

BABYLONIAN TALMUD
TRACTATE KERITOT
CHAPTER FIVE
FOLIOS 20B-23B

5:1

- A. If one ate the blood of slaughtering in the case of cattle, wild beast, and fowl,
- B. whether [said animals are] unclean or clean,
- C. the blood [shed in the case of] stabbing, and the blood [shed in the case] of tearing [the windpipe or gullet],
- D. and the blood let in bloodletting, by which the lifeblood flows out —
- E. they are liable on its account.
- F. 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 lifeblood flows out] —
- G. they are not liable on their account.
- H. R. Judah declares liable in the case of blood which is squeezed out.

I.1 A. *Our rabbis taught on Tannaite authority:*

- B. “Moreover, you shall eat no blood whatever, whether of fowl or of animal, in any of your dwellings. Whoever eats any blood — that person shall be cut off from his people” (Lev. 7:26-27) — might I suppose that the prohibition extends even to the blood of those that walk on two legs, the blood of eggs, blood of locusts, blood of fish, all are subject to the general rule?
- C. Scripture says, “...whether of fowl or of animal” — just as fowl and domesticated beasts are distinguished by the fact that they may be subject to either a form of lenient or a form of severe uncleanness [the former is the uncleanness to which food is subject, which is to say, these can contract uncleanness from sources of uncleanness, but are not themselves sources of uncleanness; the latter is uncleanness which itself forms a source of uncleanness, e.g., carrion, which can transmit uncleanness to those who carry it], and, further, they may be subject to a prohibition [prior to proper slaughter] or they may be permitted [after proper

slaughter], and, finally, they fall into the classification of meat, so the same rule applies to the blood of anything that may be subject to either a form of lenient or a form of severe uncleanness, thus excluding the blood of those that walk on two feet, which are subject to a most severe form of uncleanness [since they can become a source of uncleanness, that is, corpse-uncleanness]; [21A]

- D. I exclude, further, the blood of dead creeping things, which are not subject to a most severe form of uncleanness;
- E. I exclude, further, the blood of eggs, which do not fall into the classification of meat;
- F. I exclude, further, the blood of fish and locusts, for they are always permitted [not requiring an act of proper slaughter].
- G. "...whether of fowl [or of animal]" — may one then say, just as fowl is not subject to the rule that prohibits hybridization, so only those animals that are not subject to the prohibition of hybridization are subject to the law prohibiting the blood?
- H. Scripture to the contrary says, "...or of animal..."
- I. Might one then say, just as the domesticated cattle form a classification to which the prohibition of slaughtering the mother with the offspring on the same day, so the law should apply only to those classifications of animals that are not subject to the prohibition of slaughtering the mother with the offspring on the same day?
- J. Scripture to the contrary says, "...whether of fowl [or of animal]."
- K. *Might I then are as follows:*
- L. "[Moreover, you shall eat] no blood whatever, [whether of fowl or of animal, in any of your dwellings]" — ["no blood"] forms an encompassing rule. "...whether of fowl or of animal" then provides a particularization of the encompassing rule. Where you have an encompassing rule and then a particularization then covered by the encompassing rule is only that which is specified in the particularization thereof. *Accordingly, the blood of fowl or beast is covered by the rule, but nothing else.*
- M. When Scripture goes on to say, "Whoever eats any blood — that person shall be cut off from his people," it proceeds to go and set forth a further encompassing rule.
- N. Now when you have an encompassing rule followed by a particularization of the encompassing rule followed by a further statement of an encompassing rule, then you may draw an analogy only in terms of what exhibits the same traits as the particularization of the encompassing rule. [That would refer to the traits listed earlier: fowl and domesticated beasts are distinguished by the facts that they may be subject to either a form of lenient or a form of severe uncleanness, they may be subject to a prohibition [prior to proper slaughter] or they may be permitted [after proper slaughter], and, finally, they fall into the classification of meat.]
- O. *But lo, the closing encompassing rule is not equivalent to the opening encompassing rule. The opening encompassing rule is a mere prohibition, while the closing encompassing rule specifies the penalty of extirpation.*
- P. *The Tannaite framer of this passage belongs to the members of the household of R. Ishmael, who interpret the sense of encompassing rules and then*

particularizations of those rules of this type, so that even though the last generalization is not equivalent to the initial one, they still draw conclusions from such a formulation.

