

Talmud - Mas. K'rithoth 2a

CHAPTER I

MISHNAH. THERE ARE IN THE TORAH THIRTY-SIX [TRANSGRESSIONS WHICH ARE PUNISHABLE¹ WITH] EXTINCTION:² WHEN ONE HAS INTERCOURSE WITH HIS MOTHER,³ HIS FATHER'S WIFE OR HIS DAUGHTER-IN-LAW; WHEN A MAN HAS CONNECTION WITH A MALE, OR COVERS A BEAST, OR WHEN A WOMAN ALLOWS HERSELF TO BE COVERED BY A BEAST; WHEN ONE HAS INTERCOURSE WITH A WOMAN AND HER DAUGHTER,⁴ WITH A MARRIED WOMAN, WITH HIS SISTER, WITH HIS FATHER'S SISTER, HIS MOTHER'S SISTER, HIS WIFE'S SISTER,⁵ HIS BROTHER'S WIFE,⁶ THE WIFE OF HIS FATHER'S BROTHER,⁷ OR WITH A MENSTRUOUS WOMAN; WHEN ONE BLASPHEMES [THE LORD].⁸ SERVES IDOLS,⁹ DEDICATES OF HIS CHILDREN TO MOLECH¹⁰ OR HAS A FAMILIAR SPIRIT,¹¹ OR DESECRATES THE SABBATH;¹² . WHEN AN UNCLEAN PERSON EATS OF SACRIFICIAL FOOD,¹³ OR WHEN ONE ENTERS THE PRECINCTS OF THE TEMPLE IN AN UNCLEAN STATE;¹⁴ WHEN ONE EATS HELEB,¹⁵ BLOOD,¹⁶ NOTHAR¹⁷ OR PIGGUL;¹⁸ WHEN ONE SLAUGHTERS OR OFFERS UP¹⁹ [A CONSECRATED ANIMAL] OUTSIDE [THE TEMPLE PRECINCTS]; WHEN ONE EATS ANYTHING LEAVENED ON PASSOVER;²⁰ WHEN ONE EATS OR WORKS ON THE DAY OF ATONEMENT;²¹ WHEN ONE COMPOUNDS OIL [OF ANOINTING]²² OR COMPOUNDS INCENSE,²³ OR USES [UNLAWFULLY] OIL OF ANOINTING;²⁴ AND [WHEN ONE TRANSGRESSES THE LAWS OF] THE PASCHAL OFFERING²⁵ , AND CIRCUMCISION²⁶ — FROM AMONG POSITIVE COMMANDMENTS. FOR THESE [TRANSGRESSIONS] ONE IS LIABLE TO EXTINCTION IF COMMITTED WILFULLY,²⁷ AND IF IN ERROR TO A SIN-OFFERING,²⁸ AND IF THERE IS A DOUBT WHETHER HE HAD COMMITTED THE TRANSGRESSION TO A SUSPENSIVE GUILT-OFFERING, EXCEPT IN THE CASE OF ONE WHO DEFILED THE TEMPLE OR ITS CONSECRATED THINGS,²⁹ SINCE ONE IS LIABLE IN THIS CASE TO A SLIDING-SCALE SACRIFICE.³⁰ THUS R. MEIR, WHILE THE SAGES SAY: ALSO THE BLASPHEMER [IS AN EXCEPTION],³¹ FOR IT SAYS: YE SHALL HAVE ONE LAW FOR HIM THAT DOETH AUGHT IN ERROR;³² THIS IS TO EXCLUDE THE BLASPHEMER³³ WHO PERFORMS NO ACTION.³⁴ [

(1) If committed wilfully, but without due warning by two witnesses of the punishments they involve. If committed after such warning, the penalties vary between flagellation and the death sentence.

(2) Heb. kareth, 'cutting off'; i.e., the perpetrator's life is cut short by Providence (v. Glos.): M.K. 28a.

(3) This law as well as the other laws in the Mishnah relating to incestuous or other immoral connections are enumerated in Lev. XVIII. A notable omission from the list of incestuous relations is a daughter, both legitimate and illegitimate. The prohibition relating to her is taken to be self-evident from the explicit prohibition of intercourse with a woman and her daughter, or implied in the law regarding a grand-daughter. Cf. Yeb. 3a; Rashi ad loc.

(4) Or for that purpose also a grand-daughter.

(5) This prohibition holds good only while his wife is alive even though divorced.

(6) An exception is the case of levirate marriage, Deut. XXV, 5f.

(7) In some edd. 'the wife of his mother's brother' is added here.

(8) Num. XV, 30.

(9) Ibid. 31, which is understood to refer to idolatry.

(10) Lev. XVIII, 21.

(11) Ibid. XX, 6; cf. Sanh. VII, 6.

(12) Ex. XXXI, 14.

(13) Lev. XXII, 3.

(14) Num. XIX, 20.

(15) Certain portions of the abdominal fat of cattle which may not be eaten, Lev. VII, 25.

(16) Ibid. XVII, 14.

- (17) Sacrificial portions left over beyond the prescribed time; these have to be burnt, *ibid.* XIX, 6-8. V. Glos.
- (18) The flesh of an offering which became unfit by reason of an improper intention in the mind of those officiating. *ibid.* VII, 18; XIX, 7-8; v. Glos.
- (19) *Ibid.* XVII, 9.
- (20) Ex. XII, 19.
- (21) Lev. XXIII, 29-30.
- (22) In the exact quantities prescribed in Ex. XXX, 23-33.
- (23) In the proportions prescribed in *ibid.* 34-38.
- (24) *Ibid.* 32.
- (25) Num. IX, 13.
- (26) Gen. XVII, 14.
- (27) But without legal warning; v.n. 1 p. 1.
- (28) Referring to the prohibitory laws only. No sin-offering is required for sins of omission. 'Error' denotes ignorance of the nature of the object at the time of transgression; but in case of complete ignorance of the law, no offering is brought; thus Rashi against Maim. Shegagoth II, 6.
- (29) I.e., one is exempt from an offering in case of doubt.
- (30) I.e., the sacrifice varies according to the means of the transgressor, Lev. V, 6, 7, 11. The rule is that a suspensive guilt-offering is brought only in cases where, if in error, one is liable to a fixed sin-offering and not to one that varied according to circumstances, cf. *infra* 25a.
- (31) V. Gemara.
- (32) Num. XV, 29.
- (33) The verse deals with those who must bring a sin-offering; v. *ibid.* 27.
- (34) I.e., whose offence consists of words.

Talmud - Mas. K'rithoth 2b

GEMARA. Why has a number been mentioned [in the Mishnah]? — Said R. Johanan: [To tell you] that if one commits all [these transgressions] in one spell of unawareness he is liable [to a sacrifice] for each of them.¹ Again, as to that which we have learnt: 'There are thirty-nine principal categories of work prohibited on the Sabbath',² why has a number been mentioned there? [To tell you] that if one does them all in one spell of unawareness he is liable to a sacrifice for each of them. Again, as to that which we have learnt: 'There are four who require an act of atonement',³ — why has a number been mentioned there? — To exclude the view of R. Eliezer b. Jacob, who holds that there are five, as we have learnt: 'R. Eliezer b. Jacob says: A proselyte [too] requires atonement [and may not eat of sacred things] until the blood [of the sacrifice] has been sprinkled'. This is why the number 'four' has been mentioned. Again, as to that which we have learnt: 'In four instances one brings the same sacrifice for wilful transgression as for transgression in error',⁴ — why has a number been mentioned there? — To exclude the view of R. Simeon. For it has been taught: 'R. Simeon holds, that in the case of a false oath concerning a deposit⁵ wilful transgression is not expiable by a sacrifice'.⁶ This is why the number 'four' has been mentioned there. Again, as to that which we have learnt: 'There are five instances where one sacrifice is brought for several transgressions',⁷ — why has a number been mentioned? — Because it wishes to state in the sequel, 'And a nazirite who became unclean several times'. Now this is rendered possible if he became defiled on the seventh [clean] day⁸ and then again on the seventh day,⁹ and in accordance with the view of R. Jose son of R. Judah, who maintains that the 'Naziriteship of Cleanness'¹⁰ begins to operate from the seventh day.¹¹ For according to Rabbi, who holds that the 'Naziriteship of Cleanness' does not become operative before the eighth day, how is this rendered possible? If he was defiled on the seventh day and then again on the seventh, the whole is one protracted period of uncleanness;¹² and if he was defiled on the eighth day and then again on the eighth, since he had passed the time when the sacrifice became due, he should be liable to a separate offering for each defilement? It is thus proved that that [Mishnah] is in accordance with R. Jose son of R. Judah.¹³ Where is the dispute between Rabbi and R. Jose son of R. Judah? — As it has been taught: 'And he shall hallow his head the same

day¹⁴ refers to the day of the bringing of the sacrifice, says Rabbi; R. Jose son of R. Judah says: To the day of the cutting of his hair',¹⁵ Again, as to that which we have learnt: 'Five must bring a sliding-scale offering' — why has a number been mentioned there?¹⁶ — Because it says in the sequel:¹⁷ 'The same applies to the ruler'.¹⁸ He thus mentions the number 'five' to exclude the view of R. Eliezer who holds¹⁹ that a ruler brings a goat as an offering.²⁰ Again, as to that which we have learnt: 'There are four principal categories of damage',²¹ — why has a number been mentioned there? — To exclude the view of R. Oshaia, who holds there are thirteen such categories.²² But then why has R. Oshaia mentioned a number? — To exclude the view of R. Hiyya, who holds that there are twenty-four such categories.²³ But then why has R. Hiyya mentioned a number? — To exclude an informer and one who renders a sacrifice piggul.²⁴

The Master said: 'If one commits all these transgressions in one spell of unawareness, one is liable [to a sacrifice] for each of them'. It is well that you could not declare him exempted altogether, for it is written: For whosoever shall do any of these abominations [even the souls that do them] shall be cut off.²⁵ But why not say, if he commits one transgression of these he is liable to one sacrifice, if he transgresses them all in one spell of unawareness he is still liable only to one offering? — Replied R. Johanan: It is for this reason that [the penalty of] kareth has been specially mentioned in connection with 'his sister',²⁶ to intimate that each of them requires a separate atonement.²⁷ R. Bibi b. Abaye demurred to this: Why not say, in the case of 'his sister', which Scripture has singled out, a separate offering is required, but as to the other transgressions there should be but one sacrifice [for them all] since they have been committed under one spell of unawareness?²⁸ But as to R. Bibi b. Abaye, does he not accept [the general principle] which has been taught: 'If a law has been included in a class and has then been singled out for some specification, this specification applies not only to that law but to the whole class',²⁹ for instance [Scripture reads]: And the soul that eateth of the flesh [of the sacrifice of peace-offering. . .].³⁰ Now, was not the peace-offering included in the general class of consecrated things,³¹ why has it been singled out? To make [consecrated things]³² analogous [for the purpose of this law] to the peace-offerings: As the peace-offerings are dedications to the altar, and for this reason one is liable on their account to kareth, so also whatever are dedications to the altar, one is liable on account thereof to kareth; this excludes dedications for the Temple Repair [Fund]!³³ — R. Bibi might reply: From this very [Baraita one can prove the contrary]. Did you not say that dedications for the Temple Repair [Fund] were to be excluded? Likewise here [argue in a similar manner]: Just as 'his sister' is distinguished in that it is a relation which can never be permitted in the lifetime of the man who renders her forbidden,³⁴ so must the others³⁵ be such relatives as cannot be permitted in the lifetime of those who render them forbidden; this excludes the married woman, who can be permitted during the lifetime of him who renders her forbidden!³⁶ — Said R. Jonah, or as some say, R. Huna the son of R. Joshua, Scripture says: For whosoever shall do any of these abominations etc.;³⁷ all other forbidden relations are thus made analogous to 'his sister': Just as in the case of 'his sister' one is liable on her account to a separate offering, so also in all other cases one is liable to a separate offering for each [transgression]. But according to R. Isaac who holds,³⁸ All transgressions³⁹ liable to kareth have been comprised in a general statement,⁴⁰ and the reason that kareth has been singled out in the case of 'his sister' is to render [the offence] subject to the penalty of kareth and not lashes,⁴¹ — wherefrom does he then derive that separate offerings have to be brought for each transgression? — He derives it from: And thou shalt not approach unto a woman while she is a niddah⁴² by her uncleanness;⁴³ a separate offering is brought for each woman.⁴⁴ But as to the Rabbis,⁴⁵ let them derive the law [relating to separate offerings] from: 'Unto a woman while she is a niddah by her uncleanness'? — Indeed they do. And for which purpose then has the penalty of kareth been mentioned in the case of 'his sister'? — [To teach] that separate sacrifices be brought for intercourse with 'his sister', 'his father's sister' and 'his mother's sister'. But is [a text] necessary to separate these [various offences],⁴⁶ are these [transgressions] not of different denominations and [committed with] different persons? — Rather, say that [three] separate sacrifices be required in the case of intercourse with 'his sister' who is at the same time his father's sister and his mother's sister.⁴⁷ And whence will R. Isaac derive this? — He will derive it from the latter part of the verse:

He hath uncovered his sister's nakedness.⁴⁸ And for which purpose do the Rabbis apply 'his sister' in the latter part of the verse? — They apply it

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- (1) The mention of the number indicates that each transgression preserves its identity even if committed in conjunction with other transgressions.
 - (2) Shab. VII, 2.
 - (3) Before they may partake of sacred things.
 - (4) V. infra 9a where no number is mentioned.
 - (5) Which is one of the four instances mentioned in that Mishnah. According to him there are, then, only three such instances.
 - (6) Sheb. 34b.
 - (7) V. infra 9a.
 - (8) A nazirite who is defiled during the period of his naziriteship has to count seven clean days and bring an offering on the eighth day. He has then to observe again his vow of naziriteship for the period stipulated, v. Num. VI, 9f. If he is defiled on the seventh of the clean days, he has to start again this period of cleanness, etc.
 - (9) Viz., after the new defilement which interrupted the resumed count of naziriteship.
 - (10) I.e., the new count of naziriteship.
 - (11) His new defilement on the seventh day is therefore to be considered independent of that which preceded it.
 - (12) Its inclusion as a case where one is liable to one offering for several transgressions is then not justified.
 - (13) The number has thus been mentioned to include the nazirite and thus to teach that the Mishnah is in accordance with R. Jose and not Rabbi.
 - (14) Num. VI, 11. The continuation of this text prescribes the resumption of his naziriteship.
 - (15) I.e., the seventh day (ibid. g); v. infra 9b.
 - (16) V. infra 9a.
 - (17) Viz., of the Mishnah in Hor. 8b.
 - (18) I.e., he too is exempted altogether from any sacrifice in all cases where an ordinary person would have to bring a sliding-scale offering.
 - (19) Ibid. 9a.
 - (20) I.e., the number has been mentioned to stress that in the instances of these five transgressions enumerated in the Mishnah, infra 9a, none but a sliding-scale sacrifice can be brought and consequently a ruler brings in such cases no offering at all, in accordance with the general rule that a ruler is altogether exempt whenever the prescribed offering is not fixed.
 - (21) B.K. 2a.
 - (22) B. K 4b.
 - (23) Ibid.
 - (24) V. Glos. I.e., these two are exempted from paying indemnity; v. B.K. 5a.
 - (25) Lev. XVIII, 29.
 - (26) Ibid. XX, 17; although this penalty is already implied in the collective statement in Lev. XVIII, 29. The superfluous mention of kareth in a single instance is to indicate that this penalty is prescribed for each transgression separately even when committed in conjunction with others.
 - (27) Lit., 'to divide'.
 - (28) I.e., one sacrifice should be offered for incestuous relations with a sister and one for the rest of transgressions collectively.
 - (29) One of the famous thirteen hermeneutic rules of R. Ishmael.
 - (30) Ibid. VII, 20 dealing with the prohibition for an unclean person to eat sacred food.
 - (31) Ibid. XXII, 3.
 - (32) To which the statement in Lev. XXII, 3 is meant to apply.
 - (33) And here likewise all cases of incestuous relationships ought to be derived from 'his sister'.
 - (34) I.e., she always remains forbidden to the brother.
 - (35) For the purpose of liability to a separate offering.
 - (36) I.e., she may remarry on divorce even in the lifetime of him who had hitherto rendered her forbidden, i.e., her husband. One might thus argue that one should not be liable to a separate offering for having relations with a married

woman, if the transgression was committed together with other transgressions relating to forbidden relations, in one spell of unawareness.

(37) Lev. XVIII, 29.

(38) V. Mak. 13b, 23b. R. Isaac employs the previously mentioned analogy for a different purpose.

(39) Referring to forbidden marriages.

(40) Lev. *ibid.*

(41) I.e., his sin is not expiated by the infliction of lashes upon him.

(42) I.e., a menstruant woman.

(43) Lev. XVIII, 19.

(44) The word 'woman' is considered superfluous; it should read, 'not approach a niddah'.

(45) I.e., the opponents of R. Isaac, who hold that lashes effect expiation where kareth is predicated. The law referring to separate offerings seems according to them to be derived from 'his sister'.

(46) To teach that each must be atoned for separately.

(47) V. *infra* 25a.

(48) *Ibid.* XX, 17. The word 'sister' is considered superfluous. It should read 'her nakedness'.

Talmud - Mas. K'rithoth 3a

to 'his sister' who is his father's daughter and his mother's daughter,¹ and to teach you that the trespass of a law deduced *ad majus* is not punishable. R. Isaac on the other hand holds that it is punishable. Or, if you will, I can say he will derive [the inclusion of the full sister in the pronouncement of] punishment from [its inclusion in the pronouncement of] prohibition.²

Said R. Eleazar in the name of R. Hoshaia: Wherever two negative commands are combined in one [collective pronouncement of the penalty of] kareth, separate sin-offerings are to be brought for each of them.³ Where is this exemplified? — In the instances of one who compounds or uses the sacred oil of anointment, for it is written: Upon the flesh of man shall it not be poured [neither shall ye make any like it], according to the composition thereof;⁴ whilst as to the one [pronouncement of] kareth, it is written: Whosoever compoundeth any like it, or whosoever putteth any of it upon a stranger, he shall be cut off from his people.⁵ Now, [according to this rule] since there is a separate negative command for each of the forbidden relations, why was it necessary [to single out in the Torah the] kareth [penalty] in the case of 'his sister'?⁶ — According to R. Isaac it is as we have explained above; whilst as to the Rabbis, [they employ the text] to let us know that a law derived by the conclusion *ad majus* is not punishable.⁷ Said R. Nahman son of Isaac: We have also learnt to this effect: WHEN ONE COMPOUNDS OIL [OF ANOINTING] OR COMPOUNDS INCENSE, OR USES OIL OF ANOINTING. Why has [the law concerning] one who compounds incense been placed between [the other two laws]⁸ if not to let us know: As [the law concerning] incense is a separate prohibition and one is liable on account thereof to a separate sin-offering, so also where one compounds oil of anointment and uses it, since they are the subject of separate prohibitions, one is liable on account of them to separate sin-offerings.³ And if you argue [that the reason of this order in the Mishnah is] because the instances concerning compounding had to be stated together, [then I would argue] that [the Tanna] should have reversed the order and stated as follows: When one compounds incense, or compounds the oil, or uses the oil [of anointment]; wherefore has he separated [the laws relating to] oil one from the other, if not to let us know that separate sin-offerings are to be brought for them? This proves it.

WHEN A MAN HAS CONNECTION WITH A MALE. Whom has the Tanna in mind?⁹ If a male, then you must omit the instance of the woman that is covered by a beast, and you are one short;¹⁰ if a woman, you must omit the instances of the man who has connection with a male or covers a beast, and you are short of two. — Said R. Johanan: Indeed the Tanna refers to a male, but read thus: When a male has connection with a male or causes a male to have connection with him; and [the Mishnah] is in accordance with R. Ishmael, who holds¹¹ that one is liable to two

sin-offerings.¹² But since the case of the blasphemer is stated in the latter clause of the Mishnah and has been explained in accordance with R. Akiba,¹³ have we not to assume that also the earlier clause is in accordance with R. Akiba? And if you should argue that [the Mishnah] is indeed according to R. Akiba, but that he himself agrees with R. Ishmael's view in the case dealt with in the earlier clause, [I would retort,] did not R. Abbahu say: If a man has connection with a man or causes a man to have connection with him, on the view of R. Ishmael, who derives these [prohibitions] from two different texts, viz., Thou shalt not lie with mankind,¹⁴ and Neither shall there be a sodomite of the sons of Israel,¹⁵ he is liable to two sin-offerings; but according to R. Akiba he is liable to one sin-offering, since he derives both [prohibitions] from one and the same text, viz., 'Thou shalt not lie with mankind', Interpreting this: Thou shalt not cause [mankind] to lie [with thee]?¹⁶ Rather [you must say]: The first clause is according to R. Ishmael, but in the case of the blasphemer he agrees with R. Akiba. If so, the Mishnah should have also stated: When a man covers a beast or causes a beast to cover him? — Surely Abaye said: If a man covers a beast and causes a beast to cover him, even according to R. Ishmael, he is liable to one offering only, because the Scriptural text refers to human males only! R. Eleazar in the name of Rab said:¹⁷ The Tanna of our Mishnah meant to imply the possibility of one person¹⁸ bringing thirty-three sin-offerings,¹⁹ and he mentions the other three instances²⁰ in order to complete the list of sins punishable with kareth. For it reads in the concluding clause: [WHEN ONE TRANSGRESSES THE LAWS OF] THE PASCHAL OFFERING AND CIRCUMCISION — FROM AMONG POSITIVE COMMANDMENTS. Now, wherefore have [the laws concerning the] paschal lamb and circumcision been enumerated? Should you say to intimate that one has to offer a sacrifice on their account?²¹ But does one bring a sacrifice on their account? Has it not been taught: All the laws of the Torah have been brought into analogy with idolatry,²² viz., Ye shall have one law for him that doeth ought in error,²³ and But the person that doeth aught with a high hand:²⁴ Just as the law concerning idolatry is the subject of a prohibition, so have all other transgressions to be the subjects of a prohibition?²⁵ This, therefore, proves that the Tanna speaks of thirty-three transgressions committed in error, and that the other three cases have been mentioned only for the purpose of completing the list of sins punishable with kareth. This proves it.

WHEN ONE DESECRATES THE SABBATH. It was remarked: Are there not thirty-nine different classes of work on Sabbath?²⁶ — Said R. Johanan: Our Tanna speaks of the case [where one was] in error in respect of the Sabbath, but aware of [the prohibition of the various kinds] of work [thereon],²⁷ in which case one is liable to one sacrifice only. For it has been taught:²⁸ How is 'these' resulting in 'one':²⁹ If one is in error in respect of the Sabbath but aware of the prohibition of [various kinds of] work! But why does not the Tanna speak of the case where one was aware of the Sabbath and in error in respect to the prohibition of the various kinds of labour, making him then liable to thirty-nine [sin-offerings]? For has it not been taught:³⁰ . . . and shall do any one of these [transgressions]? Sometimes one is liable to one offering for all transgressions and sometimes to an offering for each of them? [How is] 'one' resulting in 'these': If he was aware of the Sabbath and in error in respect of the work? — Our Tanna prefers to state the instance of the error in respect of the Sabbath and awareness [of the prohibition] of the various kinds of work to let us know that one is not altogether exempted from a sin-offering in such a case.³¹ And you must likewise explain the instance of idolatry of which our Mishnah speaks as referring to an error in respect of the idol but with an awareness of the prohibition of the forms of [idolatrous] worship. How is error in respect of the idol' to be understood? Shall I say that he stood in a house of idolatry and, thinking it was a synagogue, prostrated himself? But then his heart was directed towards Heaven. Again, if he saw a statue and prostrated himself to it, then if he accepted it as a deity, he is subject to stoning; on the other hand, if he did not acknowledge it as a deity, what has he done? Rather he served idols out of love or fear [of a fellow-man].³² That is right according to Abaye who holds³³ one is liable [in such a case!, but according to Raba who says that one is exempted, how is it to be understood?

(1) The text, Lev. XVIII, 9, mentions his father's daughter or his mother's daughter. The full sister, though not explicitly stated, can be derived by the conclusion ad majus. On the basis of this conclusion, however, no penalty is imposed

- according to the Rabbis. In Lev. XX, 17, however, the full sister is taken to be implied because sister is mentioned there without qualification.
- (2) For the latter part she is assumed to be implied in the general term, 'she is thy sister' of Lev. XVIII, 11. Cf. Mak. 5b.
- (3) Viz., in case of their transgression in one spell of unawareness.
- (4) Ex. XXX, 32.
- (5) Ibid. 33.
- (6) V. the preceding discussion. R. Isaac employs this special mention of kareth for the derivation of the rule that separate offerings are to be brought for each transgression, whilst the Rabbis derive this rule from another text. According to the Rabbis, the question here will similarly be that that other text is now superfluous.
- (7) In cur. edd. the following text is inserted here: 'According to R. Isaac, he derives from this that one is liable in the case of "his sister" who is at the same time his father's sister and his mother's sister. The Rabbis, however, will derive this from "his sister" of the former text; while R. Isaac holds that "his sister" in the former text is essential in the context and derives the rule of separate offerings from the word "his sister" in the latter text: that separate offerings be brought in the case of "his sister" who is at the same time his father's sister and his mother's sister'. This insertion is struck out by Rashi and others.
- (8) Which refer to oil and should therefore be stated together.
- (9) Viz., with his implication expounded above by R. Johanan that if a person transgresses them all in one spell of unawareness, he is liable to an offering for each trespass.
- (10) Of the full total of thirty-four sin-offerings involved for all the transgressions enumerated in the Mishnah. The transgressions relating to the paschal lamb and circumcision involve no sin-offering.
- (11) V. Sanh. 54b.
- (12) If committing these two offences in one spell of unawareness.
- (13) V. infra 7a.
- (14) Lev. XVIII, 22.
- (15) Deut. XXIII, 18. This refers to the passive agent.
- (16) The kal תשכב is read as the hiphil תשכיב.
- (17) In answer to the original query as to whether the Tanna refers to a man or woman.
- (18) Viz., a male.
- (19) And not thirty-four as hitherto assumed.
- (20) I.e., the one which does not apply equally to man and woman and those transgressions relating to the paschal lamb and circumcision.
- (21) I.e., that they be included in the statement of the Mishnah regarding the bringing of a sin-offering in the case of transgression in error.
- (22) Mak. 13b.
- (23) Num. XV, 29.
- (24) Ibid. 30. The latter text refers to idolatry. The juxtaposition of the texts effects the analogy.
- (25) In order to involve a sin-offering.
- (26) V. Shab. VII, 1. Our Mishnah should therefore, on the view of R. Johanan, have enumerated seventy-four transgressions for the commission of which one would be liable to many sin-offerings.
- (27) I.e., he did not know that the day was Sabbath, though he knew that work was prohibited on the Sabbath Day.
- (28) Shab. 70b.
- (29) The twofold partitive prefix in מאחת מהנה, Lev. IV, 2 is an unusual construction. Both prefixes are regarded as significant, to be used separately: firstly as מהנה אחת 'one out of these', indicating that several prohibited acts may be counted as one transgression, namely when they result from one error; secondly as מאחת הנה 'these out of one', implying that one law e.g., Sabbath, may lead to several transgressions, namely when the various acts originate in different errors. The former implication is expressed in the Gemara in the terms that 'these' results in 'one', and the latter that 'one' results in 'these'.
- (30) Sanh. 62a.
- (31) Contrary to the possible assumption that since he was aware that the work was prohibited he is to be regarded as having sinned with presumption.
- (32) Thinking that with this motive worship was not forbidden.
- (33) V. Sanh. 61b.

Talmud - Mas. K'rithoth 3b

— Rather [it is to be understood] where he thought that the worship of idols was permitted. For Raba's question to R. Nahman¹ was whether one is liable to one offering or to two;² that one should be exempted altogether was never suggested by him.³ R. Papa said: It is possible⁴ where one had been captured as a child by heathens, he would know that idolatry was forbidden,⁵ but not that these particular idols were forbidden. Or if you wish, I may say that they can occur also with an adult,⁶ where e.g., he erred in the interpretation of the verse, Ye shall not make with the gods of silver or gods of gold, etc.⁷ and assumed that only the prostration before idols of gold or silver was forbidden, but not of any other material. This would then be a case of error in respect of the idol and awareness of the prohibition of the forms of worship. R. Aha the son of R. Ika said in the name of R. Bibi:⁸ Our Tanna enumerates Sabbath as a class and idolatry as a class.⁹ Whence [do we know this]? — It says, WITH A WOMAN AND HER DAUGHTER, OR WITH A MARRIED WOMAN. Now there is still the case of his daughter from a woman outraged by him, which is not mentioned in the Mishnah.¹⁰ [But] I might retort [the reason of this omission is that] the laws written in the Torah are mentioned, the laws not written in the Torah are not mentioned!¹¹ — Surely there are still the instances of his wife's daughter, her daughter's daughter and her son's daughter, which are written in the Torah¹² and yet not mentioned in our Mishnah. You are thus obliged to say that the whole class of woman and daughter is meant to be implied in the Mishnah; similarly interpret the Mishnah as referring to the class of Sabbath and the class of idolatry. R. Aha the son of R. Ika found that he [R. Bibi] contradicted himself. For how could R. Bibi b. Abaye say here, 'Our Tanna enumerates the Sabbath as a class and idolatry as a class'; was it not stated: 'If one offered up [the sacrificial] limbs [of an offering] slaughtered inside the Temple precincts outside the Temple court, one is liable; similarly, if he offered up outside limbs [of an offering that was slaughtered] outside [the Temple precincts] he is liable'?¹³ And in connection with this R. Bibi b. Abaye himself raised the difficulty: If so, how does the Mishnah state, THERE ARE IN THE TORAH THIRTY-SIX TRANSGRESSIONS PUNISHABLE WITH EXTINCTION? Are there not thirty-seven such transgressions, since there are the two cases of one offering up [outside] sacrificial portions. Now, what is his difficulty, since one can retort that the Tanna states the offering up as a class? What comparison is there? The laws of Sabbath and of idolatry are stated [elsewhere] in their proper place [in a Mishnah];¹⁴ when being mentioned here again in connection with kareth, it suffices to enumerate Sabbath and idolatry as types. But as to the laws of offering up, where is the place [in a Mishnah] that they have been stated,¹⁵ that you could reply in the same manner?

R. Jeremiah put the following query before R. Zera: What is the ruling when two separate pronouncements of kareth are attended by only one negative command?¹⁶ — He replied: You refer, I suppose, to 'slaughtering' and 'offering up' [outside the Temple precincts],¹⁷ but are there not in this case two negative commands?¹⁸ For according to him who derives 'slaughtering' from a gezerah shawah¹⁹ based upon the common term haba'ah²⁰ mentioned [in connection with 'slaughtering' and 'offering up'], just as in the latter [the text] did not pronounce punishment without having expressed a warning,²¹ so also in the former it has not pronounced punishment without an attended [implicit] warning; and according to him who derives it from a hekkesh,¹⁹ the verse says: There thou shalt offer [thy burnt-offerings] and there thou shalt do [all that I command thee];²² Scripture has thus compared 'slaughtering' and 'offering up', just as in the case of 'offering up' it has not pronounced punishment without having expressed a warning, so also with 'slaughtering' it did not pronounce punishment without an attended [implicit] warning. Your query is, perhaps, in regard to two separate pronouncements of the death penalty attended by only one negative command, as is the case with the ob and yidde'oni.²³ — He replied: On this there is a dispute between R. Johanan and Resh Lakish. For among the transgressions punishable by stoning we find enumerated²⁴ both the ba'al ob and yidde'oni, and the question was raised: Why was yidde'oni mentioned in connection with 'stoning' but omitted in connection with kareth? Whereupon R. Johanan replied: Because they were both

under one negative command,²⁵ and the reason why ba'al ob and not yidde'oni was chosen, is that in Scripture ba'al ob is mentioned first; while Resh Lakish said that it is because [the offence of] yidde'oni involves no action.²⁶ Why did not Resh Lakish say as R. Johanan — Said R. Papa: Because he holds these two laws are after all stated separately in respect of the pronouncement of the death penalty,²⁷ while R. Johanan maintains that only where there are separate negative commands are there separate offerings, but separate pronouncements in respect of the death penalty do not involve separate offerings. And why does not R. Johanan say as Resh Lakish? — Because he holds that the Mishnah relating to kareth is according to R. Akiba,²⁸ who holds that action is not essential [for the liability to a sin-offering]. And Resh Lakish? [He maintains that] although R. Akiba does not require a weighty action, he still considers it essential that some slight action be performed. What action is there in connection with ob? — The clapping of the arms²⁹ is regarded as an action. What action is performed by the blasphemer? — The curving of the lips³⁰ is considered an action.

On the assumption that the clapping of the arms is considered a slight action even according to the Rabbis,³¹ the following objection was raised: It was taught: In the case of idolatry one is liable only for an action such as sacrificing, the offering of incense or libation, or prostration;³² and when the difficulty was pointed out that prostration was not an action, Resh Lakish replied that this ruling was in accordance with R. Akiba who held that [weighty] action was not essential; while R. Johanan said: The ruling might conform even to the view of the Rabbis, for the bending of stature³³ was to be considered as an action. It thus appears that in the opinion of Resh Lakish³⁴ the Rabbis do not consider the 'bending of stature' an action. How then can the clapping of the arms³⁵ be regarded as an action? — What, then, will you maintain that when Resh Lakish stated that the clapping of the arms is considered an action it was made on the view of R. Akiba, but that according to the Rabbis it was not to be considered an action;³⁶ why in this case [does the Mishnah] state, THIS IS TO EXCLUDE THE BLASPHEMER WHO PERFORMS NO ACTION? It should have stated, This is to exclude the blasphemer and the ba'al ob! — [The Mishnah mentions] one of two [as an example].³⁷ But then let it mention ba'al ob³⁸ instead of the blasphemer? — [The explicit exclusion of] the blasphemer was necessary, for I might otherwise have thought that, since the pronouncement of kareth in his case is in juxtaposition to laws relating to offerings,³⁹ the Rabbis agreed with R. Akiba with regard to the blasphemer. Therefore [the Mishnah] teaches us that this is not so. 'Ulla said: Ba'al ob mentioned in the Mishnah means the offering of incense⁴⁰ to the Prince of the Demons.⁴¹ Raba demurred to this: If this is so, is not this idolatry?⁴² Rather Raba explained: [It means,] He offers incense to a demon in order to exorcise him.⁴³ Abaye demurred to this: If so, is this not identical with 'one who charms'?⁴⁴ — He replied: The Torah has said that one who charms after this manner [is liable to death] by stoning. And what kind of charm, then, is subject to a mere negative command?⁴⁵ — He replied: As has been taught:⁴⁶ And one who indeed charms,⁴⁷ implies both the charmer of large and of small animals; even the charmer of a snake or scorpion is guilty.

Said Abaye: It is prohibited to cast a spell over a wasp and a scorpion,⁴⁸ but if they follow him, it is permitted. According to R. Johanan, who holds that the bending of stature is regarded as an action, why should not also the curving

(1) Ibid. 70b.

(2) Where one was unmindful of the main offence as well as of its applications.

(3) And likewise here, although by thinking that idolatry is permitted the error would be alike in respect of the idol and the forms of worship, there is still liability to one sin-offering.

(4) To find a case where one was in error in respect of the idol but not in respect of the prohibition of the forms of worship.

(5) I.e., knowing which forms of worship were forbidden.

(6) Should read 'one who was not captured by heathens as a child'.

(7) Ex. XX, 20.

(8) With reference to the question at the beginning of this discussion, 'are there not thirty-nine classes of work on

Sabbath?'

- (9) Even though there are several transgressions under the heading of Sabbath or of idolatry, since the penalties are inflicted under the order of the one law they count as one.
- (10) The reason of this omission is assumed to be that this case is included in the denomination of 'woman and daughter'. This would prove that a whole category count as one.
- (11) Cf. Hag. 11b as to the source of the law concerning the daughter of an outraged woman. It is at all events not explicitly mentioned in the Torah.
- (12) Lev. XVIII, 17.
- (13) Zeb. 107a.
- (14) Viz., in Shab. 73a and Sanh. 60b.
- (15) The law relating to the two types of offering up mentioned above is nowhere mentioned in a Mishnah but emanates from the School of Amoraim.
- (16) I.e., how many offerings are to be brought if such two laws are broken in one spell of unawareness?
- (17) Kareth is mentioned in Lev. XVII, 4 and 9 and the negative command in Deut. XII, 13.
- (18) Though one of them is not explicit.
- (19) V. Glos.
- (20) Lit., 'bringing' mentioned in connection with 'slaughtering', Lev. XVII, 4 and in connection with 'offering up' *ibid.* v. 9.
- (21) I.e., a negative command. The negative command in connection with offering up is in Deut. XII, 13.
- (22) *Ibid.*, 14.
- (23) 'One that divineth by a ghost or a familiar spirit', v. Lev. XX,27, where the death penalty is laid down for these offences, and for the attendant negative command, *ibid.* XIX, 31. The disjunctive particle 'or' in Lev. XX, 27 in connection with the death penalty serves to attach the death penalty to each of these two offences and it is regarded as if two separate pronouncements of the death penalty were made, whereas the negative command *ibid.* XIX, 31 is general in its implication, serving as a single warning for all the offences enumerated there, and thus the query is whether the fact that there are two pronouncements of death, although there is only one attendant warning, makes one liable to two sin-offerings for committing these two offences in one spell of unawareness?
- (24) Sanh. 53a, 65a. In the latter place the whole discussion that follows is to be found.
- (25) And are subject accordingly to one sacrifice if committed under the one spell of unawareness. Only one could therefore be mentioned in our Mishnah, on the explanation given by R. Johanan for the number stated, as the representative of the class of necromancy.
- (26) It consists of a mere sound made by means of a certain bone put in the mouth, v. Sanh. 65b. There is accordingly no sin-offering, whereas *ob* involved an action; v. *infra*.
- (27) And but for the fact that *yidde'oni* involves no action it would be in his opinion subject to a separate offering when committed together with *ob*.
- (28) Who holds that, though his act involves no action, the blasphemer is liable to an offering; v. *infra* 7a.
- (29) One of the movements of this form of divination, v. Sanh. 65a.
- (30) When uttering the blasphemies.
- (31) Who differ in our Mishnah from R. Akiba with regard to the blasphemer and hold that he brings no offering because blasphemy involves no action. As they do not seem to disagree in the law relating to *ob*, it may be assumed that they consider this involving an action.
- (32) Tosef. Sanh. X.
- (33) When prostrating.
- (34) Whose deviation from R. Johanan is traced back to his disagreement on this point. In Resh Lakish's view the bending of stature is sufficient action only according to R. Akiba.
- (35) Whereby the body remains unmoved.
- (36) *Ba'al ob* should accordingly not be subject to an offering.
- (37) From the exclusion of one we can derive the exclusion of the other since the reason is the same in both.
- (38) Which is mentioned first in the Mishnah.
- (39) The law concerning the blasphemer is contained in Num. XV, 30 in conjunction with prescriptions relating to offerings. I might have thought that this juxtaposition was to indicate that there is to be an offering in the case of blasphemy even against the otherwise valid rule that no sacrifice is offered except for a sin which involves an action.

- (40) Which is undoubtedly an action.
- (41) This is Rashi's version; while cur. edd. read only 'demon'.
- (42) Already mentioned in the Mishnah.
- (43) I.e., that he should help him in his witchcraft, and not an act of worship.
- (44) Which comes under a different prohibition, viz., Deut XVIII, 12 and does not involve kareth.
- (45) I.e., to flagellation only.
- (46) Sanh. 65a. It is these instances as enumerated in Sanh. that are the subject of a negative command only, while the exorcising of a demon is subject also to kareth.
- (47) Deut. ibid. Lit. 'and he who charms a charm'. The repetition of the term is to indicate that there are two kinds of charm.
- (48) Although they are a source of danger to the public. When they follow him it is permitted by reason of the danger to his person.

Talmud - Mas. K'rithoth 4a

of the lips be considered an action?¹ — Said Raba: Different it is with the blasphemer, for it is the disposition of his heart² [that effects the sin]. But elsewhere the curving of the lips would be considered an action. R. Zera demurred to this: [We have learnt:] Zomemim³ witnesses are exempt [from an offering] because they have done no action,⁴ Why is this so? Is it not written in connection with them: By the mouth of two witnesses?⁵ — Said Raba: Zomemim witness, too, are an exception, because the basis of evidence is seeing.⁶

WHEN ONE EATS HELEB. Our Rabbis taught: The text, Ye shall eat no heleb of ox, or sheep or goat,⁷ [intimates] that one is liable [to a separate flagellation] for each kind [of heleb].⁸ Thus R. Ishmael. But the Sages say: One is liable only once. Shall we say that this difference of opinion is based on the following principle: R. Ishmael holds one is liable to [a separate] flagellation for [each specification of] a collective prohibition,⁹ while the Rabbis hold that one is not liable to [a separate] flagellation? — No, R. Ishmael indeed holds that one is ordinarily not liable [separately] for [each specification of] a collective prohibition, but our case is an exception, because the text is superfluous; for it should read, 'Ye shall not eat any heleb', why specify 'of ox, or sheep or goat', if not for the purpose of establishing a separate [prohibition for each of them]? And the Rabbis? — [They argue.] If 'ox, or sheep or goat' were not mentioned, I might have said that also the heleb of a beast of chase is included. It is for this reason that 'ox, or sheep or goat' was written, to tell us that only the heleb of ox, sheep or goat is forbidden, but that of the beast of chase is permitted. The Rabbis thus argue well, do they not? — Rather, this is the reason of R. Ishmael: He holds that if it were [as the Rabbis say] Scripture should have written: 'Ye shall eat no heleb of an ox', why have 'sheep' and 'goat' been mentioned, if not for the purpose of establishing a separate prohibition [for each of them]? The Rabbis, on the other hand, argue that if the Divine Law wrote, 'no heleb of an ox', I might have thought that the term 'ox' here was to be analogous to ox mentioned in connection with Sabbath:¹⁰ As in the case of Sabbath the beast of chase and the fowl were included, so also in connection with the eating of heleb the beast of chase and fowl are included. It is for this reason that 'ox, or sheep or goat' were enumerated, to teach us that only the heleb of these is forbidden, but that of the beast of chase and the fowl is permitted. The Rabbis thus argue well? Rather, this is the reason [of R. Ishmael]: He holds [Scripture] should have written: 'Ye shall eat no heleb of sheep' or 'Ye shall eat no heleb of goat'; why enumerate 'ox, or sheep or goat', if not in order to establish a separate [prohibition for each of them]. The Rabbis, on the other hand, argue: Had [Scripture] mentioned only 'no heleb of sheep',¹¹ might have assumed that only the heleb of sheep was forbidden, but that of ox and goat was permitted. And if you were to ask, why should sheep be an exception, [the retort would be] because it was singled out in that its fat-tail is offered upon the altar, even as R. Hanania taught:¹¹ Why has [Scripture] enumerated separately the emurim¹² of the ox, and the emurim of the sheep and the emurim of the goat, as it is written:¹³ But the firstling of an ox, etc.¹⁴ It is necessary; for if 'ox' alone was written, I would not have derived 'sheep' and 'goat' from

it, for I might object that 'ox' was an exception, since it is singled out with regard to libations.¹⁵ Had the Divine Law written only 'sheep', so that 'ox' and 'goat' should be derived from it, I might object that 'sheep' was an exception, since it was singled out in that its fat-tail [is offered upon the altar].¹⁶ Had the Divine Law written only 'goat', so that 'ox' and 'sheep' should be derived from it, I might object that 'goat' was an exception, since it was singled out [as the offering] for idolatry.¹⁷ We thus cannot derive from any single one the other two. But why did not Scripture mention two and we might have derived the third from them? — Which one? Shall we derive 'ox' from 'sheep' and 'goat'? I might object that 'sheep' and 'goat' were an exception, since they were both singled out to be offered as a paschal sacrifice.¹⁸ If [Scripture] would not have written 'sheep', leaving us to derive it from 'ox' and 'goat', [I would have objected] that 'ox' and 'goat' were an exception, since they were both singled out as offerings for idolatry.¹⁹ If it would not have written 'goat', leaving us to derive it from 'ox' and 'sheep' [I would have objected] that 'ox' and 'sheep' were exceptions in that they were both singled out in some aspect [regarding the altar].²⁰ Hence they cannot be derived one from the other. Did not then the Rabbis argue well? — Rather, the reason of R. Ishmael is indeed as has been said at the outset: [viz.,] that if it were so [Scripture] should have written: '[Ye shall eat] no heleb', and no more; and as to your objection that the mention of 'ox', 'sheep' and 'goat' was necessary to teach that the heleb of the beast of chase was permitted, surely the text [in question] occurs in connection with a similar text which relates to consecrated animals,²¹ and a law is always illuminated by its context.²² This implies [does it not] that the Rabbis do not hold that a law is illuminated by its context?²³ — No, all agree that a law is illuminated by its context but here they differ in the following: R. Ishmael holds that such [a law which is the subject of] a mere negative command is illuminated [by its context] whether [the latter is likewise the subject] of a mere negative command or of one involving kareth;²⁴ while the Rabbis hold that [a law which is the subject of] a mere negative command is illuminated [by its context] which is [the subject of a mere] negative command, but a law which is [the subject of] a mere negative command is not illuminated by [a context which is] the subject of [a negative command involving] kareth.²⁵ Or, if you wish, I can say that the reason of the Rabbis is [that the enumeration of the various kinds of fat was necessary to teach] that which is intimated in a question of R. Mari to R. Zebid: 'If so, why should not the fat-tail of non-consecrated animals be altogether forbidden'?²⁶ He replied: 'It is to provide against an argument such as yours that Scripture specifies, All heleb of ox, sheep or goat, to teach us that only those portions of fat which these three animals have in common are forbidden, to the exclusion [of the fat-tail].'²⁷ The enumeration of 'ox', 'sheep' and 'goat' is thus for the purpose of permitting for use the fat-tail of unconsecrated animals. R. Ishmael, on the other hand, will argue: If for this reason, Scripture should have said: 'No heleb of ox and sheep'. Therefore when 'goat' was added, it was for the purpose of establishing a separate prohibition for each of them.

