demonstrate that the Mishnah is a flawless code, resting on Scripture, containing no contradictions or repetitions. It is that, beyond Scripture, the Mishnah alone demands, and can sustain, rigorous analysis. The Bavli, as our tractate exemplifies it, accords rigorous analysis of a sustained and structured character to no document but Scripture and the Mishnah, and, as between the two, it self-evidently affords priority to the Mishnah. That point of structure bears within itself also the purpose of the system.

1. DOES BABYLONIAN TALMUD-TRACTATE KERITOT FOLLOW A COHERENT OUTLINE GOVERNED BY A CONSISTENT RULES?

The kind of commentary that the Mishnah receives is well-defined. It is argumentative and analytical, not merely informative or illuminating. For the framers of our tractate's comments on the Mishnah, it was not sufficient to place on display interesting information relevant to something the Mishnah's statement encompasses. A highly cogent set of programs of an analytical character takes priority.

To underscore the remarkable cogency of our tractate, we point to unit XXXII. That unit shows us a theory of Mishnah-commentary contrary to the one that predominates. It simply takes on a complete composite, a composition bearing its own amplification — with no substantive, programmatic point of relevance to the Mishnah. Rather, the composite is tacked on because at one point it intersects with a fact stated, also, by the Mishnah. This tractate contains only one such presentation of the Mishnah, and the Talmud overall encompasses very few of them; no tractate as a whole comprises only or mainly topical allusions and points of amplification. Every Talmud-tractate is dominated, as this one is, by the program of Mishnah-analysis.

2. WHAT ARE THE SALIENT TRAITS OF ITS STRUCTURE?

What I find most interesting in Bavli tractate Keritot is the intellectually economical character of its analytical program. The framers do not find it necessarily to comment on everything; they pick and choose. Nor does a vast and random program of inquiry guide them. They ask some few questions, and where possible, they ask the same question to a sequence of Mishnah-allegations, yielding a set of fairly coherent treatments of a sequence of discrete units of Mishnah-discourse. The result is that some few problems predominate over a long series of passages.

3. WHAT IS THE RATIONALITY OF THE STRUCTURE?

The points of order and intellectual purpose emerge in a structure that follows a regular order of inquiry. First come comments on the wording of the Mishnah, the scriptural foundations of the Mishnah-rule, or the identity of the authority behind the anonymous (therefore authoritative) Mishnah-statement. Second come points of amplification, e.g., why does a given authority take the initiative that he takes ("what is wrong with X that Rabbi A has produced Y), what argument does a given sage have in mind, why has he not accepted the proposition and argument of his counterpart, and the like. Third in order will be more abstract and theoretical questions, which are not required for an exposition of the Mishnah's rule but are necessary to establish the Mishnah's broader context in thought.

4. WHERE ARE THE POINTS OF IRRATIONALITY IN THE STRUCTURE?

I find myself unable to point to a single passage, other than the concluding one, at which the structure of form and program does not define the character of the document. In general and in detail the tractate is the model of a great piece of Talmud-composition and compilation. And, as we see presently, all of the free-standing composites, out of phase with the program of the Mishnah in particular, find a natural place in the document. None but No. XXXII is parachuted down for essentially formal reasons.

Points of System

1. DOES THE BABYLONIAN TALMUD-TRACTATE KERITOT SERVE ONLY AS A REPRESENTATION OF THE MISHNAH-TRACTATE OF THE SAME NAME?

The negative answer derives from two facts. First, the framers bypass in silence a considerable portion of the Mishnah-tractate. They discuss what they choose to discuss, not what the authors of the Mishnah-tractate have set before them. On the opening list of 36 items, for example, we see that only a few items receive attention. The second fact is that we can explain what items in the Mishnah's presentation are investigated and explain why those that are omitted have been bypassed. In that same opening list, the items that are treated have in common the fact that they present the same problem: do they call into question the exact enumeration that defines the presentation as a whole? Some seem to encompass more species than the number 36 permits, some fewer. But only those items on the long list that permit us to test the generalization that the list sets forth — 36 distinct classes of sin or crime that provoke the penalty of extirpation, no more, no less. The framer then omits all of the information he might have assembled on numerous items, vast essays on such topics as sacrificing outside of the Temple court, working on the day of Atonement, and the like. It follows that a program of selection intervenes between the formation of Talmud-composites serving the task of Mishnah-exegesis and the Mishnah-tractate itself. The Mishnah-tractate's framers have not dictated to the Talmud-tractate's writers of compositions or of composites the program that they shall follow. The former have provided to the latter only a large repertoire of possibilities, among which the Talmud's writers made their choices.