- I.2.** A. The master has said, “Now when you have an encompassing rule followed by a particularization of the encompassing rule followed by a further statement of an encompassing rule, then you may draw an analogy only in terms of what exhibits the same traits as the particularization of the encompassing rule. Just as in the case of the particularization, it is explicit that we speak of classifications of things that may be subject to either a form of lenient or a form of severe uncleanness, that may be subject to a prohibition [prior to proper slaughter] or they may be permitted [after proper slaughter], and, finally, that fall into the classification of meat, so whatever may be subject to either a form of lenient or a form of severe uncleanness, that may be subject to a prohibition [prior to proper slaughter] or they may be permitted [after proper slaughter], and, finally, that fall into the classification of meat is subject to the prohibition of blood.”
- B. *Now when the framer of the passage says, “so whatever...,” what does he mean to encompass under the rule at hand?*
- C. *Said R. Ada bar Abin, “He means to encompass the blood of a koy [the offspring of the cross between a gazelle and a goat, which may be classified as either a wild beast or a domesticated one].”*
- D. *Now what theory of the matter does he hold? If he takes the view that the koy is a beast the classification of which is subject to doubt, then is it necessary to adduce evidence from Scripture so as to impose a prohibition on that which is subject to doubt? Rather, he is of the view that the koy is sui generis.*
- E. *Thus we have found the rule that governs its blood. How do we know the rule that covers its fat?*
- F. “all fat” (Lev. 7:23) [covers its fat].
- G. How do we know the rule that covers its carrion?
- H. “all carrion” (Deu. 14:21) covers its carrion.
- I. How do we know the rule that covers its sciatic nerve?
- J. That is the sinew “upon the hollow of the thigh” (Gen. 32:33), and this too falls into the category of a sinew upon the hollow of the thigh.
- K. How do we know that its carrion is a source of uncleanness, and that the beast requires proper slaughtering?
- L. *It is a matter of common sense that, since Scripture extends to the koy all of the rules that apply to other beasts in general, in these two matters — that it is a source of uncleanness and that it requires proper slaughtering — it also should follow suit.*
- I.3.** A. A master has said, “...thus excluding the blood of those that walk on two feet, which are subject to a most severe form of uncleanness [since they can become a source of uncleanness, that is, corpse-uncleanness] but they are not subject to a lenient form of uncleanness.”
- B. *An objection was raised: He who cuts off flesh from man and from beast and from a wild animal and from fowl, from the carrion of an unclean bird, and fat in the villages, and all other produce of the field ...lo, these require*

intention and preparation [to be subject to uncleanness or to become a source of uncleanness] [M. Uqs. 3:2A-I]. [Porusch: the flesh becomes unclean only if it has been cut off with the intention of using it as food and only if it has been prepared, by being deliberately wet down]. *And this problem troubled us: why is intentionality an issue here? Let the act of cutting off that the man has made constitute his statement of his intention? And R. Simeon b. Laqish said, “We speak of a case in which he has cut it off to feed to a dog, and the intention of preparing food for a dog does not constitute an act of intentionality [such as to treat the listed categories as food].”*

- C. *And does it not now? But have we not learned in the Mishnah: **A general rule did they state in connection with clean foods: whatever is set aside for human consumption is susceptible to uncleanness until it is unfit for food for a dog, and whatever is not set aside for human consumption is insusceptible to uncleanness until it is designated for men [M. Toh. 8:6A-C].***
- D. *That speaks of removing [the status of susceptibility as food to] uncleanness from it, for, since to begin with the food was suitable for human consumption, the uncleanness does not depart until it becomes unfit for a dog; in the case at hand, however, at issue is the condition in which the food is susceptible to receive uncleanness: if it is suitable for man it is suitable for a dog, if it is unsuitable for man it is unsuitable for a dog.*
- E. *The upshot of all of this is simple: it is clearly stated on Tannaite authority that [with the flesh of man] intentionality is required, but intentionality is required only in connection with a light form of uncleanness [in which case, the flesh of man is capable of receiving a light form of uncleanness, contrary to the statement made above].*
- F. *But that rule applies while the man is alive. But once he has died, he is subject to a most severe form of uncleanness alone.*
- G. *Then along these same lines, the rule must refer also to the period after death. If reference is to the meat, then the meat imparts a most severe form of uncleanness, and if reference is made to the blood, then the blood too must impart a most severe form of uncleanness. [This then proves that cattle, too, are subject only to a most severe form of uncleanness alone, just like man.] For we have learned in the Mishnah: **The blood of carrion — the House of Shammai declare it clean, and the House of Hillel declare it unclean [M. Ed. 5:1B-D].** [The blood of a carcass, like its flesh, is unclean in a most severe level of uncleanness.]*
- H. *The passage is required to speak of an instance along the lines of that which we have learned in the Mishnah: **The carrion of an unclean beast located anywhere, and the carrion of clean fowl in the villages, require intention but do not require preparation. The carrion of a clean beast located anywhere, and the carrion of clean fowl, and fat in the markets, do not require intention of preparation [M. Uqs. 3:3A-G].***
- I. *In this connection said Rab to R. Hiyya, “What need do I have to require intentionality in order to make it susceptible to a minor level of uncleanness, since it itself is already unclean, is it not [in the classification of carrion anyhow]?”*

- J. *He said to him, "We deal with a case, for example, in which there is less than an olive's bulk of carrion, and one joined it together with less than an egg's bulk of food, so that together they add up to an egg's bulk."*
- K. *If so, then it should also require preparation [to become susceptible to uncleanness,] and not only intentionality, for lo, the Tannaite authority of the house of R. Ishmael [said], "If anything of their carcass should fall upon any seed that is to be sown' (Lev. 11:37) — just as what characterizes seed is that it is not destined ever to become unclean with a most severe form of uncleanness and it further requires preparation to become susceptible to uncleanness, so everything that is not destined in the end to be unclean with a most severe form of uncleanness must be prepared so as to become susceptible to uncleanness."*
- L. *He said to him, "That rule applies to food in general, which contains less than an olive's bulk of carrion; in the case at hand, however, the food has joined to it less than an olive's bulk of carrion, and since if the carrion made up a full olive's bulk, it would not require preparation [being intrinsically unclean], [here too it requires no preparation]."*
- M. **[21B]** *"That rule then serves to exclude the case of the flesh of a corpse, for even though it is joined to foodstuff to make up an egg's bulk, it does not convey food uncleanness, for the general unacceptability of cannibalism sets aside a particular individual's intentionality to practice cannibalism."*
- N. *R. Hanania said, "You may even say that it forms a whole olive's bulk [the volume that is required for contracting uncleanness], but here with what situation do we deal? It is one in which it was entirely covered with dough [Porusch: the dough itself was less than an egg's bulk, but together with the olive's bulk of carrion, the whole added up to an egg's bulk, and this can convey food uncleanness]."*
- O. *If so, then we should require also an act of preparation!*
- P. *That rule applies to other classes of foods, which do not impart uncleanness either when they are touched or when they are carried, but here, while it does not impart uncleanness through contact, since it has been covered up with dough, still, if it is carried it does impart uncleanness, for it is, after all, carried. But the flesh of a corpse, even though covered with dough, will still convey uncleanness of a most severe order, for in that case the uncleanness breaks through and goes upward or breaks through and goes downward. [Porusch: Even though the morsel of the corpse is buried or covered up, it still transmit uncleanness to what is above or below.]*
- I.4.** A. *A master has said, "I exclude, further, the blood of fish and locusts, for their blood is always permitted [not requiring an act of proper slaughter]."*
- B. *What is the meaning of "for their blood is always permitted [not requiring an act of proper slaughter]"? Should we say that their forbidden fat is permitted, lo, the forbidden fat of a wild beast is permitted, and nonetheless its blood is still forbidden, and if the sense is that the prohibition of the sciatic nerve does not apply to them, then the law prohibiting the sciatic nerve does not pertain to fowl, and yet the blood of fowl is forbidden!*