Said R. Hanina: R. Ishmael, however, agrees that with regard to offerings only one sin-offering is brought [for the several kinds of heleb]. What is the reason? Because this prohibition is not like that relating to incestuous relations.²⁸

Our Sages have taught: [It is written:] And [he] shall do any one [sin], and also, And shall do these;²⁹ this is to render one liable for each transgression separately, so that if one ate [e.g.] two portions of heleb of the same designation under two separate spells of unawareness, he is liable to two offerings; [similarly] if the portions were of two different designations,³⁰ though they were consumed under one spell of unawareness, one is liable to two offerings. Said Rami son of Hama to R. Hisda: It is right that where the portions were of one designation but consumed under two spells of unawareness one should be liable to two offerings, because [the break in] the spell of unawareness effected a division [between the two meals], but why should one be liable to two offerings in the case where the portions were of different designations and consumed under one spell of unawareness? Surely we need a break in the spell of unawareness to effect a division, which is not the case here? — He replied: Here we deal with the case where he ate heleb of nothar,³¹ when he is liable on account of nothar and on account of heleb. Said he to him: If so, he should be liable also on

account of the consecrated flesh?³² — Rather, said R. Shesheth: It refers to one who ate the heleb of a consecrated animal and it is in accordance with R. Judah.³³ For it has been taught: If one eats heleb of nebelah,³⁴ or heleb of consecrated animals, one is liable on two counts. R. Judah holds, in the case of heleb of a consecrated animal, one is liable on three counts.³⁵ In Palestine³⁶ this answer was ridiculed; [for they argued] why did we not explain it as referring to portions of heleb from an ox, sheep and goat, and in accordance with R. Ishmael who maintained that one was then liable on three counts?

(1) Why then is blasphemy excluded by the Sages?

(2) His utterance is only proof of his disposition, while in the case of idolatry worship, I.e., action is an integral part of the transgression.

(3) V. Glos.

(4) Sanh. *ibid.*

(5) Deut. XVII, 6 implying that the speech is the essence of evidence.

(6) The knowledge of facts makes them into witnesses; the utterance of the evidence is only a means of conveying their knowledge to others. Perception by the senses is considered no action.

(7) Lev. VII, 23.

(8) When eaten after one collective warning.

(9) The term **לאו שבכפלות** which occurs also in Pes. 41b, Naz. 35b, B.M. 115b, Sanh. 63a and Tem. 7a seems to have a double connotation. Firstly, a prohibition which is not explicit but implied in the text, such as in Num. VI, 4 as expounded in Pes. 41b; secondly, as it is used here, a law which is joined in the text with others in one prohibitory commandment. In the first instance the question is whether one is liable to flagellation at all, in the second whether one is liable separately for each specification, if several of them were perpetrated together.

(10) Ex. XXIII, 22; cf. B.K. 54b. Thus Rashi's version and MSS. Cur. edd. read Mount Sinai instead of Sabbath.

(11) Bek. 5b. There the author of this dictum is given as R. Jose son of R. Hanina.

(12) I.e., those sacrificial portions offered upon the altar; v. Glos.

(13) Num. XVIII, 17. This question is not precisely formulated; not the term *emurim* is repeated, but the term 'firstling': 'The firstling of an ox, or the firstling of a sheep, or the firstling of a goat'; v. Bek. *ibid.*

(14) The end of this passage is: Thou shalt make their fat smoke for an offering made by fire.

(15) With the sacrifice of an ox half a hin of wine is offered up on the altar, with a sheep and goat only a quarter of a hin; cf. Num. XXVIII, 14.

(16) V. Lev. III, 9.

(17) Cf. *ibid.* IV, 27-28. This is explained with reference to idolatry by an individual, v. Hor. 8a.

(18) Cf. Ex. XII, 5.

(19) The ox for idolatry committed by the public, cf. Lev. IV. 13f.

(20) V. Bek. 5b. The respective distinctions of 'ox' and of 'sheep' as mentioned above are in reference to the altar.

(21) Lev. VII, 25. Which must of necessity exclude beasts of chase, since no such animals may be consecrated for the altar.

(22) Viz., that also the prohibition of heleb does not apply to beasts of chase.

(23) Surely they cannot disregard this hermeneutic principle.

(24) In cur. edd. the following text, which is obviously out of place here and is also considered by Rashi as a faulty version, is inserted here: (For the negative command,) any heleb of ox, sheep or goat, you shall not eat, (Lev. VII, 23) is illuminated by the negative command, It shall be a statute throughout your generations in all your dwellings that ye shall eat neither heleb nor blood (Lev. III, 17) which is written in connection with consecrated animals; and since the beast of chase is excluded from the category of consecrated animals, there would be no doubt as to the exclusion of beasts of chase, even if heleb unqualified was mentioned in the text. The enumeration of 'ox', 'sheep' and 'goat' is thus for the purpose of establishing a separate offering for each of them. Then, the mere negative command, 'Ye shall eat no heleb' and the one contained in the verse of 'it shall be a perpetual statute' may be derived from one to which *kareth* is attached, in the text, For whosoever eateth the heleb of the beast of which men present an offering (Lev. VII, 25). As the latter intimates a division of the offerings, so also the former.

(25) V. Lev. VII, 25. The penalty of *kareth* is mentioned in connection with heleb of consecrated animals.

(26) Since it is called heleb in Scripture, v. Lev. III, 9.

(27) V. Hul. 117a.

(28) Where a separate negative command is attached to each offence.

(29) Referring to Lev. IV, 2: If any one shall sin through error, in any of the things which the Lord hath commanded not to be done, and shall do any one of them. The construction in Heb. **מֵאַחַת מֵהֵנָּה** is unusual. The juxtaposition of 'one' and 'these' is therefore taken to indicate that there is a plurality which bears the character of oneness, and a oneness which bears the character of a plurality, v. Sanh. 62a. This exposition is expressed here in the terminology of the Gemara, that the predicate shall do relates on the one hand to 'one' and on the other to 'these'. V. p. 11, n. 3.

(30) E.g., the heleb of the kidneys and that of the bowels.

(31) I.e., sacrificial portions left over beyond the prescribed time. V. Glos.

(32) As a non-priest.

(33) I.e., the second instance of the dictum of the Sages refers in fact to the eating of one portion of heleb, and 'of two designations' means of a kind that is subject to a twofold prohibition, for according to R. Judah, there are two prohibitory laws in the case of sacred heleb.

(34) I.e., an animal not slaughtered in the prescribed manner. V. Glos.

(35) Because eating heleb of consecrated animals, as will be shown later, involves a twofold transgression, and as a non-priest eating sacred flesh, he is guilty of a third prohibition.

(36) Lit., 'in the West'; v. Sanh. 17b.

Talmud - Mas. K'rithoth 4b

Why then was it not explained in accordance with R. Ishmael? Obviously because R. Hanina said that R. Ishmael admitted that in so far as offerings were concerned one was liable only to one¹ — for the same reason you cannot explain it in accordance with R. Judah; for R. Eleazar said: R. Judah, too, agreed that with regard to offerings one is liable only to one. Therefore, said Resh Lakish on behalf of Bar Tutani: It deals with one who ate two portions of heleb in two different dishes, and is in accordance with R. Joshua, who holds that the separation of dishes effects a division with regard to offerings.

[Stated] the text [above]: 'If one eats heleb of nebelah, one is liable on two counts, [similarly] if one eats heleb of consecrated animals one is liable on two counts. R. Judah holds, in the case of heleb of consecrated animals, one is liable on three counts'. Said R. Shizbi to Raba: It is well on the view of R. Judah; for this reason are written three verses: It shall be a perpetual statute etc., Ye shall eat no heleb of an ox, or sheep or goat, and There shall no common man eat of the holy things;² constituting three negative commands. But what is the reason of the Rabbis? — They hold, The negative command, 'It shall be a perpetual statute [etc.]' deals with consecrated animals, and the negative command, '[No] heleb of an ox . . . ' deals with unconsecrated animals. And both texts were necessary, for if the Divine Law had written only that of consecrated animals, I might have said that only the heleb of consecrated animals was forbidden by reason of their stringency, but that of unconsecrated animals was not [included in the prohibition]. Therefore the Divine Law wrote: 'No heleb of an ox . . .'. And if only 'no heleb of an ox' was written, I might have thought that only the heleb of unconsecrated animals was forbidden, because it has not been excluded from the general prohibition;³ I might have thought that since it is thus excluded, their fat is permitted;⁴ therefore both texts are necessary. R. Judah, on the other hand, holds that when 'no heleb of an ox' is written⁵ it relates also to consecrated animals.⁶ This implies [does it not] that the Rabbis hold that a law is not illuminated by its context? — No, all agree that a law is illuminated by its context, but they differ in the following: R. Judah holds that a law which is the subject of a mere negative command is illuminated by its context, whether the latter is likewise the subject of a mere negative command or of one involving kareth; while the Rabbis hold that a law which is the subject of a mere negative command is illuminated by its context which is also the subject of a mere negative command, but a law which is the subject of a mere negative command is not illuminated by its context which is the subject of a native command involving kareth.⁷

It has been taught: [From the text,] ‘Ye shall eat neither heleb nor blood’, [we learn:] Just as for heleb one is liable to a twofold flagellation’ so also for blood. Thus the view of R. Judah; while the Sages say: There is only one prohibition.⁸ But why is heleb different in that one is liable for it to a twofold flagellation, even though there is no hekkesh⁹ [to support it]? Obviously because there is written in Scripture concerning it two texts: ‘Ye shall eat neither heleb nor blood’, and ‘[Ye shall eat no] heleb of an ox or sheep’; then similarly in the case of blood even without the hekkesh,¹⁰ one should be liable to a twofold flagellation,¹¹ since Scripture has written in connection therewith two texts: ‘Ye shall eat neither heleb nor blood’ and ‘Ye shall eat no manner of blood, whether it be of fowl or of beast, in any of your dwellings’?¹² — Rather read thus: Just as for heleb¹³ one is liable to a threefold flagellation, so also for blood¹³ one is liable to a threefold flagellation. But why is heleb different in that one is liable for it to a threefold flagellation? Obviously because there is written in connection therewith the two negative commands mentioned above, and because of the negative command [relating to the eating of holy things by] a non-priest,¹⁴ making altogether three; then the same applies to blood!¹⁵ — [The hekkesh] is necessary, for I might otherwise have thought, since blood is excluded from the law of sacrilege,¹⁶ it is also excluded from the law concerning the [eating of holy things by a] non-priest. It is for this reason that the hekkesh is necessary. And as to the Rabbis,¹⁷ what is the purpose of the hekkesh? — It is required for what has been taught: ‘Ye shall eat neither heleb nor blood’; just as heleb is singled out in that it is distinct from its flesh,¹⁸ and thus does not combine with the latter,¹⁹ so also with blood, [it does not combine with the flesh] whenever it is distinct from its flesh,²⁰ to the exclusion of the blood of a reptile:²¹ since the blood of the reptile is not distinct from its flesh, the two combine.²² But is this law²³ derived from here, is it not rather derived from the following: The text, And these are they which are unclean unto you,²⁴ teaches that the blood of a reptile and its flesh combine with one another?²⁵ — If it were not for the hekkesh I might have thought [the law referred] to defilement,²⁶ but not to eating; the hekkesh therefore informs us that [the law refers] also to eating. Said Rabina: Consequently the blood of a snake²⁷ and its flesh²⁸ combine one with the other. Is this not obvious; it is just [the conclusion drawn from] the hekkesh? I might have thought that with the case of other reptiles,²⁹ since the law applies in respect of uncleanness, it applies also in respect of eating; but in the case of a snake, since it does not apply in respect of defilement, it does not apply also in respect of eating; therefore he³⁰ lets us know that the hekkesh is to comprise everything in which the blood is not distinct from its flesh.

Said Raba: Wherefore has kareth been pronounced three times³¹ in connection with blood? One [pronouncement] refers to blood of unconsecrated animals, the other to blood of consecrated animals, and the third to the dripping blood.³² This is right according to R. Judah, for it has been taught: The dripping blood is the subject of a mere prohibition; R. Judah says it involves kareth. But according to the Rabbis,³³ what is the purpose [of the third pronouncement]? And even according to R. Judah, is not the application of kareth³⁴ rather derived from the term ‘all blood’? For it has been taught: ‘R. Judah said, [The word] ‘blood’ [would suffice in the text],³⁵ why does it read ‘all blood’? I might have thought that only the blood of consecrated animals, and that only with which life departs, was meant, because this blood brings about atonement;³⁶ whence do we know then blood of unconsecrated animals and dripping blood? It is for this reason that ‘all blood’ was written’! — Rather say thus: One [pronouncement] refers to blood of unconsecrated animals, the other to blood of consecrated animals, and the third to blood that has been covered.³⁷

Raba also said, Wherefore have five negative commandments been mentioned in connection with blood?³⁸ One for blood of unconsecrated animals, the other for blood of consecrated animals, the third for covered blood, the fourth for blood left in the limbs and the fifth for the dripping blood.

R. Ela said: If one eats³⁹ of the [second] tithe of corn, of wine and of oil, one is liable to a threefold flagellation. But are [separate] lashes administered for [each specification of] a collective prohibition? This case is an exception for the text is redundant. Consider: The Divine Law states,

And thou shalt eat before the Lord thy God [in the place which He shall choose to cause His name to dwell there], the tithe of thy corn, of thy wine and of thine oil,⁴⁰ [from which we may infer that these shall be consumed] within [the precincts of Jerusalem] and not without; wherefore does the Divine Law repeat: Thou mayest not eat within thy gates the tithe of thy corn, of thy wine and of thine oil,⁴¹ if not for the purpose of establishing separate [prohibitions for each specification]? But [it may be retorted], if [I had] the first text [only to go by], I would say it is the subject only of a positive command, but not of a negative command.⁴² It was thus essential

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- (1) I.e., though several negative commandments are transgressed, and the administration of lashes is therefore accordingly repeated, with reference to expiation by sacrifice they are regarded as one.
- (2) Lev. III, 17; VII, 23 and XXII, 10.
- (3) It is permissible to the altar.
- (4) V. Sh. Mek. for this reading.
- (5) V. Lev. VII, 23-25.
- (6) So that there are two negative commands concerning heleb of consecrated animals.
- (7) For notes v. supra 4a. In cur. edd. the following faulty text (v. Rashi) is inserted here: 'But according to R. Judah for what purpose does Scripture mention the passage, Ye shall eat neither heleb nor blood (Lev. III, 17)? — To establish an analogy'.
- (8) And consequently there can be only one administration of lashes.
- (9) v. Glos.
- (10) The textual analogy comparing blood to heleb.
- (11) I.e., the mere repetition of the negative command is sufficient to establish a twofold flagellation. The fact of the juxtaposition of heleb and blood in the text is thus unaccounted for.
- (12) Lev. VII, 26.
- (13) Viz., of a consecrated animal.
- (14) Ibid. XXII, 10. comprising apparently heleb as well as blood.
- (15) What need is there then for the analogy.
- (16) Thus the version of Rashi. Cur. edd. read 'uncleanness'. Cf. Hul. 117a.
- (17) According to whom blood of a consecrated animal is excluded from the law concerning the non-priest.
- (18) The law of heleb singles out a certain portion of the animal and forbids it for use, while the rest of the body is permitted.
- (19) Viz., to make up the requisite quantity sc. of an olive-size. I.e., if one eats a fraction of an olive of heleb and the supplementary fraction of flesh, one is not liable to lashes, for the flesh is not forbidden.
- (20) Whereas the penalty of kareth attaches to the blood, the flesh of an unclean animal does not carry such a penalty, and consequently blood and flesh do not combine not even with regard to uncleanness.
- (21) Which is not prohibited as blood but as part of the reptile, cf. infra 21b.
- (22) Viz., with reference to uncleanness and eating.
- (23) Viz., the one relating to reptiles.
- (24) Lev. XI, 29.
- (25) V. Me'il. 17a.
- (26) I.e., the combination of blood and flesh is adopted only with reference to defilement which is more stringent, in so far as the standard quantity is a lentil, while for eating an olive-size is required.
- (27) Which does not cause defilement, but is forbidden for eating.
- (28) I.e., now that we know that the rule concerning the combination of flesh and blood applies also to eating.
- (29) Viz., the eight reptiles that are unclean.
- (30) Viz., Rabina.
- (31) Lev. VII, 27; XVII, 10 and 14.
- (32) I.e., the blood which, after a while, flows gently from the cut artery, in opposition to the blood which gushes forth immediately after the cut has been made, and with which life is considered to depart; cf. infra 22a.
- (33) Those who dispute with R. Judah.
- (34) Viz., to dripping blood.
- (35) Lev. XVII, 10, which deals with the prohibition of blood.

(36) This gushing blood alone may be used for sprinkling, cf. Pes. 65a. This restriction of the law to blood suitable for atonement might have found a support in the following passage: And I have given it to you upon the altar to make atonement for your souls (ibid. 11).

(37) The blood of fowls and beasts has to be covered, cf. Lev. XVII, 13. This blood is prohibited even though it has been mixed with dust. This answer complies with the view of the Rabbis, for according to R. Judah blood of unconsecrated animals is derived by implication from 'all blood'.

(38) Viz., Ibid. III, 17; VII, 26; XVII, 14; Deut. XII, 16 and 23.

(39) Viz., outside Jerusalem. Second tithe or its equivalent has to be consumed in Jerusalem; cf. Deut. XIV, 22f. In v. 23 corn, wine and oil are enumerated as specifications of the general law.

(40) Deut. XIV, 23.

(41) Ibid. XII, 17.

(42) Lashes are inflicted only for the transgression of a prohibitory law and not for the omission of a positive injunction. The prohibition derived by implication from a positive commandment bears in this respect the status of a positive commandment.

Talmud - Mas. K'rithoth 5a

that the Divine Law should write, 'Thou mayest not [eat] . . .' in order to make it the subject of a negative command. [The question thus] still [stands]. Is it not a collective prohibition? — If it were so, Scripture should have said, 'Thou mayest not eat them within thy gates', why specify, 'the tithe of thy corn, thy wine and thine oil', if not in order to establish separate prohibitions for each of them?

Said R. Isaac: if one eats of the bread, of the parched corn and of the fresh ears,¹ one is liable to a threefold flagellation. But are [separate] lashes administered for [each specification of] a collective prohibition? — This is an exception, as the text is redundant; for Scripture should have stated only 'bread', and 'parched corn' and 'fresh ears' would have been derived therefrom. But one might in this case have objected: 'Bread' is different because it is subject to hallah?² — Then 'parched corn' alone should have been written omitting 'bread',³ and we would derive the others therefrom! — But 'bread' could not be derived from 'parched corn', because 'parched corn' is a produce in its natural state, while 'bread' is not in its natural state; similarly 'fresh ears' could not be derived from 'parched corn', because 'parched corn' is distinguished in that it is fit for meal-offerings,⁴ while 'fresh ears' are not fit for meal-offerings? — Then 'fresh ears' alone should have been written, and we could derive 'bread' and 'parched corn' therefrom! But, then, I would object, 'fresh ears' were different in that they retain their original character. It is thus established that from any single one the other two cannot be derived; but let us derive one from two? — Now, if 'bread' was not written, leaving it to be derived from 'parched corn' and 'fresh ears', I might object, these two were distinguished in that they are in their natural form. If 'fresh ears' was not written, leaving them to be derived from 'bread' and 'parched corn', I might object that these two were distinguished in that they are included in the law of meal-offering?⁵ — R. Isaac will tell you: [Scripture] should not have written 'parched corn', leaving it to be derived from 'bread' and 'fresh ears. For what objection could then be raised? If you argued: 'Bread' was exceptional in that it is subject to hallah, 'fresh ears' will prove the contrary; and if that 'fresh ears' were exceptional because they retain their original character, 'bread' will prove the contrary. It is from this superfluous text that we learn that separate lashes are inflicted [for each specification]. But why not say then, that 'parched corn', the mention of which is superfluous, is singled out for flagellation,⁶ but if one eats them all, one is still liable only once to flagellation? — If this were so, Scripture should read in this order: 'Bread!', 'fresh ears' and 'parched corn', or 'parched corn', 'bread' and 'fresh ears'; why is 'parched corn' placed between the other two, apparently that we may understand it thus: For 'bread' just as for parched corn' one is liable [to a separate flagellation], and for 'fresh ears just as for 'parched corn' one is liable [to a separate flagellation].

Said R. Jannai: Never treat a gezerah shawah⁷ lightly, for behold the law of piggul,⁷ which is one of the essential precepts of the Torah,⁸ has been derived through a gezerah shawah; even as R. Johanan said: Zabda son of Levi taught: Elsewhere we read, Everyone that eateth it shall bear his iniquity,⁹ and here we read, And the soul that eateth of it shall bear his iniquity;¹⁰ as there¹¹ the penalty prescribed is kareth, so also here it is kareth.

Said R. Simai: Never treat a gezerah shawah lightly, for behold the law concerning nothar,¹² which is one of the essential precepts of the Torah,¹³ has only been derived through a gezerah shawah. What is [the gezerah shawah]? — The derivation of kodesh [holy] from kodesh [in the following texts]: Everyone that eateth it shall bear his iniquity, because he hath profaned the holy thing of the Lord,¹⁴ and Thou shalt burn the nothar with fire, [it shall not be eaten] because it is holy.¹⁵

Said Abaye: Never treat a gezerah shawah lightly, for behold the law concerning a man's daughter from an outraged woman is one of the essential precepts¹⁶ of the Torah, and yet it has been derived only through a gezerah shawah,' as Raba said: R. Isaac son of Abdimi told me: As to the prohibition, this law is derived from the similarity of the expression hennah,¹⁷ and with regard to the penalty of burning from the similarity of the expression zimmah.¹⁸

Said R. Ashi: Never treat a gezerah shawah lightly, for death by stoning [as a penalty for many transgressions] is an essential regulation of the Torah, and yet [in several cases] it has been derived only through a gezerah shawah, as it has been taught:¹⁹ We find here²⁰ the expression demehem bam²¹ and we find the same expression in connection with ob and yidde'oni.²² As in the latter case the penalty prescribed is stoning, so also in the former case it is stoning.

WHEN ONE COMPOUNDS OIL [OF ANOINTING] . . . Our Rabbis have taught: If one compounds oil [of anointing] for experimenting or with the intention to hand it over to the community, he is not culpable; if for anointment he is culpable, though the person that anoints himself therewith is exempt, because the transgression concerning the use of the oil is limited to the oil of anointment which Moses himself compounded.²³ The Master said: 'If for experimenting or with the intention to hand it over to the community, he is not culpable'. Whence do we know this? — It is derived by means of the common expression mathkunto²⁴ mentioned here and in connection with incense. And with reference to incense it is written, Ye shall not make unto yourselves,²⁵ which implies that one is culpable only if compounded for oneself, but not with the intention to hand it over to the community; similarly with regard to the oil, if it is compounded with the intention to hand it over to the community, one is exempted. But why not then again derive incense from the oil: Just as in the case of the oil one is exempted if one compounded half the prescribed quantity, so also with incense, he should be exempted if he compounded half the prescribed quantity; why then did Raba say:²⁶ If one compounds incense in half the quantity prescribed, he is culpable, but if one compounds oil in half the quantity, he is exempt? — Raba will reply: In connection with oil it is written, Ye shall not make any like it according to the composition thereof' 'Like it' it is prohibited, but in half the prescribed quantity it is permitted; but in connection with incense, it is written, And the incense which thou shalt make:²⁷ All compounding of incense [is forbidden], for one can offer up half the quantity in the morning and half in the evening.²⁸

Our Rabbis have taught: [The composition of the] oil of anointment is [as follows]: Five hundred shekels of flowing myrrh, five hundred of cassia, five hundred of sweet cinnamon and two hundred and fifty of sweet calamus, together one thousand seven hundred and fifty shekels. Was it necessary for the Tanna to state the sum total? — To obviate the following assumption,²⁹ for one might say, Sweet calamus was like sweet cinnamon: as with sweet cinnamon the figure two hundred and fifty [mentioned in the text] is half the prescribed quantity, so also with reference to sweet calamus,³⁰ in which case the total weight would be two thousand. And indeed why not say so? Then it should have

written: 'Sweet cinnamon and sweet calamus, half so much of each, even two hundred and fifty shekels'.

R. Papa asked Abaye: When one weighs [the incense],³¹ does one weigh it with 'overweight or exactly? — He replied: The Divine Law has written, 'Of each shall there be a like weight',³² and you say that there shall be an overweight. But did not Rab Judah say, The Holy One, blessed be He, takes note of overweight [in incense],³³ which obviously implies that it had an overweight? — Rather, said R. Judah: Why are the five hundred shekels of sweet cinnamon taken in two portions of two hundred and fifty each? Since the total quantity is five hundred, why not bring the whole at a time?³⁴ From the fact that sweet cinnamon is brought in two portions we may infer that there was an overweight each time,³⁵ and [to be sure] the Holy One, blessed be He, takes note of overweight. And what is the meaning of, 'Of each shall there be a like weight'? — Said Rabina: That one should not weigh first with the weight and use afterwards the weighed amount as a weight for the others.

The Rabbis have taught: The oil [of anointment] which Moses compounded in the wilderness was boiled with the roots [of the spices],³⁶ thus the view of R. Judah. Said to him R. Jose: Surely the oil³⁷ would not suffice even for smearing the roots;³⁸ what then did he do? He boiled³⁹ the roots in water,⁴⁰ poured over them the oil, which thus absorbed the scent, and wiped off [the oil from the roots].⁴¹ R. Judah said to him:

(1) Viz., of the new crop, prior to the offering of the 'Omer sacrifice, Lev. XXIII, 10f.

(2) V. Glos.

(3) As well as 'fresh ears'.

(4) Viz., the 'Omer meal-offering, cf. Lev. II, 14 and Men. 66b. Rashi indeed reads here: 'the meal-offering of the 'Omer'.

(5) Bread is offered on Pentecost. Since then all the three specifications are necessary, whence does R. Isaac derive his ruling?

(6) I.e., that one is liable to lashes if one has eaten parched corn alone. The redundant text is to teach us that the flagellation is not conditional in every case upon the eating of the three enumerated products together.

(7) V. Glos.

(8) Viz., the fact that kareth is attached to it. Although the penalty of kareth is mentioned in the text relating to piggul, Lev. XIX, 8, the Gemara's exposition in Zeb. 28a of this passage is that the pronouncement of kareth refers to an offering disqualified by the improper intention to offer it outside the Temple precincts, and not to piggul in the narrower sense, viz., a sacrifice disqualified by the thought of eating its flesh beyond the prescribed time.

(9) Ibid. Lev.

(10) Ibid. VII, 18, understood to relate to piggul in the narrower sense.

(11) Which deals with disqualification by an improper intention relating to the place of offering, and where kareth is explicitly mentioned.

(12) V. Glos.

(13) Viz., the fact that kareth is attached to it.

(14) Lev. XIX, 8; the penalty of kareth follows.

(15) Ex. XXIX, 34.

(16) Viz., that this form of incest is subject to death by burning.

(17) Lit., 'they are', an expression used twice in connection with incest; firstly in Lev. XVIII, 17 dealing with the prohibition of intercourse with a woman and her daughter, both married unto him or not; and then in v. 10 relating to the prohibition of intercourse with one's grand-daughter. The latter text is interpreted in Yeb. 97a as referring to the grand-daughter from an outraged woman, and not of one legally married to him. We thus find explicitly that one's grand-daughter from an outraged woman is forbidden. The daughter of an outraged woman is not explicitly mentioned, but the gezerah shawah establishes an analogy between a married woman (v. 17) and an outraged woman (v. 20): as in the first instance daughter and grand-daughter are on the same footing, so also in the latter.

(18) Lit., 'lewdness', mentioned in Lev. XVIII, 17 and XX, 14 where the prescribed penalty is burning, v. Sanh. 51a.

(19) Sanh. 54a.

- (20) Referring to the four laws where this term is found: Lev. XX, 11, 12, 13, 16.
- (21) Tr. 'Their blood shall be upon them'.
- (22) V. Glos.; v. ibid. 27.
- (23) Tosef. Mak. III, 1.
- (24) 'According to its composition' mentioned in Ex. XXX, 32 in correction with oil of anointing, and in v. 37 relating to incense.
- (25) Ibid. 'Unto yourselves' is taken in a restrictive sense.
- (26) V. infra 6b.
- (27) Ibid. vv. 32 and 37.
- (28) V. Lev. VI, 13ff.
- (29) Lit., 'this is his difficulty'.
- (30) I.e., that the qualification 'half' in the text referred both to sweet cinnamon and to sweet calamus.
- (31) I.e., its components.
- (32) Ex. XXX, 34.
- (33) And rewards accordingly. V. Sh. Mek.
- (34) As with the first two species.
- (35) The division was for the purpose of adding a greater overweight of cinnamon.
- (36) Hor. 11b.
- (37) Altogether there were only twelve logs.
- (38) How much less to have the species boiled therein!
- (39) The version in Hor. and of Rashi here is 'soaked'.
- (40) So that they were saturated with liquid and did not absorb much of the oil when it was poured over them.
- (41) And placed it in the flask.

Talmud - Mas. K'rithoth 5b

Is this the only miracle that occurred in connection with the oil of anointment? Was it not attended by many miracles from beginning to end! There were only twelve logs of oil and yet with it were anointed the Tabernacle and its vessels, Aaron and his sons throughout the seven days of the consecration, and the high priest and kings, and yet it remained whole for the days to come, as it is written: This shall be a holy anointing oil unto Me throughout your generations.¹ [The numerical value of] Zeh [this] is twelve, meaning that this quantity was preserved.

Our Rabbis taught: And Moses took the anointing oil and anointed the tabernacle.² R. Judah said: Many miracles attended from the beginning to the end the anointing oil which Moses made in the wilderness. There were originally only twelve logs; [consider] how much of it must have been absorbed in the boiler, how much in the roots of the spices, and how much of it was burnt by the fire, and yet with it were anointed the Tabernacle and its vessels, Aaron and his sons throughout the seven days of the consecration, and the high priests and kings. Even a high priest who is the son of a high priest requires anointing, though a king who is the son of a king does not require anointing. And if you ask, Why then was Solomon anointed?³ Because Adoniah disputed his right of succession; similarly Jehoshaphat [was anointed]⁴ by reason of Athaliah's [claim to the throne], and Jehoahaz⁵ by reason [of the claim to the throne] of his brother Jehoiakim who was two years⁶ his senior.⁷

The Master said: 'Even the high priest who is the son of a high priest requires anointing'. Whence do we know this? — It is written: And the anointed priest that shall be in his stead from among his sons.⁸ The text should have stated: 'And the priest that shall be in his stead from among his sons', why [add] 'anointed', if not to let us know that even from among his sons only the one that is anointed can be high priest, but he who is not anointed cannot be high priest.

The Master said: 'A king who is the son of a king does not require anointing'. Whence do we know this? — Said R. Abba b. Jacob: It is written, That he may prolong his days in his kingdom, he

and his children, for all days;⁹ it is an inheritance.

‘Why then was Solomon anointed? Because Adoniah disputed his right of succession’. ‘Whence do we know that in a case of dispute anointing is required, and that it does not suffice that the king entrusts his kingdom to whomsoever he chooses? — Said R. Papa: It is written there, In the midst of Israel; only if there is peace in Israel [is it an inheritance].¹⁰

A Tanna taught: Also Jehu son of Nimshi was anointed only by reason of the claim to the throne by Joram son of Ahab. Was it indeed for this reason? ‘Was he not the first king of the dynasty? — The text is incomplete and should read thus: Kings from the House of David were anointed but not the kings of Israel. And if you ask: ‘Why then was Jehu son of Nimshi anointed? Because of the dispute of Joram son of Ahab.

The Master said: ‘Kings from the House of David were anointed, but not the kings of Israel’. ‘Whence do we know this? — It is written: Arise, about him, for this is he:¹¹ This one¹² requires anointing but not others.

The Master said: ‘By reason of the claim to the throne by Joram’. Were we indeed justified to commit sacrilege¹³ with the oil of anointing solely by reason of the claim to the throne by Joram son of Ahab? — As R. Papa replied elsewhere: It was done with pure balm; so here too: It was done with pure balm.¹⁴

‘And Jehoahaz by reason of the claim to the throne by his brother Jehoiakim who was two years his senior’. ‘Was he indeed older, is it not written: And the sons of Josiah: the first-born Johanan, the second Jehoiakim, the third Zedekiah and the fourth Shallum;¹⁵ upon which R. Johanan remarked that Johanan was identical with Jehoahaz and Zedekiah with Shallum!¹⁶ — Jehoiakim was indeed older, and [the other] was called first-born, because he was first in succession. But is it permitted to install the younger son in preference to the older? Is it not written: And the kingdom he gave to Jehoram for he was the first-born?¹⁷ — That one followed in his forefather's footsteps.¹⁸

The Master said: ‘Shallum is identical with Zedekiah’. But are not the sons enumerated in numerical order?¹⁹ — He [Zedekiah] is called ‘the third’, because he was the third among the sons, and he is called ‘the fourth’, because he was the fourth to reign, for Jeconiah reigned before him: Jehoahaz was the first successor, then followed Jehoiakim, then Jeconiah and then Zedekiah.

Our Rabbis taught: Shallum is identical with Zedekiah; and why was he called Shallum? Because he was perfect [‘shalem’] in his deeds; or according to another explanation, because the kingdom of the House of David ended [shalem]²⁰ in his days. ‘What was his real name? — Mattaniah, as it is written, And the king of Babylon made Mattaniah his father's brother king in his stead, and changed his name to Zedekiah,²¹ for the king [Nebuchadnezzar] said to him, God may deal severely²² with thee, if thou wilt rebel against me, as it is written, And he brought him to Babylon,²³ and also, And He also rebelled against king Nebuchadnezzar who had made him swear by the Lord.²⁴ But was there any oil of anointing at that time?²⁵ Has it not been taught: ‘When the holy ark was hidden there disappeared with it the jar of manna,²⁶ the flask of the oil of anointing, the rod of Aaron together with its almonds and blossoms,²⁷ and the coffer which the Philistines had sent as a present to the God of Israel, as it is written: And put the jewels of gold, which ye return Him for a guilt-offering, in a coffer by the side thereof.²⁸ ‘Who hid it? Josiah, king of Judah, hid it, as it is written: And he said, put the holy ark [in the house which Solomon the son of David did build: there shall no more be a burden upon your shoulders].²⁹ [As to the other articles:] R. Eleazar said: [Their disappearance is] inferred by the common expressions of sham, dorothe and mishmereth.³⁰ Replied R. Papa: It was done with pure balm.

Our Rabbis have taught: In anointing kings one draws the figure of a crown,³¹ and with priests in the shape of the letter chi. Said R. Menashia: The Greek-[letter] chi is meant. One [Tanna] teaches: The oil was first poured over the head and then smeared between the eye-lids; whereas another [Tanna] teaches: The oil was first smeared between the eye-lids and then poured over the head.³² [On this point there is] a dispute of Tannaim: One holds that the anointing³³ has preference; the other holds that the pouring has preference. What is the reason of him who holds that the pouring has preference? He derives it from: And he poured from the anointing oil upon Aaron's head [and anointed him to sanctify him].³⁴ And he who maintains anointing has preference holds [his view] because this was the method employed in connection with the vessels of ministry.³⁵ But is it not written first: 'And he poured', and then, 'and anointed'? — This is what it means: 'Wherefore did he pour the oil, because he had already anointed him to sanctify him.

Our Rabbis have taught: It is like the precious oil upon the head [coming down upon the beard, even Aaron's beard].³⁶ Two drops of the oil were hanging down like pearls from Aaron's beard. Said R. Kahana; It was taught, 'When he [Aaron] spoke, the drops moved upwards and rested by the roots of his beard. This caused anxiety to Moses. Perhaps, Heaven forbid, [he said] I have committed sacrilege with the oil of anointing!³⁷ But a heavenly voice was heard, saying: Like the dew of the Hermon, that cometh down upon the mountains of Zion;³⁸ as the dew is not subject to sacrilege, so the oil that cometh down upon the beard of Aaron is not subject to sacrilege. Yet Aaron was still worried: 'Although Moses did not commit sacrilege, I myself am guilty of sacrilege'. Thereupon the heavenly voice pronounced: Behold how good and how pleasant it is for brethren to dwell together in unity:³⁹ As Moses is not guilty of sacrilege, so thou too art not guilty of sacrilege.

Our Rabbis have taught: Kings are anointed only by the side of a spring, so that their rule be prolonged,⁴⁰ as it is written: And the king said unto them . . . and bring him down to Gihon . . . and anoint him there.⁴¹ Said R. Ammi: 'When one wishes to know whether he will survive the coming year or not, let him take a burning lamp during the ten days between New Year and the Day of Atonement and place it in a house where there is no draught; if the lamp burns out to the end, he will know that he will survive the year. And if one is about to engage in business and wishes to know whether he will succeed or not, let him get a cock and feed it; if it grows fat and handsome, he will know that he will succeed. When one is about to go on a journey and wishes to know whether he will return home, let him enter a darkened room;⁴² if he can perceive

(1) Ex. XXX, 31.

(2) Lev. VIII, 10.

(3) V. I Kings I, 39.

(4) V. II Kings XI, 12.

(5) V. *ibid.* XXIII, 30.

(6) V. II Chron. XXIII, 31 and 36.

(7) In Hor. the text continues: And yet that oil remained whole for the days to come.

(8) Lev. VI, 15.

(9) Deut. XVII, 20 where instead of the last three words, it reads: In the midst of Israel. In Hor. this copyist's error is not to be found.

(10) But if there is dissension concerning the throne, the successor has to be specially sanctified and anointed.

(11) I Sam. XVI, 12.

(12) Or such a one i.e., one belonging to this dynasty.

(13) In using the oil for the anointing of a king, who does not require this according to the Torah, we transgressed the law of sacrilege.

(14) And not with the proper oil of anointing.

(15) I Chron. III, 15.

(16) Thus the version of Rashi. The text thus states that Jehoahaz was the firstborn.

(17) II Chron. XXI, 3.

- (18) I.e., he (Jehoram) was like his father a pious man, at the time of succession. He became corrupted later on. Jehoiakim, on the other hand, did not follow, in his father's ways and could not therefore exercise his right as firstborn.
- (19) Obviously implying that they were not identical.
- (20) Both 'perfect' and 'ended' may be conveyed by the term 'shalem'.
- (21) 11 Kings XXIV, 17.
- (22) From the root zedek', strict justice.
- (23) II Chron. XXXVI, 10. This phrase actually refers to Jehoiakim. The latter part of the verse is meant: And he appointed Zedekiah his brother king over Judah and Jerusalem.
- (24) Ibid. v. 13.
- (25) Viz., the time of Jehoahaz, whose anointment is mentioned above.
- (26) Cf. Ex. XVI, 33.
- (27) Num. XVII, 23.
- (28) I Sam. VI, 8. This implies that the coffer had to be by the side of the ark. With the disappearance of the ark also the coffer had gone
- (29) II Chron. XXXV, 3. Cf. J. Shek. I, 1 where the latter part of the passage is understood to imply that after the removal of the ark from the Temple at the time of the exile, it shall not be restored again to its place.
- (30) Sham ('there') is mentioned in connection with the ark in Ex. XXX, 36 and with the manna in XVI, 33. Doroth ('generations') in connection with the manna ibid. and with the sacred oil, ibid. XXX, 31. Mishmereth ('guard') in connection with the manna ibid, and with Aaron's rod in Num. XVII, 25. Manna is thus derived from the ark; and the other two articles from manna. At all events, we learn therefrom that there was no oil of anointing at the time of Jehoahaz.
- (31) I.e., a circle round the head.
- (32) These two centres of oil are joined with one another and extended to the neck, Rashi.
- (33) I.e., the smearing of the forehead.
- (34) Lev. VIII, 12. Pouring is mentioned first.
- (35) Lev. VIII vv. 10-11.
- (36) Ps. CXXXIII, 2.
- (37) By using too much of it.
- (38) Ibid. v. 3.
- (39) Ibid. v. 1.
- (40) Like the spring of water.
- (41) I Kings 1, 32-34.
- (42) Some versions here and in Hor. 12a read 'house of his neighbour' instead of 'darkened room.

Talmud - Mas. K'rithoth 6a

the reflection of his shadow, he will know that he will return home. But it is not the proper thing [to make these tests], for one might be discouraged and mar his fortune. Said Abaye: Since you hold that symbols are meaningful, every man should make it a habit to eat on New Year pumpkin, fenugreek, leek, beet and dates.¹

R. Mesharsheya said to his sons: 'When you wish to come before your teacher to learn, revise at first your Mishnah and then go to your teacher; and when you are sitting before your teacher look at the mouth of your teacher, as it is written: But thine eyes shall see thy teacher;² and when you study any teaching, do so by the side of water, for as the water is drawn out, so your learning may be prolonged. Be on the dustheaps of Matha Mehasia rather than in the palaces of Pumpeditha.³ Eat a stinking fish rather than cutha⁴ that breaks rocks.

And Hannah prayed and said: my heart exulteth in the Lord, my horn is exalted.⁵ It says, 'my horn is exalted', but not 'my jar is exalted'. David and Solomon were anointed from a horn,⁶ and therefore their rule was prolonged; Saul and Jehu, however, were anointed from a jar,⁷ and their rule⁸ was not prolonged.

WHEN ONE COMPOUNDS INCENSE. Our Rabbis have taught: 'When one compounds incense for experimenting or in order to hand it over to the community, he is culpable; if in order to smell of it, he is guilty. He who smells it⁹ is not culpable,¹⁰ but he is guilty of sacrilege.¹¹ But is smelling subject to the law of sacrilege? Has not R. Simeon son of Pazzi stated in the name of R. Joshua son of Levi on behalf of Bar Kappara: Hearing, seeing and smelling¹² are not subject to the law of sacrilege?¹³ — The reference to smelling means, after the pillar of the [incense] smoke has ascended,¹⁴ in which case it is not subject to the law of sacrilege, for nothing is subject to the law of sacrilege, after the prescribed command has been performed therewith. Is this indeed so? Behold the separation of the ashes¹⁵ is subject to the law of sacrilege, although the prescribed, command has been performed therewith. — The law concerning the separation of the ashes and that of the garments of the High Priest¹⁶ are two texts teaching the same thing, and where two texts teach the same thing no inference may be made [from them].¹⁷ This is right according to the Rabbis, but what is to be said according to R. Dosa? For it has been taught: And he shall place them [the garments] there,¹⁸ [means] that they have to be hidden.¹⁹ R. Dosa holds: They may be used by an ordinary priest, and 'he shall place them there' means that he [the high priest] shall not use it again on another Day of Atonement.²⁰ — The law concerning the separation of the ashes and that of the heifer whose neck is broken are two texts teaching the same thing, and where two texts teach the same thing no inference may be made [from them for other instances]. 'What is the case of the separation of the ashes? — It has been taught: He shall place it by the side of the altar;²¹ this teaches that it has to be hidden. 'What is the case of the heifer whose neck is broken? — It has been taught: And shall break the heifer's neck there in the valley,²² this teaches that it has to be buried. And even according to him who holds, one may infer for other instances where two texts teach the same thing, here indeed no inference can be made because there are two limitations. In connection with the separation of the ashes, it is written: 'He shall place it': It, and not anything else; in connection with the heifer whose neck is broken, it is written: Whose neck is broken,²³ only the one whose neck is broken and not anything else.