The positive answer complements the negative one. The Talmud-tractate's composites will systematically address some few questions among the many before them; where possible, a single pressing issue will define analysis of sequences of Mishnah-statements. That simple fact above all proves decisively the proposition of this academic commentary. It is that the Babylonian Talmud provides not simply a paraphrase and clarification of the received document but sets forth an independent and autonomous statement of its own. Here, in a tractate that is quite remarkable for its adherence to the work of Mishnah-commentary and contains few free-standing compositions outside of the Mishnah's topical or theoretical orbit, we bear witness to the intellectual independence of the writers of the Bavli's compositions for this tractate and the autonomous program that governs the work of the compilers of the Bavli's composites to comprise the tractate. A tractate that appears to limit itself to commentary then shows the full possibility of utilizing the form of a commentary for the presentation of a perspective and a program quite distinct from the text that supports the commentary.

2. HOW DO THE TOPICAL COMPOSITES FIT INTO THE TALMUD-TRACTATE KERITOT AND WHAT DO THEY CONTRIBUTE THAT THE MISHNAH-TRACTATE OF THE SAME NAME WOULD LACK WITHOUT THEM?

The free-standing composites are to be taken up one by one, each in its context. What we wish to know is, first, why has the item been inserted where it stands? and, second, how has the inclusion of the composition affected our understanding of the topic or proposition that defines the primary framework of discussion?

I.F. THE ANOINTING OIL:

The topic is introduced by the immediately-preceding Mishnah-statement. I see no animating proposition in this compilation of topical information.

V.C. THE OFFERINGS OF A PROSELYTE:

The reason for the inclusion is obvious: the Mishnah has omitted reference to the proselyte's offerings, and the Talmud has explained why his offerings have been omitted. Then comes a free-standing exposition on the theme. The point is made that the proselyte's offerings really do correspond to the Israelite's. His are different but equivalent, and Scripture is explicit. Just as your forefathers entered the covenant only with circumcision and immersion and sprinkling of blood through the sacrifices, so they [proselytes] will enter the covenant only through circumcision, immersion, and sprinkling of blood on the altar — that is the paramount proposition. The character of the prior list can have left the contrary impression, so a sustained demonstration is required to right matters.

XIII.B A PREGNANT WOMAN OR NURSING MOTHER EATS WHAT OTHERS MAY NOT EAT, BUT ONLY IN LIMITED VOLUME:

The immediately preceding discussion sets forth rules governing the eating, in very small volume, of prohibited food. That may take place over a long period of time, so that the requisite volume of food for which culpability is incurred is not consumed in so brief a period as to warrant being taken into account. We then turn to another case in which forbidden food may be eaten; it is the pregnant woman. To her applies the opposite consideration: she may eat only a limited volume of forbidden food, but there is no restriction that requires her to eat it over a protracted period of time. So she enters the picture in order to give a pertinent, but diametrically opposite, case from the one that has been discussed: now not time but volume matter.

XXVII.B ACQUIRING OWNERSHIP: WHEN DOES THE INITIAL OWNER GIVE UP HOPE OF RECOVERING PROPERTY AND SO RELINQUISH TITLE?