C. *So what is the meaning of “for they are always permitted”? It is that it does not require an act of proper slaughter.*

I.5. A. A master has said, “...whether of fowl [or of animal]’ — just as fowl is not subject to the rule that prohibits hybridization, so only those animals that are not subject to the prohibition of hybridization are subject to the law prohibiting the blood? Scripture to the contrary says, ‘...or of animal...’”

B. *What sort of hybridization? If it is breeding diverse kinds of animals or plowing with diverse kinds, have we not learned: **beasts and fowl are subject to the same laws** [M. B.Q. 5:7B]?*

C. Rather, said Abayye, “The reference is to the fluff, which is not subject to the prohibition of hybridization [so the fluff of a fowl may be woven together with linen].”

We have now completed the exposition of the composition introduced as a complement to the Mishnah’s rule. We proceed to a proposition that intersects with the topic of the Mishnah, namely, classifications of blood on account of which guilt is incurred. The proposal is tested against the Mishnah’s Toseftan complement.

I.6. A. Said R. Judah said Rab, “On account of eating the blood of dead creeping things in the volume of an olive’s bulk, people are flogged.”

B. *An objection was raised: **Blood from the spleen, blood from the heart, blood from the kidneys, blood from the limbs — lo, these are subject to a negative commandment. Blood of those who go on two feet, blood of eggs, blood of creeping things is prohibited, but they are not liable on their account. Blood of fish and blood of locusts — lo, this is permitted** [T. Ker. 2:19D-F]. [Omitted is blood of dead creeping things.]*

C. *What is the meaning of **but they are not liable on their account**? It is that they are not liable on that account to extirpation, but only for the violation of a prohibition, first, because otherwise, this would be the same point as is made to begin with, and, second, the Tannaite authority expressly excludes it even from being subject to a prohibition, for it has been taught explicitly to that effect on Tannaite authority: I must exclude the blood of dead creeping things, for they are not subject to a most severe form of uncleanness.*

D. Said R. Zira, “If the admonition [given to the sinner prior to his act of eating the blood] concerned [the prohibition against eating dead creeping things in general, inclusive of all of their components, one incurs a flogging; if it related to merely eating the blood, he is exempt from a flogging.” [Porusch: the blood of a dead creeping thing is prohibited as part of the flesh; as blood, however, it is not subject to a special prohibition. So the upshot depends on the character of the warning, which has to be precise and comprehensive. If the transgressor at the time of eating this blood was warned as to the blood, then he incurs a flogging on that count.]

I.7. A. Said Rab, “The blood of fish which one has collected is forbidden.”

B. *An objection was raised: **Blood of fish and blood of locusts — lo, this is permitted** [T. Ker. 2:19D-F]. And that is even to begin with [and not only after the fact].*

- C. *That refers to a case in which one has not collected the blood, while the statement of Rab refers to a case in which one has collected the blood.*
- D. *Then along these same lines, the rule referring to those who walk on two feet should also refer to a case in which one has not collected the blood. But is it forbidden? And lo, it has been taught on Tannaite authority: the blood that is found on a loaf of bread is scraped away, and then the loaf may be eaten; that which is between the teeth may be sucked and swallowed without hesitation.*
- E. *Rather, when that teaching was set forth, it refers to blood in the fish scales, while Rab, ruling that it is forbidden, speaks of a case in which there were no fish scales.*

Since the foregoing has referred to blood deriving from human beings, the topic is supplemented with a composition devoted to that very subject.