Our Rabbis have taught: The compound of incense consisted of balm, onycha, galbanum and frankincense, each in the quantity of seventy manehs;²⁴ of myrrh, cassia, spikenard and saffron, each sixteen manehs by weight; of costus twelve, of aromatic rind three, and of cinnamon nine manehs; of lye obtained from leek nine kabs;²⁴ of Cyprus wine three se'ahs²⁴ and three kabs, though if Cyprus wine is not available, old white wine may be used instead; of salt of Sodom²⁵ the fourth of a kab, and of ma'aleh 'ashan²⁶ a minute quantity. R. Nathan says: Also of Jordan resin a minute quantity. If, however, honey is added, the incense is rendered unfit; while if one omits one of the ingredients,²⁷ he is liable to the penalty of death.²⁸ R. Simeon son of Gamaliel said: Balm is nothing but a resin which exudes from the wood of the balsam-tree; the lye obtained from leek was rubbed over the onycha in order to render it beautiful, and in the Cyprus wine the onycha was steeped that its odour might be intensified. In fact urine might well serve this purpose, but urine may not be brought within the precincts of the Temple. This²⁹ supports R. Jose son of R. Hanina, who says: It is holy and it shall be holy unto you,³⁰ implies that all work in connection therewith must be performed within the sacred precincts.

An objection was raised: If one dedicates his possessions to the Temple³¹ and there are among them things fit for communal offerings, they shall be given to the [Temple] craftsmen as wages.³² Now what is meant by 'things fit [for communal offerings]'? If cattle or beast,³³ this has already been taught;³⁴ if wine, oil or fine flour, this has already been taught; hence It must refer to incense.³⁵ — Said R. Oshaia: [It refers to] that which is given to the craftsmen as their wages;³⁶ for we learnt: 'What was done with the remnant of the frankincense? They set apart [an amount equivalent to the craftsmen's] wages [from the Temple Treasury], the remnant was then exchanged against this money, handed over to the craftsmen as their wages and then bought back again from them with the money of the new levy.³⁷ To this R. Joseph demurred: Surely in connection with all remnants it teaches:

‘And then it is bought back again from the new levy’; whereas in connection with this teaching,³⁸ this is not stated.³⁹ — Rather, said R. Joseph: It refers to one of the ingredients of the frankincense.⁴⁰

Our Rabbis have taught: The frankincense consisted of three hundred and sixty-eight manehs,⁴¹ three hundred and sixty-five⁴² corresponding to the days of the solar year, and of the three remaining manehs the high priest took his hands full [into the holy of holies] on the Day of Atonement,⁴³ while the remnant was given to the craftsmen for their wages, as we have learnt: What was done with the remnant of the frankincense? They set apart an amount equivalent to the craftsmen's wages [from the Temple Treasury], the remnant was then exchanged against this money, handed over to the craftsmen as their wages and then bought back again from them, with the money of the Temple Chamber.⁴⁴

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- (1) These are regarded as symbols of fertility, abundance and quick growth.
 - (2) Isa. XXX, 20.
 - (3) A town which was reputed for violence and dishonesty; v. Hor. 12a (Sonc. ed.) for further notes on this passage.
 - (4) Cutha is a dish containing milk, breadcrumbs and salt. It is described in Pes. 42a as one which is harmful alike to body and spirit. Even when it is as hot and as hard so as to break rocks, one should not eat it.
 - (5) I Sam. II, 1.
 - (6) Cf. *ibid.* XVI, 13 and I Kings 1, 39. מִשַׁךְ ‘to blow’, used with the ‘horn’ connotes at the same time to prolong.
 - (7) Cf. I Sam. X, 1 and II Kings IX, 1, 3.
 - (8) I.e., their dynasty.
 - (9) I.e., the incense of the community.
 - (10) I.e., is not subject to kareth. Kareth is only prescribed for the manufacture of incense with the purpose to smell of it.
 - (11) Tosef. Mak. III, 1.
 - (12) Viz., of things belonging to Temple property, e.g., the smelling of incense.
 - (13) Because these are considered immaterial forms of use. V. pes. 26a.
 - (14) I.e., after it had been burnt.
 - (15) I.e., the ashes separated from the altar and placed by the side of it. Cf. Lev. VI, 3 and Me'il. 11b.
 - (16) Used on the Day of Atonement, cf. Lev. XVI, 23f.
 - (17) Or rather, the fact that the same law is applied in the text to two instances is taken to exclude its application to others.
 - (18) *Ibid.*
 - (19) Viz., so as not to be used again. They are thus subject to sacrilege even after their use.
 - (20) Hul. 117a.
 - (21) Lev. VI, 3.
 - (22) Deut. XXI, 4. ‘There’ is superfluous, and is taken to imply that it shall remain there for ever and must not be used.
 - (23) Deut. XXI, 6. The article in the word הָעֵרֹפָה is superfluous and is understood in a restrictive sense.
 - (24) V. Glos.
 - (25) Or sea-salt. Cf. B.B. 20b.
 - (26) Lit., ‘smoke-raiser’, i.e., a herb which makes the smoke of the frankincense rise.
 - (27) Viz., the high priest who enters the Holy of Holies with the unfit incense (Rashi). It may also refer to the manufacturer of the incense.
 - (28) By the hand of heaven.
 - (29) The last passage.
 - (30) Ex. XXX, 32.
 - (31) Without specification, in which case the possessions go to the Temple repair fund; but the things suitable for the altar must not be used for the repair fund. Objects fit for communal offerings cannot be offered, however, for the community, because such offerings must be brought out of communal funds.
 - (32) Shek. IV, 6.
 - (33) This is a standing phrase, not precise in this instance, as a beast of chase is not fit for the altar.
 - (34) Shek. IV, 6.
 - (35) We thus find that the frankincense may be compounded as profane goods and then dedicated to the Temple.

(36) I.e., the remnant of frankincense, left over from the past year; cf. R. H. 7a. At the beginning of Nisan the taxes for communal offerings were collected. The frankincense bought with the money of the previous levy was not allowed to be used in the new year. It was therefore necessary to resort to the device mentioned below, in order to make the use of the remnant in the new year possible.

(37) Ibid. IV, 5; cf. also Me'il. 14b where this Baraitha is expounded.

(38) Sc. Shek. IV, 6.

(39) It accordingly cannot refer to a remnant.

(40) Before the mixing, and not to the prepared incense.

(41) This is the total weight of the ingredients of incense, as expounded above.

(42) This is the average length also of the Jewish year, if the leap years are taken into consideration.

(43) V. Lev. XVI, 12.

(44) The version above of the same Mishnah reads 'new levy' instead of 'Temple Chamber' which is the same thing.

Talmud - Mas. K'rithoth 6b

Our Rabbis have taught: [By reason of] the remnants of frankincense once in sixty or seventy years only half the quantity was manufactured.¹ Therefore, if a stranger compounds half the quantity, he is culpable.² Thus the view of Rabban Simeon son of Gamaliel, who said this in the name of the Segan;³ while there is no tradition that a third or a fourth of the quantity was ever compounded.⁴ The Sages hold: He prepared frankincense each day⁵ according to its composition and offered it up. This supports Raba; for Raba said: If one compounds half the quantity of frankincense,⁶ he is capable, for it is written: And the incense which thou shalt make etc.⁷; whatever [quantity] you make, and it is possible for one to prepare half [a maneh] in the morning and half in the evening.

Our Rabbis have taught: Twice in the course of the year is the incense put back into the mortar.⁸ During the summer it is scattered, so that it does not rot away; during the winter it is heaped together, so that its fragrance may not escape. While it is being beaten, he⁹ calls out: 'Pound well, well pound'. These are the words of Abba Jose b. Johanan. The three remaining manehs of which the high priest on the Day of Atonement separates his handfuls, are put back in the mortar on the eve of the Day of Atonement and pounded very thoroughly, so that the incense is of the very finest, as it has been taught:¹⁰ 'Wherefore is beaten small¹¹ stated, since it is written already: And thou shalt beat some of it very small?¹² That it has to be the very finest.

The Master said: "While it is being beaten, he calls out: "Pound well, well pound".' This supports R. Johanan; for R. Johanan said: Just as speech¹³ is harmful to wine, so it is beneficial to spices.

Said R. Johanan: Eleven kinds of spices¹⁴ were named to Moses at Sinai. Said R. Huna: 'Where is the text? Take unto thee sweet spices, at least two; stacte, and onycha, and galbanum, that makes together five; 'sweet spices' means another five, that makes together ten; 'with pure frankincense', which is one, that is together eleven. 'Why not say, 'sweet spices' [at the beginning] is a general statement, stacte, and onycha, and galbanum' a specification, and 'sweet spices' [at the end] is again a general statement! ['We have thus, a generalization followed by a specification and then by a generalisation, [in which case] only things sharing the qualities of the specification may be derived. Just as the [items of the] specification are things whose smoke ascends upwards and whose fragrance spreads, so include all things whose smoke ascends upwards and whose fragrance spreads. And should you say in this case only one [item of] specification should have been mentioned, [I would answer] No, all are necessary; for if 'stacte' alone was written, I might have said: Only things from the tree [are to be taken], but not things growing on the ground. It was thus necessary to state 'onycha'. And if 'onycha' alone was written, I might have said: Only things from the ground, but not from the tree. It was thus necessary to state 'stacte'. As to 'galbanum', its mention is necessary for its own sake, for its odour is unpleasant¹⁵ if so,¹⁶ it could have been derived from: Take unto thee.¹⁷ But perhaps say: 'The sweet spices' in the latter part [of the verse] mean two, as 'the sweet spices' in

the former part?¹⁸ Then it should have written the two expressions ‘sweet spices’ next to one another, and then write ‘stacte, and onycha, and galbanum’. In the School of R. Ishmael it was taught thus: ‘Sweet spices’ is a generalisation, ‘stacte, and onycha, and galbanum’ is a specification, ‘sweet spices’ again is a generalisation, and from a generalisation followed by a specification and then by another generalisation one can derive only things sharing the qualities of the specification. As the [items in the] specification are things whose smoke ascends upwards and whose fragrance spreads, so all things whose smoke ascends upwards and whose fragrance spreads.¹⁹ Perhaps this is not so; but take the generalisation with the first generalisation, the specification with the first specification?²⁰ — Say: This cannot be; hence you must not expound according to the latter version but according to the former.

The Master said: ‘Perhaps this is not so, but take the generalisation with the first generalisation and the specification with the first specification? — Say: This cannot be, hence you cannot expound . . . ‘What is the question? — This is his difficulty: Let the sweet spices’ in the latter part [of the verse] mean two like ‘sweet spices’ in the former.²¹ Whereupon he replied as was answered before: Then it should have written, ‘Sweet spices, sweet spices, stacte, onycha and galbanum’. What is the meaning of ‘and the specification with the first specification’? — This is his difficulty: Things of the tree are derived from ‘stacte’, and things of the ground from ‘onycha’; why not then derive from ‘pure frankincense’ all things which have one quality in common with it [viz.] that their fragrance spreads, though their smoke does not ascend upwards?²² Whereupon he replied: If this was so, ‘pure frankincense’ should have been written among the others,²³ so that you could derive therefrom. But if ‘pure frankincense’ was written among the others, we would have twelve spices.²⁴ — ‘Pure frankincense’ should have been written among the others and ‘galbanum’ at the end. Resh Lakish says: From the word itself it can be inferred; for ketoreth²⁵ [frankincense] means something whose smoke ascends upwards.

Said R. Hana b. Bizna in the name of R. Hisda the pious: A fast in which none of the sinners of Israel participate is no fast;²⁶ for behold the odour of galbanum is unpleasant and yet it was included among the spices for the incense. Abaye says: ‘We learn this from the text: And hath founded his vault upon the earth.’²⁷

OR USES OIL OF ANOINTING. Our Rabbis have taught: He who pours the oil of anointing over cattle or vessels is not guilty; if over heathens or the dead, he is not guilty. The law relating to cattle and vessels is right, for it is written: Upon the flesh of man [adam] shall it not be poured;²⁸ and cattle and vessels are not man. Also with regard to the dead, [it is plausible] that he is exempt, since after death one is called corpse and not man. But why is one exempt in the case of heathens; are they not in the category of adam? — No, it is written: And ye my sheep, the sheep of my pasture, are adam [man].²⁹ Ye are called adam but heathens are not called ‘adam. But is it not written: And the persons [adam] were sixteen thousand?³⁰ — Because it is used in opposition to cattle.³¹ But is it not written: And should I not have pity on Nineveh [that great city, wherein are more than six score thousand persons [adam]]?³² — This too is used in opposition to cattle.³³ Or, if you wish, I might explain it in the light of what a Tanna recited before R. Eleazar: Whosoever is subject to the prohibition ‘he shall not pour’ is subject to [the law] ‘it shall not be poured [over him]’; but he who is not subject to ‘he shall not pour’ is not subject to ‘it shall not be poured [over him]’.³⁴

Another [Baraita] taught: If one anoints with the oil of anointing cattle, vessels, heathens and the dead, he is not culpable; if kings and priests, R. Meir holds he is culpable and R. Judah that he is exempt. How much has one to put in order to be culpable? R. Meir says: Any quantity; R. Judah says: As much as that of the bulk of an olive. But did not R. Judah say that one is exempt? — R. Judah exempts only in the case of kings and priests,³⁵ but in the case of laymen he declares one culpable. What is the ground of dispute between R. Meir and R. Judah? — Said R. Joseph: They dispute in this: R. Meir holds, It is written: Upon the flesh of man shall it not be poured;³⁶ and it is

also written: Or whosoever putteth of it upon a stranger:³⁷ As the [prohibition of] anointing applies to any quantity,³⁸ so also the [prohibition of] putting [upon a stranger];³⁹ while R. Judah holds, The [implication of] ‘putting upon a stranger’ is derived from ‘giving’ elsewhere: as ‘giving’ implies at least an olive size,⁴⁰ so also the ‘putting upon a stranger at least an olive size; but with regard to the pouring for the anointing of kings and priests both agree that any quantity suffices. Then said R. Joseph: ‘Whereupon rests the dispute between R. Meir and R. Judah with reference to kings and priests?’⁴¹ R. Meir holds: It is written: ‘Or whosoever putteth of it upon a stranger’, and king and priest are now to be regarded as strangers;⁴² while R. Judah maintains [to involve culpability] it is essential that one is a ‘stranger’ from beginning to end; but kings and priests were not considered [always] strangers.⁴³ Said R. Ika the son of R. Ammi: They⁴⁴ follow their own reasoning elsewhere; for we have learnt:⁴⁵

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- (1) As the handfuls of the high priest on the Day of Atonement amounted approximately to half a maneh, the remnant each year was about two and a half manehs. During a period of between sixty and seventy years the remnants accumulated to half the yearly quantity. When this was reached only a supplementary half was newly manufactured.
 - (2) This transgression applies only to quantities otherwise manufactured for the Temple.
 - (3) The deputy high priest.
 - (4) I.e., that two-thirds or three-quarters were allowed to be accumulated.
 - (5) Viz., one maneh. A stranger is accordingly guilty for the manufacture of one maneh.
 - (6) Or even less, as is proved from the text. In cur. edd. oil of anointing stands in place of frankincense, but in supra 5a whence this quotation is taken, frankincense is the version.
 - (7) Ex. XXX, 37.
 - (8) To induce fragrance.
 - (9) The superintendent calls to him who pounds the incense.
 - (10) Yoma 45a.
 - (11) Lev. XVI, 12 referring to the handfuls on the Day of Atonement.
 - (12) Ex. XXX, 36.
 - (13) I.e., speaking while it is being prepared.
 - (14) Only four are mentioned in Ex. XXX, 34.
 - (15) Had it not been explicitly mentioned, I would not have included it.
 - (16) If the purpose of the numeration of the items is for the sake of expounding the verse by the principle of generalisation and specification etc. and not to indicate the precise number.
 - (17) Which would have served as a generalisation without the addition of ‘spices’.
 - (18) And not five.
 - (19) R. Ishmael's School resorts both to the principle of generalisation etc. and to the exposition of R. Huna, the former teaching that it must be of a kind whose smoke ascends and fragrance spreads, and the latter indicating the number.
 - (20) This last question and the answer are obscure, and will be explained immediately.
 - (21) This then is the meaning: perhaps the second generalisation (sweet spices) has the same connotation as the first and implies no more than ‘two’; whence then is the number eleven derived?
 - (22) And thus the question is, perhaps the last specification is to be taken in conjunction with the first and the others that precede the second generalisation?
 - (23) I.e., among the specifications enclosed by the two generalisations, ‘sweet spices’.
 - (24) For the latter expression ‘sweet spices’ doubles the number of spices enumerated before, which in this case would be six.
 - (25) The root קטר means ‘to rise in circles’.
 - (26) The sinners should not be excluded as unworthy of joining their fellow-Jews in prayer.
 - (27) Amos IX, 6. The root אגד of ואגודתו ‘his vault’ means to bind together. Only when all his creatures are bound together is this creation on earth founded.
 - (28) Ex. XXX, 32.
 - (29) Ezek. XXXIV, 31. The passage continues: And I am your God, saith the Lord God. It is thus clear that the term אדם in this sentence does not denote ‘man’ but Israelite. The term adam is used to denote man made in the image of God (v. Gen. IX, 6, for in the image of God He made adam) and heathens by their idolatry and idolatrous conduct mar

this divine image and forfeit the designation adam (v. B.M. Sonc. ed. p. 651, n. 7). There is therefore a possibility that also oil used in Ex. XXX, 32 is to be understood in this restrictive sense, particularly as the distinction between holy and profane made in the text (it reads there, 'it is holy and it shall be holy unto you') is meaningful only to one who believes in the ideal of the holy.

(30) Num. XXXI, 40 referring to the heathen Midianites.

(31) V. the context.

(32) Jonah IV, 11.

(33) V. the end of the passage.

(34) The prohibition of using sacred oil for profane purposes is thus binding for the Israelites only.

(35) After they had been anointed. Rashi reads, high priests.

(36) Ex. XXX, 32.

(37) Ibid. v. 33. Lit., 'whosoever giveth'. The analogy later between putting and giving is based upon this literal translation.

(38) Since there the term 'anointing' implies any quantity however small.

(39) Although elsewhere 'putting' (lit., 'giving') implies at least the bulk of an olive.

(40) Cf. Pes. 32b where this fact is derived from Lev. XXII, 14.

(41) Viz., when unlawfully anointed.

(42) For anointing after their first anointment is no longer prescribed for them.

(43) For there was a time when they were required to be anointed, and were not strangers.

(44) I.e., R. Meir and R. Judah.

(45) Ter. VII, 2.

Talmud - Mas. K'rithoth 7a

If the daughter of a priest married to an Israelite has eaten terumah,¹ she has to pay the principal but not the additional fifth, and her punishment² is death by burning. If she is married to one of those disqualified [for priesthood], she has to pay the principal as well as the additional fifth, and her punishment is death by strangulation.³ Thus the view of R. Meir; but the Sages hold: In either case she has to pay the principal but not the fifth, and is punished by burning.⁴

Said R. Joseph: The dispute [between R. Meir and R. Judah] is only with reference to the putting of the oil of anointing, and as we have explained above;⁵ but elsewhere⁶ all agree that 'giving' implies at least an olive size.

[To turn to] the main text: A Tanna recited before R. Eleazar: Whosoever is subject to [the prohibition] 'he shall not pour' is subject to [the law] 'it shall not be poured [over him]'; but he who is not subject to 'he shall not pour' is not subject to 'it shall not be poured [over him]'. The latter said to him: You speak well: it is written, 'It shall not be poured' [yisak], read 'he shall not pour' [yasik].⁷

R. Hananiah recited before Raba: If a high priest has taken from the oil of anointing that is upon his head and rubbed it upon his stomach, whence do we know that he is culpable? It says: Upon the flesh of man shall it not be poured'.⁸ Said R. Aha the son of Raba to R. Ashi: 'Why is this different from that which has been taught:⁹ A priest who is anointed with oil of terumah may without scruple allow [e.g.,] his Israelite grandson¹⁰ to roll against him?¹¹ — He replied: In that connection it is written: And die therein, if they profane it;¹² once it is profaned¹³ it remains profane; but in connection with the oil of anointing it says: For the consecration of the anointing oil of his God is upon him;¹⁴ the Divine Law [still] calls it oil of anointing, so that even when it is 'upon him' it does not become profane.

FOR THESE [TRANSGRESSIONS] ONE IS LIABLE TO EXTINCTION IF COMMITTED WILFULLY etc. It states EXCEPT IN THE CASE OF ONE WHO DEFILED THE TEMPLE OR

ITS CONSECRATED THINGS. Excluded from what? — Read thus: Excluded is he who defiles the sanctuary or sacred things in that he does not bring a suspensive guilt-offering.¹⁵ Why not also state: Excluded is one from a suspensive guilt-offering where the Day of Atonement has passed by in the meantime?¹⁶ — Replied Resh Lakish: He mentions only cases where a sin-offering is [prescribed],¹⁷ but the Divine Law has pronounced exemption [from a suspensive guilt-offering in case of a doubt]; but where the Day of Atonement had passed by, there is no sin-offering prescribed, for [the sin] had already been atoned. R. Johanan said: [The Mishnah] refers to a rebellious person,¹⁸ [that is] who says that the Day of Atonement brings no forgiveness; if then he repents after the Day of Atonement, he is liable to a suspensive guilt-offering.¹⁹ But Resh Lakish holds that the Day of Atonement effects forgiveness even to a rebellious person. Their dispute is similar to the following: If one says, My sin-offering shall effect no atonement for me, Abaye says: It does not effect atonement; Raba says: It does effect atonement. If he said, It shall not be offered, all agree that it does not effect atonement, for it is written: He shall bring it with the consent;²⁰ where they differ is when he said: It should be offered but should not effect atonement. Abaye holds that it does not effect atonement, for he said: It should not atone. Raba holds that it does effect atonement, since he ordered that it should be offered, atonement comes as a matter of course. Raba, however, has retracted his view, as it has been taught: I might assume that the Day of Atonement atones alike for them who repent and them who do not repent.²¹ But is there not an argument [to the contrary]: Sin- and guilt-offerings effect atonement, and the Day of Atonement effects atonement. Just as sin- and guilt-offerings atone only for them that repent, so shall also the Day of Atonement atone only for them that repent? No, [this is not conclusive]. You can rightly say that such is the case of sin- and guilt-offerings, since they do not atone for wilful sins as they do for those in error; will you apply the same to the Day of Atonement which atones alike for wilful sins as well as for those in error? I might therefore have thought since the Day of Atonement atones for wilful sins as well as those in error, so it would atone for them that repent as well as them that do not repent, therefore it is written, ‘howbeit’,²² to establish a distinction [between them that repent and them that do not repent]. ‘What is meant by ‘them that repent’ and ‘them that do not repent’?²³ Does ‘them that repent’ mean that the sin has been committed in error, and ‘them that do not repent’ that the sin has been committed wilfully? But then, does it not state: No, you can rightly say that such is the case of sin- and guilt-offerings, since they do not atone for wilful sins, etc.²⁴ — Rather [explain in the light of] what ‘Ulla said in the name of R. Johanan:²⁵ If a man ate heleb²⁶ and separated a sacrifice, and then he apostatized but retracted afterwards, [the sacrifice may not be offered] for since it has once been rejected it remains rejected.²⁷ But although this [particular] sacrifice is rejected, the person, however, is fit for atonement?²⁸ — Hence [you must say] that ‘them that repent’ refers to one who says: My sin-offering shall effect atonement for me; and ‘them that do not repent’ to one who says: My sin-offering shall effect no atonement for me. This proves it.²⁹

The following contradiction was raised: I might think that the Day of Atonement atoned only for him who afflicted himself and did no work on it, and called it a holy convocation;³⁰ but if one did not afflict himself or did work on it or did not call it a holy convocation, I might think that the Day of Atonement does not atone for him; therefore it is stated: It is the Day of Atonement:³¹ in all circumstances [does it atone]. Now, these two statements³² are both given anonymously³³ in the Sifra³⁴ and so they contradict each other! — Replied Abaye: There is no difficulty; the former teaching is that of Rabbi on the view of R. Judah, the latter that of Rabbi himself; as it has been taught: Rabbi says, For all the sins of the Torah, whether one has repented or not, the Day of Atonement atones, except for throwing off the yoke,³⁵ interpreting the Torah in opposition to the halachah,³⁶ and making void the covenant of the flesh,³⁷ where if one has repented the Day of Atonement effects atonement, but if not, the Day of Atonement effects no atonement.

Raba said: Both teachings represent Rabbi's own view, but Rabbi agrees that the transgressions against the sanctity of the Day of Atonement itself are not atoned for.³⁸ For if this was not so, how could, according to Rabbi, the penalty of kareth for offending against the laws of the Day of

Atonement ever take effect, since there is on that day continuous atonement. This would offer no difficulty; [it might take effect] when one did work during the night and died at dawn, so that he had no day³⁹ to atone for him. This is right only as far as sins committed by night are concerned, how can kareth take effect for sins committed by day?⁴⁰ — This is no difficulty. [It might take effect] when one while partaking of a meal⁴¹ was choked by a lump of meat and died, so that there was no time during the day for the atonement to atone for him;⁴² or when he was working just before sunset; or when while working he cut off his thigh with the axe and died, so that there was no time during the day to atone for him.

THE SAGES SAY: ALSO ONE WHO BLASPHEMES etc. What is the meaning of 'also one who blasphemes'?⁴³ — The Rabbis heard that R. Akiba⁴⁴ included⁴⁵ ob but not yidde'oni;⁴⁶ so they said to him: The reason why there is no offering in the latter instance is because it involves no action,⁴⁶ the blasphemer, too, performs no action.

Our Rabbis have taught: He who blasphemes is liable to an offering, for kareth is written in connection with him; thus the view of R. Akiba. And it further says: He will bear his iniquity.⁴⁷ But is it a rule that wherever kareth is written, one has to bring an offering [in case of error]? Surely there are the cases of Passover and circumcision in connection with which kareth is written, and yet these involve no offerings? —

(1) V. Glos. By marrying an Israelite she becomes disqualified from eating terumah. She is, however, exempted from the payment of the fine of an extra fifth of the value (cf. Lev. V, 16), because she might return to her original status of priesthood on her husband's childless death.

(2) In case of infidelity; cf. Lev. XXI, 9.

(3) Like any other unfaithful wife. By this marriage she herself has become disqualified for priesthood. Even after her husband's death she is not fit to eat terumah.

(4) R. Meir does not take into consideration the fact that she was once fit for priesthood; while the Sages, identified with R. Judah, hold she has still the status of a priest's daughter by reason of her former inclusion in the tribe. The arguments are thus similar to those underlying the previous dispute.

(5) Viz., that the term 'putting' (i.e., giving) of oil is to be compared with that of 'pouring'.

(6) E.g., when frankincense is put upon the meal-offering, cf. Men. 59b.

(7) The fact that the word **יָדוּ** is understood, by reason of the two yods, both in the active and in the passive voice is taken to imply that there is an interdependence between him who uses the oil and him upon whom it is used.

(8) This is all inclusive.

(9) Tosef. Ter. IX, 8, with slight variants.

(10) The son of his daughter who married an Israelite.

(11) Although his body may be smeared with the oil of terumah, which is prohibited to an Israelite.

(12) Lev. XXII, 9.

(13) I.e., once it has been used.

(14) Ibid. XXI, 12. It is called a 'consecration' even after it is poured over his head.

(15) V. Mishnah. The reason given is that such a guilt-offering is offered only in cases where by certain yet unwitting transgression a fixed sin-offering is prescribed. For the defilement, however, of the sanctuary or sacred things, a sacrifice of higher or lesser value is prescribed.

(16) In which case the Day of Atonement effects atonement for the doubtful sins.

(17) Viz., when the transgression is certain though committed in error.

(18) Lit., 'one who kicks'.

(19) And for this reason the Mishnah does not exclude this case.

(20) Lev. I, 3.

(21) Shebu. 13a.

(22) Lev. XXIII, 27 which is a restrictive expression.

(23) Mentioned above in connection with sin- and guilt-offerings.

(24) This passage would then be a repetition of the previous.

- (25) Sanh. 47a.
- (26) V. Glos. The eating was in error, in which case he is liable to a sin-offering.
- (27) An apostate's sacrifice may not be offered upon the altar. In accordance with this dictum 'them that do not repent' signifies people who have apostatized between the separation of the sacrifice and its offering up.
- (28) After the revocation of his apostasy such a person is regarded as a full Israelite and surely participates in the forgiveness of the Day of Atonement.
- (29) That where one says, 'My sin-offering shall effect no atonement for me' it does not atone.
- (30) I.e., participated in the service of the day (Rashi).
- (31) Lev. XXIII, 27. The article is considered superfluous and is understood as an amplification.
- (32) Viz., this one and the one above stating that the Day of Atonement atones only for them that repent and comply with the laws concerning the Day of Atonement.
- (33) Being anonymous both teachings emanate from the same authority.
- (34) Halachic Midrash on Leviticus.
- (35) I.e., unbelief in God.
- (36) Rejecting thereby the oral law.
- (37) I.e., circumcision. On these phrases v. Sanh. (Sonc. ed.) p. 672 and notes.
- (38) I.e., that if one does not afflict himself on the Day of Atonement that day does not atone for this sin except after repentance, while other sins perpetrated throughout the year are atoned for even without repentance. The former statement is thus confined to sins against the holiness of the Day of Atonement itself.
- (39) Atonement is granted during day-time, although the sanctity of the festival commences on the previous evening as is the case of all Jewish festivals. Although the sinner is now dead, kareth can still take effect thereafter. V. Glos on kareth.
- (40) The text Lev. XXIII, 28 explicitly mentions the day: Ye shall do no manner of work in that same day.
- (41) Lit., 'eating bread'. The parallel passage in Shebu. 13b reads: While eating a lump of meat.
- (42) Sin and death were simultaneous.
- (43) It can have no reference to the immediately preceding passage, which deals with suspensive guilt-offerings for doubtful sins.
- (44) As is later on explained, the anonymous view in our Mishnah, to whom the Sages retort, represents R. Akiba's opinion.
- (45) Viz., in the category of sins enumerated in the Mishnah liable to a sin-offering where committed in error.
- (46) V. supra 3b.
- (47) Lev. XXIV, 15.

Talmud - Mas. K'rithoth 7b

This is the meaning: One who blasphemes brings an offering,¹ because [the penalty of] kareth stands in this case in conjunction with offerings.² This is the view of R. Akiba. He holds that since kareth in this instance could have been mentioned independently, but is in fact mentioned in conjunction with offerings, this proves that [he who blasphemes] brings an offering. And it further says, 'he shall bear his iniquity'; this is quoted on the view of the Sages. And thus did the Rabbis say to R. Akiba: You maintain that the blasphemer [megaddef] is liable to an offering because kareth in this instance is mentioned in conjunction with offerings. You thus assume that the term 'megaddef' of the Holy Writ³ denotes one who blasphemes the Name of the Lord. [This is not so;] 'Megaddef' denotes one who worships idols.⁴ And as to the text of the Mishnah: AND THE SAGES SAY, ALSO ONE WHO BLASPHEMES [megaddef],⁵ it is to be understood thus: Also he who blasphemes the Name which you designate as megaddef⁶ etc. . . And whence do you know that kareth applies to one who blasphemes the Name?⁷ — In connection with blasphemy we read: 'He shall bear his iniquity',⁸ and also in connection with the second Passover we read: 'He shall bear his iniquity':⁹ As in the latter instance kareth is the penalty, so also in the former the penalty is kareth.¹⁰

Our Rabbis taught: The same blasphemeth [megaddef] the Lord;¹¹ Issi b. Judah explains [the term gadaf] in the sense of a man who says to his neighbour: Thou hast scraped [garef]¹² the dish and

impaired it;¹³ he holds 'megaddef' denotes one who blasphemes the Name. R. Eleazar b. Azariah explains it in the sense of a man who says to his neighbour: Thou hast scraped the dish but hast not impaired it; he holds 'megaddef' denotes one who worships idols. Another [Baraita] teaches: 'The same blasphemeth the Lord': R. Eleazar b. Azariah says: The text speaks of one who worships idols; while the Sages say: The text intends only to pronounce kareth for him who blasphemes the Name.¹⁴

MISHNAH. SOME [WOMEN AFTER CONFINEMENT] BRING AN OFFERING¹⁵ WHICH IS EATEN; SOME BRING ONE WHICH IS NOT EATEN, AND SOME BRING NO OFFERING AT ALL. SOME BRING AN OFFERING WHICH IS EATEN: IF A WOMAN BEARS AN ABORTION WHICH IS IN THE SHAPE OF CATTLE, OR A BEAST OF CHASE OR A BIRD — [THUS THE VIEW OF R. MEIR; WHILE THE SAGES HOLD: ONLY IF IT HAS A HUMAN SHAPE], OR IF A WOMAN DISCHARGES A SANDAL-LIKE FOETUS OR A PLACENTA OR A DEVELOPED FOETUS,¹⁶ OR A YOUNG THAT CAME OUT IN PIECES; SIMILARLY, IF A WOMAN-SLAVE¹⁷ MISCARRIES, SHE BRINGS AN OFFERING WHICH IS EATEN. THE FOLLOWING BRING AN OFFERING WHICH IS NOT EATEN: A WOMAN WHO BEARS AN ABORTION BUT DOES NOT KNOW WHAT THE ABORTION WAS,¹⁸ OR IF OF TWO WOMEN THE ONE HAD AN ABORTION OF A KIND WHICH DID NOT RENDER HER LIABLE [TO AN OFFERING], AND THE OTHER OF A KIND TO MAKE HER LIABLE [TO AN OFFERING].¹⁹ R. JOSE SAID: THIS APPLIES ONLY IF THE ONE WENT TOWARDS THE EAST AND THE OTHER TOWARDS THE WEST,²⁰ BUT IF BOTH REMAINED TOGETHER THEY BRING [TOGETHER] ONE OFFERING WHICH IS EATEN. THE FOLLOWING BRING NO OFFERING AT ALL: THE WOMAN WHO DISCHARGES A FOETUS FILLED WITH WATER OR WITH BLOOD OR WITH A MANY-COLOURED SUBSTANCE; OR IF THE ABORTION WAS IN THE SHAPE OF FISH, LOCUST, UNCLEAN ANIMALS OR REPTILES; OR IF THE MISCARRIAGE TOOK PLACE ON THE FORTIETH DAY [AFTER THE CONCEPTION],²¹ OR IF IT WAS EXTRACTED BY MEANS OF A CAESAREAN SECTION. R. SIMEON DECLARES HER LIABLE [TO AN OFFERING] IN THE CASE OF A CAESAREAN SECTION. GEMARA. 'Whence do we know [the law concerning] the woman-slave? — For our Rabbis taught: [Speak unto] the children of Israel,²² from this I only know that [the law] applies to the children of Israel, whence do we know [its application to] a woman-proselyte and to a woman-slave? The text therefore states: [If] a woman.²³ Why state, SIMILARLY IF A WOMAN-SLAVE?²⁴ — I might have thought that the rule that all commandments which are binding upon a woman apply also to a slave holds good only in respect of laws which are applicable both to men and woman; but as to the laws concerning the woman after confinement, which are applicable to women only and not to men, I might have thought that the woman-slave is not included. Therefore a woman-slave is mentioned [in the Mishnah].

THE FOLLOWING BRING AN OFFERING etc. How shall they proceed?²⁵ They bring [each] a certain [burnt]-offering and [together] a doubtful sin-offering of a bird and stipulate.²⁶ But does R. Jose indeed admit that one can stipulate? Have we not learnt: R. Simeon holds, They together bring one sin-offering; R. Jose holds, Two persons cannot bring one sin-offering?²⁷ Does this not prove that R. Jose does not agree with the principle of making a stipulation?²⁸ — Said Raba: R. Jose agrees in the case of one who requires atonement.²⁹ Also when Rabin came [from Palestine], he said in the name of R. Johanan: R. Jose agrees in the case of one who requires atonement. 'What is the difference? — There,³⁰ it is essential that the offender be conscious of his sin, as it is written: If his sin be known to him;³¹ therefore the offering cannot be brought conditionally. But here, the women bring offerings only in order to be permitted to partake of holy things, even as we have learnt in the concluding clause of that [same Mishnah], R. Jose says: No sin-offering that is brought for the expiation of sin can be offered by two persons.

THE FOLLOWING BRING NO OFFERING . . . R. SIMEON DECLARES HER LIABLE IN THE CASE OF A CAESAREAN SECTION. What is the reason of R. Simeon? — Said Resh

Lakish: It is written, And if she bear a maid-child,³² to include another kind of bearing, namely by means of a caesarean section. And what is the reason of the Rabbis? — Said R. Mani b. Pattish: It is written, If a woman conceive seed and bear;³³ only when the birth takes place through the seat of conception.³⁴

MISHNAH. IF A WOMAN BRINGS FORTH AN ABORTION ON THE EVE OF THE EIGHTY-FIRST DAY,³⁵ BETH SHAMMAI SAY: SHE IS EXEMPTED FROM AN OFFERING,³⁶ WHILE BETH HILLEL SAY: SHE IS LIABLE. SAID BETH HILLEL TO BETH SHAMMAI: WHAT IS THE DIFFERENCE BETWEEN THE EVE OF THE EIGHTY-FIRST DAY AND THE EIGHTY-FIRST DAY ITSELF? SINCE THESE ARE CONSIDERED EQUAL WITH REGARD TO UNCLEANNESS,³⁷ WHY SHOULD THEY NOT BE CONSIDERED EQUAL ALSO WITH REFERENCE TO THE OFFERINGS? ANSWERED BETH SHAMMAI TO THEM: NO; IF YOU WILL MAINTAIN THIS³⁸ IN THE CASE WHERE SHE BEARS AN ABORTION ON THE EIGHTY-FIRST DAY WHERE IT³⁹ OCCURRED AT A TIME WHEN SHE WAS FIT TO BRING AN OFFERING, CAN YOU MAINTAIN THIS WHERE SHE BEARS AN ABORTION ON THE EVE OF THE EIGHTY-FIRST DAY, SEEING THAT IT DID NOT OCCUR AT A TIME WHEN SHE WAS FIT TO BRING AN OFFERING?⁴⁰ SAID BETH HILLEL AGAIN TO THEM: THE CASE OF AN ABORTION ON THE EIGHTY-FIRST DAY WHICH FELL ON A SABBATH SHALL PROVE IT, WHERE THE ABORTION TOOK PLACE AT A TIME WHEN SHE WAS UNFIT TO BRING AN OFFERING AND YET SHE IS LIABLE TO BRING A [NEW] OFFERING. REPLIED BETH SHAMMAI TO THEM: NO; IF YOU WILL MAINTAIN THIS OF THE EIGHTY-FIRST DAY WHICH FELL ON A SABBATH WHICH, THOUGH INDEED NOT FIT FOR OFFERINGS OF AN INDIVIDUAL, IS AT LEAST FIT FOR COMMUNAL OFFERINGS, WOULD YOU MAINTAIN THIS OF AN ABORTION ON THE EVE OF THE EIGHTY-FIRST DAY, SEEING THAT THE NIGHT IS FIT NEITHER FOR OFFERINGS OF THE INDIVIDUAL NOR FOR COMMUNAL OFFERINGS? AS TO [YOUR ARGUMENT OF THE UNCLEANNESS OF] THE BLOOD,⁴¹ IT PROVES NOTHING, FOR ALSO WHEN THE ABORTION TOOK PLACE WITHIN THE PERIOD OF CLEANNESS IS THE BLOOD⁴² UNCLEAN, AND YET SHE IS EXEMPTED FROM AN OFFERING.⁴³

(1) Although he performs no action.

(2) Cf. Num. XV, 30 and the context.

(3) Viz., of Num. XV, 30.

(4) So that blasphemy which is accordingly mentioned only in Lev. XXIV, 15-16 does not stand in conjunction with offerings. R. Akiba's view is thus robbed of its foundation.

(5) Thus admitting that 'megaddef' denotes the blasphemer.

(6) I.e., the Sages use here the term 'megaddef' in the language of R. Akiba to whom they address themselves.

(7) Since the text in Num. XV, 30 where kareth is mentioned refers to idolatry.

(8) Lev. XXIV, 15.

(9) Num. IX, 13.

(10) Thus Rashi's version. Cur. edd., whose text is not quite clear, read thus: . . . on the view of the Rabbis. R. Akiba argues thus with the Rabbis: You maintain the blasphemer (megaddef) performs no action; but in fact 'megaddef' is one who blasphemes the Name. And for what purpose has kareth been mentioned? They said to him: He who curses the Lord is liable to kareth, for it is written in connection with cursing, 'That man shall bear his iniquity' and it is written in conjunction with the second passover, 'He shall bear his iniquity': as in the latter instance there is kareth, so also in the former there is kareth.

(11) Num. XV, 30.

(12) מַגְדֵּף is thus turned into מַגְרֵף by reason of the similarity of the two letters ט and ק.

(13) I.e., not only hast thou robbed the vessel of its contents, thou hast also damaged the vessel itself. The allusion is as follows: Though worshipping idols, the work of God's creation, one may still believe and recognise the supremacy of the Creator Himself, however unsound this attitude may be. With blasphemy one turns against the Creator Himself.

(14) In Lev. XXIV, 14 the death penalty is pronounced for the blasphemer of the Name. This text of Num. XV, 30

pronounces the penalty of kareth in case of wilful transgression in the absence of two witnesses or without due warning.

(15) Or rather offerings, cf. Lev. XII, 6-8.

(16) I.e., with the articulate parts of the body.

(17) Viz., an heathen bondwoman.

(18) I.e., she is in doubt whether it was of a human shape making her liable to offerings, or not. Of the two offerings she has to bring (viz., the burnt-offering and the sin-offering) the first is brought with the stipulation that should she be exempted from offerings, it should be regarded as a freewill burnt-offering. With the latter this stipulation cannot be made, since there is no freewill sin-offering.

(19) It is not known which of the two is liable and which is exempted, therefore each of them brings a set of offerings.

(20) I.e., they have separated one from the other so that they cannot make the stipulation expounded in the Gemara.

(21) The development of the embryo begins to take shape after the fortieth day.

(22) Lev. XII, 2f., where the offerings of a woman after confinement are mentioned.

(23) Ibid. implying any woman.

(24) Is it not obvious, since slaves are subject to all laws to which women are subject?

(25) The question refers to R. Jose who holds that both women bring together one offering.

(26) The law prescribes two offerings, a burnt-offering and a sin-offering. A burnt-offering can also be brought in a doubtful case with the stipulation that the offering should be a freewill burnt-offering should the person in fact be exempted from the offerings. In this instance of the two women, each of them brings therefore a burnt-offering and stipulates that her burnt-offering should be a freewill sacrifice should the other woman be the one that is liable to the offering by law. This method cannot be used in connection with the sin-offering, for there is no freewill sin-offering. The women are therefore asked to bring together one sin-offering and each stipulates that her portion of the offering should belong to her friend, should the latter be the one that is liable by law to the offering.

(27) Infra 23a. The case in question is that two pieces of fat, one forbidden and the other permitted, were eaten by two people, and it is not known who ate the forbidden and who the permitted fat.

(28) Or else he would suggest a solution similar to that of our Mishnah.

(29) I.e., the instance of our Mishnah where the object of the offerings is to complete the atonement; v. infra 8b.

(30) In the Mishnah infra 23a.

(31) Lev. IV, 28. The offering is to expiate a certain sin of a certain person.

(32) Lev. XII, 5. It sufficed to state, 'and if it be a maid-child'.

(33) Ibid. 2.

(34) I.e., only in the case of a normal birth are offerings prescribed.

(35) After the birth of a girl, cf. Lev. XII, 5. These eighty days are a period of cleanness, during which the woman does not become unclean through the discharge of blood. On the eighty-first day special offerings are to be offered. If another birth takes place before the expiration of this period, no new offerings are required; if on or after the eighty-first day, she is liable. The query arises, if the second birth was on the eve of the eighty-first day. Although the night is generally reckoned as part of the following day, as the sacrifices may not be offered until day-time of the eighty-first day, it is doubtful whether the abortion is to be covered by these sacrifices or not.

(36) For the second birth.

(37) The period of cleanness undoubtedly ends with sunset. It is assumed by Beth Hillel that the exemption from new offerings in the case of abortion within the period of cleanness is based upon the fact that the blood discharged thereby is clean. If accordingly the abortion took place after this period has passed, new offerings are required.

(38) Viz., the law that if the second birth takes place on or after the eighty-first day, a new set of offerings is required.

(39) Viz., the abortion.

(40) Sacrifices may not be offered during the night. Although the period of cleanness is over, since the sacrifices may not be offered until the following morning, the birth on the eve of the eighty-first day is to be covered by these offerings.

(41) Viz., the first objection of Beth Hillel: 'SINCE THESE ARE CONSIDERED EQUAL WITH REGARD TO UNCLEANNESSE etc.'.

(42) Discharged at the abortion.

(43) I.e., according to Beth Shammai the exemption from offering in the case of abortion within the period of cleanness is not the outcome of the fact that the blood discharged thereby is clean, which in fact it is not, but because it is covered by the first set of offerings.