Including this significant discussion makes a profound point. The superficial intersection is topical. In the immediately preceding discussion, we take up the issue of assigning ownership of an abandoned beast. The topic that now comes forward is abandoning ownership of property in general. But the more profound connection is not to be missed. We have been discussing the attitude of a person who dedicates a beast: is it conditional or unconditional? The premise therefore is this: the man's heart is what has moved him, we assume that he has resolved to dedicate the beast unconditionally. That principle calls to mind other ways in which the owner of property gives up his rights of ownership, and, once more, we are reminded, attitude is all. Just as a person may dedicate something to the Temple without condition or qualification, so he may give up ownership of his property through an act of will. That is, he relinquishes ownership of property that he has lost when he gives up hope of recovering it. It goes without saying that that attitude is not subject to qualification or condition. By including what is in fact a free-standing essay, the framer of the large-scale composite has vastly deepened our grasp of the principle operative in his basic Mishnah-commentary, namely, the matter of condition or stipulation as it affects rights of possession and ownership. Seeing the issue of the status of the animal that has been dedicated in this larger context affords us a perspective on what is at stake, and that, is one's attitude towards one's possessions, whether animals given to the

Temple or property of which one has lost possession. On the one side, an act of consecration, on the other, an attitude of despair — these form counterparts. Were I a preacher, I would then formulate a sermon based on the contrast between trust in God contained in an act of unconditional consecration, as against the vagaries of trust in property, which we give up by not an act of consecration and hope, but one of despair and renunciation of hope.

XXVIII.D SINS FOR WHICH THE DAY OF ATONEMENT EFFECTS ATONEMENT:

The context is a reasonable one: the kinds of sin for which the Day of Atonement effects atonement. The principal concern of the thematic composite is precisely the opposite: to specify the matters for which the Day of Atonement does not effect atonement at all. And that comes down to a recurrent point, subject to dispute: is uncleanness a matter of sin at all? This is made explicit in the following language: For all your sins...,’ and not ‘for all your occasions of uncleanness,’ which are not matters of sin in any event, thus eliminating the sin offering brought by the woman after she has given birth, which is a purification rite. That same matter is systematically demonstrated for other categories. The point then is to differentiate sin from uncleanness and to demonstrate that uncleanness concerns access to the Temple and has little bearing on one’s moral condition. That too offers an important theological point, and the contrast between the discussion of sins for which the Day of Atonement effects atonement and other considerations altogether — which the composite draws sharply — then sets forward a most fundamental principle.

XXIX.B ATTAINING ATONEMENT WITH THE INCREASE IN THE VALUE OF CONSECRATED PROPERTY:

This theoretical problem is introduced because the Mishnah-passage provides an illustration of how consecrated property may increase in value and the consequence of such an event. But the theoretical issue is quite distinct from the context in which it is discussed. The issue is framed in this language: can a man can attain atonement with the increase in the value of consecrated property? Where his own efforts have led to the increase in value, beyond what is required for the original purpose for which he consecrated a beast, there is a strong case to be made that he may designate that increase in value for some other, also holy purpose, e.g., an offering that he has to make. He has not made secular use of what he consecrated, but he has taken for himself the right to designate, in his own behalf, the particular sacred use to which the increase may be put. The case can also be made that he may not attain atonement with that increase, because the original act of consecration, which has defined the status of the property, e.g., the beast, was not for the purpose that he now has in mind. So, in general terms, the question has been raised: may or may not a person gain atonement through the increase in the value of consecrated property? Introducing the question at just this point is absolutely required, since the Mishnah’s case invites precisely this question. But the question is one of theory, and a variety of considerations now enters into the matter: the man’s own effort, the conflict between a general act of consecration and an act of consecration for a particular purpose. But the deeper issue circulates throughout: if a person consecrates something, may he make himself a partner with God in the utilization of what he has given to God? Here too, the problem is deepened by what is a theological issue formulated in practical, legal terms of the cult. The problem concerns man’s partnership with God in the ownership of the natural world, with special attention to man’s right to effect his purposes

through what he has donated for God's: is the confluence of interest plausible or inappropriate, sharing or hubris?

XXXII.B ISSACHAR OF KEFAR BARQAI

This singleton has already been dismissed; it is topically relevant but generates no profound thought.

The upshot is simply stated. Most, though not all, of the free-standing topical composites not only make important points of their own but also impart to the context in which they are located a theological dimension that, without them, would be absent. These points emerge.

[1] The proselyte is fully equivalent to the home-born Israelite. The rules of the cult demonstrate that fact.