- I.8. A. Said R. Sheshet, “The blood of those who walk on two feet — even the religious duty of keeping distant from it does not pertain to it.” [No secondary restrictions apply, e.g., to touching if not to eating.]
- B. *An objection was raised: **Blood from the spleen, blood from the heart, blood from the kidneys, blood from the limbs — lo, these are subject to a negative commandment. Blood of those who go on two feet, blood of eggs, blood of creeping things is prohibited, but they are not liable on their account** [T. Ker. 2:19D-F].*
- C. *When the Tannaite authority taught that it is forbidden, [22A] that ruling applies where it had been separated [it was blood that had parted from the body and had been collected in a utensil or was found on a loaf; that may not be eaten; what is still within the body may be deliberately eaten]. The ruling of Rab speaks of a case in which it had not separated.*
- D. *For it has been taught on Tannaite authority: the blood that is found on a loaf of bread is scraped away, and then the loaf may be eaten; that which is between the teeth may be sucked and swallowed without hesitation.*
- E. *There are those who repeat the statement of R. Sheshet in the context of that which has been taught on Tannaite authority:*
- F. *Might one suppose that one who drinks human milk violates a negative commandment, for it is a matter of logic: if an unclean beast, in which case the law has applied a lenient ruling as to touching it but a strict ruling as to its milk, those who walk on two legs, in which case the law has imposed a strict ruling as to contact, surely should be subject to a prohibition as to their milk.*
- G. *Scripture states, “This is unclean for you” (Lev. 11:29) — this is unclean, but the milk of those who walk on two legs is not unclean but clean.*
- H. *Then I shall eliminate the milk, which is not alike in all cases [the milk of a clean animal is permitted, that of an unclean one is forbidden,] but blood, which is forbidden in all cases, I shall not eliminate!*
- I. *Scripture says, , “This is unclean for you” (Lev. 11:29) — this is unclean, but the blood of those who walk on two legs is not unclean but clean.*
- J. *Said R. Sheshet, “The blood of those who walk on two feet — even the religious duty of keeping distant from it does not pertain to it.”*

We now resume our interest in classifications of blood and the restrictions pertaining to them.

I.9. A. *In the Mishnah we have learned at the following passage:*

- B. **The heart: one cuts it open and takes out its blood. If he did not cut it open, he does not transgress on that account [M. Hul. 8:3F-H].**
- C. Said R. Zira said Rab, “That rule refers only to the heart of fowl, since it is not of the volume of an olive, but as to the heart of a beast, in which there is the volume of an olive, it[s blood] is forbidden, and one who eats it is subject to the penalty of extirpation.”
- D. *An objection was raised from the following: Blood from the spleen, blood from the heart, blood from the kidneys, blood from the limbs — lo, these are subject to a negative commandment. Blood of those who go on two feet, blood of eggs, blood of creeping things is prohibited, but they are not liable on their account [T. Ker. 2:19D-F].* [So eating the the blood of the heart is subject to a prohibition and thus flogging, while Rab has said that it is subject to extirpation.]
- E. *The passage refers to blood within [contained within the walls of the beast’s heart], while Rab’s statement referred to blood that comes from elsewhere [and has now collected in the heart].*
- F. *But this is the blood of limbs [and is in the same classification in the cited passage]!*
- G. *But in accord with your reading of the passage, does not the passage refer to “blood of the kidneys,” and yet it refers also to “blood of the limbs”? So the point is that the framer of the passage listed the one and then went and included the other [even though it falls into the same classification as the former], and here too, it listed the one and then went and included the other.*
- H. *When reference is made to “blood that comes from elsewhere,” whence does that blood come?*
- I. *Said R. Zira, “When the soul departs, the heart collects that blood with the last breath [Porusch: the last beat of the heart before the animal’s death fills the chambers of the heart with blood from the arteries].”*

For the next clause of the Mishnah we define terms of the Mishnah’s wording.

II.1. A. **and the blood of the arteries [let in bloodletting], by which the lifeblood flows out**

- B. *It has been stated:*
- C. What is the definition of **the blood of the arteries [let in bloodletting], by which the lifeblood flows out?**
- D. R. Yohanan said, “It is, ‘That which gushes forth.’”
- E. R. Simeon b. Laqish said, “It is the blood that flows from the black drop onward.” [Porusch: when the arteries are cut, the escaping blood is at first dark and then red. In its second stage it begins after a while to gush forth with force, and when the pressure had ceased, the stream weakens and the blood oozes gently. There is thus at the beginning as well as the end a period when the blood escapes in a gentle flow. According to Yohanan, only the blood that escapes with force is considered

the life blood; according to Simeon b. Laqish, it is all blood that escapes after the last black drop, even when flowing gently.]

- F. *An objection was raised: What is the blood of life? It is the blood that issues so long as it gushes. And what is blood that exuded after death? It is any that does not gush [T. Zeb. 8:17E-H]. Is it not the case, then, that the initial as well as the final blood that flows gently is deemed blood that exuded after death and that would refute the definition of R. Simeon b. Laqish?*
- G. *No, what is excepted is blood that is black, but the first blood that appears, and the last blood, though flowing gently, also are classified as lifeblood.*
- H. *An objection was raised: What is the blood of life? It is the blood It is the blood that issues so long as it gushes, excluding the first and the last blood that flows, because this does not gush. Now does that statement not refute the definition of R. Simeon b. Laqish?*
- I. *He will say to you, "It is a conflict among Tannaite traditions." For it has been taught on Tannaite authority:*
- J. "What is the lifeblood? It is the blood that gushes," the words of R. Eliezer.
- K. R. Simeon says, "It is from the last black drop and onward."
- L. *The Tannaite authority of the household of R. Ishmael: "and drink the blood of the slain' (Num. 23:24) — excluding the blood that gushes, which does not impart susceptibility when it wets down seed [Lev. 11:34, 37]."*

- II.2.** A. *R. Jeremiah asked R. Zira, "If one drew blood from a beast and collected it in two vessels, what is the law? For the blood in the first cup [should one drink it] one would be liable, in the view of all authorities [since it contains the life blood], but is he liable for the blood in the second cup or is he not liable?"*
- B. He said to him, "That is the dispute between R. Yohanan and R. Simeon b. Laqish. For it has been stated:
- C. "If one drew blood from a beast and received its blood in two cups, R. Simeon b. Laqish says, '[If he drank it inadvertently], he is liable on two counts to a sin offering.' R. Yohanan said, 'He is liable only on one count [for the blood in the second cup alone].'"