Talmud - Mas. K'rithoth 8a

GEMARA. It has been taught: Beth Hillel said to Beth Shammai: Lo, it says, 'or for a daughter',¹ to include the eve of the eighty-first day.

R. Hoshaia was a frequent visitor to Bar Kappara; he then left him and joined R. Hiyya. One day he met [Bar Kappara] and asked him: If a zab had three [new] issues during the night of the eighth day,² what would be the view of Beth Hillel in this case?³ Is the reason of Beth Hillel in the case of an abortion on the night [of the eighty-first day] because it is written, 'or for a daughter', but in the case of a zab there will be no sacrifice, since there is no superfluous text in connection therewith; or perhaps there is no difference [between these two cases]? — Replied to him Bar Kappara: What did the Babylonian⁴ say in this matter? R. Hoshaia was silent and said nothing. Then Bar Kappara said to him: 'We have still to depend upon the words of Iyya!⁵

Let us return to that which has been said before. 'Lo, it says, or for a daughter, to include the eve of the eighty-first day'. Are we to say that this is a point of dispute between Tannaim? If a zab had three issues in the night of the eighth day, one [Baraita] teaches, He has to bring an offering, whereas another [Baraita] teaches, He is exempted. Now, do they not differ in the following: The one which teaches that he is liable holds that the night does not render a period wanting in time;⁶ and the one which teaches that he is exempt holds that the night renders a period wanting in time!⁷ — Said R. Huna b. Aha in the name of R. Eleazar: These Tannaim [indeed] hold that the night renders a period wanting in time, but the one which teaches that he is liable, deals with a zab of two issues,⁸ and the one which teaches that he is exempt deals with a zab of three issues.⁹ But need the case of a zab of two issues be stated?¹⁰ — This is what we are informed: Only when he perceives [three issues] on the night of the eighth day; but if on the day of the seventh, he is not liable; for he holds that an issue which disturbs [the period of cleanness]¹¹ does not render one liable to an offering.

Said Raba: You have explained the teaching that one is exempted from an offering as referring to a zab of three issues; why then has this law not been stated in conjunction with the [Mishnah]: 'Five who bring one sacrifice for many transgressions'?¹² — Because this law is not absolute;¹³ for R. Johanan said: If he perceived one issue in the night¹⁴ and two during the day,¹⁵ he is liable; two in the night and one during the day, he is not liable. Said R. Joseph: You can prove that one is liable if one [was perceived] by night and two during the day, for the first issue is regarded as a mere discharge of semen,¹⁶ and yet if two more issues are perceived, they combine one with the other. [Against this] said R. Shesheth son of R. Idi: What argument is this? The first issue of a zab took place at a time fit for offerings, but in the instance of 'one by night', where the issue was at a time not fit for offerings, had not R. Johanan taught us that they combine with one another, I would have thought that they do not combine. But does R. Johanan hold that the night renders a period wanting in time?¹⁷ Did not Hezekiah say:¹⁸ If he [the nazirite] became unclean during the eighth day,¹⁹ he has to bring a [second] offering; if on the night [of the eighth day], he does not bring [an offering]; while R. Johanan holds, Even on the night [of the eighth day] he has to bring?²⁰ — When R. Johanan said if [he perceived] two by night and one during the day he has to bring [an offering], it was according to him who holds [that the night] renders a period wanting in time. But according to him is not this obvious? — [The case] of one by night and two during the day was necessary [to be mentioned]; for I might have thought, since the one issue was not at a time fit for offerings, there is no combination. Therefore we are told [that this is not so].

MISHNAH. IF A WOMAN HAD FIVE DOUBTFUL BIRTHS²¹ OR FIVE DOUBTFUL ISSUES,²² SHE NEED BRING BUT ONE OFFERING,²³ AND MAY THEN PARTAKE OF SACRIFICIAL FLESH, AND SHE IS NOT BOUND TO BRING THE OTHER [OFFERINGS]. IF SHE HAD FIVE CERTAIN ISSUES, OR FIVE CERTAIN BIRTHS, SHE BRINGS ONE OFFERING AND MAY THEN PARTAKE OF SACRIFICIAL FLESH; BUT IT IS STILL HER

DUTY TO BRING THE OTHER OFFERINGS. IT ONCE HAPPENED IN JERUSALEM THAT THE PRICE OF A PAIR OF DOVES²⁴ ROSE TO A GOLDEN DENAR. SAID R. SIMEON B. GAMALIEL, BY THIS SANCTUARY, I SHALL NOT GO TO SLEEP TO-NIGHT BEFORE THEY COST BUT A [SILVER] DENAR! THEN HE ENTERED THE BETH DIN AND TAUGHT: IF A WOMAN HAD FIVE CERTAIN BIRTHS OR FIVE CERTAIN ISSUES SHE NEED BRING BUT ONE OFFERING, AND MAY THEN PARTAKE OF SACRIFICIAL FLESH, AND SHE IS NOT BOUND TO BRING THE OTHER [OFFERINGS]. THEREUPON THE PRICE OF A PAIR OF BIRDS STOOD AT A QUARTER OF A [SILVER] DENAR EACH.

GEMARA. Our Rabbis taught: If she had five certain births and five doubtful ones, or five certain issues and five doubtful ones, she brings two pairs of birds, one for the certain and one for the doubtful cases. The one offered for the certain cases may be eaten, and it is still incumbent upon her to bring the remaining offerings; that offered for the doubtful cases is not eaten,²⁵ and the woman is not bound to bring any more offerings. R. Johanan b. Nuri said: For the certain cases she shall say, The offering is for the last occurrence,²⁶ and she will be exempted; but for the doubtful cases, if there is a certain one among them,²⁷ she shall say that the offering is for the one that is not in doubt, and she is exempted; if not, she says that the offering is for any one of the occurrences and she is exempted. R. Akiba said: Both in the instance of the certain cases and in that of the doubtful ones she shall say that the offering is for any one of the occurrences and she is exempted. Said R. Nahman b. Isaac to R. Papa: I shall tell you in the name of Raba in which point these Tannaim differ: R. Johanan b. Nuri compares these instances to those of sin-offerings: Just as when one is liable to five sin-offerings, he is not atoned for before all have been offered, the same is the ruling in our case. R. Akiba on the other hand compares them to immersions;²⁸ for if one requires five immersions, as soon as he has immersed once he is clean; the same is the ruling in our case. Said R. Papa to him: If it was to be assumed that R. Johanan b. Nuri compared our instances to those of sin-offerings, why does he maintain that for doubtful cases she shall say the offering is for any one of them, and she is exempted? Suppose one was liable

(1) Lev. XII, 6. The whole phrase 'for a son or for a daughter' is superfluous.

(2) Cf. Lev. XV, 14. After three issues he is unclean so as to require seven clean days, and an offering on the eighth.

(3) I.e., is he liable to another offering for the second set of issues?

(4) Viz., R. Hiyya, cf. Suk. 20a.

(5) Derisive pronunciation of Hiyya, who as a Babylonian could not utter gutturals; v. M.K. 16a. The text, however, is not clear.

(6) I.e., whenever a certain period has been fixed after the elapse of which one is liable to a certain duty, e.g., the offering of a sacrifice, and there is only a night intervening, the period may be regarded as accomplished. The new issues therefore involve a new offering.

(7) The new issues are regarded as falling within the period of seven days resulting from the former uncleanness. No new offering is therefore required. Yet in the case of the abortions dealt with in our Mishnah there is liability in the view of Beth Hillel to a new set of offerings, on account of the text, 'or for a daughter'.

(8) Such a person is unclean and must count seven days, but is not liable to a sacrifice. If on the night of the eighth day he perceives three issues, these render him liable to an offering.

(9) For which he was already liable to a sacrifice; and the subsequent issues do not render him liable to bring a second offering.

(10) It is self-evident that he is liable to an offering.

(11) The issue on the seventh day destroys the period of cleanness of seven days, and they must be started again.

(12) Infra 9a. Here, too, one is liable to one offering although more than three issues were perceived.

(13) I.e., there are instances when one is liable even for issues on the night of the eighth day. viz., if two issues were perceived on the eighth day, the issue of the previous night combines with these, and he is liable to a new offering.

(14) Viz., the night of the eighth day.

(15) Viz., the eighth day.

(16) Rendering one unclean only for one day, and not liable to an offering.

- (17) For he holds, for two issues during the night and one during the day, he is exempted.
- (18) Hag. 9b.
- (19) A nazirite who becomes unclean has to count seven clean days, bring an offering on the eighth day and begin to count again his period of naziriteship.
- (20) Obviously this opinion cannot agree with the principle that the night renders the period wanting in time.
- (21) Such as enumerated in the last but one Mishnah.
- (22) I.e., it was doubtful whether the issues took place during the period of menstruation, in which case the uncleanness does not require offerings, or outside that period; v. Lev. XV, 25.
- (23) For all the five cases. The sacrifice is offered out of doubt in order to enable the woman to partake afterwards of sacrificial flesh.
- (24) A pair of pigeons or a pair of doves was the prescribed offering in the instances of the Mishnah. Rashi: two pairs, i.e. four birds, cost two golden denars, thus one golden denar (i.e. twenty-five silver denars) the pair.
- (25) It is brought only in order to enable her to partake of sacrificial flesh.
- (26) For if it was offered for one of the previous occurrences, those following would appear unatoned for, and this could lead to misunderstanding in that on future similar occasions the woman would assume that offerings were not essential.
- (27) V. Rashi.
- (28) E.g., if one contracted uncleanness five times.

Talmud - Mas. K'rithoth 8b

to five suspensive guilt-offerings, would he indeed be exempted if he offered only one? Has it not been taught: This is the general rule: Whenever there is a division¹ with regard to sin-offerings, there is also a division with reference to guilt-offerings?² — In fact, both compare our instances to that of immersion, and they differ as to whether we apprehend negligence. R. Johanan b. Nuri holds, It might lead to negligence;³ R. Akiba holds, We do not apprehend negligence.

CHAPTER II

MISHNAH. THERE ARE FOUR PERSONS WHO REQUIRE A CEREMONY OF ATONEMENT,⁴ AND FOUR WHO BRING A SACRIFICE FOR WILFUL AS WELL AS FOR INADVERTENT TRANSGRESSION.⁵ THE FOLLOWING ARE THOSE WHO REQUIRE A CEREMONY OF ATONEMENT: THE ZAB,⁶ THE ZABAH,⁶ THE WOMAN AFTER CONFINEMENT⁷ AND THE LEPER.⁸ R. ELIEZER B. JACOB SAID, ALSO A PROSELYTE IS REGARDED AS A PERSON WHO STILL REQUIRES A CEREMONY OF ATONEMENT UNTIL THE BLOOD HAS BEEN SPRINKLED FOR HIM;⁹ THE SAME APPLIES TO THE NAZIRITE WITH REFERENCE TO WINE, HAIRCUTTING AND UNCLEANNESS.¹⁰

GEMARA. Why are zab and zabah enumerated as two separate instances? Apparently because they differ as to their uncleanness: for the zab is not unclean through discharge by accident,¹¹ and the zabah is not rendered unclean through issues but through days;¹² for it has been taught: Out of his flesh,¹³ but not by accident. A man is also unclean through issues as well as through days, as it has been taught: The text¹⁴ has made the uncleanness of the male dependent upon discharge and that of the female upon days. A zabah on the other hand is unclean through issue by accident and is not unclean through issue as through days. Now are not the leprous man and the leprous woman also different with regard to their uncleanness? For the leprous man is required to rend his clothes and to let his hair grow loose, as it is written: His clothes shall be rent and the hair of his head shall go loose,¹⁵ and he is forbidden marital intercourse; while the leprous woman is not required to rend her clothes and to let her hair grow loose, as it has been taught: I know only the law concerning a man,¹⁶ whence do I know its application to a woman? When the text reads, and the leper,¹⁷ both are included. Wherefore then is 'man' mentioned? The Writ removed him from the [application of the] earlier passage to the latter one,¹⁸ to teach us that only a man is required to rend his clothes and to let his hair grow loose, but not a woman. Also the woman is permitted marital intercourse, as it is

written: And he shall dwell outside his tent seven days,¹⁹ but not [she] outside her tent. Why then have they²⁰ not been enumerated as two separate instances? — The zab and the zabah are essentially different with regard to the source of uncleanness;²¹ whereas the leprous man and the leprous woman are not essentially different in their source of uncleanness, for the standard size of both is a bean.

R. ELIEZER B. JACOB SAID, ALSO A PROSELYTE IS REGARDED AS A PERSON WHO STILL REQUIRES etc. And why has the first Tanna not mentioned the proselyte? — He mentions only instances where the offering is to effect the permission of eating consecrated things, while in the case of the proselyte the offering is brought in order to qualify him to enter the congregation.²² And why has he not mentioned the nazirite? After all, when the nazirite brings an offering it is in order that he may be permitted to drink unconsecrated wine.²³ And R. Eliezer, who has mentioned the nazirite in reference to his qualification,²⁴ why has he not stated also the instance of the unclean nazirite?²⁵ — The latter offers his sacrifice only to qualify for naziriteship in cleanness.

Our Rabbis have taught: A proselyte is prevented from partaking of consecrated things before he has offered his sacrificial birds. If he has offered one single pigeon in the morning, he is permitted to partake of consecrated things in the evening.²⁶ All sacrifices of birds consist of one sin-offering and one burnt-offering; in this case²⁷ both are burnt-offerings. If he has offered his obligatory sacrifice²⁸ from the cattle, he has done his duty; if he has offered a burnt-offering and a peace-offering, he has done his duty; if a meal — and a peace-offering he has not fulfilled his duty. The prescription of birds as sacrifices is, as it were, to be regarded only as a rule towards greater leniency.²⁹ Now, why do not a meal- and a peace-offering exempt him from his duty? Apparently because it is written: As ye do, so he shall do;³⁰ As ye [Israelites] offer a burnt-offering and a peace-offering, so shall also the proselyte offer a burnt-offering and a peace-offering. Similarly then it should not suffice for him to offer his obligatory sacrifice from the cattle, because it is written: 'As ye do, so he shall do'? — Said R. papa. Argue thus: As he is included regarding the offering of a bird,³¹ should he not the more so be included regarding the burnt-offering of the cattle? If so, a meal-offering should also exempt him! — The text has excluded it by the word 'so'.³² And whence do we know that he is included regarding the offering of a bird? — For our Rabbis taught: [It is written.] 'As ye do, so shall he do': As ye offer a burnt- and a peace-offering, so shall also he offer a burnt- and a peace-offering, as it is indeed confirmed in the text, As ye are, so shall the stranger be.³³ Whence do we know that he is included concerning the offering of a bird? It is written, An offering made by fire, of a sweet savour unto the Lord,³⁴ which is the offering that is wholly unto the Lord? You must say, This is the burnt-offering of the bird.³⁵

(1) I.e., that separate sacrifices are to be offered.

(2) *Infra* 15b.

(3) The stipulation that the sacrifice is for the last of the occurrences is essential in order to make it clear that all the occurrences are to be covered by this one offering. Were this stipulation omitted so that the sacrifice might be assumed to refer to one of the early occurrences, it would lead to the misunderstanding that it is not necessary to bring a sacrifice for every birth or issue. The sacrifice might then be omitted altogether on future occasions.

(4) I.e., a sacrifice. This sacrifice is not offered for the expiation of a sin, but in order to enable its owner to partake of consecrated things.

(5) These are exceptions, for the rule is that offerings are brought only for inadvertent transgression. The enumeration is found in the following Mishnah.

(6) *Lev.* XV, 2-33; v. Glos.

(7) *Ibid* XII, 2-8.

(8) *Ibid* XIV, 2-32.

(9) The first, anonymous Tanna holds that a proselyte may partake of sacred things even before the offering has been brought.

(10) I.e., he may not drink wine, cut his hair and render himself unclean by contact with the dead before the requisite offerings have been brought. The first Tanna also agrees on this point, but has omitted it because he has confined himself

to the instances referring to the eating of sacred things.

(11) He is unclean only if the discharge was natural.

(12) Only when the three discharges were on three consecutive days is she unclean so as to require an offering.

(13) Lev. XV, 2. I.e., by reason of his flesh's lust.

(14) Cf. Lev. XV, 2-3 dealing with a man, and XV, 25 which deals with a woman.

(15) Lev. XIII, 45.

(16) It refers to Lev. XIII, 44 where it says that the priest shall declare the leprous man unclean.

(17) Lev. XIII, 45. 'The lever' is taken to include the woman though the word **והצרוע** is in the masculine, because it is altogether superfluous.

(18) I.e., from verse 44 to 45.

(19) Lev. XIV, 8. 'Tent' is a symbolic expression of matrimonial life.

(20) Viz., the leprous man and the leprous woman.

(21) In that in the case of a woman uncleanness is effected only through three issues on three consecutive days.

(22) I.e., to permit his marriage to a Jewess.

(23) And his offering is not particularly for the purpose of partaking of consecrated things.

(24) Viz., for secular things.

(25) I.e., a nazirite whose naziriteship has been interrupted by defilement. He is then required to bring an offering and to commence anew the period of naziriteship he originally vowed.

(26) Although it is still incumbent upon him to bring the other.

(27) I.e., in the instance of the proselyte.

(28) I.e., one burnt-offering of the cattle can take the place of two birds.

(29) I.e., as a concession to the poor who cannot afford a sacrifice of cattle, which of course is permissible.

(30) Num. XV, 14. Of the Israelites it reads (Ex. XXIV, 5) that when they consecrated themselves to the service of God they offered burnt- and peace-offerings.

(31) I.e., since we have learnt that sacrifices of the bird suffice for the proselyte as for the Israelite (as is soon shown), is it not logical that a sacrifice of the cattle should the more so suffice?

(32) Num. XV, 14. So and not otherwise.

(33) Ibid. XV, 15.

(34) Ibid v. 13.

(35) Of the burnt-offerings of the cattle the skin is left for the priests; while the burnt-offering of the bird is wholly burnt.

Talmud - Mas. K'rithoth 9a

I might then include also the meal-offering; therefore it reads 'so'.

Another [Baraitha] teaches: [From the text,] 'and will offer an offering made by fire, of a sweet savour unto the Lord', I might derive everything that is offered up by fire, including a meal-offering; therefore it is written, 'As ye do, so shall he do': As ye offer blood sacrifices, so they¹ too blood sacrifices. I might then conclude: As ye offer a burnt- and a peace-offering, so shall they also offer a burnt-offering and a peace-offering;² it is therefore written, 'As ye are, so shall the stranger be': He is compared to you, but not wholly concerning your offerings.³ Rabbi says: 'As ye' means as your forefathers: As your forefathers entered into the covenant only by circumcision, immersion and the sprinkling of the blood,⁴ so shall they enter the Covenant only by circumcision, immersion and the sprinkling of the blood.

The offering of one pigeon does not suffice, for we do not find anywhere in the Torah [such an offering]; and the prescription of birds as sacrifices is only a rule towards greater leniency. Is this indeed so?⁵ Has it not been taught: What is the meaning of, and he shall offer it?⁶ It reads concerning turtle-doves, 'he shall offer',⁷ and I might argue therefrom that if a man vows to offer a burnt-offering of a bird he shall offer no less than two pigeons,⁸ therefore it is written, 'and he shall offer it'.⁹ Even one pigeon! — After all, we do not find an obligatory offering of this kind. But is there not the case of the woman after confinement who offers one young pigeon or one turtle-dove as

a sin-offering? There a lamb is offered in addition. The Master said: 'As your forefathers entered into the Covenant only etc.'. It is right concerning circumcision, for it is written, For all the people that came out were circumcised,¹⁰ alternatively. And when I passed by thee, and saw thee wallowing in thy blood, I said unto thee: In thy blood, live, etc.;¹¹ as to the sprinkling of the blood, it is mentioned in the text, And he sent the young men of the children of Israel [who offered burnt-offerings and sacrificed peace offerings];¹² but whence do we know the immersion? — It is written, And Moses took the blood, and sprinkled it on the people,¹³ and there can be no sprinkling without immersion.¹⁴ If so, we should nowadays not receive any proselytes, since there are no sacrifices to-day? — Said R. Aha son of Jacob: It is written, And if a stranger sojourn with you, or whosoever may be among you, etc.¹⁵

Our Rabbis taught: A proselyte in these days has to put aside a fourth [of a denar]¹⁶ for his sacrifice of birds.¹⁷ Said R. Simeon: R. Johanan b. Zakkai held a vote on this rule and abolished it for fear of misuse.¹⁸ Said R. Idi b. Gershom in the name of R. Adda son of Ahaba, The decision is according to R. Simeon. Some report the latter statement with reference to that which has been taught: A resident alien¹⁹ may do work for himself on the Sabbath in the same measure as an Israelite may do on the intermediate days of the festivals.²⁰ R. Akiba says as an Israelite on the festival.²¹ R. Jose says: A resident alien may do work for himself on the Sabbath in the same measure as an Israelite on week-days.²² R. Simeon says: Both a resident alien and a male or female sojourning heathen slave may do work for themselves in the same measure as an Israelite may do on week-days.

MISHNAH. THE FOLLOWING OFFER A SACRIFICE FOR WILFUL AS WELL AS FOR INADVERTENT TRANSGRESSION: ONE WHO HAS INTERCOURSE WITH A HANDMAID,²³ A NAZIRITE WHO HAS BECOME UNCLEAN,²⁴ [ONE WHO SWORE FALSELY] THE OATH CONCERNING EVIDENCE²⁵ OR THE OATH CONCERNING A DEPOSIT.²⁶ THERE ARE FIVE PERSONS WHO BRING ONE SACRIFICE FOR SEVERAL TRANSGRESSIONS, AND FIVE WHO BRING A SACRIFICE OF HIGHER OR LESSER VALUE.²⁷ THE FOLLOWING BRING ONE SACRIFICE FOR SEVERAL TRANSGRESSIONS: ONE WHO HAS INTERCOURSE WITH A HANDMAID²³ SEVERAL TIMES, AND A NAZIRITE WHO BECAME UNCLEAN SEVERAL TIMES.²⁸

GEMARA. Whence do we know the law concerning the handmaid? — Our Rabbis taught: And the priest shall make atonement for him with the ram of the guilt-offering for his sin which he hath sinned;²⁹ this teaches that one may bring one offering for several sins; and he shall be forgiven for his sin which he hath sinned:³⁰ that wilful transgression is equal to transgression in error. A NAZIRITE WHO HAS BECOME UNCLEAN. Whence do we know this? — It is written, And if any man die in sudden [be-fetha'] unawareness [pithe'om] beside him:³¹ fetha' means unintentionally, for thus it is written: But if he thrust him unintentionally [be-fetha'] without enmity;³² pithe'om means unexpectedly, and thus it is written: And the Lord spoke suddenly [pithe'om] unto Moses.³³ Another [Baraitha] taught: Pithe'om means intentionally, and thus it is written: A prudent man seeth the evil, and hideth himself; but the simple [petha'im] pass on, and are punished.³⁴ Why has the text not written just pithe'om, which denotes error, intention and accident at the same time: intention and accident as has been explained before; it denotes, however, also error, as it is written: The thoughtless [pethi] believeth every word?³⁵ Why then mention befetha'? — If pithe'om alone was mentioned, which denotes both error and intention and accident, I might have thought that an offering nevertheless was brought only for transgression in error, as is the case with all the laws of the Torah, but not in the case of accidental or wilful transgression; therefore the Divine Law mentions also befetha', which denotes error only, to indicate that pithe'om shall denote accident and wilfulness, so that also in these circumstances the Divine Law enjoins an offering.

THE OATH CONCERNING EVIDENCE. Whence do we know this? — Our Rabbis have

taught:³⁶ In connection with the other laws³⁷ the term it being hidden [from him] is used;³⁸ in connection with this law³⁹ this term is not used, to indicate that he is liable to an offering for wilful as well as for inadvertent transgression.

THE OATH CONCERNING A DEPOSIT. Whence do we know this? — It is derived from the oath concerning evidence through the common term sinneth [teheta].⁴⁰

THERE ARE FIVE PERSONS WHO BRING ONE SACRIFICE FOR SEVERAL TRANSGRESSIONS. It is stated ONE WHO HAS INTERCOURSE WITH A HANDMAID SEVERAL TIMES; whence do we know this? — Our Rabbis have taught: And the priest shall make atonement for him with the ram of the guilt-offering for his sin which he hath sinned':⁴¹ this teaches that one may bring one offering for several sins; 'and he shall be forgiven for his sin which he hath sinned': that wilful transgression is equal to transgression in error. But does not the text deal with the wilful transgression? — Rather say: that transgression in error be equal to wilful transgression.

R. Hanina of Tirna'ah⁴² put the following query to R. Johanan: If one had intercourse with five designated handmaids⁴³ in one spell of unawareness,⁴⁴ is he liable to a sacrifice for each of them or altogether only to one sacrifice? — The latter replied: He is guilty for each of them. And why, the former asked, is this case different from one who had intercourse five times with one handmaid in different spells of unawareness? — He replied: In the case of one handmaid one cannot argue that there were different bodies; in the instance of the five handmaids there were different bodies.⁴⁵ And whence do we know that the argument of different bodies holds good in the case of the handmaid? — He replied: Did you not say⁴⁶ with reference to forbidden relations that the word 'and a woman'⁴⁷ implies that one is guilty for each woman? Also in connection with the handmaid it is written: And whosoever lieth carnally with a woman

(1) Should be, 'he too'.

(2) I.e., he shall not be exempted by burnt-offerings alone.

(3) I.e., he is not to be equal to you in every respect appertaining to offerings: he does not fulfil his duty by a meal-offering.

(4) I.e., the offering of sacrifices, cf. Ex XXIV, 5ff.

(5) Referring to the former part of the passage.

(6) Lev. I, 15 dealing with freewill-offerings.

(7) Ibid v. 14.

(8) I.e., a complete offering.

(9) The singular 'it' implies that also one pigeon may be offered.

(10) Josh. V, 5.

(11) Ezek. XVI, 6. According to the supposition of the Zohar to Lev. XXII, 27 this passage refers to the blood of circumcision.

(12) Ex. XXIV, 5.

(13) Ibid v. 8.

(14) The parallel text in Yeb. 46b reads: 'and there is a tradition that there is no sprinkling . . . '.

(15) Num. XV, 14. The text continues: throughout your generations, i.e., at all times.

(16) This according to the Mishnah on 8a seems to be the minimum one could spend on it.

(17) And keep it ready in case the Temple be re-built.

(18) I.e., that he may not make unlawful use of it.

(19) A stranger who has renounced idolatry and has taken up residence among the Jews.

(20) I.e., he may work on things that would otherwise perish.

(21) I.e., he may do all that is necessary for the preparation of food.

(22) I.e., he may do all kinds of work.

(23) Designated by her master to be the wife of one chosen by him. Cf. Lev. XIX, 20-22.

(24) Num. VI, 2ff. The offering is brought irrespective of whether the uncleanness was in error or wilful.

- (25) I.e., he swore falsely that he had no evidence to give, cf. Lev. V, 1.
- (26) Ibid v. 21.
- (27) Viz., according to their means; cf. Lev. V, 6ff.
- (28) The enumerations continue in the following Mishnah.
- (29) Lev. XIX, 22 which deals with the designated handmaid. Which he hath sinned is regarded as superfluous, to include a multitude of sins.
- (30) Ibid. Here, too, the words 'which he hath sinned' are regarded as superfluous.
- (31) Num. VI, 9.
- (32) Ibid. XXXV, 22.
- (33) Ibid XII, 4.
- (34) Prov. XXII, 3. The comparison of these two words פתאם and פתאים is based on their similarity in appearance and sound. The latter word conveys a weakling who cannot control himself, yet commits his follies with intention.
- (35) Ibid. XIV, 15.
- (36) Shebu. 31b.
- (37) Viz., all other laws, whereby an offering of higher or lesser value is prescribed, which are enumerated in that paragraph, Lev. V, 1ff.
- (38) Implying that the transgression was committed in error.
- (39) Lev. V, 1.
- (40) Occurring in Lev. V, 1 and V, 21.
- (41) V. p. 68, n. 10.
- (42) This place appears in the Talmud (Ned. 57b, 59b) in a variety of forms.
- (43) I.e., slaves who have been designated by the master to become the wives of people chosen by him.
- (44) I.e., without becoming conscious of the sin between one transgression and the other.
- (45) This effects separate offerings for each transgression.
- (46) V. supra 2b.
- (47) Lev. XVIII, 19. The correct quotation is 'and unto a woman'.

Talmud - Mas. K'rithoth 9b

that is a bondmaid, etc.,¹ to enjoin separate offerings for each handmaid.

A NAZIRITE WHO BECAME UNCLEAN SEVERAL TIMES. Whose view does this represent? — Said R. Hisda, That of R. Jose son of R. Judah who holds that the naziriteship of cleanness counts from the seventh day,² and the instance of our Mishnah is realised if he became unclean on the seventh day and then again on the seventh; since the time for the offering was not reached, he is liable only to one sacrifice. [How can the instance of the Mishnah be realised] according to Rabbi who holds that the naziriteship of cleanness does not count before the eighth day? If he became unclean on the seventh day and again on the [following] seventh day, is this not one long period of uncleanness?³ If he became unclean on the eighth day and again on the [following] eighth day, since the time of the offering has been reached,⁴ he should be liable to an offering for each uncleanness? It is thus proved that the Mishnah is in accordance with R. Jose son of R. Judah. And where do we find R. Jose's view? — It has been taught: And he shall hallow his head that same day,⁵ refers to the day on which the sacrifices are offered;⁶ thus the words of Rabbi. R. Jose son of R. Judah says, On the day of the cutting of his hair.⁷

MISHNAH. ONE⁸ WHO WARNS HIS WIFE⁹ IN REGARD TO SEVERAL MEN,¹⁰ AND A LEPER WHO HAS CONTRACTED A LEP ROUS DISEASE SEVERAL TIMES.¹¹ IF HE HAS OFFERED THE BIRDS AND THEN BECOMES LEPROUS AGAIN, THEY DO NOT COUNT FOR HIM UNTIL HE HAS OFFERED HIS SIN-OFFERING.¹² R. JUDAH SAYS, UNTIL HE HAS OFFERED HIS GUILT-OFFERING.

GEMARA. Whence do we know the law concerning this?¹³ — It is written: This is the law concerning jealousies:¹⁴ One law for several warnings.

A LEPER WHO HAS CONTRACTED A LEPROUS DISEASE SEVERAL TIMES. Whence do we know this? — It is written: This is the law of the leper:¹⁵ one law for several cases of leprosy.

IF HE HAS OFFERED THE BIRDS AND THEN BECOMES LEPROUS AGAIN, THEY DO NOT COUNT FOR HIM UNTIL HE HAS OFFERED HIS SIN-OFFERING. R. JUDAH SAYS: UNTIL HE HAS OFFERED HIS GUILT-OFFERING. But did you not say he offers only one sacrifice?¹⁶ — The text is incomplete, and should read thus: If he has offered the birds and then becomes leprous again, he offers but one set of sacrifices. The decision whether the sacrifices be those of the poor person or of the rich person¹⁷ is not taken until the sin-offering is brought.¹⁸ R. Judah says: Until the guilt-offering is brought.

We have learnt there:¹⁹ If a leper became rich after he had offered his guilt-offering, you go by his pecuniary status at the time of the offering of the sin-offering.²⁰ Thus R. Simeon. R. Judah says: At the time of the offering of the guilt-offering.²¹ It has been taught: R. Eliezer b. Jacob says, At the time of the offering of the birds. Said Rab Judah in the name of Rab: All the three [Rabbis] derive their respective views from the same passage, Whose means suffice not for that which pertaineth to his cleansing.²² R. Simeon holds: The offering that effects atonement [is decisive]; R. Judah holds: That which effects his qualification²³ [to partake of holy things]; R. Eliezer b. Jacob holds: That which effects cleanness, namely, the birds.

MISHNAH. A WOMAN²⁴ WHO HAS UNDERGONE SEVERAL CONFINEMENTS, E.G., IF SHE PRODUCED A FEMALE ABORTION WITHIN EIGHTY DAYS OF THE BIRTH OF A GIRL,²⁵ AND THEN SHE PRODUCED AGAIN A FEMALE ABORTION WITHIN EIGHTY DAYS OF THE FIRST; OR IF SHE PRODUCED A MULTIPLE OF ABORTIONS.²⁶ R. JUDAH SAYS: SHE BRINGS AN OFFERING FOR THE FIRST BIRTH AND NOT FOR THE SECOND, FOR THE THIRD AGAIN BUT NOT FOR THE FOURTH.²⁷ GEMARA. Whence do we know this? — A Tanna recited before R. Shesheth: This is the law for her that beareth, whether a male or a female,²⁸ teaches that she offers but one offering for several births. I might perhaps assume then that also for a birth and a discharge of gonorrhoea²⁹ only one offering is brought, therefore it is written, 'this'.³⁰ It states, 'I might perhaps assume then that also for a birth and a discharge of gonorrhoea only one offering is brought'. If so,³¹ she should also bring but one offering if she ate blood and gave birth to a child? — Read thus: I might assume that she also brings but one offering [for two births if] one was before the period of cleanness had expired and the other after it had expired;³² therefore it is written, 'this'.

IF SHE PRODUCED WITHIN EIGHTY DAYS etc. If you will assume that according to R. Judah the first birth causes the offering, and the period of uncleanness is counted from the first birth,³³ then according to the Rabbis³⁴ the second birth causes the offering and the second, because there is no period of cleanness attached to the latter, since it fell within the period of cleanness of the first. An offering has therefore to be brought for the third birth which covers also the fourth that took place within the former's period of cleanness. period of uncleanness is counted from the second birth. You say, 'If you will assume'; is it not obvious?³⁵ — It has to be stated for the sake of its inclusion of the instance of the 'multiple of abortions'. I might have thought that in the case of the multiple of abortions R. Judah agrees with the Rabbis; therefore we are informed [that it is not so].

The following query was put forward:

(1) Lev. XIX, 20.

(2) A nazirite who becomes unclean has to count seven clean days and bring an offering on the eighth day. He has then

to observe again his vow of naziriteship for the period stipulated, which is called the naziriteship of cleanness. According to R. Jose the new period commences on the seventh day. If the nazirite becomes unclean again on this day, it is considered a new state of uncleanness and yet he is liable only to one sacrifice because the offering is due only on the eighth. At the end of another spell of seven days he will then bring one sacrifice for two different occurrences of uncleanness.

(3) The Mishnah would then not be justified in regarding this as a case where one offering is brought for several separate transgressions or occurrences.

(4) I.e., the offering became due for the first uncleanness and thus designated for it.

(5) Num. VI, 11. I.e., he shall commence the new period of naziriteship, as the text continues, And he shall consecrate unto the Lord the days of his naziriteship.

(6) I.e., the eighth day; v. Num. VI, 10.

(7) I.e., the seventh day; v. *ibid* v. 9.

(8) This is a continuation of the enumeration in the previous Mishnah of laws where one is liable to one sacrifice for several transgressions.

(9) Not to have any relations with certain men; cf. *Sot.* 2a.

(10) Cf. Num. V, 15f. The jealous husband brings a meal-offering of barley.

(11) A leper when declared healed and clean by the priest, offers two birds, cf. Lev. XIV, 4-7, and after seven days other offerings, cf. v. 10ff. If before the offering of the latter sacrifices he contracts again a leprous disease, he is not liable to new sacrifices.

(12) After the seven days he offers three sacrifices: a sin-, a guilt- and a burnt-offering. For the explanation of this passage v. *infra* Gemara.

(13) With reference to the first instance in the Mishnah.

(14) Num. V, 29. The use of the plural implies this law.

(15) Lev. XIV, 2. The article is regarded as superfluous, and is taken to have been used for the sake of this implication.

(16) While the text of the Mishnah seems to imply that he has to offer birds again.

(17) The rich person brings three lambs as his sacrifices; the poor person offers a lamb as a guilt-offering and then two pigeons or turtle-doves, one for a sin-offering and one for a burnt-offering.

(18) I.e., it is the pecuniary position of the leper at the time of the offering of the sin-offering that is decisive, and not at the time of the offering of the birds.

(19) *Neg.* XIV, 11.

(20) The sin- and burnt-offering are offered after the guilt-offering.

(21) I.e., in spite of the fact that he is rich now, he offers but pigeons for the sin- and burnt-offerings, since he was poor at the moment when the guilt-offering was brought.

(22) Lev. XIV, 32. 'To his cleansing' is taken to indicate that the moment of cleansing is decisive, and the three scholars differ as to what is meant by this cleansing: cleansing of sins, cleansing of the impediment to partake of holy things, or that which introduces the ceremony of purification.

(23) *Viz.*, the smearing of the blood of the guilt-offering upon the thumb.

(24) This, too, is a continuation of the enumeration in the second Mishnah of this chapter of laws where one is liable to one sacrifice for several transgressions.

(25) Cf. Lev. XII, 5. After the birth of a girl the woman counts eighty days of cleanness and offers then a sacrifice. The abortion within this period is thus covered by the sacrifice for the first birth.

(26) *Lit.* 'twins'. Each abortion was brought forth before the period of cleanness for the previous abortion had expired.

(27) An abortion involves a sacrifice only if it takes place at least forty days after the conception. The first abortion took place within eighty days of the proper birth, but the second must of necessity have taken place after that period. It is therefore not covered by the offering brought for the proper birth. The third birth, i.e., the second abortion, cannot be regarded as exempted on account of the fact that it took place within eighty days of the

(28) Lev. XII, 7. The text is taken to suggest that there is one law, i.e., one offering, for several instances.

(29) Which preceded the birth.

(30) 'This' is restrictive: only in the instance of births is the allowance regarding the offering made.

(31) *Viz.*, that according to your assumption, one offering should suffice for two instances that are not connected one with the other. The argument is then led *ad absurdum*.

(32) Or rather, if the second birth took place after the period of cleanness of the first.

(33) I.e., whenever a birth takes place within the period of cleanness of another, in which case one sacrifice is offered for both, it is the first for which the offering is brought and the second is merely covered by it. The period of cleanness is counted from the first birth, so that there is no such period provided for the second; v. p. 73. n. 8.

(34) I.e., the anonymous view of the Mishnah which maintains that she is liable only to one sacrifice for all the four births, holding that whenever a birth takes place within the period of cleanness of another, it is the second for which the offering is brought while the first becomes exempted owing to the fact that its period of cleanness was interrupted. In the instance of the Mishnah, therefore, the second birth takes the place of the first, the third the place of the second, etc. ad infinitum, and the offering is brought for the last of the sequence of births. cf. also Mishnah 7b.

(35) And therefore superfluous.

Talmud - Mas. K'rithoth 10a

What is R. Judah's view with reference to uncleanness?¹ Shall we say, R. Judah holds that the second birth is not taken into account only with regard to offerings, because it took place before the offering for the first birth was due, and consequently the second birth is not taken into account; but with reference to cleanness and uncleanness, I might say that the second birth is taken into account in that the period of impurity² thereof interrupts [the period of cleanness of the first], and that the latter period is afterwards completed and the period of cleanness of the second birth commences thereafter? Or does R. Judah uphold his view only if it leads to greater stringency,³ but here,⁴ since it leads to greater leniency,⁵ he does not uphold his view? — Said R. Huna of Sura, Come and hear: For a woman after confinement, one may slaughter the Paschal Lamb and sprinkle the blood on the fortieth day after the birth of a male, and on the eightieth day after the birth of a girl?⁶ [Whereon it was asked,] Is she not still unclean?⁷ and R. Hisda answered: This is in accordance with R. Judah, who holds that the second birth is not taken into account.⁸ Now, if you assume that with reference to uncleanness R. Judah agrees that the second birth is taken into account, how can the Paschal Sacrifice be slaughtered for her on the fortieth day, seeing that even in the evening she will not be permitted to partake of it? You must, therefore, conclude that also with reference to cleanness and uncleanness does R. Judah hold that the second birth is not taken into account! — No, I may still maintain that with reference to cleanness and uncleanness R. Judah agrees that the second birth is taken into account, but that law refers to a Paschal Lamb that is offered in uncleanness.⁹ But is she then permitted to partake of it, have we not learnt: A Paschal Lamb that is offered in uncleanness may not be eaten by a :zab or a zabah, or by menstruant women or by a woman after confinement?¹⁰ — These may not eat if they have not immersed; the law, however, which states that one may slaughter and sprinkle for her refers to a woman who has immersed.¹¹ If so,¹² she is fit for the Paschal Lamb from the eighth day onward!¹³ — She is not fit from the eighth day onward, for it is held that a zab who immersed by day has still the status of a zab.¹⁴ If so, she is unfit even on the fortieth day! — No, on the fortieth day she is regarded fit, for it is held that a zab who lacks but offerings¹⁵ is not considered a zab. But what will be your answer according to Raba who holds that a zab who lacks but offerings is still considered a zab? — Said R. Ashi: Raba will interpret the law as referring to the fortieth day of the conception of a male and the eightieth day of the conception of a female,¹⁶ and as being in accordance with R. Ishmael who holds¹⁷ the limit for a male to be forty-one days and for a female eighty-one days.¹⁸ But is she not, after all, unclean as a menstruant woman?¹⁹ — It deals with a dry birth.²⁰ If so, is the law not obvious? — I might have thought that the opening of the uterus cannot take place without discharge of blood;²¹ therefore he lets us know that the uterus can open without a discharge of blood.

R. Shema'iah said, Come and hear: 'Sixty'²² may convey both a connected and a disconnected²³ spell of time; therefore it is written 'days':²⁴ as the day is a connected spell of time, so also the sixty days. With whom does this conform? Shall I say with the Rabbis? Surely, according to them, a disconnected spell of time is an impossibility!²⁵ It must thus be in accordance with R. Judah; and since it is stated that the time must be connected, we are led to decide that he upholds his view only if it leads to greater stringency but not if it leads to greater leniency!²⁶ — No, it may conform with

the view of the Rabbis, but it refers to a woman who brought forth a male abortion within the eighty days of a female birth.²⁷ But, then, after all, is it not so that the days of the first birth finish before those of the second²⁸ and the Rabbis hold that the second birth is taken into account?²⁹ According to the Rabbis the law can be realised in the case of a birth of twins, a female first and a male afterwards, and where the male was, e.g., born after twenty days of the period of cleanness had passed,³⁰ so that she must keep of the days relating to the female birth seven days of impurity. The discussion, then, is thus: I might think that when twins are born, the female first and the male afterwards, the days of impurity of the latter cause an interruption³¹ so that the sixty-six days are counted disjointedly; therefore it is written 'days': as the day is a connected spell of time, so also the sixty days must be connected.³² Abaye said: Come and hear, 'Thirty'³³ may convey both a connected and a disconnected spell of time,³⁴ therefore it is written, 'days':³⁵ as the day is a connected spell of time, so also the thirty days. With whom does this conform? Shall I say with the Rabbis? Surely, according to the Rabbis

(1) I.e., whether a period of cleanness, during which the discharge of blood does not render unclean, is provided for the second birth or not.

(2) I.e., the first seven days after the birth of a male and fourteen days after the birth of a female, during which she is regarded as unclean; cf. Lev. XII, 2 and 5.

(3) As in the Mishnah where two offerings are imposed.

(4) I.e., with reference to uncleanness.

(5) In that the period of cleanness is extended.

(6) Tosef. Pes. VII, 4.

(7) The offering is not brought until the forty-first or eighty-first day.

(8) I.e., this law refers to a woman who gave birth to twins on two consecutive days. The fortieth day of the second birth is thus the forty-first day of the first. On this day she may join the Passover celebration, because the time is due for the offerings which will effect her purification, although they have not been offered yet. The Paschal Lamb is consumed in the evening and the offerings of purification may still be offered. This holds good only according to R. Judah, who says the second birth is not taken into account, for according to the Sages it being the fortieth day of the second birth she would still be unfit for the Paschal Lamb.

(9) When the majority of the community are unclean the Paschal Lamb may, contrary to the general rule, be offered also for the unclean people. With this reply we depart from R. Hisda's interpretation.

(10) Pes. 95b.

(11) For the immersion takes place after the seven days of impurity that follow the birth.

(12) That the immersion is decisive and not the completion of the period.

(13) Why state 'the fortieth day'?

(14) In order to achieve complete cleanness he must immerse and wait till sunset. If the immersion has taken place, but the required spell of time has not passed, he is, according to this view, still unclean. Similarly, if the woman has immersed after the eighth day and has to wait for the completion of the forty days in order to offer the sacrifice, she is still regarded as unfit for sacred things.

(15) I.e., one who has even completed the requisite time but has not offered his sacrifices. Similarly, the woman is considered fit for the Paschal Lamb on the fortieth day.

(16) The law does not refer, as hitherto assumed, to the forty days of the period of cleanness, but to an abortion which took place forty or eighty days respectively after the conception. She is permitted to join the Passover celebration because the embryo is considered too immature to cause uncleanness.

(17) Nid. 30a.

(18) I.e., the formation of a male embryo lasts forty-one days and that of a female eighty-one days.