[2] Food that is prohibited may nonetheless be utilized if it affords no material benefit, e.g., is eaten over a long period of time, or if it is eaten in such small volume as to provide no nourishment of consequence. Prohibitions, then, are set aside when they mark distinctions between the permitted and the prohibited that really make no difference. Only what makes an important difference, e.g., in sustaining life is subject to the prohibitions of the Torah.

[3] Ownership of property depends upon one's attitude toward the property. If one consecrates the property, God through the Temple becomes the owner. An act of will alienates the rights of ownership. If one relinquishes ownership by reason of despairing of recovering possession of the property, he also loses the rights of ownership. So one may give up property either as a gift to Heaven or as a surrender to bad fortune. Ownership by itself therefore makes little difference; one's attitude toward one's property, on the one side, and one's disposition of possessions, on the other, govern. One does well, therefore, to hold with open arms; one does better to give up ownership of property to Heaven as an act of donation than relinquish ownership to violence as an act of despair.

[4] Various classifications affect a person, and they are not to be confused with one another. A person finds himself in a variety of grids, each covering a particular territory of life. He may be unclean or clean, with consequences having to do with the Temple. He may do a religious duty or commit a sin, with consequences having to do with the moral life. The rites of the Temple, where they matter, concern not the cultic life of cleanness or uncleanness but the moral life of sin and atonement. The Day of Atonement — the single most consequence exercise of the cult — makes a difference to the moral condition of a human being, not to his cultic classification. The theological statement that morality takes priority over ritual, and that right — forgiveness of sin and atonement — stands above rite will hardly have surprised the prophets.

When we can explain the connections people make, we also can follow the rationality of the conclusions that they draw. The connections between the topic defined in the context of Mishnah-exegesis and that of the free-standing compositions and composites of a topical character yield the conclusions just now set forth. Generalizations about the system that animates the document as a whole will have to await an examination of the entire repertoire of connections between Mishnah-problems and their exegesis and extra-Mishnaic topics and their exposition. The four points we have identified in Bavli tractate Keritot cannot be taken up in isolation from the rest of the document. The demonstration

of a single coherent structure imposes its own logic upon the exposition of what may or may not emerge as a cogent and uniform system.

3. CAN WE STATE WHAT THE COMPILERS OF THIS DOCUMENT PROPOSE TO ACCOMPLISH IN PRODUCING THIS COMPLETE, ORGANIZED PIECE OF WRITING?

If I had to select a single recurrent problem that attracts the interest of the authors of compositions and compilers of composites, it is the theory of classification, specifically, the subdivision of a genus into species, on the one side, and the way in which Scripture teaches us how to accomplish that generative problem of thought, on the other. This problem is in two parts: how does a given action subdivide into two or more classifications; how do two or more actions coalesce into a single classification. A second problem that occurs wherever relevant concerns the relationship of intentionality and culpability. A third recurrent exercise is to demonstrate the scriptural foundations of Mishnah-propositions. A fourth is the proof that authorities rule in a consistent way, so that their opinions prove harmonious. A fifth is the inquiry into how differences of opinion rest upon reasonable, but conflicting, principles; disputes are not irrational (or personal!) but always involve good reason for each side's ruling. A sixth is the introduction of an abstract, theoretical problem into a concrete case, e.g., may a prohibition apply to what is already prohibited? A sixth is the extension to a variety of concrete problems of a single, encompassing conception, e.g., the sin offering atones for a concrete action, done unwittingly and later found out, and is not generalized but highly particular; the complementary conception that the suspensive guilt offering is governed by the same rule and corresponds, in the case of what may or may not have taken place, to the situation of a sin offering presented when knowledge of what has happened is certain and precise. This brief account need not recapitulate the results just now set forth in our consideration of the making of connections in the insertion of topical composites and the drawing of conclusions from the connections that are made.

The whole then points toward a single conclusion. These and other results leave us no reasonable doubt that our tractate exhibits the traits of a rigidly formalized structure, one that supports and sustains a highly systematic program. The tractate in vast detail sets forth a structure in form and a system in analytical interest.