We proceed to the clarification of Judah's position in the Mishnah.

III.1 A. R. Judah declares liable in the case of blood which is squeezed out:

- B. Said R. Eleazar, "R. Judah concedes, as to the matter of atonement, since it is written, 'For it is the blood that makes atonement by reason of the life' (Lev. 17:11) [and the final clause is taken to refer to lifeblood]. It is the blood with which the life goes forth that effects atonement, but the blood that flows otherwise does not effect atonement."
- C. *Said R. Nahman bar Isaac, "We too have learned the matter on Tannaite authority, for it has been taught on Tannaite authority:*
- D. "“blood” (Lev. 17:11). Why does the text say “any manner of blood” (Lev. 17:10)? Since the text states, “For it is the blood that makes atonement by reason of the life” (Lev. 17:11), I know only that it is with reference to the blood of Holy Things, that marks the end of life and that makes atonement, that the prohibition of blood applies. How do I know that the blood of unconsecrated

beasts and the blood that is squeezed out [also are forbidden]? Scripture states, “any manner of blood” (Lev. 17:10).’

- E. “And an unassigned passage of Sifra belongs to R. Judah.” [So Judah concedes that only blood that gushes forth with force brings about atonement.]

I.1 opens with a fine exposition of the scriptural basis for the distinction that is made in the Mishnah-paragraph. Nos. 2, 3, 4, 5 extend the discussion that commences in No. 1. Nos. 6, 7, 8, 9 then move on to blood in other classifications, thus amplifying the basic rule of the Mishnah. All items serve to clarify the cited passage of the Tosefta, and No. 9 shows us that the purpose is to focus upon the Tosefta, not on the introductory propositions, since at stake is the interpretation of the ruling pertinent to our Mishnah-paragraph, inclusive of its Toseftan supplement. II.1 cites and spells out the Mishnah’s reference to gushing blood. III.1 serves the same purpose for Judah’s statement. But the issue as framed seems to wander a bit.

5:2

- A. **R. Aqiba declares [a person] liable to a suspensive guilt offering in the case of a matter of doubt regarding acts of sacrilege.**
- B. **And sages declare exempt.**
- C. **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.**
- D. **Said R. Tarfon, “How is it that this one brings two guilt offerings?**
- E. **“But let him bring his restitution [for sacrilege] and its added fifth.**
- F. **“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.**
- G. **““And if my act of sacrilege is subject to doubt, then the coins are a freewill offering, and the guilt offering is suspended [conditional].’**
- H. **“For the kind of animal that he brings in the case of certainty, he brings in the case of uncertainty.”**

5:3A-C

- A. **Said to him R. Aqiba, “Your opinion is sound in the case of an act of small-scale sacrilege.**
- B. **“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?”**
- C. **Thus R. Aqiba concedes the position of R. Tarfon in the case of small scale sacrilege.**

The Mishnah’s formulation cries out for a foundation in Scripture, since a variety of established facts have been taken for granted but not made explicit, and that is precisely the Talmud’s starting point.

I.1 A. [22B] *Our rabbis have taught on Tannaite authority:*

- B. “‘And if any one [commits a breach of faith and sins unwittingly in any of the holy things of the Lord]’ (Lev. 5:15) — this [“and if”] serves to impose liability for a suspensive guilt-offering in the case of an act of sacrilege that is subject to doubt,” the words of R. Aqiba.
- C. And sages declare him exempt.
- D. *May one say that this is what is subject to dispute: R. Aqiba takes the view that we derive the rule for a prior matter from one that is mentioned later on, and rabbis maintain that we do not derive the rule governing a prior matter from a matter that is mentioned later on. [The prior matter is the one regarding sacrilege, the one that follows deals with the suspensive guilt offering, so Lev. 5:17: If any one sins, doing any of the things that the Lord has commanded not to be done, though he does not know it, yet he is guilty and shall bear his iniquity.” Aqiba then derives the rule governing the case of an act of sacrilege that is subject to doubt from the rule governing unwitting sins that are subject to doubt, and consequently requires a suspensive guilt offering, and that explains his position: **R. Aqiba declares [a person] liable to a suspensive guilt offering in the case of a matter of doubt regarding acts of sacrilege.** Sages do not read the rule of the latter passage into the definition of the former.]*
- E. Said R. Pappa, “*All parties concur that we derive the rule for a prior topic from one that comes later on, for otherwise we should have no basis for the law that the bullock has to be slaughtered on the north side of the altar [for that rule derives from the fact that while the rule on the bullock offerings, Lev. 1: 3-4, comes prior to the rule on offering small cattle, Lev. 1:10f., and only the latter requires the slaughter to take place on the north side of the altar, we do indeed slaughter the bullock offerings on the north side of the altar as well]. But this is the reason for the position of rabbis, who declare one exempt [from having to present a suspensive guilt offering in the case of a matter of doubt regarding acts of sacrilege]: they derive an analogy to a sin offering based on the appearance of the word ‘commandments’ with reference to both matters. There [at Lev. 4:27, with reference to a sin offering] there is an offense for which one is liable to extirpation in the case of a deliberate violation of the law, and to a sin offering in the case of an inadvertent violation of the law, and to a suspensive guilt offering in the case of doubt. So in every case, for which one is liable to extirpation in the case of a deliberate violation of the law, and to a sin offering in the case of an inadvertent violation of the law, and to a suspensive guilt offering in the case of doubt, the same rule applies; but this excludes sacrilege, for in that case, a deliberate violation of the law does not bring on the penalty of extirpation.*”
- F. *For it has been taught on Tannaite authority:*
- G. He who deliberately committed an act of sacrilege —
- H. Rabbi says, “He is subject to the death penalty.”
- I. And sages say, “He is subject to an admonition.”
- J. And how about the position of R. Aqiba?
- K. *He maintains that when we draw an analogy between the reference here to “commandments” and the reference to “commandments” with regard to the sin offering [thus yielding the position outlined at E], it serves for the eating of prohibited fat, and accomplishes the following purpose:*