(19) The blood discharged at birth renders her a menstruant woman. How then is she permitted to be counted for a Paschal Lamb?

(20) Without any discharge of blood.

(21) So that the woman is unclean even if nobody has actually perceived any blood, for it is assumed that the blood is hidden.

(22) Lev. XII, 5. It refers to the sixty-six days of cleanness which follow the fourteen days of uncleanness after the birth

of a female.

(23) Viz., by another birth within the eighty days.

(24) The text reads, sixty days and six days; the repetition of the word 'days' and the fact that the first time it is actually used in the singular implies that the period is to be like one day.

(25) For the Rabbis hold that in the case of an abortion within eighty days of a birth the period of cleanness of the birth is regarded as annulled and a new period is to start. According to R. Judah on the other hand the period of the first birth still holds good.

(26) For according to the first alternative of the query above there is a case of a disconnected spell of time, as described in the query.

(27) So that the forty days of the male, namely seven days of impurity and thirty-three days of cleanness, finish before the eighty days of the female. In this case even the Rabbis admit that the second, shorter period of cleanness does not abolish the first, longer one, which is to be resumed. The text conveys that the seven days of impurity caused by the abortion are not to be made up after the eighty days have passed.

(28) Intercourse could not have taken place before the first fourteen days of impurity have passed, during which she is not allowed to her husband. As the embryo must be at least forty days old, the abortion cannot have taken place before the fifty-fourth day after the birth of the female, so that the forty days of the second birth must of necessity end after the eighty days of the first.

(29) The period of cleanness will continue beyond the eighty days of the first birth. This instance can therefore no longer be regarded as an example of a disjointed period of eighty days, mentioned in the statement quoted.

(30) Even the Rabbis who hold the second birth is decisive agree here that the period of cleanness of the first birth is not abolished by that of the second, since the latter finishes before the former.

(31) I.e., the seven days of impurity caused by the second of the twins were to be made up after the eighty days of the first birth

(32) I.e., the seven days of impurity do not cause an interruption of the period of cleanness of the first birth, though the woman is indeed unclean during these seven days.

(33) Lev. XII, 5. It refers to the thirty-three days of cleanness which follow the seven days of impurity after the birth of a male.

(34) I.e., if two male twins were born one, say, thirty days after the other, so that the seven days of impurity of the second supersede seven of the days of cleanness of the first birth. If we said that these seven days are to be made up, we should find the period of cleanness of the first birth disconnected. The text lets us know that the seven days are not to be made up.

(35) V. p. 77, n.9.

Talmud - Mas. K'rithoth 10b

a disconnected spell of time is an impossibility, for they hold that it is the second birth that is of avail.¹ It must, therefore, be in accordance with the view of R. Judah; and it proves that he upholds his view only if it leads to greater stringency, but not if it leads to greater leniency.² R. Ashi, too, said: Come and hear: 'Six days' may mean both a connected and disconnected spell of time;³ therefore it is written 'sixty': as the sixty days are connected, so also the six. With whom does this conform? Shall I say with the Rabbis? Surely, according to the Rabbis a disconnected spell of time is an impossibility, for they hold it is the second birth that is of avail. It must therefore be according to R. Judah, and this proves that he upholds his view only if it leads to greater stringency but not if it leads to greater leniency. This is indeed proved.

MISHNAH. THE FOLLOWING PERSONS BRING AN OFFERING OF HIGHER OR LESSER VALUE:⁴ ONE WHO REFUSES TO GIVE EVIDENCE,⁵ ONE WHO HAS BROKEN THE WORD OF HIS LIPS [SUPPORTED BY AN OATH],⁶ ONE WHO WHILE UNCLEAN HAS ENTERED THE SANCTUARY OR HAS PARTAKEN OF HOLY THINGS,⁷ A WOMAN AFTER CONFINEMENT⁸ AND A LEPER.⁹

GEMARA. Our Rabbis taught: Some bring the offering of the poor and of the rich, some of the

poor, and some of the poorest. A woman after confinement brings the offering of the poor and of the rich,¹⁰ a leper that of the poor,¹¹ while one who refuses to give evidence, or breaks his word, or defiles the Sanctuary or holy things offers the offering of the poor and of the poorest.¹²

Another [Baraita] taught: Sometimes one offering replaces¹³ one, sometimes two replace two, sometimes two replace one and sometimes one replaces two; this teaches that the tenth of an ephah¹⁴ is worth a perutah.¹⁵ The woman after confinement offers one instead of one, namely a single bird in the place of the lamb¹⁶; a leper offers two birds in the place of two lambs; one who refuses to give evidence or one who breaks his word or one who defiles the Sanctuary or holy things offers two birds instead of one lamb, and in the case of direst poverty one tenth of an ephah in the place of two birds.

It says, 'This teaches that the tenth of an ephah is worth a perutah'. Whence do we know this? — Our Rabbis have taught: If one says, I vow an offering for the altar worth a sela', he offers a lamb, for no offering can be offered for a sela' but a lamb. Whence do we know this? — Since the Divine Law stated that the ram of the guilt-offering is valued at two shekels,¹⁷ from this we learn that a one-year old lamb is valued at one sela',¹⁸ for it is said, A lamb of the first year,¹⁹ [from which follows that] a ram is of the second year.²⁰ Then we have learnt:²¹ 'The pair of sacrificial birds on that day stood at a quarter [of a denar]'.²² We thus see that the Divine Law has spared the poor and has fixed their sacrifice at the sixteenth part of that of the rich; we may then assume that the sacrifice of the poorest is to be the sixteenth part of that of the poor. Consequently the offering of the poor is worth a quarter of a denar. Since a quarter of a denar has forty-eight perutahs, a sixteenth thereof would be three perutahs, while it has been stated: 'This teaches that the tenth of an ephah is worth a perutah'. Why a perutah? Did you not say the tenth of an ephah is the offering of the poorest and that this offering is worth one sixteenth part of that of the poor, which we found was three perutahs? — The Tanna derives his proportions from the instance of the woman after confinement, who offers in the place of a lamb one bird, the value of which²³ is one thirty-second part of that of a lamb. But is not the offering of the poorest still the sixteenth part of the poor,²⁴ as it is inferred from the comparison of the lamb and the ram?²⁵ The ephah should then be valued at a perutah and a half!²⁶ — Said Raba, All is derived from the instance of the woman after confinement in the following manner: Since the Divine Law has spared the poor and has fixed their sacrifice at one thirty-second part of that of the rich, as we find in the instance of the woman after confinement, so we assume that the Divine Law has spared the poorest in fixing their sacrifice at the thirty-second part of that of the poor. If so, the ephah should be valued at three-quarters of a perutah! — Indeed, so it is, except that it is not becoming to offer to the Lord less than a perutah.

MISHNAH. WHAT IS THE DIFFERENCE BETWEEN THE HANDMAID²⁷ AND THE FORBIDDEN CONNECTIONS²⁸ FROM WHOM SHE DEVIATES BOTH IN REGARD TO THE PENALTY AND THE OFFERING? IN THE CASE OF ALL OTHER FORBIDDEN CONNECTIONS A SIN-OFFERING IS BROUGHT, IN THAT OF A HANDMAID A GUILT-OFFERING; IN THE CASE OF THE OTHER FORBIDDEN CONNECTIONS A FEMALE ANIMAL IS OFFERED, IN THAT OF THE HANDMAID A MALE; IN THE CASE OF THE OTHER FORBIDDEN CONNECTIONS MAN AND WOMAN ARE ALIKE IN RESPECT OF LASHES AND THE SACRIFICE,²⁹ IN THAT OF THE HANDMAID THE MAN IS UNLIKE THE WOMAN REGARDING THE LASHES, AND THE WOMAN IS UNLIKE THE MAN REGARDING THE SACRIFICE;³⁰ IN THE CASE OF ALL OTHER FORBIDDEN CONNECTIONS SEXUAL CONTACT³¹ IS PUNISHABLE AS WELL AS CONSUMMATED CONNECTION, AND ONE IS GUILTY FOR EACH CONNECTION SEPARATELY;³² FINALLY THE CASE OF THE HANDMAID IS MORE STRINGENT

(1) She will thus have to count the forty days from the second birth and the period of cleanness of the first is completely abolished.

- (2) V. p. 77, n. 11.
- (3) I.e., if an abortion took place e.g., on the seventy-seventh day of the birth of a female, so that the days of impurity of the second birth supersede three of the days of the period of cleanness of the first birth. The question is again whether these three days are to be made up or not. The rest of the discussion is similar to that of the two previous ones.
- (4) I.e., one which varies according to the pecuniary position of the owners; a rich person offers a lamb or goat, a poor person pigeons or turtle-doves, and a very poor person a meal-offering.
- (5) Lit. 'one who heard the call (of an oath).' A person who refuses to give evidence, though called upon to do so by oath, or swearing falsely himself that he does not know the facts; Lev. V, 1.
- (6) Lit., 'utterance of lips'; viz., a promise with reference to his own person, such as to fast, or an assurance of facts of the past, also with reference to his own person, e.g., that he fasted; Lev. V, 4.
- (7) Ibid. vv. 2-3. The transgression was committed in error. That an offering of higher or lesser value is offered in these three instances is stated in the text, v. 6ff. A rich person offers one lamb, a poor person two doves, a very poor person a meal-offering.
- (8) Lev. XII, 6-8. A rich person offers one lamb and one dove, a poor person two doves.
- (9) Lev. XIV, 10ff. A rich person offers three lambs, a poor person one lamb and two doves.
- (10) Viz., one lamb and one dove.
- (11) Viz., two birds, prior to the other sacrifices.
- (12) In these three cases the provision is made that the poorest offer but a meal-offering
- (13) In case of poverty.
- (14) Ephah is a measure. A tenth thereof is the quantity of the meal-offering offered by the poorest; Lev. V, 11.
- (15) V. Glos. V. infra.
- (16) For her burnt-offering. As for her sin-offering a woman after confinement always brought a dove or a pigeon.
- (17) Lev. V, 15. The text uses shekels, plural; i.e., at least two.
- (18) A Biblical shekel is identical with a sela'.
- (19) Num. VI, 12.
- (20) A ram is more mature. It is assumed that the price has doubled with the doubling of the age.
- (21) V. supra 8a.
- (22) One denar is the fourth of a sela'.
- (23) Viz., the eighth of a denar.
- (24) The offering of the poorest is not provided in the instance of the woman after confinement but only in the cases of refused evidence, broken promise and defilement of the Sanctuary and holy things. In these instances two birds replace one lamb. The proportion of the offering of the rich and that of the poor is sixteen to one. The same proportion must then hold good with reference to the offering of the poorest towards that of the poor.
- (25) From which we learn that a lamb is valued at a sela'.
- (26) The offering of the poor being the thirty-second part of that of the rich and sixteen times the value of that of the poorest, is thus worth one and a half perutahs.
- (27) A bondwoman who is designated to a man chosen by her master; cf. Lev. XIX, 20.
- (28) Enumerated in Lev. XVIII.
- (29) I.e., both partners are liable to lashes in the case of wilful transgression and to an offering in the case of transgression in error.
- (30) I.e., the man is liable to a guilt-offering and the handmaid to lashes.
- (31) I.e., the mere contact of the sexual organs is punishable, even though the connection was not consummated.
- (32) While in the case of the handmaid only a consummated connection is subject to the law, and one is not liable for each connection separately.

Talmud - Mas. K'rithoth 11a

IN THAT WILFUL TRANSGRESSION¹ IS OF THE SAME STATUS AS TRANSGRESSION IN ERROR. TO WHICH HANDMAID DOES THIS REFER? TO ONE WHO IS HALF A SLAVE AND HALF A FREE PERSON,² AS IT IS WRITTEN: AND NOT AT ALL REDEEMED.³ THUS THE VIEW OF R. AKIBA. R. ISHMAEL SAYS: TO A SLAVE PROPER. R. ELIEZER B. JACOB⁴ SAYS: OF ALL OTHER FORBIDDEN CONNECTIONS IT IS EXPLICITLY STATED

[THAT THEY ARE WHOLLY FREE PEOPLE], THERE IS THUS LEFT THE INSTANCE OF ONE WHO IS HALF A SLAVE AND HALF A FREE PERSON.⁵

GEMARA. Whence do we know that she is liable to lashes but not he? — Our Rabbis taught: There shall be inquisition [bikkoreth],⁶ conveys that she is liable to lashes. I might still think that both are liable to lashes, therefore it is written ‘shall be’;⁷ she is liable but not he. And whence do we know that the term bikkoreth implies lashes? — Said R. Isaac: It denotes, it shall be read for her,⁸ as it has been taught: The head of the judges reads, the second counts and the third says, beat him. R. Ashi says: It denotes, she shall be examined,⁹ as we have learnt: They do not estimate the number of lashes he can bear except in a multiple of three.¹⁰

Our Rabbis taught: Whenever the woman is subject to lashes the man is liable to a sacrifice, and when she is free from lashes,¹¹ he is exempted from a sacrifice. Whence do we know this? — Said Raba: It is written, And if a man lieth carnally with a woman, that is a bondmaid, designated for a man, and not at all redeemed, nor was freedom given her.¹² Now consider: the text deals hitherto with the man, it should therefore have proceeded immediately with the words, And he shall bring his guilt-offering unto the Lord, and then continue, There shall be inquisition.¹³ Why has the text stated first, ‘There shall be inquisition’ and only afterwards ‘And he shall bring his guilt-offering unto the Lord’? This then is meant: If there is an inquisition regarding the woman, he shall bring a guilt-offering unto the Lord, and if there is no inquisition he shall not bring his guilt-offering. But perhaps he has been exempted [from lashes], she however is liable to lashes as well as to a sacrifice?¹⁴ — It reads: And he shall bring his guilt-offering unto the Lord.¹⁵

R. Isaac said: One is liable only in the case of a possessed handmaid, as it is written, ‘That is a bondmaid, designated for a man’. And where do we find that the term ‘designated’ [neherefeth] implies that a change has taken place?¹⁶ — It is written, And strewed groats [harifoth] thereon.¹⁷ Or as it is written, Though thou shouldest bray a fool in a mortar with a pestle among groats [harifoth].¹⁸

And they gave their hand that they would put away their wives; and being guilty, they offered a ram of the flock for their guilt;¹⁹ said R. Hisda: This teaches that they had all had intercourse with designated handmaids.²⁰

TO WHICH HANDMAID DOES THIS REFER etc. Our Rabbis taught: ‘Redeemed’ might convey altogether free, therefore it continues, ‘she is not [redeemed]’. This on the other hand might convey not at all redeemed, therefore it reads ‘redeemed’. How is this possible? She is redeemed yet not wholly redeemed, viz., one who is half a slave and half a free person and is betrothed to a Hebrew slave. Thus the view of R. Akiba. R. Ishmael says: The text refers to a heathen bondmaid who is betrothed unto a Hebrew slave; while the phrase ‘redeemed, she is not [redeemed]’ is used in accordance with the language of men.²¹ R. Eleazar b. Azariah says: Of all for bidden connections it is explicitly stated [that they are free people], there is thus left the instance of one who is half a slave and half a free person and is betrothed unto a Hebrew slave. Others²² say, ‘They shall not be put to death, because she was not free’, indicates that the text refers to a heathen bondmaid who is betrothed unto a heathen slave. As to R. Ishmael, it is plausible that ‘redeemed, she is not [redeemed]’ may be interpreted as a common parlance, but whence do we learn that she was betrothed to a Hebrew slave? — It is written, For she was not free; he, however, was free.²³ Is not the view of R. Eleazar b. Azariah identical with that of R. Akiba? — He [R. Eleazar] retorts to R. Ishmael: I agree with you in general that the Torah uses the language of men, but this case is different, for the text states, ‘for she was not free’, why add ‘redeemed, she is not [redeemed]’? To learn therefrom that it refers to one who is half a slave and half a free person. As to others, it is plausible that ‘redeemed, she is not [redeemed]’ may be interpreted as a common parlance, but whence do we learn that she was betrothed to a heathen slave? — The text reads, ‘for she was not

free'; since this is superfluous with reference to her,²⁴ it is taken to refer to him.

MISHNAH. IN THE CASE OF ALL FORBIDDEN CONNECTIONS, IF ONE PARTNER WAS A MAJOR AND THE OTHER A MINOR, THE LATTER IS EXEMPTED; IF ONE IS AWAKE AND THE OTHER ASLEEP, THE LATTER IS EXEMPTED; FINALLY, IF ONE IS AN INADVERTENT AND THE OTHER A WILFUL TRANSGRESSOR, THE FORMER IS LIABLE TO A SIN-OFFERING, THE LATTER TO KARETH.²⁵

GEMARA. Is indeed in our instance²⁶ a minor guilty? — Said Rab Judah: This is meant: In the case of all forbidden connections, if one was a major and the other a minor, the latter is exempted and the former guilty; In our instance also the major is exempted, because both partners depend upon one another.²⁷

IF ONE IS AWAKE AND THE OTHER ASLEEP, THE LATTER IS EXEMPTED. Is indeed In our instance a sleeping person guilty? Said Rab Judah in the name of Rab: This is meant: In the case of all forbidden connections, if one is awake and the other asleep, the latter is exempted and the former guilty, in our instance even the one awake is exempted, because they depend upon one another.

A Tanna recited before R. Shesheth: They have placed on an equal footing a consummated connection with a mere sexual contact, an intentional connection with an unintentional, a natural connection with a perverse one, and one performed while awake with one performed in sleep. He retorted: How is this meant? If it refers to a designated bondmaid, how does a consummated connection equal a mere sexual contact? In fact, a consummated connection is in the case of a designated bondmaid subject to the law, but a mere sexual contact is not. Similarly the statement that intentional connection equals unintentional [is wrong], for one is guilty only in the case of intentional connection but not otherwise. Similarly the statement that natural connection equals perverse [is wrong], for with the designated bondmaid one is guilty only in the case of natural connection but not in the case of perverse connection, because it is written 'carnally'. And then what is the meaning of the statement that a wakeful person equals a sleeping person? If on the other hand this dictum refers to other forbidden connections, how does it state consummated connection equals a mere sexual contact

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- (1) Viz., of the man. If her trespass, however, was inadvertent there is no offering for the man either.
 - (2) E.g., a slave belonging to two partners one of whom has set her free. The maid is betrothed to a Hebrew slave; her betrothal is only partly valid by reason of her slavery.
 - (3) Lev. XIX, 20. Lit., 'redeemed, she is not redeemed', i.e., she is not altogether redeemed.
 - (4) Gemara infra, 'son of Azariah'.
 - (5) Therefore interpret the law in Lev. XIX, 20f, as referring to this category.
 - (6) Ibid.
 - (7) Shall be, being in the feminine, is referred to the maid.
 - (8) During the administration of lashes, the text of Deut. XXVIII, 58f; cf. Mak. 22b. **בְּקֶרֶת**, is thus derived from **קָרָה**, to read.
 - (9) Before the administration of lashes the delinquent is examined as to how many lashes he can stand.
 - (10) Mak. 22b.
 - (11) E.g., on account of her minority.
 - (12) Lev. XIX, 20.
 - (13) Which has just been interpreted as conveying her penalty of lashes.
 - (14) Whence does the Mishnah know that only the man is liable to a guilt-offering but not the woman?
 - (15) 'He' is restrictive. He brings a guilt-offering, but not she.
 - (16) I.e., that a bodily change has taken place with her in that she is no longer a virgin.
 - (17) II Sam. XVII, 19. Groats, i.e., grain which has experienced a change through grinding.

(18) Prov. XXVII, 22.

(19) Ezra X, 19.

(20) For which a guilt-offering is brought, as mentioned in the text.

(21) I.e., as a common parlance. The repetition of the verb 'redeem' is only an emphasis, and is not to imply any law.

(22) R. Meir is quoted under this name; cf. Hor. 13b.

(23) The Hebrew was not the perpetual possession of his master; he is to be freed after six years.

(24) For it is already stated that she was not redeemed.

(25) The Gemara enlarges upon it and states what the law would be in the case of a bondmaid.

(26) I.e., in the case of the bondmaid.

(27) As stated supra; whenever she is exempted from lashes he is also free from a guilt-offering.

Talmud - Mas. K'rithoth 11b

; the comparison, should be in the reverse direction! Said the former: Shall I cancel the dictum? — He replied: No, this is meant: A consummated perverse connection with a designated bondmaid equals a natural sexual contact, when one is exempted because it is written, 'carnally'; intentional perverse connection with a bondmaid equals unintentional connection, when one is exempted, because it is written, 'carnally'; perverse connection with a bondmaid while awake equals connection while asleep, when one is exempted because it is written, 'carnally'. We thus find that intentional sexual contact in the case of a bondmaid equals unintentional connection in the case of other forbidden relations; that natural contact in sleep in the case of the bondmaid equals connection in sleep in the case of other forbidden relations; that perverse connection with the bondmaid while awake¹ equals connection in sleep in the case of other forbidden relations.

CHAPTER III

MISHNAH. IF THEY² SAY TO A PERSON, THOU HAST EATEN³ HELEB,⁴ HE IS LIABLE TO A SIN-OFFERING;⁵ IF ONE WITNESS SAYS, HE HAS EATEN, AND ANOTHER SAYS, HE HAS NOT EATEN, OR IF ONE WOMAN⁶ SAYS, HE HAS EATEN, AND ANOTHER SAYS, HE HAS NOT EATEN, HE IS LIABLE TO A SUSPENSIVE GUILT-OFFERING; IF ONE WITNESS SAYS, HE HAS EATEN, AND HE HIMSELF SAYS, I HAVE NOT EATEN, HE IS EXEMPTED; IF TWO [WITNESSES] SAY, HE HAS EATEN, AND HE HIMSELF SAYS, I HAVE NOT EATEN, R. MEIR DECLARES HIM LIABLE [TO AN OFFERING]. SAID R. MEIR: IF TWO WITNESSES ARE CAPABLE OF INFLECTING THE SEVERE PENALTY OF DEATH,⁷ SHOULD THEY NOT IMPOSE THE LESS SEVERE PUNISHMENT OF A SACRIFICE? THEY⁸ REPLIED: SUPPOSE HE SAID, I WAS A WILFUL TRANSGRESSOR, WOULD HE NOT BE EXEMPTED?⁹ IF ONE ATE TWICE HELEB IN ONE SPELL OF UNAWARENESS, HE IS LIABLE TO BUT ONE OFFERING; IF ONE ATE HELEB, BLOOD, PIGGUL⁴ AND NOTHAR⁴ IN ONE SPELL OF UNAWARENESS, HE IS LIABLE FOR EACH KIND OF FOOD. THIS IS AN INSTANCE WHERE DIFFERENT KINDS [OF FOOD] ARE MORE STRINGENT THAN ONE KIND; IN THE FOLLOWING INSTANCE, HOWEVER, ONE KIND [OF FOOD] IS MORE STRINGENT THAN SEVERAL KINDS: IF ONE ATE HALF AN OLIVE-SIZE¹⁰ AND THEN AGAIN HALF AN OLIVE-SIZE, BOTH IN ONE SPELL OF UNAWARENESS, IF OF ONE KIND HE IS LIABLE, IF OF TWO KINDS, HE IS EXEMPTED.

GEMARA. It is stated, IF THEY SAY TO A PERSON, THOU HAST EATEN HELEB, HE IS LIABLE TO A SIN-OFFERING. 'THEY SAY' implies [at least] two; and what does he maintain? If you assume that he was silent and did not contradict them, it would then follow that only silence in response to two witnesses evokes a sin-offering, but not in response to one. Now read the middle clause: IF ONE WITNESS SAYS, HE HAS EATEN AND HE HIMSELF SAYS, I HAVE NOT EATEN [HE IS EXEMPTED]. Now the reason [that he is exempted] is because he contradicts them, but if he did not deny the charge he would be guilty; and how much more so if there were two

witnesses! Rather you must assume that he contradicts the witness, and the law is in accordance with R. Meir, who holds a contradiction of two witnesses is of no avail; but according to the Rabbis, he would indeed be exempted. But, then, why has this clause at all been mentioned, we know the law from the concluding clause?¹¹ — This is what he lets us know, that this is a point of dispute between R. Meir and the Rabbis.¹² Some there are who say: ‘THEY SAY’ may well refer to a single person, as we have learnt: If a man has gone overseas and they come and tell his wife that he is dead, whereupon she marries again. if the husband returns alive she has to leave both men.¹³ And it has been established that this law refers also to one witness. Whence do we infer this? From that which has been stated in the latter clause: If she has married again without authority, she may return to her husband. Now, what does ‘without authority’ mean? Without the authority of the court but upon the evidence of witnesses;¹⁴ from this we infer that in the former clause it was done with the authority of the court, but upon the evidence of one witness. We thus find that ‘they say’ is used of one witness; similarly, when it states ‘THEY SAY’ it refers to one witness. And what does he [the offender] say? If he contradicts, he should be exempted; for we have learnt in the middle clause: IF ONE WITNESS SAYS, HE HAS EATEN AND HE HIMSELF SAYS, I HAVE NOT EATEN, HE IS EXEMPTED! Again if you say, he is silent; surely we know this law already from the middle clause, IF ONE WITNESS SAYS etc., from which is inferred that he is exempted only when he contradicts, but when he is silent he is indeed liable to an offering! Indeed, he does not contradict, and understand the Mishnah thus: IF THEY SAY TO A PERSON, THOU HAST EATEN HELEB. HE IS LIABLE TO A SIN-OFFERING, namely if he is silent, but . . . when HE HIMSELF SAYS, I HAVE NOT EATEN, HE IS EXEMPTED.¹⁵

Where do we find in the Torah that a person is liable to an offering if he does not contradict the evidence of others? — Our Rabbis taught: If his sin be known to him . . . he shall bring his offering];¹⁶ but not if others make it known to him.¹⁷ I might then think he is exempted even if he does not contradict, it is therefore written, ‘if it be known to him’: in whatever manner.¹⁸ Now to which case does this refer? Shall I say to one in which two witnesses gave evidence? Do we in such a case need a text?¹⁹

(1) no note.

(2) Viz., two witnesses, v. infra Gemara.

(3) Viz., without being conscious of the transgression.

(4) V. Glos.

(5) Provided the person does not deny the charge. Also one witness would suffice in this case.

(6) A woman is as a rule not qualified to act as a witness.

(7) E.g., if they testify to murder.

(8) Viz., the Sages who hold there is no sacrifice in any case of denial by the perpetrator.

(9) V. infra Gemara as to the interpretation of this passage.

(10) An olive is the standard size of these prohibited foods.

(11) Viz., the one wherein R. Meir and the Rabbis differ.

(12) The latter clause explains the former, that the anonymous view of the former clause declaring him liable to a sin-offering is in fact the opinion of R. Meir only, while the Rabbis disagree.

(13) I.e., she has to be divorced from both her husbands; v. Yeb. 87b.

(14) Since her second marriage was founded upon the evidence of two qualified witnesses, although the court did not give their consent, she is not to be penalised and may therefore return to her first husband. The former clause, where it states that she is punished and has to leave both men, must therefore refer to a case where there were not two witnesses but one only. The court has accepted the evidence of the one witness but with the understanding that she continues her inquiries as to her husband's fate. The fact that her husband has returned alive proves that her inquiries were not satisfactory, and she is therefore penalised.

(15) I.e., the middle clause is the counterpart of the first clause.

(16) Lev. IV, 23.

(17) I.e., if the facts are established by outside evidence.

(18) It should read, 'if he remembers'. The text thus suggests that he is guilty, even if his 'know. ledge' for silence is taken as consent — is provoked from outside.

(19) That he is then liable to an offering is obvious.

Talmud - Mas. K'rithoth 12a

It must thus refer to one witness giving evidence; and yet it says that if there is no contradiction his evidence is valid.¹ We have thus proved it.

SAID R. MEIR, etc. The question was asked: What is the reason of the Rabbis? Is it that they hold that regarding oneself² a man is believed more than a hundred witnesses, or perhaps that we adopt the argument of miggo:³ for if he said, I transgressed willfully, he would certainly have been exempted, so if he says, I did not eat at all, he is to be believed, and is therefore exempted? And in which way is this question of avail? With reference to the application of the law to uncleanness.⁴ If you say the reason of the Rabbis is that regarding oneself a man is believed more than a hundred witnesses, there will be no difference between the old and fresh uncleanness;⁵ but if you say the reason of the Rabbis is that we adopt the argument of miggo, they would exempt him in the case of old uncleanness but declare him liable in the case of new uncleanness.⁶ For what reason? For in the case of old uncleanness, if he wanted, he could have said, I have already immersed, and be exempt; he is therefore exempt also when he says, I have not become unclean,⁷ since it can be said that what he meant [when he said,] 'I have not become unclean' is 'I did not remain unclean, for I have immersed'. In the case of fresh uncleanness, however, he is liable. For what reason? For even if he asserted, I have immersed, he would be guilty,⁸ since the witnesses maintain that he has just become unclean. How is it? — Come and hear: If one witness says to a person. Thou art unclean, and he himself says, I am not unclean, he is exempted.⁹ I might assume [this holds good] also in the case of two witnesses, but, says R. Meir, against this there is an a fortiori argument: since two witnesses are capable of inflicting the severe penalty of death, how much more can they impose the less severe punishment of a sacrifice! The Rabbis say: Regarding oneself a man is believed more than a hundred witnesses. It thus seems that the argument of the Rabbis is that regarding oneself a man is believed more than a hundred witnesses! — Said R. Ammi: Indeed the argument of the Rabbis is the conclusion of miggo; and understand their reasoning thus: As he could, if he wanted, have said, I did not remain unclean,¹⁰ and would then be exempted, therefore regarding himself he is to be believed more than a hundred witnesses. If so, is not this instance identical with that concerning heleb?¹¹ — I might have thought, in the case of heleb I may assume that he explains his words:¹² I did not eat in error, but wilfully. But [when he is told], Thou art unclean, and he replies, I am not unclean, I might think his words are not capable of explanation; therefore he lets us know that also in this instance we interpret his words as conveying, I have not remained unclean for I have immersed.

Come and hear: And he shall confess,¹³ [implies that] if he confesses he is liable to an offering, if he does not confess he is exempted. If, therefore, a witness says to him, Thou art unclean, and he says, I am not unclean, he is exempted. I might think this holds good even in the case where he contradicts two witnesses, but says R. Meir, since two witnesses are capable of inflicting the severe penalty of death, how much more can they impose the less severe punishment of a sacrifice! R. Judah says: Regarding oneself a man is believed more than a hundred witnesses. The Rabbis, however, agree with R. Judah in regard to heleb and the entering of the Temple precincts.¹⁴ but not in regard to uncleanness.¹⁵ Now, to which [uncleanness] does this refer? Shall I say

(1) So that he has to bring an offering.

(2) I.e., in matters relating to the salvation of his soul, for the sacrifice is to bring about his propitiation and conciliation with the Lord.

(3) I.e., a logical rule that a man's statement is to be accepted as true whenever another credible and more advantageous assertion could have been made; for it is argued, that had he intended to lie he would have invented the more

advantageous statement.

(4) I.e., if two people say e.g., you have entered the Temple precincts while unclean.

(5) Fresh uncleanness is one contracted on the same day; old uncleanness one contracted on previous days. In the first instance the witnesses say the contraction of the uncleanness and the entering of the Temple precincts were both on the same day, in the latter on different days.

(6) In the case of fresh uncleanness there has not yet been an opportunity of becoming clean again, for immersion alone is not sufficient; one has to wait till sunset to be clean. In the instance of old uncleanness one may well assert one's cleanness by saying, I have immersed.

(7) The actual statement is capable of an interpretation similar in sense to the assertion that might have been made.

(8) If he enters the precincts of the Temple before sunset, even after immersion, he is guilty.

(9) Toh. V, 9.

(10) I.e., I immersed.

(11) And therefore superfluous.

(12) I.e., he may give you a wider meaning to his words, so that the assertion he actually makes harmonises with the one he could have made.

(13) Lev. V, 5.

(14) I.e., when the question is whether he has eaten heleb, or whether he has entered the Temple while unclean, for in these two instances the argument is that he might have said the transgression was wilful, and the assertions actually made, viz., 'I did not eat heleb' and 'I did not enter the Temple', may be interpreted as being in harmony with the assertion he could have made thus: 'I did not eat heleb and I did not enter the Temple in a manner which would make me liable to an offering'.

(15) I.e., when the question is whether he has at all become unclean. The miggo that he might have said, I did it wilfully, is no longer valid.

Talmud - Mas. K'rithoth 12b

[it refers] to old uncleanness, why do the Rabbis agree with R. Judah only with regard to heleb and the entering of the Temple precincts because he might have said, I did it wilfully? Also in the instance of old uncleanness he could have interpreted his words and say, if he wanted, I did not remain unclean but immersed!¹ — Said Rabina: It refers in fact to old uncleanness,² but to a case where the witnesses said to him, Thou hast eaten sacred food while thy body was unclean,³ and his reply was, I was not unclean; his words are then not open to an explanation, for we cannot say he meant, I did not remain unclean but immersed, for this would convey, I immersed and indeed did eat, which statement would contradict the first assertion⁴ at least in respect of the uncleanness through contact.⁵

Said R. Nahman: The halachah is according to R. Judah. Said R. Joseph: He holds [that he is clean] only in private⁶ and when appertaining to himself.⁷

Said Resh Lakish: R. Meir agrees with the Rabbis that if two witnesses say to a person, Thou hast had intercourse with a designated bondmaid,⁸ and he maintains that he has had no intercourse, he is to be trusted, for he could, if he wishes, have answered them, I did not complete the act of cohabitation.⁹

Said R. Shesheth: R. Meir agrees with the Rabbis with regard to the uncleanness of a nazirite, that if two witnesses say to him, Thou art unclean, and he replies, I am not unclean, he is exempted,¹⁰ because he could, if he wanted, have replied, I am absolved from the vow of naziriteship.¹¹

Said Abaye: R. Meir agrees with the Rabbis that if two witnesses say to a person, Thou knowest evidence against a certain man,¹² and he says, I do not know, he is exempted, because he could, if he wanted, have said, I was not intent upon giving evidence.

IF ONE ATE TWICE HELEB IN ONE SPELL OF UNAWARENESS etc. To this R. Zera demurred: Why is he liable to only one sin-offering? Has he not eaten two olive-sizes of heleb? — Replied to him Abaye: It is the different spells of unawareness that effect separate offerings, but in our instance there was but one spell of unawareness. Some raise the difficulty in the following version: The reason [that he is liable only to one offering], is that there was only one spell of unawareness; if, however, there were two spells of unawareness he would indeed be liable to two offerings; but why? Were not both meals of the same denomination of heleb? — Replied to him Abaye: Different spells of unawareness effect separate offerings.

IF ONE ATE HELEB, BLOOD, PIGGUL AND NOTHAR etc. [It is stated,] IF OF ONE KIND HE IS LIABLE; is this not obvious? — Said Resh Lakish in the name of Bar Tutini:¹³ We suppose it was eaten in two different dishes, and this law is in conformity with the view of R. Joshua who [generally] holds that different dishes do not combine with one another.¹⁴ Now I might have thought that R. Joshua upholds his opinion no matter whether greater leniency or greater stringency result from it; therefore we are taught that he is liable [to an offering], implying that he upholds his view only when it leads to greater stringency, but not when it leads to greater leniency. Some refer the discussion to the latter part of the passage: IF OF TWO KINDS, HE IS EXEMPTED; is this not obvious? — Said Resh Lakish in the name of Bar Tutini: We suppose they were eaten in two different dishes and this law is in accordance with R. Joshua who holds different dishes do not combine with one another. Now I might have thought that R. Joshua upholds his rule only if it leads to greater stringency but not if greater leniency results from it; therefore we are taught: IF OF TWO KINDS, HE IS EXEMPTED: ‘Two kinds’ means in fact ‘one kind’;¹⁵ it is called ‘two kinds’ because the eating was in two different dishes; and as it is stated that he is then exempted, hence we may conclude that R. Joshua upholds his rule both if it leads to greater leniency and if it results in greater stringency. Now, since the latter part of the passage¹⁶ deals with one kind consumed in two dishes, the former part must, as its contrast, refer to one kind consumed in one dish. Is not the law then obvious? — Said Rabina: It refers to a case where he became aware [of his sin] in between,¹⁷ and the law is in accordance with Rabban Gamaliel, who holds awareness is of no avail with regard to half-sizes;¹⁸ as we have learnt:¹⁹ If one writes two letters in two different spells of unawareness, one in the morning and the other in the evening, Rabban Gamaliel holds he is guilty, but the Rabbis exempt him. Rabban Gamaliel holds awareness is of no avail with regard to half-sizes, whereas the Rabbis maintain it is of avail.

MISHNAH. WITHIN WHAT TIME MUST HE EAT THEM?²⁰ [THE TIME HE WOULD NEED] IF HE ATE A LIKE BULK OF PARCHED GRAINS OF CORN.²¹ THUS THE VIEW OF R. MEIR; BUT THE RABBIS SAY, HE MUST TAKE FROM THE BEGINNING TO THE END NO MORE TIME THAN IS REQUIRED FOR THE EATING OF A PERAS,²² TO BECOME LIABLE. IF ONE EATS UNCLEAN EDIBLES OR DRINKS UNCLEAN DRINKS,²³ OR IF [A PRIEST] DRINKS A QUARTER [OF A LOG] OF WINE AND THEN ENTERS THE TEMPLE,²⁴ IF NO MORE TIME HAS ELAPSED THAN IS REQUIRED FOR THE EATING OF A PERAS, HE IS LIABLE. R. ELEAZAR SAYS: IF THE DRINKING WAS INTERRUPTED OR THE WINE DILUTED WITH WATER OF THE SMALLEST QUANTITY, HE IS EXEMPTED.²⁵ GEMARA. They asked: Is R. Meir's statement in the direction of stringency or of leniency? Is it in the direction of stringency, and this is what he means: [THE TIME HE WOULD NEED] IF HE ATE OF PARCHED GRAINS OF CORN, though lasting the whole day.²⁶ Thus even though the time that elapsed between the beginning and the end of the meal was longer than is required for the eating of a peras, yet since it was one protracted meal, he is liable; while the Rabbis retorted: If no more time has elapsed than is required for the eating of a peras, he is guilty, if more he is exempted? Or is it in the direction of leniency, and this is what he means: [THE TIME HE WOULD NEED] IF HE ATE OF PARCHED GRAINS OF CORN, provided it was without interruption,²⁷ but if with interruption he is exempted even though the time that elapsed between the beginning and the end of the meal is within that required for the eating of a peras; while the Rabbis retorted: Since the time elapsed

between the beginning and the end of the meal was within that required for the eating of a peras, he is guilty? — Come and hear: BUT THE SAGES SAY, HE MUST TAKE FROM THE BEGINNING TO THE END NO MORE TIME THAN IS REQUIRED FOR THE EATING OF A PERAS.

(1) We must therefore assume that the Baraita refers to fresh uncleanness, in which case there is no miggo. It seems at all events to be implicitly accepted that the reason of the Sages' view is based upon the conclusion of miggo, while R. Judah who holds that even in the case of fresh uncleanness he is exempted, bases his view obviously upon the rule that regarding oneself a man is at all events believed more than a hundred witnesses. The query set forth at the outset of the discussion is thus resolved: R. Judah, who as the opponent of R. Meir is often quoted anonymously, bases his view upon the first argument of the query, the Sages upon the second.

(2) And both R. Judah and the Sages may base their arguments in the instance of heleb upon the rule of miggo, but this case is such that the Sages hold miggo is not applicable to it.

(3) This statement contains a twofold assertion: That he was unclean and that he ate sacred things. Were his contradiction, I did not eat, we might have understood it in the sense, I did not transgress for I had immersed before. His reply, I am not unclean, is taken to imply, I did not come into contact with an unclean object, and this is in open contradiction to the evidence of the witnesses, wherefore his statement is not accepted and he is liable to an offering.

(4) I.e., the assertion of the witnesses.

(5) For his words imply, he did not come into contact with an unclean object.

(6) He is not permitted to partake of sacred food in the presence of others, for this might be interpreted as neglectful treatment of the laws of purity.

(7) He is not believed with reference to other people. If he has come into contact with sacred things they are regarded as unclean for others. The trust put in him when he says he is not unclean is subjective, because we believe him in matters appertaining to his own conscience and salvation.

(8) I.e., a maidservant designated by her master for marriage to one chosen by him; Lev. XIX, 20.

(9) V. 11b, where the completion of the act is an essential condition of the transgression.

(10) From an offering at the end of seven days; v. Num. VI, 9f.

(11) Absolution can be granted from a vow by a scholar if there are good reasons to assume that the consequences of the vow were not foreseen.

(12) The refusal to give evidence if adjured to do so is punishable with an offering; v. Lev. V, 1.

(13) Supra 4b quoted as Bar Tutani.

(14) Viz., to make up the requisite standard size of an olive. The non-combination of the two half-olives brings about his exemption from an offering. If on the other hand one has, e.g., eaten two full quantities in two dishes the non-combination leads to greater stringency of the law, for he is then liable to two offerings.

(15) I.e., two pieces of heleb, e.g., each of the size of half an olive, eaten in two meals.

(16) Viz., IF OF TWO KINDS etc.

(17) Between the two meals he learnt, e.g., that the first piece of fat was heleb.

(18) I.e., half-sizes may be combined one with the other even if eaten in two spells of unawareness.

(19) Shab. 105a. Only when one writes two letters is a sacrifice prescribed.

(20) We have learnt in the previous Mishnah that if one eats two half-sizes of prohibited food, he is guilty because the two meals combine to make up the requisite size. What time may pass between the two meals to be still considered as one?

(21) I.e., the time it takes to eat an olive-size of food crumbled into small pieces of the size of parched ears, eaten one after the other.

(22) Lit., 'portion' or 'half'; viz., half a loaf; v. also 'Er. 83a.

(23) If one eats unclean food of the size of half a peras, or drinks of an unclean drink the quantity of a fourth of a log, he is regarded as unfit to eat sacred food until he has taken an immersion.

(24) To perform his service.

(25) R. Eliezer refers to the last instance.

(26) The criterion of R. Meir is then to indicate that the meal may be interrupted.

(27) The time required for the eating of an olive-size of parched corn without interruption is less than that required for the eating of a peras.

Talmud - Mas. K'rithoth 13a

Now, if you say that R. Meir's view is in the direction of stringency,¹ it is right that it reads: HE MUST TAKE . . . NO MORE, meaning that he is not liable unless he takes no more time than is required for the eating of a peras; but if you say R. Meir's view is in the direction of leniency, it should have read 'But the Rabbis say: If he has taken as much time as is required . . .'. It is thus proved that R. Meir's view is in the direction of stringency. It is indeed proved.

Said Rabanai in the name of Samuel: For heleb and nebelah² he must take from the beginning to the end [of the meal]³ no more time than is required for the eating of a peras; for unclean food, reptiles and unclean drinks,⁴ he may take even the whole day, as much as is required for the eating of a peras. What does this mean? — Said R. Papa, thus: Even the whole day so long as he ate an olive-size within the time required for the eating of a peras.⁵

An objection was raised: All kinds of food combine one with the other to half a peras to render the body unfit.⁶ Now does this not mean that he has to eat the half-peras within the time required for the eating of a peras? — No, he has to eat an olive-size within the time required for a peras.

An objection was raised: All kinds of food combine one with the other to a half-peras, consumed within the time required for a peras, in order to render the body unfit. How is this? If he ate and then ate again, if from the beginning of the first meal to the end of the last no more time has passed than is required for the eating of a peras, they combine with one another; if more they do not combine. It is not permitted to one who ate less than the requisite quantity to immerse;⁷ if he did immerse and then ate the complementary quantity to the standard size, the meals combine one with the other. A pregnant woman is permitted to eat a quantity⁸ smaller than the standard size, because of her serious position. All kinds of beverage combine one with the other to a quarter [of a log], consumed within the time required for the eating of a peras, in order to render the body unfit. How is this? If he drank and then drank again, if from the beginning of the first drink to the end of the last no more time has passed than is required for the eating of a peras, they combine with one another; if more they do not. [She] who has been in contact with one unclean by a dead body is permitted to nurse her baby, and the baby remains clean. It states at all events, 'If from the beginning of the first meal to the end of the last no more time has passed than is required for the eating of a peras, they combine with one another'. Is this not in contradiction to Rabanai's statement? — Indeed it is.⁹

The Master says: 'It is not permitted to one who ate less than the requisite quantity to immerse'. What does this mean?¹⁰ — Said Rab Judah: This is what it means: If one ate less than the requisite quantity, he is not permitted to immerse, for if he should eat afterwards the complementary quantity, which combines with the first, he might assume that the preceding immersion is of avail, not knowing that an immersion is valid only at the end.

It is stated, 'A pregnant woman is permitted to eat a quantity smaller than the standard size, because of her serious position'. If by reason of her serious position, she should be permitted to eat even more!¹¹ — Said R. Papa: Read thus, A pregnant woman is permitted to eat even more, yet in quantities smaller than the standard size, because of her serious position.