- L. just as in that matter, reference is made to a sacrifice of fixed value, so all of the sacrifices must be of fixed value, thus excluding sacrifices of variable value [such as those listed at Lev. 5: 1-13].
- M. *And rabbis?*
- N. *They take the view that* one may not derive from an argument by analogy established through the use of a word in common only a limited repertoire of conclusions [but once the analogy is drawn, then all of the traits of one case apply to the other].
- O. *Then does it follow that* R. Aqiba holds that one may derive from an argument by analogy established through the use of a word in common only a limited repertoire of conclusions? [Not at all.] *All parties concur that* one may not derive from an argument by analogy established through the use of a word in common only a limited repertoire of conclusions [but once the analogy is drawn, then all of the traits of one case apply to the other]. *And this is the operative consideration for the position of R. Aqiba:* Scripture has said, “And if any one,” with the result that the use of the “if” serves to complement the matter that is treated first and to impose upon that matter a rule that is presented only later on. [thus: “And if any one [commits a breach of faith and sins unwittingly in any of the holy things of the Lord]” (Lev. 5:15) — this ‘and if’ serves to impose liability for a suspensive guilt-offering in the case of an act of sacrilege that is subject to doubt,” the words of R. Aqiba.]
- P. *And rabbis?*
- Q. *They take the view that it is the later passage that derives a rule from the earlier one, specifically with reference to the rule on the silver shekels for guilt offerings* [the suspensive guilt offering to which the later passage refers has to be worth a least two silver shekels, just as is the case for the offering required by the rule presented in the earlier paragraph].
- R. And R. Aqiba?
- S. *He takes the view that* a connection cannot be drawn only from one direction to the other [but that all the rules that apply in the one case apply in the other].
- T. *Then does it follows that rabbis maintain* that a connection can be drawn only from one direction to the other [but not in both directions, so that the rules in one case do not apply to the other]? *Lo, we have it as an established fact that* a connection cannot be drawn only from one direction to the other [but that all the rules that apply in the one case apply in the other]. *For all parties concur that* a connection cannot be drawn only from one direction to the other [but that all the rules that apply in the one case apply in the other].
- U. *Then what is the operative consideration for rabbis here?*
- V. *It is that they derive the rule from the use of the word “commandments” in both cases, and that excludes the argument by analogy [that Aqiba has used].*
- W. *And the view of R. Aqiba?*
- X. *He derives the rule on the silver shekels for guilt offerings from the statement, “This is the Torah of the guilt offering” (Lev. 7: 1), meaning, there is a single Torah that covers all guilt offerings, and that encompasses that the animal must be worth at least two silver shekels.*

- Y. *And rabbis?*
- Z. *Even though it is written, “This is the Torah of the guilt offering” (Lev. 7: 1), it still was necessary to write, “And if any one [commits a breach of faith and sins unwittingly in any of the holy things of the Lord]” (Lev. 5:15), with the “and” serving to complement the initial matter and so to impart the rule governing the later topic from the one that applies to the earlier one. For if I had had to derive the rule from the phrase, “This is the Torah of the guilt offering” (Lev. 7: 1), I might have come to the conclusion that when the Torah states that there is a single Torah covering all guilt offerings, that rule would govern all of those guilt offerings brought in cases of certainty that liability has been incurred, but in the case of a suspensive guilt offering, since it is brought on account of a matter of doubt having to do with whether or not one has eaten forbidden fat, I might have said that a matter of doubt in such a regard should not be treated more strictly than a matter of certainty. If in a matter of certainty, the sin offering may be worth a mere danqa, then, in a matter of doubt, a guilt offering of the value of a mere danqa would be sufficient. So the Torah had to write, “And if any one [commits a breach of faith and sins unwittingly in any of the holy things of the Lord]” (Lev. 5:15), with the “and” serving to complement the initial matter and so to derive the rule governing the later topic from the one that applies to the earlier one.*
- AA. *That is a fine reply from the viewpoint of one who carries out an exegesis of the language, “This is the Torah of the guilt offering.” But from the viewpoint of one who does not carry out an exegesis of the language, “This is the Torah of the guilt offering,” what is to be said?*
- BB. *[The rule that the minimum cost of the suspensive guilt offering must be two sheqels] he derives from the common appearance of the term, “your valuation,” both at Lev. 5:15 and at Lev. 5:18.*
- CC. *And with reference to the guilt offering to be presented in the case of the slave-girl designated for another, where “your valuation” is not used, the rule governing the value of the animal derives from the appearance of the term in common, “ram” (at Lev. 5:15 and 19:22).*

We conclude with a clarification of Aqiba's language.

II.1 A. Thus R. Aqiba concedes the position of R. Tarfon in the case of small scale sacrilege:

- B. What is the meaning of the use of the “if” [**And if my act of sacrilege is subject to doubt**]?]
- C. Said Raba, “Repeat the matter on Tannaite authority: ‘and if the matter should forever remain subject to doubt, then it shall be a suspensive guilt offering, **for the kind of animal that he brings in the case of certainty, he brings in the case of uncertainty.**’”
- D. *Still, when he becomes aware of the facts of the matter, he still has to bring a guilt offering for an act that has certainly been committed!*
- E. Said Raba, “From the opinion stated by both authorities here [Aqiba and Tarfon] we learn that at the outset a guilt offering that is brought by reason of certainty

does not require knowledge at the outset. [Porusch: it is not necessary for the sinner to be aware of the sin when he commits the sin.]”

I.1 sets forth the foundations for the dispute between Aqiba and sages, seeking an exegetical basis for the dispute. The upshot is to place on display a variety of hermeneutical principles and to show how they work; but the focus is precise and limited. II.1 accomplishes an important task in clarifying the language of the Mishnah.

5:3D-G

- D. 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] ,
- E. if before the neck was severed, it became known to her that she had certainly brought forth [a viable foetus] —
- F. let her make it into an unconditional offering [for certainty].
- G. For the kind of animal that she brings in the case of uncertainty she brings in the case of certainty.

5:4

- A. A piece of meat of unconsecrated food and a piece of meat of Holy Things —
- B. [if] one ate one of them, and it is not known which of them he ate —
- C. he is exempt.
- D. R. Aqiba declares him liable to a suspensive guilt offering.
- E. [If] he ate the second, he brings an unconditional guilt offering.
- F. [If] one person ate the first and another came and ate the second,
- G. “this one brings a suspensive guilt offering and that one brings a suspensive guilt offering,” the words of R. Aqiba.
- H. R. Simeon says, “Both of them bring a single guilt offering.”
- I. R. Yosé says, [23A] “Two do not bring a single guilt offering.”

5:5

- A. A piece of meat of unconsecrated food and a piece of meat consisting of forbidden fat —
- B. [if] one ate one of them, and it is not known which of them he ate —
- C. he brings a suspensive guilt offering.
- D. [If] he ate the second, he brings a sin offering.
- E. [If] one person ate the first, and another came along and ate the second,
- F. this one brings a suspensive guilt offering and that one brings a suspensive guilt offering.
- G. R. Simeon says, “Both of them bring a single sin offering.”
- H. R. Yosé says, “Two do not bring a single sin offering.”

5:6

- A. A piece of meat consisting of forbidden fat and a piece of meat of Holy Things —
- B. [if] one ate one of them, and it is not known which of them he ate—

- C. he brings a suspensive guilt offering.
- D. [If] he ate the second, he brings a sin offering and an unconditional guilt offering.
- E. [If] one person ate the first, and another came along and ate the second,
- F. this one brings a suspensive guilt offering, and that one brings a suspensive guilt offering.
- G. R. Simeon says, “Both of them bring [one] sin offering and [one] guilt offering.”
- H. R. Yosé says, “Two do not bring [one] sin offering and [one] guilt offering.”

5:7

- A. A piece of meat consisting of forbidden fat and a piece of meat consisting of forbidden fat of Holy Things —
- B. [if] one ate one of them, and it is not known which of them he ate —
- C. he brings a sin offering.
- D. R. Aqiba says, “He brings a suspensive guilt offering.”
- E. [If] he ate the second, he brings two sin offerings and an unconditional guilt offering.
- F. 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.
- G. R. Aqiba says, “This one brings a suspensive guilt offering, and that one brings a suspensive guilt offering.”
- H. R. Simeon says, “This [one brings] a sin offering, and that one, a sin offering. And both of them bring a single guilt offering.”
- I. R. Yosé says, “Two do not bring a single guilt offering.”

5:8

- A. A piece of meat consisting of forbidden fat and a piece of meat consisting of forbidden fat which is remnant —
- B. [if] one ate one of them, and it is not known which of them he ate—
- C. he brings a sin offering and a suspensive guilt offering.
- D. [If] he ate the second, he brings three sin offerings.
- E. [If] one person ate the first, and someone else came along and ate the second,
- F. this one brings a sin offering and a suspensive guilt offering, and that one brings a sin offering and a suspensive guilt offering.
- G. 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].”
- H. R. Yosé says, “Any sin offering which is brought on account of sin — two people do not bring it.”

The Talmud picks and chooses the passages of the Mishnah on which comment is required. Here we clarify Yosé’s view at M. 5:7I.

- I.1 A.** *Said Raba to R. Nahman, “In the opinion of R. Yosé, it is in particular the sin offering that two persons cannot bring. Lo, a suspensive guilt offering indeed may be brought by two of them — and that is precisely the position of the initial*

authority of the same rule! And should you say, they differ as to whether one out of two distinct pieces is required [one of the sin offerings is brought for violation of the law of remnant, the guilt offering on account of sacrilege], has it not been taught on Tannaite authority: R. Yosé says, ‘This one presents a suspensive guilt offering and that one presents a suspensive guilt offering’?”

- B. He said to him, “What the framer of the passage wishes us to infer is that the initial authority of the passage indeed is R. Yosé.”

We raise an obvious question concerning the rule of the Mishnah, which is, remnant (an offering kept past its time and not burned up) remains in the category of Holy Things.

II.1 A. 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.