It says, '[She] who has been in contact with one unclean by a dead body is permitted to nurse her baby, and the baby remains clean.' Why is it clean? Since it has sucked in milk it should be unclean through the milk.¹² And should you say it was not prepared,¹³ [I would reply,] It is prepared by the drop which moistens the nipple!¹⁴ — Answered R. Nahman in the name of Rabbah b. Abbuha: It sucked with great pull so that no drop was formed to moisten the nipple. Said Raba: I have two objections to raise: firstly we see that a child's mouth is filled with milk,¹⁵ and then, the milk-source has the status of a 'well',¹⁶ as we have learnt: The milk of a woman renders things unclean whether

[it was drawn] purposely or unintentionally, while the milk of a cow renders things unclean only when brought forth intentionally.¹⁷ Now does not ‘unintentionally’ mean that the child has no pleasure in it; and yet it says that it renders things unclean!¹⁸ — Rather said Raba: The reason why the child remains clean is that it is doubtful whether it has sucked in the requisite quantity or not; and even if it did, it is still doubtful whether it was done within the time required for the eating of a peras or during a longer period. But how can Raba maintain that the milk-source has the status of a ‘well’? Have we not learnt: If milk drips from the breast of a [menstruant] woman and falls upon an oven, the oven is unclean?¹⁹ Whereupon it was asked, wherewith has the milk become ‘prepared’ for uncleanness? and R. Johanan replied: By the drop with which the nipple is moistened.²⁰ And if you say that Raba disagrees with R. Johanan, has it not been taught: ‘It is thus found that there are nine kinds of liquids of a gonorrhoea-ridden person: sweat, ill-smelling discharge²¹ and secretion, are altogether clean;²² the tears of his eyes, the blood of his wound

(1) I.e., the time-limit suggested by R. Meir is less than that laid down by the Rabbis, so that the Rabbis in their retort to R. Meir demand a prolongation of the time-limit.

(2) V. Glos.

(3) E.g., if he ate two half olive-sizes of heleb.

(4) Half a peras or a quarter of a log respectively renders him who ate it unfit to eat sacred food.

(5) I.e., each olive-size of the standard quantity of half a peras has been eaten within the time required for a peras.

(6) Me'il. 17b.

(7) This is soon explained.

(8) I.e., unclean food; v. Tosaf.

(9) Rabanai's view is thus refuted.

(10) Why should he not be permitted to immerse, even though the immersion is in vain?

(11) For it is permitted to break the law of the Torah in the case of danger to life.

(12) The milk is unclean of the second degree; it is therefore not capable of rendering persons unclean through contact, but he who drinks thereof a half-peras is unfit to partake of sacred food.

(13) All foodstuffs must be ‘prepared’, i.e., rendered fit for uncleanness, by being moistened with certain liquids. The milk coming from the body is considered foodstuff, and in the absence of such preparation should be clean.

(14) The drop with which the nipple is moistened is not regarded as food, since it is not destined to be consumed, and can therefore act as a liquid to ‘prepare’ the rest of the milk for uncleanness.

(15) One drop at least must have adhered to the nipple.

(16) The milk has not the status of ordinary food or drink, but that of a secretion from the body, and forms part thereof. When the body is unclean, the milk is ipso facto unclean too. No ‘preparation’ is thus necessary. ‘Well’ means here a secreting organ.

(17) Maksh. VI, 8. Things are regarded as ‘prepared’ for uncleanness by being moistened with a liquid only if the moistening was to the satisfaction of the owner or worker.

(18) As we learn here that the milk of a woman is unclean and conveys its uncleanness to other things even if it came forth not to the satisfaction of the owner or worker (here the child), it cannot bear the status of ordinary food that requires ‘preparation’. It must thus possess the character of a secretion from the body.

(19) Kel. VIII, 11.

(20) We thus see that in contradiction to Raba ‘preparation’ is needed.

(21) Such as pus.

(22) They do not cause uncleanness through contact.

Talmud - Mas. K'rithoth 13b

and the milk of a woman, in the quantity of a fourth of a log contract uncleanness as a liquid;¹ saliva, flux and urine contract the more severe uncleanness² in the smallest quantity’? Now, if it was true, as you say, that the milk-source has the status of a ‘well’, milk too should contract the more severe uncleanness in the smallest quantity, like flux and saliva. It is thus proved that the milk-source of a woman has not the status of a ‘well’. But, then, what of the contradiction between this Baraita and

[the Mishnah quoted by] Raba [that the milk of a woman] 'renders things unclean whether drawn purposely or unintentionally'?³ — Do you indeed think, as has hitherto been assumed, that 'unintentionally' means that the child had no pleasure in it? No, 'unintentionally' means 'generally', for it is accepted that the child has its mind upon the milk; but if the child indicates that he has no pleasure in it, it is indeed clean.

IF ONE EATS UNCLEAN EDIBLES etc. Why is it conditional upon the elapse of a certain time,⁴ as it reads, IF . . . TIME HAS ELAPSED? — Said Rab Judah: Thus it is to be understood: If one eats unclean edibles or drinks unclean drinks, or if [a priest] drinks a quarter of a log of wine, spending thereon the time required for the eating of a peras, and then enters the Temple precincts, he is guilty.

R. ELEAZAR SAYS etc. Our Rabbis taught: Drink no wine nor strong drink,⁵ I might think any quantity, and even if taken from the vat,⁶ therefore the text states 'strong drink'; he is guilty only if the quantity suffices to make him drunk.⁷ Which is the quantity capable of causing intoxication? A fourth of a log of wine of forty days' standing. Why then has 'wine' been mentioned? To tell you that one is cautioned in regard to the smallest quantity, and one is cautioned also in regard to [wine] drawn from the vat.⁸ R. Judah says: It reads 'wine'; from here we know only 'wine', whence do we know other intoxicating drinks? It therefore reads 'and strong drink'. If so, why has 'wine' been stated? Wine involves the death penalty, other drinks involve only [the disregard of] a warning. R. Eleazar says: Drink no wine and [drink no] strong drink: Drink it not in the manner which causes intoxication; if, however, he interrupts or dilutes it with any quantity of water, he is not guilty. Wherein do they differ? — The first Tanna holds: We draw an inference from the nazirite by the common expression 'strong drink';⁹ R. Judah does not hold this inference; while R. Eleazar holds that what 'strong drink' implies is something intoxicating. With whom does the following dictum comply: 'If one eats pressed figs from Keilah,¹⁰ or drinks honey or milk, and then enters the Sanctuary and performs the Temple service, he is liable to lashes'? With R. Judah.¹¹ Said R. Judah son of Ahotai: The halachah is in accordance with R. Eleazar. Also Rab spoke of R. Eleazar as the most distinguished of the Sages.

R. Aha of Huzal had a vow in regard to his wife.¹² He came before R. Ashi.¹³ Said the latter to him: Go now and come back to-morrow, for Rab appointed no interpreter¹⁴ from the commencement of the festival till the end of the following day,¹⁵ on account of intoxication. Replied the former: But did not Rab say, The halachah is according to R. Eleazar,¹⁶ while you dilute your wine with water? — Said he, There is no difficulty: his saying refers to a fourth of a log exactly, while I had more than a fourth.

Our Rabbis have taught: And that ye may put difference between the holy and the common,¹⁷ refers to vows of worth, or vows of valuation,¹⁸ or to things devoted¹⁹ or consecrated;²⁰ between the unclean and the clean¹⁷ refers to the laws of uncleanness and purity; that ye may teach²¹ refers to decisions [concerning forbidden things]; all the statutes²¹ refers to the expositions of the Law; which the Lord hath spoken²¹ refers to traditions passed on [from Sinai]; by the hand of Moses²¹ refers to the Gemara. I might include also the Mishnah, therefore it reads 'that ye may teach'.²² R. Jose b. Judah says: I might include also the Gemara,²³ therefore it reads, 'that ye may teach'. According to whom is that which has been taught: 'Excluded is the decision that a [dead] reptile is unclean and a [dead] frog clean,²⁴ which may be given also by one who is intoxicated with wine'? May we assume that it conforms with R. Jose b. Judah's view and not with that of the Rabbis? — No, it may conform also with the view of the Rabbis, but this problem is so simple that one may say, go read it at school.²⁵ Said Rab: The halachah is in accordance with R. Jose b. Judah.²⁶ But surely Rab did not appoint an interpreter from the commencement of a festival to the end of the following day on account of intoxication?²⁷ — Different it is with Rab who gave also decisions: But then why not appoint the interpreter and lay down the rule that no decisions be given? — Where Rab sat it was impossible to avoid giving decisions.²⁸ MISHNAH. ONE MAY BY ONE ACT OF EATING

BECOME LIABLE TO FOUR SIN-OFFERINGS AND ONE GUILT-OFFERING; VIZ., IF ANY UNCLEAN PERSON EATS HELEB WHICH WAS AT THE SAME TIME THE NOTHAR OF AN OFFERING, AND [IT WAS ON] THE DAY OF ATONEMENT.²⁹ R. MEIR SAYS: IF IT WAS THE SABBATH AND HE CARRIED IT OUT³⁰ [OF PRIVATE POSSESSION], HE IS LIABLE [TO YET ANOTHER SIN-OFFERING].³¹ BUT THEY SAID TO HIM: THIS IS OF A DIFFERENT DENOMINATION.³²

- (1) I.e., to convey uncleanness only to food and liquids.
- (2) I.e., to defile human beings and vessels.
- (3) If we say that the milk is unclean even when brought forth against the child's interest in contradiction to the laws ruling the 'preparation' for uncleanness of liquids, we are obliged to infer therefrom that the milk has the status of a 'well' and not of a liquid. The right interpretation is, however, that even when the child does not express its pleasure at the bringing forth of the milk, it is unclean, for it is assumed that it is nevertheless done to its satisfaction.
- (4) The condition concerning the time is mentioned in the Mishnah text after the entering of the Sanctuary. It is therefore assumed that it implies that it is necessary for the priest to stay in the Temple precincts for a time required for the eating of a peras. This is, of course, against the accepted law.
- (5) Lev. X, 9 with reference to priests.
- (6) I.e., before the fermentation is completed.
- (7) The literal translation of שכר 'strong drink' is 'intoxicating drink'.
- (8) But not punishable with death. 'Death' here denotes death at the hands of Heaven.
- (9) A textual analogy is drawn on the basis of the word 'strong drink' which occurs in connection with the priest, Lev. X, 9 and the nazirite, Num. VI, 3, where the produce of the vine only is prohibited.
- (10) In Judea; v. I Sam. XXIII, 1.
- (11) In Naz. 4a this dictum is explicitly mentioned in the name of R. Judah.
- (12) He vowed not to derive any benefit from her.
- (13) To ask for the absolution of the vow.
- (14) The interpreter's task was to expound at length that which the Tanna taught in brief; v. Glos. s.v. Amora.
- (15) I.e., from the termination of the first meal on the eve of the festival to the end of the following day. His meals on holy days were accompanied by wine, and Rab therefore refused to give any legal decision. R. Aha appeared before R. Ashi on a festival.
- (16) Who holds only pure wine is prohibited.
- (17) Lev. X, 10. This passage follows immediately upon the prohibition for the priest to drink wine. It is therefore assumed to imply that to give a decision in a state of intoxication is forbidden.
- (18) V. 'Ar. 2a.
- (19) Lit., excommunicated'; i.e., a form of renouncing one's rights upon property and assigning it for the use of the Temple or the priests.
- (20) I.e., all the valuations in connection therewith must not be undertaken in a state of intoxication.
- (21) Ibid. 11.
- (22) Or, that ye may decide. As the Mishnah does not always contain the last word of the law, decisions are based upon the discussions in the Gemara rather than the Mishnah.
- (23) Viz., the study of the Talmud. Only the actual giving of judgment in a state of intoxication is punishable, but not the mere preoccupation with the law.
- (24) These decisions are so obvious, being explicitly mentioned in the Torah, that an error is not feared.
- (25) I.e., even youngsters who study only the Pentateuch should know it; v. Sanh. 33b.
- (26) Viz., that to study in a state of intoxication is permitted.
- (27) This proves that even to lecture on the law is forbidden.
- (28) Rab was an authority recognised everywhere, and questions came before him at all times.
- (29) He is liable to a sin-offering each for eating sacred food in a state of uncleanness, for eating keleb, for eating nothar and for partaking of food on the Day of Atonement. The guilt-offering is to atone for the sacrilegious use of Temple property. Nothar is the portion of a sacrifice left over beyond the prescribed time, which has to be burnt.
- (30) Viz., in his mouth.
- (31) To carry on the Sabbath from private property to the public thoroughfare or vice versa is subject to an offering.

(32) The transgression is not caused by eating.

Talmud - Mas. K'rithoth 14a

GEMARA. May we infer that R. Meir holds that a prohibition may take hold of something already prohibited?¹ — [No,] although he may hold that a prohibition cannot take hold where another prohibition exists, he holds that a prohibition that is more comprehensive² or more extensive³ can take hold [of an already existing prohibition]. To a clean person only heleb is prohibited; when he becomes unclean, since the other parts [of the animal] become forbidden to him, this more comprehensive prohibition embraces also heleb. Then heleb is forbidden for consumption only; when consecrated, since it becomes prohibited for all use, this more extensive prohibition takes hold of heleb. It is still, then, forbidden to laymen only but not for the altar;⁴ when it becomes nothar, since it becomes forbidden also for the altar, this more extensive prohibition applies also in respect of laymen. Again, if it occurred on the Day of Atonement, since there is added an injunction which is more comprehensive in that it applies also to common food, it applies also to the things dedicated to the altar. But then why not instance five sin-offerings, namely when he ate an olive-size of piggul?⁵ — He speaks of one animal and not of two, and the meat of one and the same animal cannot be nothar and piggul at the same time.⁶ But why not? Is it not possible where, e.g., a limb of piggul was [wrongly] offered upon the altar, in which case its disqualification of piggul is lifted,⁷ and it can thus become nothar, as 'Ulla said: If the fistful of an offering, rendered piggul, has been offered upon the altar its piggul disqualification ceases, and it may then become nothar?⁸ — He speaks of one limb and not of two limbs, and one and the same limb cannot be nothar and piggul at the same time. But why not? Is it not possible where, e.g., a limb of piggul was offered upon the altar, partly resting upon the altar and partly protruding,⁹ so that the portion [which rested] upon the altar loses its piggul disqualification and may become nothar, in accordance with 'Ulla, who said: 'If the fistful of an offering, rendered piggul, has been offered upon the altar its disqualification ceases, and it may become nothar?' — He replied: It is not possible, for if the major portion rests upon the altar, the whole is reckoned as being on the altar; if the major portion is protruding, the whole is reckoned as being outside. But then you could decide therefrom¹⁰ the query of Rami son of Hama as to whether one goes by the majority in regard to sacrificial limbs or not!¹¹ — He speaks of one olive-size and not of two.¹² But is this indeed so? Does he not deal with the Day of Atonement, where the requisite standard quantity is the size of a date, and a date corresponds to two olive-sizes? — Said R. Zera: He ate of a kidney together with the heleb attached thereto.¹³ R. Papa said: He supplemented the heleb with dates.¹⁴ R. Adda son of Aha indeed reads [in the Mishnah] 'five sin-offerings' and explains it [as dealing with the case] where he ate an olive-size of piggul,¹⁵ rejecting the other explanations given. But then why not state six sin-offerings', and explain it [as dealing with the case] where he ate in addition an olive-size of blood? — [The Mishnah] speaks of one act of eating and not of two, and the Rabbis have calculated that the gullet cannot hold more than two olive-sizes at a time.

R. MEIR SAYS, etc. Why did he not simply state, 'If he carried it out [of private possession], he is liable¹⁶ . . .'; wherefore does he state, IF IT WAS THE SABBATH'? — Said Rafram: This proves that the laws concerning 'erub¹⁷ and transport¹⁸ apply to the Sabbath and do not apply to the Day of Atonement.¹⁹ How is this proved? Maybe the laws concerning 'erub and transport apply also to the Day of Atonement, and the Mishnah text is to be understood thus: If it was the Sabbath and he carried it out [of private possession], he is liable by reason of the Sabbath as well as the Day of Atonement!²⁰ — Rather say, If the statement of Rafram was made, it was with reference to the following: It has been taught, And he shall send him away by the hand of an appointed man;²¹ 'man' implies that also a non-priest is qualified; 'appointed' implies even if he is unclean and even on the Sabbath;²² 'appointed' means designated for it. Now it is here stated: "Appointed" implies even on the Sabbath', whereupon Rafram remarked, This proves that the laws concerning 'erub and transport apply to the Sabbath and do not apply to the Day of Atonement. How is this proved? Maybe the scapegoat is an exception, for its whole validity is bound up with the Day of Atonement!²³ — The

dictum of Rafram is indeed void.²⁴

MISHNAH. ONE MAY BY ONE ACT OF INCESTUOUS CONNECTION BECOME LIABLE TO SIX SIN-OFFERINGS: VIZ., IF ONE HAD INTERCOURSE WITH HIS DAUGHTER.²⁵ HE IS GUILTY OF INCEST WITH HIS DAUGHTER, HIS SISTER, HIS BROTHER'S WIFE, THE WIFE OF HIS FATHER'S BROTHER, AND OF INTERCOURSE WITH A MARRIED WOMAN AND A MENSTRUOUS WOMAN.

(1) I.e., that a prohibition can apply to something which is forbidden already by reason of another injunction, as exemplified in R. Meir's statement where the law of Sabbath takes hold of prohibited food.

(2) I.e., the range of application of the new prohibition is wider than that of the original. The new prohibition is thus at all events effective with regard to those objects not covered by the original; it is therefore considered of avail also in respect of those articles already prohibited by the original injunction, and an additional offering is prescribed.

(3) I.e., the additional prohibition is more stringent than the original one; e.g., if according to the original law only the eating of the prohibited food is punishable while the superadded prohibition law forbids also any benefit to be derived therefrom. The new prohibition is thus at all events effective where use is made of the food other than eating it; it is therefore regarded of avail also in case of eating, and evokes an additional offering. The following discussion expounds the instance of the Mishnah proving that each additional prohibition thereof is either more comprehensive or more extensive than those already existing.

(4) Or, for that matter, the priests.

(5) V. Glos. I.e., where the meat was, in addition, piggul which, too' is subject to a sin-offering.

(6) The sacrifice is rendered piggul at the beginning of the service, namely during the preparation and performance of the sprinkling of the blood. Once piggul it is disqualified for altar and priest alike and cannot come within the range of nothar.

(7) Even if the limb is removed from the altar, before it is completely burnt, it retains the sanctity re-gained through contact with the altar and may become nothar. If one eats therefore a piece of the limb that has become nothar, under the conditions enumerated in the Mishnah and in addition thereto an olive-size of meat of the rest of the same sacrifice, which has remained piggul, one is liable to five sin-offerings.

(8) V. Zeb. 43a.

(9) And he ate from both portions of the limb.

(10) Viz., from the fact that the instance of five sin-offerings has not been stated for the reasons mentioned.

(11) V. Hul. 70a where this query is put forward by Raba and left unanswered.

(12) And with one olive-size one cannot evoke more than four sin-offerings, as enumerated in the Mishnah.

(13) I.e., he ate one olive-size of the kidney and another olive-size of the heleb. For the latter he is, under the conditions mentioned in the Mishnah, liable to three sin-offerings and a guilt-offering; when followed by an olive-size of the kidney he complements the date-size required for the transgression of the Day of Atonement, which provokes the fourth sin-offering. R. Zera's view is that the Tanna of the Mishnah wishes to confine himself to the eating of one olive-size of heleb, while in the combination of piggul and nothar it would be necessary to assume that two olive-sizes of heleb have been consumed (Rashi).

(14) I.e., his meal consisted of one olive-size of heleb and small dates to make up the requisite standard of a date. There was at any rate but one olive-size of meat.

(15) From a different sacrifice in addition to the olive-size of heleb as instanced in the Mishnah.

(16) For carrying it out on the Day of Atonement.

(17) V. Glos.

(18) I.e., the transport from private property to a public thoroughfare and vice versa.

(19) Although the Day of Atonement bears otherwise all the stringency of the Sabbath, these two laws may be characteristic of the Sabbath only.

(20) I.e., he is liable twice for the transport: for the transgression of the Sabbath and for the transgression of the Day of Atonement.

(21) Lev. XVI, 21, relating to the scapegoat.

(22) I.e., also on the Sabbath may the scapegoat be transported to its place of offering, thus trespassing the laws regarding 'erub and transport.

(23) I.e., the Torah has explicitly permitted work essential for the service of the day.

(24) V. Yoma 66b.

(25) The multitude of interrelationships between father and daughter is established thus: the daughter was born from his incestuous contact with his own mother. She then married his brother and after the latter's death, his father's brother. She was in addition menstruant at the time of the intercourse. This monstrous and complicated combination has been chosen to exemplify various prohibitions each of which is more comprehensive than the previous.

Talmud - Mas. K'rithoth 14b

GEMARA. But does not R. Meir hold, a prohibition cannot take hold of something already forbidden?¹ — Although he generally holds that a prohibition cannot take hold where another prohibition exists, he admits that a prohibition which is more comprehensive or more extensive can take hold [of an already existing prohibition].² [Our instance is then to be understood thus:] He had intercourse with his mother who bore him a daughter, so that the latter becomes prohibited to him simultaneously as his daughter and his sister. When she marries his brother, since she becomes prohibited also to his other brothers,³ this comprehensive prohibition becomes operative also with reference to himself. When she then⁴ marries his father's brother, since she becomes prohibited to the other brothers of his father, this comprehensive prohibition becomes operative also with reference to himself. In her capacity now as a married woman, since she becomes prohibited to the whole world, this comprehensive prohibition becomes operative also with regard to himself. Finally as a menstruant woman, since she becomes forbidden even to her own husband, this comprehensive prohibition become operative also with reference to himself.

MISHNAH. IF ONE HAD INTERCOURSE WITH HIS DAUGHTER'S DAUGHTER HE MAY THEREBY BECOME GUILTY FOR OFFENDING WITH HIS DAUGHTER'S DAUGHTER, HIS DAUGHTER-IN-LAW, HIS BROTHER'S WIFE, THE WIFE OF HIS FATHER'S BROTHER, HIS WIFE'S SISTER, A MARRIED WOMAN, AND FINALLY A MENSTRUANT WOMAN.⁵ R. JOSE REMARKED: IF THE GRANDFATHER HAD COMMITTED TRANSGRESSION AND MARRIED HER FIRST, HE MAY THEREBY BECOME GUILTY FOR OFFENDING WITH HIS FATHER'S WIFE. SO TOO, IF ONE HAD CONNECTION WITH HIS WIFE'S DAUGHTER OR HER DAUGHTER'S DAUGHTER.

GEMARA. It is stated: HE MAY THEREBY BECOME GUILTY FOR OFFENDING WITH HIS FATHER'S WIFE. Was she then permitted to him?⁶ — Replied R. Johanan: The case is met if she fell unto him in levirate marriage.⁷ If so, what means: HAD COMMITTED TRANSGRESSION? — He committed transgression in that she was his son's daughter-in-law, which is a forbidden relation in the second degree,⁸ as has been taught:⁹ A daughter-in-law is an incestuous relation [by law of the Torah], the daughter-in-law of a son is forbidden [as a relation] in the second degree. The same distinction is made between the daughter of a son and the daughter of a son's son etc. to the end of all generations.¹⁰

But does R. Jose indeed hold that a prohibition can take hold of something already forbidden, have we not learnt:¹¹ If one has committed a sin which involves two death penalties,¹² he is condemned to the more stringent [of the two forms of execution]. R. Jose, however, maintains he is sentenced for the sin that took hold first. And it was taught: How is R. Jose's ruling, that he is sentenced for the sin that took hold first, to be understood? If, e.g., she was forbidden to him first as his mother-in-law and then as a married woman,¹³ he is sentenced for intercourse with a mother-in-law; if she was forbidden to him first as a married woman and then as a mother-in-law, he is sentenced for connection with a married woman! — Answered R. Abbahu: R. Jose admits [an exception to the rule] when the new prohibition is more comprehensive.¹⁴ Also when Rabin came¹⁵ he said in the name of R. Johanan: R. Jose admitted when the new prohibition was more comprehensive. But in which respect is it more comprehensive here?¹⁶ — When the grandfather had

another son;¹⁷ as the new prohibition comprises also the other son, it becomes operative with regard to [the offender] himself.

MISHNAH. IF ONE HAD INTERCOURSE WITH HIS MOTHER-IN-LAW HE MAY THEREBY BECOME GUILTY FOR OFFENDING WITH HIS MOTHER-IN-LAW, HIS DAUGHTER-IN-LAW, HIS BROTHER'S WIFE, THE WIFE OF HIS FATHER'S BROTHER, HIS WIFE'S SISTER, A MARRIED WOMAN, AND FINALLY A MENSTRUANT WOMAN.¹⁸ AND SO TOO, IF ONE HAD INTERCOURSE WITH THE MOTHER OF HIS FATHER-IN-LAW OR OF HIS MOTHER-IN-LAW. R. JOHANAN B. NURI REMARKED: IF ONE HAD INTERCOURSE WITH HIS MOTHER-IN-LAW HE MAY THEREBY BECOME GUILTY FOR OFFENDING WITH HIS MOTHER-IN-LAW, THE MOTHER OF HIS MOTHER-IN-LAW, AND THE MOTHER OF HIS FATHER-IN-LAW.¹⁹ THEY SAID TO HIM: ALL THESE THREE ARE OF ONE DENOMINATION.²⁰

GEMARA. Said R. Eleazar in the name of R. Hoshaia: R. Johanan b. Nuri and Symmachus adhere to the same rule.²¹ R. Johanan b. Nuri as stated above.²² As to Symmachus, we have learnt:²³

(1) V. supra 14a. I.e., the latter five prohibitions should not become operative and only one sacrifice should be offered. Although the Mishnah is anonymous, it is, according to a general rule, assumed that R. Meir's view is represented therein.

(2) V. p. 104, nn. 6 and 7.

(3) Viz., his half-brothers of a common father. Before her marriage to one of them she was permitted to all of them, except her own father.

(4) I.e., after the brother's death.

(5) The inter-relationships between the man and his grand-daughter were manifold so that seven prohibitions were simultaneously broken in one act, viz., the grand-daughter, now a married woman, had previously wedded one of his sons and after his death the offender's brother and later, after the latter's death, the brother of the offender's father. The offender was at the same time married to his grand-daughter's half-sister, i.e., another daughter of his granddaughter's husband from another wife. The grand-daughter was, in addition, menstruant at the time of contact.

(6) As she was forbidden to the father as his brother's wife the marriage was invalid and she cannot be regarded as 'his father's wife'.

(7) When the offender's uncle died, he left no children behind, so that his father was permitted and even obliged to marry her according to the law of levirate marriage, Deut. XXV, 5f.

(8) I.e., one enacted by rabbinical law.

(9) Yeb. 21b.

(10) I.e., ad infinitum. The daughter of any of his male descendants that stands at the end of a chain of male offsprings is forbidden to him by rabbinical enactment.

(11) Sanh. 81a.

(12) I.e., if the woman was forbidden to him because of their twofold inter-relation. As to the scale of the various forms of execution, cf. Sanh. 49b.

(13) E.g., if she was a widow or divorced at the time he married her daughter and then married again. The sentence in the case of a married woman is death by strangulation and in that of a mother-in-law death by burning. We learn herefrom, at any rate, that R. Jose holds a new prohibition cannot take hold where another exists.

(14) V. p. 104, nn. 6 and 7. If the new prohibition is more comprehensive it supersedes the first one. The reason why R. Jose, in the quoted Mishnah, nevertheless holds that only the prohibition which is first established is of avail, (although in the first of the examples the second prohibition, viz., the one concerning a married woman, which applied to all men, is more comprehensive than the first) is because the penalty of the first transgression is more stringent than that of the second (Rashi).

(15) I.e., when he arrived from Palestine to Babylonia.

(16) I.e., the case mentioned by R. Jose in our Mishnah, and with reference to the prohibition concerning the father's wife. This prohibition does not add to those already in existence.

(17) Before the transgressor's father married the grand-daughter she was permitted to his son. Now she is forbidden also

to him as his father's wife.

(18) This case is met by the following inter-relations between the transgressor and his mother-in-law: The mother-in-law, now a married woman, had previously married his son and after the latter's death his brother, and then his father's brother. The offender himself had also been married to his mother-in-law's sister. If the mother-in-law was menstruant at the time of the union, we find that in one act he transgressed the seven prohibitions enumerated in the Mishnah.

(19) Viz., if in addition to the above inter-relations he had also been married to her daughter's daughter and her son's daughter, so that she was also his mother-in-law's mother and his father-in-law's mother.

(20) I.e., they are of the same class and intimated in the text (Lev. XVIII, 17) in one single prohibition, so that no separate offering is to be brought for each offence.

(21) Viz., that if a manifold prohibition of the same denomination has been transgressed, several offerings are required.

(22) Viz., in our Mishnah, where he requires a separate offering for the mother-in-law and her mother although both come under the same designation.

(23) Hul. 82b.

Talmud - Mas. K'rithoth 15a

If one slaughtered an animal together with its young's calf, and then the young itself,¹ he is liable to forty lashes. Symmachus said in the name of R. Meir: To eighty.² Said Raba: There is, perhaps, no comparison. Maybe R. Johanan b. Nuri maintains his view only in the instance of our Mishnah, because the prohibitions are at least of different designations; for she may be described as his mother-in-law and also as the mother of his mother-in-law and the mother of his father-in-law. In the instance, however, concerning the killing of a mother-animal and its young, where there is only one designation, and all such cases are known by the one name, maybe his ruling will not hold good. R. Nahman b. Isaac raised his doubt [in the opposite direction]. Maybe Symmachus maintains his view only in the case of the law concerning the killing of mother and young, because the objects are different;³ in the instance of our Mishnah, however, where there is only one object,⁴ I might perhaps argue that he [Symmachus] held with the ruling of R. Abbahu delivered in the name of R. Johanan. For R. Abbahu said in the name of R. Johanan: In the expression, They are near kinswomen; it is wickedness,⁵ Scripture indicates that they are all one kind of wickedness.

MISHNAH. SAID R. AKIBA: I ASKED RABBAN GAMALIEL AND R. JOSHUA AT THE MEAT-MARKET OF EMMAUS, WHITHER THEY WENT TO BUY A BEAST FOR THE WEDDING FEAST OF RABBAN GAMALIEL'S SON, WHAT [IS THE LAW] IF A MAN HAD INTERCOURSE [INADVERTENTLY] WITH HIS SISTER, HIS FATHER'S SISTER AND HIS MOTHER'S SISTER;⁶ IS HE LIABLE TO ONE OFFERING FOR ALL THE TRESPASSES, OR TO ONE [SEPARATE OFFERING] FOR EACH OF THEM? THEY REPLIED: WE HAVE HEARD NOTHING [ABOUT THIS], BUT WE HAVE HEARD THAT IF ONE HAD INTERCOURSE WITH HIS FIVE WIVES, WHILE THEY WERE MENSTRUANT, IN ONE SPELL OF UNAWARENESS, HE IS LIABLE TO A SACRIFICE FOR EACH [ACT], AND IT SEEMS TO US THAT THE CASE [YOU STATE] MAY BE DERIVED THEREFROM BY AN A FORTIORI CONCLUSION.⁷

GEMARA. How is the query to be understood? If as is stated,⁸ what question is there, seeing that the prohibitions as well as the persons involved are distinct!⁹ — This is rather what it means to state: What [is the law] if one had intercourse with a sister who is at the same time his father's sister and his mother's sister; is he liable to one sacrifice for all the trespasses, or to one [separate] sacrifice for each of them? Do we argue that here are diverse prohibitions,¹⁰ or do we argue [from the fact] that the persons are not diverse?¹¹ They replied: We have heard nothing about this, but we have heard that if one had intercourse together¹² with his five wives, while they were menstruant, whereby only one prohibition has been transgressed, he is liable to a sacrifice for each act of transgressing the law concerning menstruant women; and it seems to us that the case [you state] may be derived therefrom

by an a fortiori conclusion [thus]: If one is liable to separate offerings in the case of intercourse together with his five menstruant wives, whereby only one prohibition has been transgressed, how much more should one be liable to separate offerings in the case of the sister who is at the same time his father's sister and his mother's sister, whereby three different prohibitions have been transgressed! But [against this conclusion] one may object: the case of the five menstruant women [is rightly more stringent] because several persons [are involved]? [The ruling¹³ must] rather be derived from the Scriptural verse which says, He has uncovered the nakedness of his sister,¹⁴ indicating that one is liable [to separate offerings] in the case of a sister who is at the same time his father's sister and his mother's sister. Said R. Adda b. Ahaba: This¹⁵ can arise in the case of a wicked man the son of a wicked man;¹⁶ [viz.] if a man had connection with his mother who bore him two daughters, and then had connection with one of these [daughters] who bore him a son; this son¹⁷ then had connection with his mother's sister who is at the same time his sister and his father's sister. He is indeed a wicked man the son of a wicked man.

Our Rabbis taught: If one had intercourse [inadvertently with one of the incestuous relations] and then again and then again,¹⁸ he is liable [to an offering] for each act. These are the words of R. Eliezer. But the Sages say, He is liable only once. The Sages, however, agree with R. Eliezer that if a man had intercourse at the same time¹⁹ with his five menstruant wives, that he is liable for each act, since he caused them liability to separate offerings.²⁰ Raba said to R. Nahman: Do we say [as an argument] since he caused them [liability to separate offerings]; surely it has been taught: 'If the man [committed several acts]²¹ in one spell of unawareness, and she in five separate spells of unawareness,²² he is liable to one offering only and she to one for each act'?²³ — Say rather: Since the persons²⁴ were different.

The query was raised: If one cut plants²⁵ [on the Sabbath] and then cut again, what would be the law according to R. Eliezer?²⁶ Is R. Eliezer's reason in the previous case because two acts were committed, and that was why he ruled that he was liable for each act, so here also since he committed two acts [he is liable for each act]; or perhaps R. Eliezer's reason in the previous case is because the acts could not be united,²⁷ and therefore R. Eliezer said that he was liable for each act; in the instance, however, of a man cutting a plant of the size of a dried fig²⁸ and then cutting again a plant of the size of a dried fig, both in one spell of unawareness, since the two dried fig-sizes could have been united in one act of cutting, he should be liable to one sacrifice only? How is it? — Rabbah answered: R. Eliezer's reason is because two acts were performed, and here also two acts were performed. R. Joseph said: R. Eliezer's reason is because the acts could not be united, but whenever the acts could have been united one is liable to one offering only.

Abaye raised an objection against Rabbah: [It has been taught:] R. Eliezer declares one culpable for derivatives²⁹ even when performed together with their respective principal acts [of work]. [From this we infer that if,] however, the same principal act was performed twice in one spell of unawareness, he is exempt.³⁰ Now, should you be right in saying that R. Eliezer's reason is because two acts were performed, why should he be exempt here! — Said Mar the son of Rabana: I and Rab Nihumi b. Zechariah have explained this: Here³¹ we deal with a branch of a vine which was overhanging a fig-tree, and he cut off both [branches] at one time.³² R. Eliezer therefore declares him culpable, since both the denominations³³ and the objects³⁴ were different. In what circumstances, then, would a man be exempt [according to R. Eliezer] when cutting a plant twice? — Only if he cut off two plants of a dried fig's size in one stroke. But if he cut off one plant of a dried fig's size and then another of a dried fig's size, he is indeed liable [to two offerings].³⁵

MISHNAH. R. AKIBA FURTHER ASKED: IF A LIMB HANGS LOOSE FROM THE BODY OF A LIVING BEAST, WHAT IS THE LAW?³⁶ THEY REPLIED: WE HAVE HEARD NOTHING ABOUT THIS, BUT WE HAVE HEARD ABOUT A LIMB HANGING LOOSE FROM THE BODY OF A MAN THAT IT IS CLEAN. AND THUS

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- (1) This refers to the law concerning the killing on the same day of a young together with its mother, Lev. XXII, 28. By killing a beast after its mother as well as its own young had previously been slaughtered on the same day, an act not yet punishable, he committed a double sin, or rather he transgressed the prohibition twice in one act.
- (2) Forty lashes means actually one set of thirty-nine strokes. 'Forty' is a term adopted from the text (Deut. XXV, 3). Eighty lashes means twofold flagellation.
- (3) The twofold flagellation was caused by the mother of the last-killed animal as well as by its young.
- (4) There is only one person who happens to be inter-related with him in several ways.
- (5) Lev. XVIII, 17. שְׂאֵרָה is in the singular, to indicate that even if several inter-relations are combined in one woman she is still a kinswoman singly, and subject to one sacrifice only.
- (6) Here in some versions is added: 'in one spell of unawareness', suggesting that the query referred to three different women; v. Gemara.
- (7) Since in the latter instance the sin is each time the same.
- (8) Viz., that it referred to three different women, each falling under a different prohibition, though the three sins were committed in one spell of unawareness.
- (9) Lit. 'the names are distinct and the bodies are distinct'.
- (10) Consequently three offerings are to be brought.
- (11) And therefore only one offering must be brought.
- (12) I.e. in one spell of unawareness.
- (13) On R. Akiba's query.
- (14) Lev. XX, 17. The phrase is regarded as superfluous. V. also supra 2b.
- (15) Viz., that a sister should be at the same time the father's sister and the mother's sister.
- (16) I.e. this case can be construed only if the father of the offender had committed incest on two occasions, from which connections this woman as well as the man resulted.
- (17) Sc. the offender referred to in the Mishnah.
- (18) Without being conscious in the meantime of his sin.
- (19) I.e. under one spell of unawareness. Rashi omits: 'at the same time'.
- (20) I.e. the women who have also transgressed the same prohibition, have each to bring a separate sacrifice. A division has thus been established between the acts.
- (21) Viz., with the same incestuous relation. Rashi mentions also the version that it refers to five different women.
- (22) I.e. after each connection the woman became aware of her transgression.
- (23) We thus see that although the woman is liable to separate offerings, this is no reason why the man should be similarly liable.
- (24) I.e. in the case relating to the menstruant women different persons were involved and for this reason he is liable to five separate offerings.
- (25) Lit. 'reaps'.
- (26) Viz., in one spell of unawareness. Cutting plants or reaping corn is one of the principal acts of work prohibited on the Sabbath; Shab. VII, 2.
- (27) The various sexual connections are of necessity separate performances.
- (28) The legal minimum involving the desecration of the Sabbath is the size of a dried fig.
- (29) There are altogether thirty-nine principal acts of work prohibited on the Sabbath. Each of them is the head of a series of acts of work similar to it and derived from it — the derivatives. If a principal act has been performed together with some of its derivatives in one spell of unawareness, he is liable, according to R. Eliezer, for each act. From the fact that R. Eliezer did not go a step further in stating that even if the same principal act had been performed several times he is liable for each act, we derive that in the latter case he is only liable to one sacrifice.
- (30) He is liable to bring only one offering and is exempt from the second.
- (31) Viz., the statement of R. Eliezer that one is guilty for a derivative when performed with its principal act.
- (32) With one movement he cut off the vine branch, which he needed for fuel, as well as a twig of the fig-tree, which he wanted for its fruit. The first act is a derivative, since it was not done for the sake of its fruit; the second is a principal act. R. Eliezer holds that he is liable to two offerings even though one action only was performed. The inference made above, that R. Eliezer would not declare him guilty twice if the same principal act of work was performed twice on separate occasions but under one spell of unawareness, is no longer logical, for in this instance two different actions

were done.

(33) I.e. the one was a principal act, the other its derivative.

(34) I.e. the trees.

(35) In accordance with Rabbah's interpretation of R. Eliezer's opinion.

(36) The question is whether it is unclean. The limb of a living animal completely detached from the body has the status of nebelah (see Glos.) and is unclean. In our instance it was not wholly detached from the body, but its connections were mainly severed.

Talmud - Mas. K'rithoth 15b

THOSE THAT WERE AFFLICTED WITH BOILS USED TO DO IN JERUSALEM:¹ THE AFFLICTED PERSON WOULD GO ON THE EVE OF PASSOVER TO THE PHYSICIAN, AND HE WOULD CUT THE LIMB UNTIL ONLY CONTACT OF A HAIRBREADTH WAS LEFT;² HE THEN STUCK IT ON A THORN AND THEN TORE HIMSELF AWAY FROM IT.³ IN THIS MANNER BOTH THAT MAN AND THE PHYSICIAN COULD PARTICIPATE IN THE PASSOVER OFFERING. AND IT SEEMS TO US THAT YOUR CASE MAY BE DERIVED FROM THIS BY AN A FORTIORI CONCLUSION.⁴

GEMARA. We have learnt elsewhere.⁵ If one scrapes liquid from off a leek, or wrings his hair [with a cloth],⁶ the liquid which remained within does not render foodstuffs susceptible to uncleanness; that which came forth does render them susceptible.⁷ Remarked Samuel: The leek itself is now susceptible to uncleanness,⁸ because when its liquid emerged the leek became susceptible. But surely we have learnt: THE AFFLICTED PERSON WOULD GO ON THE EVE OF PASSOVER etc. Now, if you are to assert that 'when its liquid emerged the leek became susceptible', why should not the same apply to the loosened limb; at the moment of severance it should render the man unclean? — [It is] as Rab Joseph stated elsewhere that 'it was removed with great force', so say also here that the afflicted person tore himself away with great force.⁹

And where was that statement of Rab Joseph made? — In connection with the following: 'If a zab¹⁰ or one rendered unclean through contact with a dead body was walking while the rain fell upon him, though the water was squeezed by him from the upper towards the lower part [of his clothes], it is regarded as clean, for it is of no consequence so long as it is not wholly removed from the clothes.¹¹ If, however, it is wholly removed from the clothes, it renders foodstuffs susceptible to uncleanness, for it is of consequence only after its complete removal from the body',¹² [In connection with this] Rab Joseph said: It had been removed with great force.¹³

MISHNAH. FURTHERMORE R. AKIBA ASKED: IF A MAN SLAUGHTERED IN ONE SPELL OF UNAWARENESS FIVE SACRIFICES OUTSIDE [THE TEMPLE PRECINCTS], WHAT IS THE LAW? IS HE LIABLE TO A SEPARATE OFFERING FOR EACH ACT OR ONLY TO ONE FOR THEM ALL? THEY REPLIED: WE HAVE HEARD NOTHING ABOUT THIS. SAID R. JOSHUA: I HAVE HEARD THAT IF ONE EATS OF AN OFFERING¹⁴ FROM FIVE DIFFERENT DISHES IN ONE SPELL OF UNAWARENESS, HE IS GUILTY OF THE TRANSGRESSION OF THE LAW OF SACRILEGE FOR EACH OF THEM; AND IT SEEMS TO ME THAT THE CASE IN QUESTION MAY BE INFERRED FROM THIS BY AN A FORTIORI CONCLUSION.¹⁵ SAID R. SIMEON, NOT OF SUCH A CASE DID R. AKIBA ASK, BUT OF ONE WHO ATE OF THE NOTHAR¹⁶ OF FIVE SACRIFICES IN ONE SPELL OF UNAWARENESS — WHAT IS THE LAW? IS HE LIABLE ONLY TO ONE [OFFERING] FOR ALL OF THEM, OR IS HE LIABLE TO A SEPARATE ONE FOR EACH OF THEM? THEY REPLIED: WE HAVE HEARD NOTHING ABOUT THIS. SAID R. JOSHUA: I HAVE HEARD THAT IF ONE ATE, IN ONE SPELL OF UNAWARENESS, OF ONE SACRIFICE FROM FIVE DIFFERENT DISHES, HE IS GUILTY OF THE TRANSGRESSION OF THE LAW OF SACRILEGE FOR EACH OF THEM; AND IT SEEMS TO ME THAT THE CASE IN QUESTION

MAY BE DERIVED THEREFROM BY AN A FORTIORI CONCLUSION.¹⁷ RETORTED TO HIM R. AKIBA: IF THIS¹⁸ IS AN AUTHENTIC TRADITION WE SHALL ACCEPT IT; BUT IF IT IS ONLY A LOGICAL DEDUCTION, THERE IS A REBUTTAL. SAID [R. ELIEZER]: REBUT IT. HE REPLIED: IT CANNOT BE. YOU MAY HOLD THE [STRICT] VIEW IN THE LAW OF SACRILEGE,¹⁹ SINCE IN CONNECTION WITH IT THE PERSON WHO GIVES OTHERS TO EAT [OF HOLY THINGS] IS AS GUILTY AS THE CONSUMER HIMSELF,²⁰ AND THE PERSON WHO CAUSES OTHERS TO DERIVE A BENEFIT FROM THEM IS AS GUILTY AS THE PERSON WHO HIMSELF MADE USE OF THEM; FURTHERMORE, [SMALL QUANTITIES ARE] RECKONED TOGETHER IN THE CASE OF SACRILEGE EVEN AFTER THE LAPSE OF A LONG PERIOD.²¹ WHILST NOT ONE OF THESE RULINGS APPLIES TO THE CASE OF NOTHAR.

GEMARA. What objection had R. Simeon?²² — This was his objection: How can you prove the case of slaughtering from that of eating?²³ Maybe the ruling holds good only in the case of eating, since the offender derived enjoyment! Therefore, what he asked them was this: If one ate of the nothar of five sacrifices in one spell of unawareness, what is the law? Is he liable [to a separate offering] for each of them, or only to one [offering] for all of them? They replied: We have heard nothing about this. Said R. Joshua: I have heard that if one ate, in one spell of unawareness, of a sacrifice from five different dishes, he is guilty of the transgression of the law of sacrilege for each of them; and it seems to me that the case in question may be derived therefrom by an a fortiori conclusion. Thus, if [when one eats five different dishes] from one sacrifice, where there are not distinct bodies, he is liable for each [dish] because there were separate dishes, how much more would one be liable for each [eating] in the case of the five sacrifices where there are distinct bodies! (SAID R. SIMEON: NOT OF SUCH A CASE DID R. AKIBA ASK, BUT OF ONE WHO ATE OF THE NOTHAR OF FIVE SACRIFICES IN ONE SPELL OF UNAWARENESS; WHAT IS THE LAW? IS HE LIABLE ONLY TO ONE [OFFERING] FOR ALL OF THEM, OR IS HE LIABLE TO A SEPARATE [OFFERING] FOR EACH OF THEM? THEY REPLIED: WE HAVE HEARD NOTHING ABOUT THIS. SAID R. JOSHUA: I HAVE HEARD THAT IF ONE ATE, IN ONE SPELL OF UNAWARENESS, OF ONE SACRIFICE FROM FIVE DIFFERENT DISHES, HE IS GUILTY OF THE TRANSGRESSION OF THE LAW OF SACRILEGE FOR EACH OF THEM; AND IT SEEMS TO ME THAT THE CASE IN QUESTION MAY BE DERIVED THEREFROM BY AN A FORTIORI CONCLUSION.)²⁴

RETORTED TO HIM R. AKIBA: IF THIS IS AN AUTHENTIC TRADITION WE SHALL ACCEPT IT etc. Did R. Joshua give way to R. Akiba's objection, or not?²⁵ — Come and hear: It has been taught, 'If one ate five portions of the nothar of one sacrifice from five dishes but in one spell of unawareness, he is liable to but one sin-offering, and in case of doubt,²⁶ to but one suspensive guilt-offering; if from five dishes and in five different spells of unawareness,²⁷ he is liable to a sin-offering for each portion, and in case of doubt, to a suspensive guilt-offering for each portion; if the portions were from five sacrifices, though consumed in one spell of unawareness, he is liable for each of them. R. Jose son of R. Judah holds: Even if he ate, in one spell of unawareness, five portions from five different sacrifices, he brings but one sin-offering, and in case of doubt, but one suspensive guilt-offering. The general rule is: whenever there is a plurality of sin-offerings,²⁸ there is also correspondingly a plurality of suspensive guilt-offerings. If he ate five portions, from five dishes, of the meat of one sacrifice prior to the sprinkling of its blood,²⁹ even if [he did it] in one spell of unawareness, he is guilty of the trespass of the law of sacrilege for each of them'.

(1) An unclean person cannot participate in the Passover Feast. If the afflicted person had to have one of his limbs amputated on the eve of Passover and wished that both he and the physician should not become unclean by handling the amputated limb which is unclean, he adopted the method described in the Mishnah.

(2) So long as the limb is not completely detached from the body it is clean.

(3) None came thus into contact with the unclean limb.

- (4) Viz., since the limb is considered clean in the case of a man who is susceptible to uncleanness even while still alive, then surely it is so in the case of an animal which is not subject to uncleanness while alive.
- (5) Maksh. I, 5. V. ad loc.
- (6) Thus the version in the Mishnah and in Rashi and Maim. Cur. edd. read here: 'wrings his hair or his cloth'.
- (7) Lit. 'behold if water be put on (v. Lev. XI, 38) applies'. Foodstuffs are susceptible to uncleanness only after contact with liquid, but this contact must be with the desire, explicit or assumed, of the owner. The juice left in the leek which afterwards emerges of its own and comes into contact with foodstuffs does not, therefore, render them susceptible to uncleanness.
- (8) Even though there was no new contact after the separation of the juice from the leek.
- (9) So that there was no contact between the man and the limb for one moment, either during or after the severance of the limb. In the case of the leek, however, the juice emerges slowly.
- (10) V. Glos.
- (11) The water running down the clothes gathers in the hem and evaporates. It is therefore regarded as unsubstantial to be the carrier of defilement, unless it had been purposely removed from the clothes.
- (12) Thus in Tosef. Maksh. I, 3. Rashi strikes out the last clause. We learn, in any case, that though the liquid, is able to qualify foodstuffs for defilement, it is not unclean itself though it touched the unclean clothes.
- (13) Sc. that there was no contact with the clothes.
- (14) Before the sprinkling of the blood of the offering.
- (15) V. Gemara.
- (16) V. Glos.
- (17) V. Gemara.
- (18) Viz., the ruling that he is liable to five offerings in the instance relating to nothar.
- (19) But one cannot derive other cases from it.
- (20) By giving of holy things to others he alienates them from Temple property. Similarly it is forbidden to cause other people to derive a benefit from sacred objects.
- (21) Viz., in order to make up the requisite value of a perutah (see Glos.).
- (22) Viz., to the first version of R. Akiba's query.
- (23) Viz., the dictum of R. Joshua.
- (24) The text in brackets is simply a superfluous repetition of the previous. Its inclusion seems to be a copyist's error. It is omitted in MSS.
- (25) I.e., does R. Joshua still maintain that different dishes involve separate sacrifices not only in the case of sacrilege but also in the case of nothar?
- (26) A sin-offering is brought for the expiation of a transgression of the sinfulness of which the perpetrator was not conscious at the time of action, but which is definitely established. If there is doubt as to the transgression, then a suspensive guilt-offering is brought.
- (27) I.e., between the various meals he became each time conscious of the transgression perpetrated.
- (28) Lit. 'wherever they are divided in regard to sin-offerings'. I.e. that separate sin-offerings are required for each act.
- (29) Sacrificial meat is subject to the law of sacrilege only until the sprinkling of the blood, v. Men. 47b.

Talmud - Mas. K'rithoth 16a

Now [in the last instance] it does not continue, 'And in case of doubt, he is liable to a suspensive guilt-offering'! Now whose view does this statement¹ follow? Shall I say R. Akiba's? Then it should have stated in the latter clause, 'And in case of doubt, he is liable to a suspensive guilt-offering'; for we have learnt: 'R. Akiba prescribes a suspensive guilt-offering in the case of doubtful sacrilege'.² It must therefore follow R. Joshua's view, and yet we read, 'If . . . in five different spells of unawareness, he is liable to five sin-offerings'.³ We thus learn that R. Joshua gave way to his [R. Akiba's] objection. But cannot the opposite also be proved from one of the latter clauses which reads, 'If the portions were from five offerings,⁴ though consumed in one spell of unawareness, he is liable for each of them'; thus proving that he did not accept his objection? Hence you are compelled [to assume] that we have [here the views of two different] Tannaim:⁵ according to one Tanna, he [R. Joshua] gave way; according to another he did not give way [to R. Akiba's objection]; then you

might also answer that R. Akiba's view is followed,⁶ but that the [anonymous] Tanna accepts his one opinion and rejects the other; thus, he agrees with him [R. Akiba] in the rules relating to unawareness of sin, but disagrees with regard to sacrilege.

How is one guilty fivefold of the law of sacrilege?⁷ — Said Samuel: As we have learnt,⁸ 'Five things in a burnt-offering can combine one with the other:⁹ the meat, the fat, the wine, the fine flour and the oil'.¹⁰ Hezekiah said, If he ate of five different limbs. Resh Lakish said, You may even say [that he ate] of one limb, yet [the fivefold sacrilege] can arise in the case of the fore-limb.¹¹ R. Isaac the Smith said, If he ate it with five different dishes.¹² R. Johanan said, If he ate it in five different preparations.¹³

MISHNAH. SAID R. AKIBA: I ASKED R. ELIEZER, IF ONE PERFORMED MANY ACTS OF WORK OF THE SAME CATEGORY¹⁴ ON DIFFERENT SABBATHS¹⁵ BUT IN ONE SPELL OF UNAWARENESS, WHAT IS THE LAW? IS HE LIABLE TO ONE [OFFERING] ONLY FOR ALL OF THEM, OR TO A SEPARATE ONE FOR EACH OF THEM? HE REPLIED TO ME: HE IS LIABLE FOR EACH OF THEM; AND THIS CAN BE DERIVED BY AN A FORTIORI CONCLUSION: IF FOR INTERCOURSE WITH MENSTRUANT WOMEN,¹⁶ IN WHICH PROHIBITION THERE ARE NEITHER MANY CATEGORIES NOR MANY WAYS OF SINNING,¹⁷ ONE IS LIABLE FOR EACH ACT, HOW MUCH MORE MUST ONE BE LIABLE TO SEPARATE OFFERINGS IN THE CASE OF THE SABBATH, IN CONNECTION WITH WHICH THERE ARE MANY CATEGORIES [OF WORK] AND MANY WAYS OF SINNING!¹⁸ I RETORTED TO HIM: NO, YOU MAY HOLD THIS VIEW¹⁹ IN THE CASE OF THE MENSTRUANT WOMEN, SINCE THEREIN THERE IS A TWOFOLD PROHIBITION: THE MAN IS CAUTIONED AGAINST CONNECTION WITH A MENSTRUANT WOMAN, AND THE MENSTRUANT WOMAN IS CAUTIONED AGAINST CONNECTION WITH A MAN;²⁰ BUT CAN YOU HOLD THE SAME IN THE CASE OF THE SABBATH WHERE THERE IS ONLY ONE PROHIBITION? HE SAID TO ME: LET THEN THE CASE OF INTERCOURSE WITH [MENSTRUANT] MINORS SERVE AS YOUR PREMISE, WHERE THERE IS BUT ONE PROHIBITION,²¹ AND YET ONE IS LIABLE FOR EACH ACT. I RETORTED TO HIM: YOU MAY HOLD THIS VIEW IN THE CASE OF MINORS BECAUSE, ALTHOUGH NO PROHIBITION NOW APPLIES, IT WILL APPLY AFTER A TIME;²² BUT CAN YOU HOLD THE SAME OF THE SABBATH WHERE NEITHER NOW NOR AFTER A TIME [IS THE PROHIBITION WAIVED]? HE SAID TO ME: THEN LET THE LAW CONCERNING COPULATION WITH A BEAST SERVE AS YOUR PREMISE.²³ I REPLIED TO HIM: THE LAW CONCERNING COPULATION WITH A BEAST IS INDEED COMPARABLE TO [THAT CONCERNING] SABBATH.²⁴

GEMARA. What was his²⁵ query? If his query was whether separate Sabbaths were comparable to separate objects,²⁶ then he should have put the question thus: [What is the law] if one performed the same act of work on different Sabbaths?²⁷ And if his query was whether secondary acts of work were on a par with principal acts of work,²⁸ then he should have put the question thus: [What is the law] if one performed on one Sabbath several [secondary] acts of the same [principal] class? — Replied Raba: In the school of Rab they explained that the two questions were put. He asked whether [different] Sabbaths were comparable to different objects, and he also asked whether secondary acts of work were on a par with principal acts of work.

Now as to the Sabbaths what was his query?²⁹ [Are we to say that, where a man performed an act of work on several Sabbaths] in ignorance of the Sabbath, though knowing full well that that act was prohibited, [Rabbi Akiba] had no doubt at all that the intervening week-days effected a knowledge to separate [the occasions];³⁰ and his question was only where [he performed the act] knowing full well [on each occasion] that it was Sabbath but not knowing that it was a prohibited act, [the query being] whether different Sabbaths were comparable to different objects or not?³¹ Or [rather that, where a

man performed an act of work on several Sabbaths] with knowledge of the Sabbath [on each occasion] but in ignorance of its prohibition, [R. Akiba] had no doubt at all that the different Sabbaths were comparable to different objects; and his question was only where [he performed the act] in ignorance of the Sabbaths, though knowing full well that that act was prohibited, [his query being] whether the intervening week-days effected a knowledge to separate the occasions or not? — Said Rabbah:

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- (1) I.e., the group of rules quoted anonymously in the Baraitha.
 - (2) *Infra* 22a.
 - (3) Lit., 'he is liable to a sin-offering for each portion'. From this we infer that only awareness in between the acts involves separate offerings. We thus learn that R. Joshua, whose view is represented and accepted in the Baraitha, agrees that the multiplicity of dishes does not involve separate sacrifices in the instance of nothar.
 - (4) It is assumed that the law would be the same if the meat was taken from five dishes, thus intimating that R. Joshua maintains his view regarding nothar.
 - (5) I.e., the statement is not uniform; the second and the third clauses of the above statement, from which contradictory conclusions have just been derived, follow different teachers.
 - (6) The only difficulty that presents itself then is the omission in the last clause of the reference to suspensive guilt-offerings for doubtful sins, which, according to an utterance from R. Akiba elsewhere, should have been added.
 - (7) When eating five separate dishes.
 - (8) *Me'il.* 15b.
 - (9) To make up an olive's bulk so that the prohibition of offering outside the Temple might apply; or to make up the requisite value of a perutah in the case of sacrilege.
 - (10) The last three ingredients are of the meal-offering accompanying the burnt-offering.
 - (11) Which has several distinct sections.
 - (12) E.g. he ate the meal once with cabbage, again with onions and then with leeks etc. (Rashi).
 - (13) Lit. 'tastes'. E.g. roasted, cooked, grilled etc. So Rashi but see *Tosaf.*
 - (14) I.e., several secondary acts forbidden on the Sabbath, all being the derivatives of one principal work.
 - (15) I.e., the same labours were performed on various Sabbaths.
 - (16) *V. R. Eliezer's* statement *supra* 15a.
 - (17) I.e., there is no variety of transgression in connection therewith, such as principal acts and derivatives, and the sin-offering is brought always for the same act, viz., sexual intercourse.
 - (18) Thus the version in the *Mishnah* edd. and in *MSS*; *cur. edd.* read instead, 'death penalties'.
 - (19) That one is liable for each act.
 - (20) *V. Lev. XX, 18*, where for the woman too *kareth* is the penalty. In the instance of Sabbath, however, there is but one transgressor.
 - (21) The minor herself is not subject to any penalty, for she does not come within the prohibition.
 - (22) I.e., when she grows up.
 - (23) Though the beast is killed (*v. ibid.* 15) no prohibition can, of course, be said to apply to it. Its stoning is due to the fact that it was the cause of a man's downfall and would be pointed at by people. cf. *Sanh.* 54a.
 - (24) What applies to the one applies to the other. This answer still leaves the matter in doubt.
 - (25) R. Akiba's.
 - (26) Lit. 'bodies'. I.e., if the same act of work was committed several times on different Sabbaths, is he liable to several offerings, just as though he had committed different acts on the Sabbath or not?
 - (27) This would be a simple case expressing unmistakably the point of his query. The expression in the *Mishnah* 'MANY ACTS OF WORK', involving principal and secondary acts is thus an unnecessary complication.
 - (28) I.e., whether one is liable to several offerings for performing several secondary labours of one and the same category.
 - (29) I.e., under what conditions was the Sabbath law unwittingly transgressed on the various Sabbath days. The question whether separate Sabbaths render one liable to separate offerings may, as it were, be conceived in two ways: firstly with reference to the error that caused the transgression and secondly with regard to the forbidden act: i.e., the question may be whether the fact that the error was made on different Sabbaths causes us to regard it as if several errors were made, or whether the fact that the work was done on separate Sabbaths causes us to consider it as if different kinds of work were

performed. In the first instance the error must necessarily lie in unawareness of the Sabbath, though the fact that the labours were forbidden was known to the transgressor; in the second instance the mistake lies in his ignorance that the works he did were forbidden on the Sabbath, but knowing that that day was Sabbath.

(30) The six week-days are a long period during which the trespasser ought to have learnt when Sabbath was. His repeated unawareness of the Sabbath is, therefore, to be regarded each time as a new error involving a separate offering.

(31) Sins committed on different days but in one spell of unawareness are generally regarded as one protracted transgression in error and involve but one sacrifice; but in the case of Sabbath it may be said that each day is a separate entity, and therefore acts of work done on different Sabbaths are not regarded as one protracted transgression.

Talmud - Mas. K'rithoth 16b

It is reasonable to assume that in the case of the act being performed in ignorance of the Sabbaths and with knowledge of its prohibition he had no doubt at all that the intervening week-days effected separateness, and that his question was only when the act was performed with the knowledge of the Sabbaths but in ignorance of its prohibition, [the point in doubt being] whether different Sabbaths are like different objects or not. His¹ reply was that in the case of the act being done with knowledge of the Sabbaths but in ignorance of its prohibition the different Sabbaths were like different objects. This reply, however, he [R. Akiba] did not accept. He then proved that secondary acts of work were on a par with principal acts of work, but this too he rejected.

Said Rabbah: Whence do I derive this?² From that which we have learnt:³ 'A great general rule has been laid down with regard to Sabbath: He who was altogether oblivious of the principle of Sabbath and performed many acts of work on many Sabbaths, is liable to one offering only. If he knew the principle of Sabbath⁴ and did many acts of work on many Sabbaths, he is liable for each Sabbath. If he knew each time that the day was Sabbath,⁵ and did many acts of work on many Sabbaths, he is liable for each principal act of work'. Now, it does not say,⁶ 'he is liable for each principal act of work and for each Sabbath'.⁷ Whom does [the Mishnah] follow? Shall I say R. Eliezer? Read then the latter clause:⁸ 'If he did many [secondary] acts of work of the same [principal] class, he is liable only to one offering'; but according to R. Eliezer he should be liable for each of the secondary acts of work as if they were principal acts of work! Hence it is clear [that this Mishnah, then, represents] R. Akiba's view, and it is hereby proved that he had no doubt at all that in the case of an act being done in ignorance of the Sabbath and with knowledge of its prohibition the intervening week-days effected separateness, and that his question was only when the act was performed with knowledge of the Sabbath but in ignorance of its prohibition, the point being whether different Sabbaths are like different objects or not. The other's solution⁹ was that they were like different objects, and that secondary acts were on a par with principal acts of work; but both answers were rejected by him. Said Abaye to him:¹⁰ Indeed I maintain that R. Akiba had no doubt that different Sabbaths were not comparable to different objects in the case where an act was done with knowledge of the Sabbath but in ignorance of its prohibition;¹¹ and his question was only in the case where an act was done in ignorance of the Sabbath but with knowledge of its prohibition, [the query being] whether the intervening week-days effected separateness or not. The solution offered was that the intervening week-days effected separateness, and this was accepted by him;¹² he also ruled that secondary acts of work were on a par with principal acts of work, but this was rejected by him.

Rab Hisda said:¹³ In the case of an act being done with knowledge of the Sabbath but in ignorance of its prohibition even R. Akiba agrees that the different Sabbath days are like different objects; but his query was whether the intervening week-days effected separateness in the case where an act was done in ignorance of the Sabbath but with knowledge of its prohibition. The other's solution was that the intervening week-days effected separateness; and this was accepted by him. He also ruled that secondary acts of work were on a par with principal acts of work, but this was rejected by him.

Said Rab Hisda: Whence do I derive this? From that which has been taught:¹⁴ 'If one wrote [on Sabbath] two letters¹⁵ in one spell of unawareness, he is liable [to an offering]; if in separate spells of unawareness,¹⁶ Rabban Gamaliel says: He is liable; and the Sages say: He is not. Rabban Gamaliel, however, admits that if he wrote one letter on one Sabbath and the other on another, he is exempt'.¹⁷ Whereas in another [Baraita] it has been taught: 'If one wrote two letters on two different Sabbaths, one on one Sabbath and the other on another, Rabban Gamaliel declares him liable, and the Sages declare him not liable'.¹⁸ On the assumption that Rabban Gamaliel followed R. Akiba's opinion, [Rab Hisda argued thus:] According to me, who hold that in the case of an act being performed with knowledge of the Sabbath but in ignorance of its prohibition even R. Akiba agrees that the different Sabbath days are like different objects, there is no contradiction, for that which taught that he is exempt¹⁹ refers to a case where the letters were written with knowledge of the Sabbath but in ignorance of the prohibition,²⁰ in which case the different Sabbaths are like different objects²¹

(1) Viz., R. Eliezer's reply in the Mishnah.

(2) Viz., that R. Akiba's query is to be understood in the first alternative as Rabbah suggested above.

(3) Shab. 67b.

(4) But was unconscious that that day was Sabbath.

(5) But not that those works were forbidden.

(6) Viz., in the third instance.

(7) The fact that he is not declared liable in this instance for each Sabbath separately proves that this Mishnah, which, it is argued, follows R. Akiba's view, maintains either that work repeatedly performed on different Sabbaths in uninterrupted unawareness is not to be regarded as if several acts of work of different classes were performed, and therefore involving several offerings; or at least that there is doubt on this point. The second alternative is assumed by Rabbah to be the case; this being the very point of R. Akiba's query. The second clause of the quoted Mishnah, on the other hand, unmistakably states that if the error has been caused by the ignorance of the Sabbath, he is liable for each Sabbath, presumably because the intervening week-days effect a division. We thus see that Rabbah's interpretation of R. Akiba's query is borne out by that Mishnah.

(8) This is the very last clause of that Mishnah, not quoted above.

(9) I.e., R. Eliezer's answer.

(10) I.e., to Rabbah.

(11) As is indeed proved by the third clause of the Mishnah, where he is not liable for each Sabbath, which Abaye considers an absolute statement and not one about which there is doubt.

(12) The second clause of that Mishnah from Sabbath indicates the acceptance by R. Akiba of R. Eliezer's reply.

(13) Rab Hisda differs from Abaye and Rabbah in that he maintains that in the end R. Akiba decided that different Sabbath days were comparable to different objects. The third clause of the quoted Mishnah, which seemingly contradicts him in that it does not state that the transgressor is also liable for each Sabbath, is indeed interpreted by him as implying that there is liability for each Sabbath.

(14) This quotation is a combination from two Mishnahs, Shab 104b and 105a.

(15) The writing of a word of two characters is one of the principal labours.

(16) E.g., one character in the morning, the other in the afternoon of the same Sabbath day.

(17) The latter sentence seems to be an inference rather than a quotation, for it is not found in connection with the quoted Mishnahs.

(18) There is thus a seeming contradiction in the two Baraitas with regard to R. Gamaliel's opinion.

(19) According to R. Gamaliel.

(20) That writing is forbidden on the Sabbath.

(21) I.e., the two letters can therefore not combine. It is as if one did on two different Sabbaths each time a portion of a different act.

Talmud - Mas. K'rithoth 17a

; and that which taught that he is liable refers to a case where the letters were written in ignorance of the Sabbath but with knowledge of their prohibition, [the liability arising] in pursuance of the rule that awareness is of no consequence with regard to half-sizes.¹ But how is it according to Rabbah who says that R. Akiba considers different Sabbaths as one object? It is true that that which taught, 'he is liable', may be met either by the case where the letters were written with knowledge of the Sabbath but in ignorance of their prohibition, when it is held that the Sabbaths are considered as one object,² or by the case where the letters were written in ignorance of the Sabbath but with knowledge of their prohibition, when it is held that awareness is of no consequence with regard to half-sizes,³ But of which case speaks the statement that he is exempt; neither the one nor the other suits! — Rabbah may retort: Rabban Gamaliel follows R. Eliezer's opinion, who holds different Sabbaths are as different objects.⁴

But since it states 'Rabban Gamaliel, however, admits . . .' It follows that they disagree in the other cases. Now, if we say that he holds with R. Akiba,⁵ it is well, for then their dispute⁶ is [in the case where the letters were written] in ignorance of the Sabbath but with knowledge of their prohibition,⁷ Rabban Gamaliel holding awareness is of no consequence with regard to half-sizes;⁸ he admits, however, that he is exempt [in the case where the letters were written] with knowledge of the Sabbath but in ignorance of their prohibition, because [in that case he holds the view that] different Sabbaths are regarded as different objects. But if, as you say that Rabban Gamaliel follows R. Eliezer, [since the phrase 'Rabban Gamaliel, however, admits...'] implies that they⁹ disagree [in some cases], then [it will be asked], which is the case wherein they differ? If it is in [the case where the letters were written] in ignorance of the Sabbath but with knowledge of their prohibition; but [in that case] even R. Eliezer agrees with Rabban Gamaliel that awareness is of no consequence with regard to half-sizes, as has been taught: 'If one wrote two letters on two Sabbaths, one letter on the one Sabbath and the other on the other Sabbath, R. Eliezer holds he is liable'.¹⁰ Neither [can it be in the law] concerning the weaving of one thread on to a web,¹¹ for he declares him liable in that case, as we have learnt:¹² 'R. Eliezer holds, that if one wove [on the Sabbath] three threads at the beginning [of a web] or added one thread on to [an existing] web, he is liable'. Said Raba: [The phrase 'Rabban Gamaliel, however, admits...'] implying that elsewhere they disagree, is with [reference to the following] one case. For it has been taught:¹³ 'If one carried out [on the Sabbath the bulk of] half a dried fig¹⁴ and then again [the bulk of] half a dried fig, if in one spell of unawareness, he is liable; if in two spells of unawareness, he is exempt. R. Jose said: If in one spell of unawareness and also into the same domain,¹⁵ he is liable; if in different domains, he is exempt'. Rabban Gamaliel thus follows the view of the first Tanna and R. Eliezer that of R. Jose.¹⁶

Come and hear: HE REPLIED TO ME, HE IS LIABLE FOR EACH OF THEM; AND THIS CAN BE DERIVED BY AN A FORTIORI CONCLUSION: IF FOR INTERCOURSE WITH MENSTRUANT WOMEN, IN WHICH PROHIBITION THERE ARE NEITHER MANY CATEGORIES etc. Now, it is well according to R. Hisda who explained that his query [referred to the case where the act was performed] in ignorance of the Sabbath but with knowledge of its prohibition, [and that the question was] whether the intervening week-days effected a division or not, for then it is right why the answer [in the Mishnah] speaks of 'A MENSTRUANT WOMAN',¹⁷ But according to Rabbah who explained that his query [referred to the case where the act was performed] with knowledge of the Sabbath but in ignorance of its prohibition, [and that the question was] whether different Sabbaths were regarded as different objects, the answer should speak of 'menstruant women'.¹⁸ — Rabbah can tell you: Read indeed 'menstruant women'.¹⁹ Samuel read: 'A menstruant woman . Rab Adda b. Ahaba also read: 'A menstruant woman'. R. Nathan b. Oshaia read: 'Menstruant women'. But according to Rab Hisda, who explained that his query [referred to the case where the act was performed] in ignorance of the Sabbath but with knowledge of its prohibition, [and that the question was] whether the intervening week-days effected a division or not,

how [can such a query as to] whether the intervening days effect a division or not apply to one menstruant woman? — Raba answered: For instance, he united with her [the menstruant] and she then immersed herself; she again became unclean²⁰ and he united with her once more and she then immersed; and again she became unclean and he united with her once more,²¹ etc.; the immersions thus correspond to the intervening week-days [in the case relating to Sabbath].

Come and hear: LET THEN THE CASE OF INTERCOURSE WITH MENSTRUANT MINORS SERVE AS YOUR PREMISE. Now according to Rabbah it is well that it speaks of ‘minors’; but why does it speak of ‘minors’ according to Rab Hisda?²² — It speaks of ‘minors’ in a general way.²³

Our Mishnah is not in accordance with the following Tanna.²⁴ For it has been taught: R. Simeon son of Eleazar said, Not so was the question of R. Akiba to R. Eliezer, but thus: If one united with his menstruant wife and then united with her again, in one spell of unawareness, what is the law? Is he liable to one [offering] for all the acts, or to [separate offerings] for each act? He replied, He is liable for each act, and this is derived [from the law of Sabbath] by an a fortiori conclusion: If in the instance of Sabbath, where there is but one prohibition, in that man is cautioned against [profaning] the Sabbath but the Sabbath is not cautioned against him, one is liable for each act, how much more should he be liable for each act in the instance of a menstruant woman, where the prohibition is twofold, in that a man is cautioned against connection with a menstruant woman, and a menstruant woman is cautioned against connection with a man! He [R. Akiba] retorted: No. You may hold this view in the case of the Sabbath, because there are concerning it many categories [of work] and many ways of sinning; but can you hold the same in the case of the menstruant woman where there are neither many categories nor many ways of sinning? He [R. Eliezer] replied: Let the case of intercourse with [menstruant] minors serve as your premise, where there are neither many categories nor many ways of sinning, and yet one is liable for each act. He [R. Akiba] retorted: No. You may hold thus in the case of [menstruant] minors since they are different bodies. He [R. Eliezer] replied: Let the law concerning copulation with a beast serve as your premise, where there are not different bodies, and one is nevertheless liable for each act. He [R. Akiba] retorted: [The law concerning copulation²⁵ with] a beast is indeed comparable to [that of] the menstruant woman.

CHAPTER IV

MISHNAH. IF [A PERSON WAS] IN DOUBT²⁶ WHETHER HE HAD EATEN HELEB²⁷ OR NOT, OR EVEN IF HE HAD CERTAINLY EATEN [OF IT] BUT [WAS] IN DOUBT AS TO WHETHER IT HAD THE REQUISITE QUANTITY,²⁸

(1) I.e., although the intervening week-days effect, in similar circumstances, a division as if the transgressor had learnt in the meantime of his trespass, this instance is different, because awareness with regard to half-sizes is ineffective, i.e., if one becomes conscious of sin in between incomplete forbidden acts such as the writing of one letter on Sabbath, one has not segregated the acts one from the other. Awareness in between different forbidden acts brings about a separation of the acts, because it immediately imposes upon the transgressor a sacrifice, which is to serve the expiation of the known act, and its realm cannot afterwards be extended to include also other sins. This does not apply to incomplete acts which do not involve a sacrifice.

(2) For R. Akiba did not accept R. Eliezer's ruling.

(3) The two letters, written on two different Sabbaths, are therefore not divided one from the other as if they were parts of different acts, but united to form one complete act by the fact that they were written in one spell of unawareness of sin.

(4) The version that he is exempt can now be explained as R. Hisda did.

(5) I.e., his admission in the first Baraitha is addressed to R. Akiba. The dispute in the first instance is accordingly also between R. Gamaliel and R. Akiba.

(6) I.e., that between Rabban Gamaliel and R. Akiba, who holds with the Sages.

(7) In the whole Baraitha it is then assumed that the two letters were written on different Sabbaths.

- (8) Whilst R. Akiba differs from him on this point, maintaining that awareness in between incomplete acts is also effective.
- (9) I.e. Rabban Gamaliel and R. Eliezer. For it must now be assumed that in the first Baraita the Sages present R. Eliezer's view.
- (10) R. Eliezer conforms thus to Rabban Gamaliel's view in the second Baraita.
- (11) The required minimum of threads with regard to weaving is two. If, however, one increases an already existing web by weaving thereinto one more thread, there is a difference of opinion as to whether he is liable or not. This case is somewhat related to that of doing an incomplete act with which R. Gamaliel deals. Furthermore, the Mishnah concerning weaving and that concerning writing are next to one another. There is thus a reasonable assumption that the term 'Rabban Gamaliel admits' refers also to this instance of weaving.
- (12) Shab. 105a.
- (13) B. B. 55b.
- (14) The carrying from private property into a public thoroughfare, or vice versa, of the size of a dried fig, is one of the principal acts of work.
- (15) I.e., in both instances he carried the objects into the same kind of domain. The first Tanna does not recognise this restriction.
- (16) 'Rabban Gamaliel admits' is to be understood thus: Although he disagrees with R. Eliezer (or R. Jose) in the case of carrying and holds that different domains do not effect a separation between two incomplete acts, he admits that different Sabbaths do effect such a separation in reference to writing.
- (17) The cases are similar, for also in the instance of the menstruant woman the reason for the multitude of sacrifices is the fact, as will further on be explained, that the time in between the menstruations brought about a division of the acts.
- (18) Thus being a case of different persons or objects and therefore corresponding with the case of different Sabbaths which are held to be on the same footing as different persons.
- (19) I.e., the example quoted refers indeed to a person having had intercourse with several menstruant women, a case which is comparable to the one in question, as expounded by Rabbah.
- (20) Lit. 'she saw' sc. blood.
- (21) I.e., the fact of her cleansing herself in between the various connections brings about a division as if it was with a different woman each time.
- (22) It should speak of 'a minor, i.e. one person.
- (23) It does not refer to one such case, but in a general way to cases of this kind; but in each case there was indeed but one minor.
- (24) According to this Tanna the discussion in the Mishnah is in the reverse sense. The object of the query becomes the known factor, and the known factor of the Mishnah becomes the theme of the question. The rest of the discussion is *mutatis mutandis* to be explained as in the Mishnah.
- (25) no note.
- (26) The doubt arises only afterwards, when he is told, or remembers that there was good reason to doubt whether the food he ate was permitted. At the time of eating, however, he felt sure that the food was allowed. In all the instances of the Mishnah it must be laid down that at the time of action the offender was under the impression that the legitimacy of his act was beyond question. It is only afterwards that he learns that there was some doubt as to the permissibility of his act. For if the doubtfulness of the case was known to him from the beginning it would be his duty to refrain from his act; and if he did not do so, he would be considered a wilful transgressor, and as such no offering would be acceptable for the expiation of his sin.
- (27) Forbidden fat. V. Glos.
- (28) Viz., an olive-size.

Talmud - Mas. K'rithoth 17b

OR LESS; OR [IF THERE WERE] BEFORE HIM PERMITTED FAT AS WELL AS HELEB, AND HE ATE OF ONE OF THEM¹ AND DOES NOT KNOW OF WHICH OF THEM HE ATE; OR IF HIS WIFE AND HIS SISTER WERE WITH HIM IN THE ROOM AND HE UNWITTINGLY UNITED WITH ONE OF THEM² AND DOES NOT KNOW WITH WHICH OF THEM HE UNWITTINGLY UNITED; OR IF HE DID FORBIDDEN LABOUR³ AND DOES NOT

KNOW WHETHER IT WAS ON THE SABBATH OR ON A WEEK-DAY, HE IS LIABLE TO A SUSPENSIVE GUILT-OFFERING. JUST AS A PERSON WHO ATE HELEB TWICE IN ONE SPELL OF UNAWARENESS IS LIABLE ONLY TO ONE SIN-OFFERING,⁴ SO, TOO, WHEN THE TRANSGRESSION IS IN DOUBT, HE IS ONLY LIABLE TO ONE SUSPENSIVE GUILT OFFERING. IF IN THE MEANTIME HE BECAME AWARE [OF THE POSSIBLE TRESPASS].⁵ HE IS LIABLE TO A SEPARATE SUSPENSIVE GUILT-OFFERING FOR EACH ACT, JUST AS HE WOULD [IN SIMILAR CIRCUMSTANCES] BE LIABLE TO A SEPARATE SIN-OFFERING FOR EACH ACT.⁶ JUST AS ONE IS LIABLE TO SEPARATE SIN-OFFERINGS IF HE ATE, IN ONE SPELL OF UNAWARENESS, HELEB AND BLOOD AND PIGGUL⁷ AND NOTHAR,⁷ SO, TOO, WHEN THE TRANSGRESSION IS IN DOUBT, HE IS LIABLE TO A SUSPENSIVE GUILT-OFFERING FOR EACH ACT.

GEMARA. It was stated: Rab Assi said, [The first case of the Mishnah] refers to one piece about which there was a doubt whether it was heleb or permissible fat; Hiyya b. Rab said: It refers to one of two pieces.⁸ What is the basis of their dispute? Rab Assi holds that the traditional spelling of the text is authoritative, and [in Scripture] it is written: 'A commandment'⁹; while Hiyya b. Rab holds that the reading of the text is authoritative, and we read, 'commandments'.⁹ R. Huna raised an objection to Rab Assi, — others say: Hiyya b. Rab raised the objection to Rab Assi: [It reads in the Mishnah] '[IF THERE WERE] BEFORE HIM PERMITTED FAT AS WELL AS HELEB AND HE ATE OF ONE OF THEM . . .'. May we not infer therefrom that as this latter clause refers to two pieces, so does also the first clause¹⁰ refer to two pieces? — Replied Rab: Do not draw conclusions from something which may be interpreted in the opposite direction.¹¹ I can answer you that the latter clause deals with two pieces and the former with one piece. But, if so, may we not argue: If one is liable [to an offering] in the case of one piece, how much more so in the case of two pieces!¹² — [The statement of the Mishnah is after the pattern of] 'this and needless to say also this'.¹³ Now according to Hiyya b. Rab who holds: As the latter clause refers to two pieces so does also the former refer to two pieces, why this repetition? — [The latter clause is] an explanation [of the former]: IF [A PERSON WAS] IN DOUBT WHETHER HE HAD EATEN HELEB OR NOT . . . HE IS LIABLE TO A SUSPENSIVE GUILT-OFFERING; and how does such a case arise? [IF THERE WERE] BEFORE HIM PERMITTED FAT AS WELL AS HELEB.

Said Rab Judah in the name of Rab: If there were before a person two pieces, one of permitted fat and the other of heleb, and he ate of one of them and does not know of which of them he ate, he is liable; [if there was] one piece [before him] about which [there was] a doubt whether it was permitted fat or heleb, and he ate of it, he is exempt. Said Raba: What is the reason for Rab's view? It is that Scripture says, And will do one of the commandments of the Lord, in error;¹⁴ — the error must be produced by two objects, for although the spelling is 'a commandment', we read 'commandments'.¹⁵ Abaye raised an objection to him: [It has been taught:] R. Eliezer says, [If one eats of the heleb of] a koy,¹⁶ he is liable to a suspensive guilt-offering!¹⁷ — He replied: R. Eliezer holds that the spelling is authoritative, and the spelling is 'a commandment'.

He raised another objection: [We have learnt:]¹⁸ If it is doubtful whether [what is born] is a nine-months' child of the first husband or a seven-months' child of the second,¹⁹ he²⁰ must put her away,²¹ and the child is [deemed] legitimate, but each²² is liable²³ to a suspensive guilt-offering!²⁴ This, too, follows R. Eliezer's view.

He raised a further objection: [We have learnt:]²⁵ If [the stain] was found on his [cloth]²⁶, they are both unclean and liable to an offering; if upon hers and immediately [after the coition],²⁷ they are unclean and liable to an offering, but if upon hers some time after, they must regard themselves unclean by reason of the doubt, but are exempt from offerings. And upon this it was taught: They²⁸ are nevertheless liable to suspensive guilt-offerings.²⁹ — This, too, follows R. Eliezer's view.

Said R. Hiyya³⁰ in the name of Rab: If there were before a person two pieces, one heleb and the other permitted fat, and he ate of one of them and does not know of which he ate, he is liable; if [there was only] one piece about which there was a doubt whether it was permitted fat or heleb, and he ate it, he is exempt. Said R. Zera: What is Rab's reason? He is of the opinion that in the case of two pieces it is possible to determine the transgression,³¹ in the case of one piece it is not possible to determine the transgression. What is the difference between the reason [offered above] by Raba and that of R. Zera? — [If there were] one and a half olive-sizes.³² According to Raba [he is exempt, for] there are not two pieces;³³ according to R. Zera, however, there is the possibility of determining the transgression.

R. Jeremiah raised an objection to R. Zera: 'R. Eliezer says, '[If one eats of the heleb of] a koy, he is liable to a suspensive guilt-offering!'³⁴ — The latter replied: R. Eliezer, to be sure, holds that the possibility of determining the transgression is not an essential condition [for the bringing of a suspensive guilt-offering].

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- (1) The offender did not know that heleb was also before him on the table.
 - (2) I.e., under the impression that it was his wife.
 - (3) I.e., labour forbidden on the Sabbath. At the time of action he was sure that it was a weekday.
 - (4) A sin-offering is brought for inadvertent but certain transgression; viz., when it is afterwards established that the deed performed was definitely forbidden though the offender was at the time unaware of it.
 - (5) I.e., he learnt that a doubt arose as to the permissibility of the act he had committed.
 - (6) I.e., if he transgressed different prohibitions.
 - (7) v. Glos.
 - (8) I.e., he ate one of two pieces that lay before him, one of which was certainly permissible and the other certainly heleb, which were mixed up one with the other.
 - (9) Many words of the Hebrew text of the Bible, which was originally written down vowelless, permit of various readings according to the vowels which are attached to them. In particular we find sometimes that by the omission of a letter, which in accordance with grammatical rule is expected there, the reading becomes equivocal. One School regards the fact of such spelling as indicative of a special intimation besides the one conveyed by the traditional reading of the word. They regard, in Talmudical terminology, 'the traditional spelling as authoritative' for the interpretation of the text. The other School takes only the reading version of the word into account when interpreting the text; v. Sanh. Sonc. ed. p. 4a and notes. Now in Lev. V, 17-19. which is the source of the law concerning the suspensive guilt-offering, it reads, And will do one of all the commandments of the Lord. The Hebrew for commandments is in this text מצות instead of the regular מצוות; it may, therefore, be read also as מצות the construct form of מצוה in the singular. This is to indicate, according to Rab Assi, that also when the doubt is produced by one object, e.g., when it is doubtful whether a piece of fat is permissible or is heleb, one is liable to such a guilt-offering. Whilst Hiyya gives consideration only to the reading version מצות in the plural, and insists therefore that one is liable to a suspensive guilt-offering only in the case where the doubtfulness is produced by the mixing up of two objects, one of which is certainly permitted and the other certainly forbidden. But in the case of one object where the presence of anything forbidden is altogether questioned, he holds that no suspensive guilt-offering is required.
 - (10) IF (A PERSON WAS) IN DOUBT WHETHER HE HAD EATEN HELEB etc.
 - (11) Thus Rashi, Keth. 48b.
 - (12) The second clause of our Mishnah is then superfluous.
 - (13) I.e., one is liable to a suspensive guilt-offering in the instance of one piece and needless to say, the Mishnah adds, in the case of two pieces.
 - (14) Lev. V, 17. 'In error' is not part of the text which, however, continues 'though he know it not'.
 - (15) V. p. 134, n. 5.
 - (16) A koy is a cross between a goat and a gazelle, and the Sages were in doubt whether it belongs to the genus of cattle and its heleb is forbidden, or to the genus of beasts of chase whose heleb is permitted. We learn, at all events, that one is liable to a guilt-offering even where the doubt arises in connection with one object.
 - (17) Tosef. Bik. II, 1.
 - (18) Kid. 18b.

(19) This refers to a woman whose husband had died childless and who married thereupon his brother, according to the law of levirate marriage, Deut. XXV, 5-10. Contrary to the law she married him before the prescribed three months had elapsed from the time of her husband's death, and after seven months she gave birth to a child. The paternity of the child raises doubts whether it was a premature birth and the child is of the second husband, or a normal birth and it is of the first. In the latter case she may not continue to live with her brother-in-law, for the law of levirate marriage would not apply and her past relations with him were incestuous.

(20) I.e., the second husband.

(21) To avoid the possible transgression of one of the laws of incest.

(22) The woman as well as the man.

(23) The text reads in the sing. 'he is liable', but it is obvious that both are liable; cf. Nid. 14b.

(24) From this we learn that the suspensive guilt-offering is brought even when the doubt rests upon one object, viz., here the woman.

(25) Nid. 14a.

(26) Both husband and wife are recommended to use a piece of cloth after coitus to ascertain whether she was indeed in a condition of cleanness. Connection with a menstruant woman is subject to kareth in case of wilfulness and to a sin-offering in case of error.

(27) Text אֹתִיּוֹם, the Greek word GR.** meaning 'forthwith'. Cf. Nid. 14b as to the length of this spell.

(28) V. p. 136, n. 9.

(29) V. p. 136, n. 10.

(30) Read with Sh. Mek 'R. Zera'.

(31) One might ascertain later whether the consumed piece was heleb or not. In the case of one piece which was consumed, such retrogressive determination is impossible. The doubt is perpetual, and for such doubt there is no liability for a suspensive guilt-offering.

(32) There were two pieces, one of the size of an olive and the other of the size of half an olive, and he ate the olive's size. It is therefore doubtful whether there was at all heleb of the prescribed minimum quantity. This case is therefore according to Raba to be compared to the one where only one piece was available, for the remaining half an olive's bulk is negligible. Not so according to R. Zera, for here, too, determination may still be possible.

(33) Lit. 'commandments'. There are not two pieces of the prescribed minimum size.

(34) V. supra p. 136, n. 2. Although there is no possibility of ever determining the transgression.