- B. *Said Raba to R. Nahman, “But let him present also an unconditional guilt offering, since the remnant is in any event Holy Things!”*
- C. *He said to him, “We deal with a case in which it was not worth a penny [so no act of sacrilege has been committed].”*
- D. *“But to begin with we deal with cases in which at least a penny’s worth of sacrilege has been committed, for lo, reference has been made to the fact that he must bring an unconditional guilt offering!”*
- E. *He said to him, “In that case, since it was not remnant, it was worth a penny.”*
- F. *“But what of the passage: **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? Here reference is made to remnant, and one must present four sin offerings and one guilt offering!**”*
- G. *He said to him, “That passage speaks of a large meal, ours to a skimpy one; or that passage speaks of the rainy season, this to the sunny season. [The meat served there was more or better preserved.]”*

We deal with the position of Simeon in the following passage of the Mishnah.

III.1 A. [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.”

- B. *Said Raba to R. Nahman, “But did R. Simeon take the position that one prohibition can take effect in a situation that is subject to an existing prohibition? And has it not been taught on Tannaite authority:*
- C. *“R. Simeon says, ‘He who eats carrion on the Day of Atonement is exempt [since the prohibition of carrion took effect prior to the Day of Atonement, so the prohibition of eating on the Day of Atonement does not take effect].”*
- D. *Said R. Sheshet b. R. Idi, “It is, for example, a case in which he ate the kidney with the prohibited fat attached.” [The part of the kidney that is not prohibited fat is subject to the prohibition of remnant. By eating them together he is liable to the*

prohibition of the forbidden fat and also the one concerning remnant, the first by reason of the prohibited fat, the second because of the kidney itself (Porusch)].

- E. *But the kidney with the prohibited fat attached is subject to the prohibition that covers whatever goes up on the altar [and so neither can be used], so how did the prohibition as to remnant ever take effect on the meat? And should you say that R. Simeon takes the view that the prohibition of remnant is a very stringent one and it takes effect over something that is subject to a prohibition that is only lenient, namely, the one governing what goes up on the altar, lo, meat that is carrion, which is subject to a lenient prohibition, which one ate on the Day of Atonement, the prohibition of which is a very weighty one indeed, can have been at issue, and the prohibition governing eating on the Day of Atonement, which is a very weighty one, does not come and take effect over the prohibition affecting the carrion, which is subject to a minor prohibition. Rather, as to Holy Things, the All-Merciful [in the Torah] himself has made it explicit that a prohibition takes effect even when another prohibition already is in effect.*
- F. **[23B]** *For it has been taught on Tannaite authority:*
- G. “And if any one touches an unclean thing...and then eats of the flesh of the sacrifice of the Lord’s peace offerings, that person shall be cut off from his people” (Lev. 7:21) —
- H. “of the Lord’s...” serves to encompass the sacrificial parts [which are placed upon the altar].
- I. *Now these sacrificial parts are already subject to the prohibition that extends to what is offered on the altar, and the forbidden fat likewise is subject to the prohibition that bears the sanction of extirpation. Nonetheless, the prohibition of imparting uncleanness comes and takes effect over them.*
- J. *You may know that that is the case, for lo, Rabbi takes the position that one prohibition may take effect over a case already subject to another prohibition. But that rule applies, in particular, when a more strict prohibition takes effect where a less strict prohibition is already in effect. But if there is a less strict prohibition and a more strict prohibition, that is not the case. But with reference to Holy Things a less strict prohibition may take effect even where a more strict prohibition is already in effect. For lo, the prohibition of sacrilege is a less strict prohibition, bearing the sanction of death, while the prohibition of Holy Things is a more weighty prohibition, bearing the sanction of extirpation, and the prohibition bearing the sanction of death takes effect where the prohibition involving extirpation is already in effect.*
- K. *For it has been taught on Tannaite authority:*
- L. Rabbi says, “‘All fat is the Lords’ (Lev. 3:16) — this serves to encompass the sacrificial parts of Lesser Holy Things under the law of sacrilege.”
- M. *Now the prohibition of sacrilege is a less strict prohibition, bearing the sanction of death, while the prohibition of Holy Things is a more weighty prohibition, bearing the sanction of extirpation, and the prohibition bearing the sanction of death takes effect where the prohibition involving extirpation is already in effect. And that bears the implication that it is with particular reference to Holy Things that Scripture has made the matter known.*

- N. *And lo, it has been taught on Tannaite authority:*
- O. R. Simeon says, "The consideration of abomination [by the improper intention of the officiating priest to eat the meat at the wrong time or to toss the blood in the wrong place] does not apply to what is offered upon the altar, and the consideration of remnant does not apply to what is offered upon the altar." [So he rejects Rabbi's position even with reference to Holy Things. A double prohibition is never effective.]
- P. *What we have is a conflict among Tannaite versions in respect to the opinions of R. Simeon. There are those who say that as to Holy Things, a prohibition may take effect where there already is a prohibition in effect, and there are those that say that also with respect to Holy Things a prohibition cannot take effect where a prohibition is already in effect.*
- Q. *And from the perspective of those that say that also with respect to Holy Things a prohibition cannot take effect where a prohibition is already in effect, how are we to interpret the phrase, "All fat is the Lord's"?*
- R. *That phrase is made to speak of the offspring of Holy Things, for they take the view that the offspring of Holy Things are consecrated only when they are born, so both prohibitions in this case take effect simultaneously.*

I.1 clarifies the redundancy that is presented when we analyze Yosé's position and provides a compelling solution to the problem. The effect of II.1 is to relate our passage to an important intersecting one. III.1 introduces a quite distinct but pertinent consideration, the only passage that extends the case to the principle that underlies it and so requires consideration of a variety of cases within a single context.