Talmud - Mas. K'rithoth 18a

He raised [another] objection: [We have learnt:] 'If it is doubtful whether [what is born] is a nine-months' child of the first husband or a seven-months' child of the second, he must put her away and the child is [deemed] legitimate, but each is liable to a suspensive guilt-offering!'¹ — This, too, is according to R. Eliezer. He raised a [further] objection: [We have learnt:] 'If [the stain] was found upon her cloth and immediately [after the coition], they are unclean and liable to sin-offerings; if upon hers some time after, they must regard themselves unclean by reason of the doubt, but are exempt from offerings. And upon this it was taught: They are nevertheless liable to suspensive guilt-offerings!'¹ — This, too, is according to R. Eliezer.

Rab Nahman said in the name of Rabbah b. Abbuha, who delivered it in the name of Rab: If there were before a person two pieces, one heleb and the other permitted fat, and he ate of one of them and does not know of which he ate, he is liable; if there was only one piece about which there was a doubt whether it was heleb or permitted fat, and he ate it, he is exempt. Said Rab Nahman: Rab's reason is that in the case of two pieces [the presence of] the forbidden substance is established, in the case of one piece [the presence of] the forbidden substance is not established. What is the practical difference between this reason that the forbidden substance is established and the one stated above that it is possible to determine the transgression? — A difference will arise in the case of two pieces, one heleb and the other permitted fat, and a gentile first ate one piece and then an Israelite the other. According to Raba [he is exempt, for] there were not two pieces at the time when the Israelite ate his. According to R. Zera, too, [he is exempt, for] it is not possible to determine the transgression.

But according to Rab Nahman [he is liable, for] the presence of the forbidden substance was established.

Raba raised an objection to Rab Nahman: 'R. Eliezer says, [If one eats of the heleb of] a koy, he is liable to a suspensive guilt-offering!'² — R. Eliezer does not hold that [the presence of] the forbidden substance must be established. He raised [another] objection: [We have learnt:] 'If it is doubtful whether [what is born] is a nine-months' child of the first husband or a seven-months' child of the second, he must put her away and the child is [deemed] legitimate, but each is liable to a suspensive guilt-offering!'³ — This, too, is according to R. Eliezer. He raised a [further] objection: [We have learnt:] 'If [the stain] was found on his cloth, they are both unclean and liable to offerings; if upon hers and immediately [after the coition], they are unclean and liable to offerings, but if upon hers some time after, they must regard themselves as unclean by reason of the doubt, but are exempt from offerings'. And upon this it was taught: They are nevertheless liable to suspensive guilt-offerings!'³ [To this objection] he remained silent. When the former⁴ had left, he said to himself: Why did I not reply that this law represents the view of R. Meir, who holds that the presence of the forbidden substance need not be established? As has been taught: If one slaughtered a suspensive guilt-offering outside [the Temple precincts], R. Meir holds him liable [to a sin-offering]. The Sages declare him exempt!⁵ But why did he not say: I might have retorted that that teaching represented R. Eliezer's view? — To indicate at the same time that R. Meir follows R. Eliezer regarding this law.

Said Rabbah b. Abbuha in the name of Rab: The case where one ate a piece of fat about which there was a doubt whether it was heleb or permitted fat forms the subject of a dispute between R. Eliezer and the Sages.⁶ But why assume [the case] that he ate it, even if he did not eat it he may offer such a guilt-offering according to R. Eliezer, as we have learnt:⁷ R. Eliezer says, A man may freely offer every day a suspensive guilt-offering!⁸ — Said R. Ashi: R. Eliezer follows here the view of Baba b. Buta,⁹ of whom we have learnt:¹⁰ But they said unto him, Wait until you come into a state of doubt.

Our Rabbis taught: If a person had before him two pieces, one permitted fat and the other heleb, and an Israelite first came and ate one piece and then a gentile came and ate the second piece, he is liable;¹¹ this holds good also if the second piece was eaten by a dog or by a raven. If a gentile first came and ate one piece and then an Israelite came and ate the second, he is exempt; but Rabbi declares him liable.¹² If he ate the first unwittingly and the second deliberately,¹³ he is liable; if the first deliberately and the second unwittingly, he is exempt;¹⁴ but Rabbi declares him liable. If he ate both pieces deliberately, he is altogether exempt.¹⁵ If two ate the two pieces, both unwittingly, they are both liable [to suspensive guilt-offerings], though the second is not liable by law,¹⁶ but rather because if you said that he was exempt, you would thereby establish a sin-offering for the first.¹⁷ Now whose view does the last clause follow? If Rabbi's, then the second should surely be liable by law.¹⁸ If that of the Sages, then [the question arises] how can we order the second [to bring a sacrifice], thereby causing a secular animal to be brought into the Temple precincts,¹⁹ merely on the ground that otherwise a sin-offering would be established for the first?²⁰ Said Rab Ashi:

(1) V. supra p. 136.

(2) Although the presence of a prohibited thing is not certain.

(3) V. p. 136.

(4) Viz., Raba.

(5) The Sages differentiate between this class of guilt-offerings and all other sacrifices. For it may be that this sacrifice was offered unnecessarily, i.e., that no law had in fact been transgressed, and the animal therefore bore a secular character, so that its slaughtering outside the Temple precincts would involve no guilt. R. Meir, on the other hand, holds that in order to be liable to an offering it is not necessary to establish with certainty the trespass of a law, or even the certain presence of a prohibited thing. This guilt-offering is therefore at all events sacred, and he who slaughters it

outside the Temple precincts is liable to a sin-offering.

(6) For R. Eliezer, in agreement with R. Meir, holds that one brings a suspensive guilt-offering even when the presence of something forbidden is not established.

(7) *Infra* 25a.

(8) For sins that he might have committed unwittingly, even though he knows of no act of his that might have given rise even to a transgression in doubt.

(9) *Baba b. Buta* used to offer a suspensive guilt-offering every day. On the day following the Day of Atonement, however, it was not accepted, because it was thought unlikely that he needed expiation immediately after the atonement of his sins on that Holy Day. We thus see that there must be a probability of trespass before a suspensive guilt-offering may be brought. On account of this view the case stated above assumes that he ate something.

(10) *Infra* 25a.

(11) The Israelite is liable, for at the time of his eating there were two pieces.

(12) In Rabbi's view there is no need for the presence of two pieces to establish doubt.

(13) Deliberate transgression is not expiated by a sacrifice. For the first piece, however, he is liable to a suspensive guilt-offering, for at that time there were two pieces before him.

(14) For the first he is exempt because it was consumed deliberately, and for the second because there was but one piece at the time of eating.

(15) Because there is no sacrifice for deliberate transgression.

(16) The text seems to be in disorder; read: 'if both of them unwittingly, he is liable (i.e. to a sin-offering); if two ate etc'. See Emden's glosses.

(17) The exemption of the second may be taken to imply that the first definitely ate the *heleb*, who should therefore be liable to a sin-offering.

(18) For Rabbi does not require the certain presence of something forbidden at the time of eating.

(19) If the offering is brought needlessly it retains its secular nature.

(20) I.e., how can we impose an offering which may result in a grave sin solely in order to avoid a possible misrepresentation?

Talmud - Mas. K'rithoth 18b

It follows R. Eliezer's opinion, who holds that a man may freely offer every day a suspensive guilt-offering.¹ We therefore advise the second to bring a suspensive guilt-offering and to stipulate thus: if the first ate the permitted fat, and therefore he the *heleb*, let it be an expiatory offering,² otherwise let it be a freewill-offering.

Our Rabbis taught: If one ate doubtful *heleb* and came to know of it,³ then again ate doubtful *heleb* and came to know of it, Rabbi says: I hold, just as he would be liable to bring separate sin-offerings,⁴ so is he also liable to bring separate suspensive guilt-offerings. R. Jose son of R. Judah, R. Eliezer and R. Simeon⁵ hold: He is only liable to one suspensive guilt-offering, for it says, For his error which he erred;⁶ even in the case of many errors, he is liable to only one [offering].

Said R. Zera: Rabbi has here taught that the awareness of the doubt separates [the acts] for sin-offerings.⁷ Raba said: Awareness of the doubt does not separate [the acts] for sin-offerings; but this is what he [Rabbi] meant to teach: Just as he would be liable to separate sin-offerings if he became aware [after each act] that the transgression was certain, so he is also liable to separate suspensive guilt-offerings, if he became each time aware of the doubt. Said Abaye to him [Raba]: And are you not of the opinion that awareness of the doubt separates [the acts] for sin-offerings? But surely if you were to assume that awareness of the doubt does not separate [the acts] for sin-offerings, so that he brings only one sin-offering, then why should he bring a [separate] suspensive guilt-offering for each? Has it not been taught:⁸ This is the general rule. Wherever a separation is effected with regard to sin-offerings there also a separation is effected with regard to suspensive guilt-offerings!⁹ Said Raba b. Hanan to Abaye: Also according to you, who hold that the awareness of the doubt separates the acts for sin-offerings, it should follow that if one ate an olive's

bulk of heleb before the Day of Atonement and again an olive's bulk of heleb after the Day of Atonement — since the Day of Atonement is equivalent to a suspensive guilt-offering — he should have to bring two sin-offerings; but this cannot be, for he ate [at both times] in one spell of unawareness!¹⁰ — Abaye replied: Who says that the Day of Atonement atones even when the sin remained unknown, perhaps only when he is aware of it?¹¹ — Said Raba to him: We have explicitly learnt: [The Day of Atonement atones . . .] both for known and unknown sins.¹²

According to another version, Raba b. Hanan said thus to Abaye: What if one ate an olive's bulk of heleb in the morning of the Day of Atonement and another in the afternoon of the Day of Atonement, would he also be liable to two sin-offerings?¹³ — Retorted Abaye: Who says that every moment of the Day of Atonement atones, perhaps only the day as a whole atones, from the evening?¹⁴ — Said to him Raba b. Hanan: Simpleton have we not learnt: If one committed a doubtful sin on the Day of Atonement, even if it was already twilight, he is exempt¹⁵ for the whole day effects atonement?¹⁶

R. Idi son of Abin raised an objection: [We have learnt:] If one ate and drank [on the Day of Atonement] in one spell of unawareness,¹⁷ he is liable to one sin-offering only.¹⁸ Now, it is hardly possible that between the eating and the drinking there was not an interval, during which he might become aware [that it was the Day of Atonement],¹⁹ so that [that interval of the Day of Atonement] effected atonement for him, [in accordance with the rule that] the Day of Atonement has the same effect as a suspensive guilt-offering. Yet it states that he is liable to one sin-offering only. Now, if it is true that the awareness of the doubt separates [the acts] for sin-offerings, he should be liable to two sin-offerings!²⁰ — Say: R. Zera only interpreted Rabbi's view, whilst this follows that of the Rabbis.²¹ But is not the latter clause [in the cited Mishnah] in pursuance of Rabbi's opinion? For it teaches: If he drank brine or pickle-juice, he is exempt;²² from which it may be inferred that if vinegar he is liable, and this is in accordance with Rabbi, for it has been taught: Vinegar is not a refreshing drink;²³ Rabbi says, It is.²⁴ Now, as the latter clause follows Rabbi, have we not to assume that also the first is in accordance with his view? — Say: the latter clause follows Rabbi, but the former follows the Rabbis.²¹

Raba raised an objection [to R. Zera]: If one²⁵ ate [of holy things] on one day and then again on the following day, or made use thereof on one day and again on the following day, or ate thereof on one day and made use thereof on the following day, or made use thereof on one day and ate thereof on the following day, or even when a period of three years intervened,²⁶ whence do we know that they combine one with the other?²⁷ The text tells us: If anyone trespasses a trespass,²⁸ to include [every trespass]. Now, why should he be liable? Has not the intervening Day of Atonement atoned for it? — Say: The Day of Atonement effects atonement for the transgression of a prohibition, but not for [the misappropriation of] money. Or you could say: The Day of Atonement effects atonement for transgressions involving full standard measure, but not for half-measures.

Resh Lakish also said: Rabbi has here taught that the awareness of the doubt separates [the acts] for sin-offerings. But R. Johanan said: The awareness of the doubt does not separate [the acts] for sin-offerings; and what he [Rabbi] meant to teach is this: Just as he would be liable to separate sin-offerings if he became aware [in between the acts of the transgression] of a definite sin, so he is also liable to separate suspensive guilt-offerings if he became each time aware of the doubtful sin. Now according to R. Johanan it is right that the guilt-offering is dependent upon the sin-offering,²⁹ but according to Resh Lakish the sin-offering should be made dependent upon the guilt-offering!³⁰ This is indeed a difficulty.

Now one can point out a contradiction between the statements of R. Johanan and also a contradiction between the statements of Resh Lakish. For it was taught: If there were two roads, one unclean and the other clean,³¹ and a person passed through one of them and did not enter [the

Temple precincts], and then through the other and entered [the Temple precincts], he is liable; if he passed through one and entered [the Temple precincts], he is exempt; if he then passed through the other and entered [the Temple precincts], he is liable; if he passed through one and entered [the Temple precincts], and was sprinkled upon once and also a second time and immersed himself,³² and then he passed through the other and entered [the Temple precincts], he is liable.³³

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- (1) The offering of the second cannot therefore be said to be needless.
 - (2) Viz., a suspensive guilt-offering; for a sin-offering can be brought only when the transgression is established.
 - (3) At the time of eating he assumed it was permitted fat, but later learnt that there was some doubt about it.
 - (4) I.e. if he learnt ultimately that what he ate was undoubtedly heleb, he would be liable to sin-offerings for each offence.
 - (5) In Shebu. 19b this second view is delivered in the name of other Sages.
 - (6) Lev. V, 18. The text is redundant for 'which he erred' is superfluous. The repetition of **אִשֶּׁר שָׁגָג** serves to indicate that several errors may be covered by one guilt-offering.
 - (7) R. Zera understands Rabbi's exposition above thus, that the offender would be liable to separate sin-offerings if he learnt ultimately, i.e., after all the meals, that the food was certainly heleb, although the intervening spells of awareness which separated the acts, acquainted him each time only of the fact that there was reason to doubt the permissibility of the food he had taken. Raba, on the other hand, understands Rabbi's ruling, that the offender is liable to separate sin-offerings, as applying only to the case where the intervening spells of awareness related each time to the certainty of having eaten forbidden food.
 - (8) Supra 15b. This rule is assumed to work both ways, i.e. that the negative proposition is also true; thus in conflict with Rabbi.
 - (9) Viz., that sin-offerings and suspensive guilt-offerings follow the same rules with regard to division.
 - (10) The Day of Atonement atones for doubtful trespasses (v. infra 25a), and one is exempt from a suspensive guilt-offering for transgressions committed before that day. If each olive's bulk in our instance was of doubtful heleb, he is only liable but once, viz., for the second; yet taking into consideration the intervening Day of Atonement, which has the effect of a suspensive guilt-offering, it is as if he offered two such guilt-offerings. According to the quoted rule he should in the corresponding case of certain heleb be liable to two sin-offerings, which is untenable, because both sins were committed in one spell of unawareness. The rule is thus proved to be incorrect. V. Tosaf. s.v. **אִשֶּׁר**.
 - (11) In the corresponding case of certain heleb, he will then rightly be liable to two sin-offerings, because of the interruption in the unawareness of sin.
 - (12) Shebu. 2b. Abaye's proposition is thus refuted.
 - (13) For had it been doubtful heleb, the Day of Atonement would twice have effected atonement, as if two suspensive guilt-offerings were brought. In the corresponding case of certain heleb it would follow that he would be liable to two sin-offerings, which is, of course, absurd.
 - (14) A sin committed during the day would accordingly not be atoned for.
 - (15) From a suspensive guilt-offering.
 - (16) Infra 25a.
 - (17) That it was the Day of Atonement.
 - (18) Yoma 81a.
 - (19) See Rashi. Since there was an interval in between eating and drinking during which he could become aware of his sin, that length of time of the Day of Atonement would have atoned for his first act before the second was committed.
 - (20) The interval which atones for the first act in the case of doubtful transgression is, in effect, comparable to an act of awareness of doubtful sins; it should, according to Abaye, separate the acts for sin-offerings, i.e., even in the case of certain heleb.
 - (21) R. Jose and R. Eliezer.
 - (22) Because these liquids are unpalatable beverages; Yoma, ibid.
 - (23) One is therefore exempt when one drinks it on the Day of Atonement.
 - (24) V. Yoma 81a.
 - (25) Viz., each time only a portion of the requisite value of a perutah.
 - (26) The several acts were committed in one spell of unawareness.
 - (27) Viz., to make up the required value to involve a guilt-offering for sacrilege.

(28) Lev. V, 15. 'A trespass' is regarded as redundant.

(29) The fact that awareness of certain sins effects a division with regard to sin-offerings may rightly be taken for granted, and a similar law regarding guilt-offerings is derived therefrom.

(30) For the awareness is that of doubtful sins, as must be assumed according to Resh Lakish, and its effectiveness with regard to suspensive guilt-offerings is established in the Torah. By analogy it is extended to apply also to sin-offerings. The sin-offering should therefore be dependent upon the guilt-offering.

(31) It is not established which is the unclean road. The uncleanness was so situated in the road that a person passing through it perforce became unclean and therefore unfit to enter the sacred precincts of the Temple. In the first and third instances he is liable, because after the second act there is no doubt that he entered the Temple precincts in a state of uncleanness. In connection with the law concerning the defilement of Temple precincts it is an essential condition that the offender had at one time been aware of his uncleanness, though unconscious of it at the time of entering the Temple precincts. In these two cases there was a moment when he was in no doubt as to his state of certain uncleanness. He is therefore liable to an offering.

(32) An unclean person is sprinkled upon with the water of purification on the third and seventh day of his uncleanness, and then has to immerse himself in order to become clean.

(33) In this instance, too, the person most certainly entered the Temple precincts in a state of uncleanness. Although the offender had at no time been certain that he was unclean, for the first possible uncleanness was annulled before passing through the second road, nevertheless he had been aware of doubtful uncleanness, and this is regarded as sufficient by the Sages, who therefore declare him liable. R. Simeon, on the other hand, holds that awareness of doubtful uncleanness is not sufficient.

Talmud - Mas. K'rithoth 19a

R. Simeon holds he is exempt in the latter instance. R. Simeon b. Judah maintains in the name of R. Simeon that he is exempt in all instances.¹ Even in the former?² — Said Raba: Here we are dealing with the case of one who passed through one road, and when passing through the other he forgot that he had passed through the first. And they differ in this: The first Tanna holds, A partial knowledge is like a complete knowledge;³ while R. Simeon maintains, A partial knowledge is not like a complete knowledge.

The Master said: 'If he passed through one and entered [the Temple precincts], and was sprinkled upon once and also a second time, and immersed himself; and then he passed through the other and entered [the Temple precincts], he is liable'. Why should he be liable? There had at no time been [definite] knowledge [of uncleanness]! — Answered Resh Lakish: This statement follows R. Ishmael's view that knowledge at the beginning is not essential. R. Johanan answered: It may conform to the view of the Sages, but here they made doubtful knowledge [of uncleanness] like [definite] knowledge. Now it is assumed that 'here they made', and the same holds good in all the laws of the Torah. There is thus a contradiction between the two expositions of R. Johanan, and also a contradiction between the two expositions of Resh Lakish.⁴ It will be granted that there is no contradiction between the two expositions of R. Johanan, for [we may say that he meant] only here they made [doubtful knowledge like definite knowledge] but not everywhere in the whole Torah did they do so, the reason being that in the case of uncleanness it is written: It being hidden from him that he is unclean,⁵ [indicating that] even [if there is some] uncertainty in connection with his knowledge, Scripture still renders him liable; but regarding the other laws of the Torah, it is written: If his sin be known to him;⁶ that is to say, only if he has definite knowledge is he liable. But with Resh Lakish there is a difficulty; why does he establish [the Baraita] in accordance with R. Ishmael's view? Let him establish it as being in accordance with Rabbi's view! — He wished to let us know that R. Ishmael, too, does not require knowledge at the beginning. But is this not already the contents of a Mishnah? As we have learnt: R. Ishmael said, Scripture mentions twice 'and it be hidden',⁷ to teach us that one is liable both for forgetfulness of the uncleanness and for forgetfulness of the Temple.⁸ — It is necessary, for I might have thought that although he [R. Ishmael] does not derive the rule from the text, he yet accepts it as a tradition. Therefore he [Resh Lakish] informs us

[that this is not the case].

MISHNAH. [IF BOTH] HELEB AND NOTHAR LAY BEFORE A PERSON AND HE ATE ONE OF THEM BUT DOES NOT KNOW WHICH, OR IF HIS MENSTRUANT WIFE AND HIS SISTER WERE WITH HIM IN HIS HOUSE AND HE UNITED, IN ERROR,⁹ WITH ONE OF THEM AND DOES NOT KNOW WITH WHICH, OR IF SABBATH AND THE DAY OF ATONEMENT [FOLLOWED EACH OTHER]¹⁰ AND HE DID FORBIDDEN WORK AT TWILIGHT AND DOES NOT KNOW ON WHICH DAY: R. ELIEZER DECLARES HIM LIABLE TO A SIN-OFFERING, BUT R. JOSHUA DECLARES HIM EXEMPT. REMARKED R. JOSE: THEY DID NOT DISPUTE ABOUT WHETHER HE THAT DID WORK AT TWILIGHT WAS EXEMPT, FOR I MAY ASSUME THAT PART OF THE WORK WAS DONE ON THE ONE DAY AND PART ON THE FOLLOWING DAY.¹¹ ABOUT WHAT DID THEY DISPUTE? ABOUT ONE WHO DID WORK DURING THE DAY ITSELF BUT HE DID NOT KNOW WHETHER HE DID IT ON THE SABBATH OR ON THE DAY OF ATONEMENT, OR IF HE DID WORK AND DID NOT KNOW WHAT MANNER OF WORK HE DID:¹² R. ELIEZER DECLARES HIM LIABLE TO A SIN-OFFERING, AND R. JOSHUA DECLARES HIM EXEMPT. SAID R. JUDAH: R. JOSHUA EXEMPTS HIM EVEN FROM A SUSPENSIVE GUILT-OFFERING. R. SIMEON AND R. SIMEON SHEZURI SAID: THEY DID NOT DISPUTE REGARDING TRANSGRESSION OF THE SAME DENOMINATION¹³ WHEN [IT IS AGREED THAT] HE IS LIABLE. ABOUT WHAT DID THEY DISPUTE? ABOUT TRANSGRESSIONS OF DIFFERENT DENOMINATIONS: R. ELIEZER DECLARES HIM LIABLE TO A SIN-OFFERING, AND R. JOSHUA DECLARES HIM EXEMPT. SAID R. JUDAH: EVEN IF HE INTENDED TO PICK FIGS AND HE PICKED GRAPES, OR GRAPES AND HE PICKED FIGS, WHITE [GRAPES] AND HE PICKED BLACK ONES, OR BLACK AND HE PICKED WHITE ONES, R. ELIEZER DECLARES HIM LIABLE AND R. JOSHUA DECLARES HIM EXEMPT. SAID R. SIMEON: I WONDER WHETHER R. JOSHUA INDEED DECLARED HIM EXEMPT IN SUCH A CASE. BUT THEN¹⁴ WHY IS IT WRITTEN, WHEREIN HE HATH SINNED?¹⁵ TO EXCLUDE UNPURPOSED ACTION.¹⁶ GEMARA. It has been taught: R. Eliezer argued, In any event [he has transgressed]; if it was the heleb he ate he is liable, if the nothar he is liable; if it was his menstruant wife with whom he united he is liable, if his sister he is liable; if it was Sabbath when he did the work he is liable, if the Day of Atonement he is liable! Replied to him R. Joshua: It says, 'wherein he hath sinned':¹⁷ it must be known to him wherein he sinned. And for what purpose does R. Eliezer employ the word 'wherein'? — To exclude unpurposed action.

(1) Tosef. Toh. VI, 5.

(2) I.e., in the first and third instances, where there is no reason whatsoever to exempt him from a sacrifice.

(3) Since he passed through both roads he is definitely unclean, but his knowledge is incomplete, for when walking in the second road he had forgotten about the first. Yet he is liable, for incomplete knowledge is like complete knowledge.

(4) For R. Johanan maintains above that consciousness of doubtful sins is not valid and here he states that the Sages, i.e., the accepted authority hold it is of avail with regard to all the laws of the Torah. And Resh Lakish maintains above that Rabbi, the author of the Mishnah, holds that consciousness of doubtful sins is of no avail, whilst he feels compelled to quote R. Ishmael as the author of this view.

(5) Lev. V, 2.

(6) Ibid. IV, 28.

(7) Heb. **ונעלם** *ibid.* V, 2 and 3.

(8) Shebu. 14b. The term 'hidden' is the source of the rule that knowledge at one time of the uncleanness is essential, cf. Shebu. 4a. As R. Ishmael uses this expression to derive another law, it may be assumed that he disagrees with that rule, and does not require knowledge in the beginning.

(9) I.e., thinking it was his wife and that she was clean. In all these instances the fact that he committed a trespass is afterwards established beyond doubt, though the transgressor was unaware of it at the time of action, but it is unknown which law was broken.

(10) I.e., when the Day of Atonement fell upon Friday or Sunday.

(11) Viz., each time less than the requisite standard.

(12) I.e., he is sure that his work was a forbidden act, but does not remember, e.g., whether he ploughed or sowed.

(13) I.e., of the same category, e.g., if he picked a certain fruit but did not know from which tree.

(14) I.e., if R. Joshua indeed agrees that he is liable in the last instance, even though his intention had not been realised, because he was after all set upon a forbidden act.

(15) Lev. IV, 23. The word 'wherein' is considered superfluous, to imply that in that particular act lay his intention.

(16) Heb. **מתעסק**, lit. 'occupy oneself'; the transgression resulting from his act was not purposed, for his intention was to do what was permitted. V. Gemara.

(17) V. p. 148, n. 5.

Talmud - Mas. K'rithoth 19b

To what kind of unpurposed action does he refer? If concerning heleb or incestuous intercourse,¹ surely he is liable! For Rab Nahman said in the name of Samuel: Unpurposed eating of heleb or unpurposed incestuous intercourse is subject [to an offering] because [the offender] has after all derived a benefit thereby! — It rather refers to unpurposed labour on Sabbath, when he is exempt, because the Torah has forbidden [on the Sabbath] only purposive work. According to Raba the case would arise when one intended, e.g., to cut something detached from the ground and he cut something that was attached;² and according to Abaye, when one intended to lift up something detached from the ground and he cut something that was attached. For it has been stated: If one intended to lift up something detached from the ground and he cut something that was attached, he is exempt, because no cutting was at all intended. If he intended to cut something detached from the ground and he cut something that was attached, Abaye says: He is liable because the act of cutting was intended; Raba says: He is exempt for it was not his intention to cut what was forbidden [to be cut].

REMARKED R. JOSE: THEY DID NOT DISPUTE etc. It has been taught: R. Jose said to them, 'You are most particular with me'.³ What did they say to him that he remarked, 'You are most particular with me'? — Thus they said to him: What if one, e.g., lifted up an article at twilight?⁴ Thereupon he said: You are most particular with me. But why did he not retort: part of the lifting up might have been done on the one day and the rest on the following day?⁵ — This is indeed what he meant by saying: 'You are most particular with me', but 'you could not get the best of me'.⁶ But would R. Jose hold that for the conclusion of an act one is, according to R. Eliezer, exempt? Surely we know that he declares him liable! For we have learnt: R. Eliezer says: If a person wove three threads at the start [of the web] or added one thread on to a woven piece, he is liable.⁷ — Said Rab Joseph: R. Jose in his exposition of R. Eliezer's view reads [that Mishnah] as follows: 'R. Eliezer says: If a person wove three threads at the start or added two threads to a woven piece he is liable'.

SAID R. JUDAH: R. JOSHUA EXEMPTS HIM EVEN FROM A SUSPENSIVE GUILT-OFFERING. It has been taught: Said R. Judah: R. Joshua exempts him even from a suspensive guilt-offering, because it says, If [anyone] sin . . . though he know it not;⁸ excluded is this case, where he knew that he sinned.⁹ Said to him R. Simeon: It is just such a case when a suspensive guilt-offering should be brought, for it reads: And do . . . though he know it not;⁸ and in this instance he in fact did not know wherein he did [the wrong]. As to [the case of one being in] doubt whether he did eat heleb or not, go forth and enquire¹⁰ whether he is then liable to a suspensive guilt-offering or not. What was the decision? — Come and hear: [It has been stated:] If one committed a sin and does not know wherein, or if he is in doubt whether he did sin or not, he is liable to a suspensive guilt-offering. Now, who is it that maintains that if one committed a sin and does not know wherein, he is liable to a suspensive guilt-offering? Obviously R. Simeon; and yet it is stated, 'If he is in doubt whether he did sin or not, he is liable to a suspensive guilt-offering'. This proves that R. Simeon holds that if one is in doubt whether he did sin or not, he is liable to a suspensive guilt-offering.

R. SIMEON SHEZURI AND R. SIMEON SAID: THEY DID NOT DISPUTE . . . BUT THEN WHY IS IT WRITTEN, WHEREIN HE HATH SINNED? TO EXCLUDE UNPURPOSED ACTION. Said Rab Nahman in the name of Samuel: Unpurposed eating of heleb or [unpurposed] Incestuous intercourse Is subject [to an offering], because the offender has after all derived a benefit thereby; unpurposed labour on the Sabbath is exempt, because the Torah has forbidden only purposive work. Said Raba to Rab Nahman: Surely the case concerning [the circumcision of] boys is comparable to unpurposed action, and yet we have learnt regarding it: If there were two boys, one who was due to be circumcised on the Sabbath and another who was due to be circumcised after the Sabbath, and a person in error circumcised on the Sabbath the one who was due to be circumcised after the Sabbath,¹¹ R. Eliezer declares him liable to a sin-offering; R. Joshua holds: He is exempt. Now R. Joshua declares him exempt only because he maintains that for [a transgression committed in] error in the course of the [intended] performance of a commandment, even though the commandment was not in fact performed, one is exempt; if, however, one performed an unpurposed act which was not in the course of the performance of a commandment he would be liable even according to R. Joshua.¹² — He replied to him: Leave the case concerning the [circumcision of] boys alone. Since [it is exceptional in that] one is liable although the wound is an act of damage;¹³ so too, for unpurposed wounding one is also liable.

Rab Judah raised an objection to Samuel: [We have learnt:] SAID R. JUDAH: EVEN IF HE INTENDED TO PICK FIGS AND HE PICKED GRAPES, OR GRAPES AND HE PICKED FIGS, WHITE GRAPES AND HE PICKED BLACK ONES, OR BLACK AND HE PICKED WHITE ONES, R. ELIEZER DECLARES HIM LIABLE AND R. JOSHUA DECLARES HIM EXEMPT. Now, is not this a case of unpurposed action, and yet [it seems that] R. Joshua declared him exempt solely because different kinds [of fruit are involved];¹⁴ but if one kind only [was involved], even R. Joshua would declare him liable?¹⁵ — He replied: Thou keen thinker,¹⁶ leave this Mishnah and follow me, for here it refers to a gatherer whose intention escaped his mind!¹⁷ He set out to gather grapes and forgot about it, and thinking that he wanted figs, his hand unwittingly reached for the grapes. R. Eliezer argues: His purpose was after all achieved. R. Joshua argues: His purpose and design were not realized.¹⁸

(1) E.g., if heleb and permitted fat lay before a person and he intended to eat the latter, but his hand unconsciously took hold of the heleb and he ate it. Similarly in the case of incest, if through carelessness he united with the forbidden relation whilst his intention was directed to his wife.

(2) The cutting or plucking of plants from the ground on the Sabbath is a forbidden work, falling within the category of harvesting.

(3) Now this is understood to mean that ‘You got the better of me’.

(4) I.e., to transport it from one domain to another on the Sabbath. This might be done very simply by the man standing in one domain and stretching out his hand and depositing an article in the other domain. Such work is of very little duration, and R. Jose's assumption that invariably in the case of work at twilight one part of the action is performed on the one day and another on the following day seems untenable.

(5) For after all the change from one day to another is instantaneous.

(6) Lit. ‘you did not bring up in your hand anything’. V. p. 149, n. 4.

(7) Shab. 105a. Although the minimum number of threads required for the labour of weaving is two, here one is sufficient, because it is interwoven with a ready-made cloth. The addition of the one thread to the web is like the conclusion of an act.

(8) Lev. V. 17, in connection with the suspensive guilt-offering.

(9) What he did not know was which particular transgression he violated.

(10) I.e., search for statements by R. Simeon which will intimate his view on this point.

(11) Circumcision in its proper time, i.e., the eighth day, supersedes the law of Sabbath; if not in its proper time its performance on the Sabbath is forbidden. The circumcision of the second boy on the assumption that it was the first, is an unpurposed action.

(12) This is in contradiction to the second clause of Rab Nahman's dictum.

- (13) The rule regarding Sabbath is that for an act of damage one is not liable except for wounding and burning.
- (14) The fruit that he intended to pick was of a different kind from that which he actually picked.
- (15) Whilst according to Samuel one is always exempt in the case of unpurposed work on the Sabbath, whatever the circumstances.
- (16) Shinena; lit. 'sharp one'. Alit. (a) 'long-toothed', denoting a facial characteristic. (b) 'translator', V. B.K. (Sonc. ed.) p. 60. n. 2.
- (17) I.e., the case of the Mishnah is not one of unpurposed action where the intention of the doer is in the end unrealized, but is of a different class.
- (18) His purpose was indeed realized in that he gathered grapes, but at the time of gathering his design was for figs, and this was not realized.

Talmud - Mas. K'rithoth 20a

R. Oshaia raised an objection: [We have learnt:] R. SIMEON SHEZURI AND R. SIMEON SAID: THEY DID NOT DISPUTE REGARDING TRANSGRESSIONS OF THE SAME DENOMINATION, WHEN [IT IS AGREED THAT] HE IS LIABLE. ABOUT WHAT DID THEY DISPUTE? ABOUT TRANSGRESSIONS OF DIFFERENT DENOMINATIONS: R. ELIEZER DECLARES HIM LIABLE TO A SIN-OFFERING, AND R. JOSHUA DECLARES HIM EXEMPT. And what did R. Judah [in the Mishnah] say? That their dispute was in the case of a person who intended to pick grapes and he picked figs, or black [grapes] and he gathered white ones. Now, are not figs and grapes, or black grapes and white grapes, of two different denominations? Is this not, then, identical with [the views of] R. Simeon and R. Simeon Shezuri? What then does R. Judah come to teach us? Hence you must say that they differ concerning unpurposed action, R. Judah holding that one is liable for unpurposed action; whereas R. Simeon and R. Simeon Shezuri hold that one is exempt for unpurposed action!¹ — No; all agree that for unpurposed action one is exempt; they differ rather in this point: R. Simeon Shezuri holds that if the purpose escaped the gatherer's mind [and he erred] in respect of the same denomination, all agree that he is liable, and that their dispute is in the case [where the error related to] two different denominations; whilst R. Judah maintains that they differ both in the instance of one denomination and in that of two denominations.

Raba said, They differ in the matter of sequence.² As it has been taught: If there were before a person [on the Sabbath] two burning [or extinguished]³ candles and he intended to extinguish the one but extinguished the other, or to kindle the one but kindled the other, he is exempt;⁴ if he intended first to kindle the one and then to extinguish the other, and he first extinguished and then kindled,⁵ if with one breath⁶ he is liable, if with two breaths he is exempt. But is this not obvious? — I might have thought that since his design was not realized, seeing that he wanted first to kindle and then to extinguish, but in his act [we might regard it as if] the extinguishing was done first and then the kindling, he should accordingly be exempt; therefore we are told [that this is not so]; for although [the kindling] did not precede [the extinguishing], neither did it follow.⁷

Our Rabbis taught: If one removed coals [from a burning pile] on the Sabbath, he is liable to a sin-offering; R. Simeon b. Eleazar says in the name of R. Eliezer son of R. Zadok: He is liable to two [offerings], because he extinguished the upper coals and kindled the lower ones.⁸ How is this case to be understood? If he intended to extinguish as well as to kindle, what is the reason of the one who exempts him [from the second offering]? And if he did not intend to kindle, what is the reason of the one who holds him liable to two? — R. Eleazar and R. Hanina both explained the case as follows: He intended to extinguish the upper coals knowing that this would set the lower ones ablaze.⁹ The first Tanna holds that one is exempt for any kindling which is to his disadvantage;¹⁰ while R. Eliezer son of R. Zadok holds him liable. R. Johanan also said: It speaks of a blacksmith. Said R. Johanan: Until now the reason for this law has not been found.¹¹ Ammi b. Abin and R. Hanania b. Abin both explained [the case as follows:]

(1) R. Simeon expounded that the dispute in the Mishnah was concerning the case where the original purpose had been forgotten, implying, however, that for unpurposed action all agree that one was exempt. R. Judah, on the other hand was of the view that the dispute was in the case of unpurposed action concerning different kinds of fruit, but that concerning the same kind all would agree that he is liable. R. Judah is thus in contradiction to Samuel.

(2) I.e., when the error was concerning the order of two acts; he intended to pick first the one fruit and then the other, but did it in the reverse order.

(3) So Sh. Mek.

(4) He had forgotten that the day was the Sabbath, or that such acts were prohibited on the Sabbath.

(5) I.e., there were before him two candles, one lit and the other unlit. His intention was first to light the one and then to extinguish the other, but he did it in the reverse order.

(6) I.e., the candles stood close to one another. The same breath that extinguished the one transferred the flame to the other.

(7) I.e., in fact both acts were simultaneous.

(8) By transferring live coals from a burning pile into a container, those that were lying on top of the pile are now at the bottom of the container and cool off, but those at the bottom of the pile flare up. His action therefore involves both extinguishing and kindling.

(9) The man was a blacksmith and his aim was to extinguish the upper coals before their consumption so as to provide big coal lumps for his smithy. The burning of the lower coals was not to his advantage at all.

(10) Lit. 'destructive'. As distinct from other acts of work which involve no liability unless they are constructive. V. Shab. 106a.

(11) Read with Rabbenu Gershom: 'Said R. Jeremiah, Until now (i.e. until R. Johanan explained it to refer to a blacksmith) the reason etc.'

Talmud - Mas. K'rithoth 20b

He intended to extinguish as well as to kindle. The first Tanna follows R. Jose's view, who holds,¹ that kindling was singled out [in Scripture]² in order to establish for it a prohibition;³ while R. Eliezer son of R. Zadok holds with R. Nathan, who maintains that kindling was singled out to establish separate [acts of work].⁴ Raba explained: They differ in the matter of the sequence.⁵ Rab Ashi explained: He intended to extinguish and the kindling followed of its own accord; the first Tanna agrees with R. Simeon who maintains that one is exempt for an unintentional act;⁶ whilst R. Eliezer son of R. Zadok follows R. Judah who holds that one is liable for an unintentional act.

Our Rabbis taught: If a man removed coals on the Sabbath in order to warm himself therewith, and they flared up of their own accord — one [Baraita] teaches that he is liable, but another teaches that he is exempt. That which teaches that he is liable adopts the view that one is liable for an act of work which is not required for its own sake;⁷ and that which teaches that he is exempt adopts the view that one is not liable for an act of work which is not required for its own sake.

CHAPTER V

MISHNAH. IF ONE ATE [AN OLIVE'S BULK] OF THE BLOOD OF SLAUGHTERED⁸ CATTLE, BEASTS OR FOWL, EITHER CLEAN OR UNCLEAN, OR OF THE BLOOD OF A STABBED ANIMAL, OR OF THE BLOOD OF MUTILATION,⁹ OR OF THE BLOOD OF THE ARTERIES WHEREBY LIFE ESCAPES,¹⁰ HE IS LIABLE;¹¹ BUT OF THE BLOOD OF THE SPLEEN OR OF THE HEART, OR OF THE BLOOD FOUND IN EGGS, OR OF THE BLOOD OF LOCUSTS, OR OF THE SECONDARY BLOOD,¹² HE IS NOT LIABLE. R. JUDAH HOLDS: HE IS LIABLE FOR SECONDARY BLOOD.

GEMARA. Our Rabbis taught: [From the text:] Ye shall eat no manner of blood,¹³ I might infer that even the blood of those that walk on two legs,¹⁴ and the blood found in eggs, and the blood of locusts and of fish were included; therefore the text teaches, whether it be of fowl or of beast:¹³ as

fowl and beast are characterised in that they are subject both to light¹⁵ and weighty uncleanness, and are [at times] forbidden and permitted,¹⁶ and are of the category of flesh, so all are included that are subject to light and weighty uncleanness; I must therefore exclude the blood of those that walk on two legs, for they are subject to weighty uncleanness and not to light uncleanness;¹⁷

(1) V. Shab. 70a.

(2) Exod. XXXV, 3.

(3) I.e. that this act of work is subject to a mere prohibition and not to the death penalty in the case of wilful transgression. There is therefore no offering incurred in the case of transgression in error.

(4) I.e. that for each act of work on the Sabbath one is separately liable. Kindling, however, is still subject to the death penalty.

(5) His intention was e.g. to kindle first the one and then extinguish the other, but in fact both acts were done simultaneously. The first Tanna insists that the work must be performed in the intended sequence and therefore declares him liable only for the kindling which after all was done at the initial stage; whereas R. Eliezer pays no heed to the intended sequence, and consequently declares him liable for both acts. See commentaries.

(6) Shab. 41b.

(7) Ibid. 105b. The burning of the coals is not done for its sake i.e. to consume the coal, but in order to obtain heat.

(8) I.e., the blood that comes forth at the slaughtering of animals in the manner prescribed.

(9) I.e., the blood that comes forth through the tearing away of the main arteries of the neck, i.e. the windpipe and the gullet.

(10) I.e., the blood that gushes forth with force immediately after the cutting of the arteries for the purpose of blood-letting; v. Gemara.

(11) To kareth. V. Glos.

(12) Lit. 'that is squeezed'. I.e., blood that oozes out from the arteries after the first splashing blood 'whereby life escapes'.

(13) Lev. VII, 26.

(14) I.e., man.

(15) Light uncleanness is identical with food uncleanness, i.e. the foodstuff has no inherent uncleanness but can contract uncleanness from a source of uncleanness, and if of an egg's bulk in quantity, can transmit its uncleanness to other foodstuffs. Weighty uncleanness is that which is inherently unclean, e.g. a carcass, and can transmit uncleanness by carrying.

(16) I.e., they are forbidden prior to their slaughtering in the prescribed manner, and permitted for use after that.

(17) For an unclean person transmits his uncleanness always through contact.

Talmud - Mas. K'rithoth 21a

I must also exclude the blood of reptiles, for they are not subject to weighty uncleanness;¹ I must further exclude the blood found in eggs, for they are not of the category of flesh, and the blood of fish and of locusts, for they are always permitted.² 'Whether it be of fowl or of beast';³ if 'fowl' [alone was mentioned, I might have said], as this is not subject to kil'ayim,⁴ so should be included only those animals that are not subject to kil'ayim;⁵ therefore 'beast' is added. If 'beast' [alone was mentioned, I might have said], as this is not subject to the law concerning the mother and its young,⁶ so should be included only those fowl that are not subject to the law concerning the mother and its young.⁷ Therefore both 'fowl' and 'beast' had to be stated.

But why not argue thus: 'Any manner of blood' is a generalisation, 'whether it be fowl or beast' is a specification; and whenever a generalisation is followed by a specification it is meant to comprise only the instances of the specification; consequently fowl and beast are included but no other things?⁸ 'Whosoever eateth any blood'⁹ represents a second generalisation; and whenever a generalisation is followed by a specification and then again by a generalisation, all things similar to the specification are to be included.¹⁰ But is not the last generalisation different from the first, in that the first contains a mere prohibition whilst the last comprises the penalty of kareth?¹¹ — This Tanna

agrees with the School of R. Ishmael, who apply the rules relating to generalisations and specifications even though the last generalisation is unlike the first.¹²

The Master said: '[Here we have] a generalisation followed by a specification and then again by a generalisation, [in which case] all things similar to the specification are to be included; just as the instances of the specification are characterised in that they are subject both to light and to weighty uncleanness, and are [at times] forbidden and [at times] permitted, and are of the category of flesh, so all are included which are subject to light and to weighty uncleanness, etc.'. What does the term 'all' serve to include? — Said Rab Adda b. Abin: It includes the blood of a koy.¹³ What is his opinion [with regard to the koy]? If he holds that the koy is a doubtful creature, do we need a special text to forbid [the blood of an animal] about which there is doubt?¹⁴ — He holds that the koy is a [class of] animal of its own. We have now learnt about its blood, whence do we know that its heleb [is forbidden]? — From the text, 'all heleb'.¹⁵ Whence that its nebelah¹⁶ [is forbidden]? — From the text, 'all nebelah',¹⁷ Whence that its gid ha-nasheh¹⁸ [is forbidden]? — The Divine Law defines it as [the sinew] 'upon the hollow of the thigh', and this, too, has a 'hollow of the thigh',¹⁹ Whence do we know that [its nebelah] causes uncleanness, and that it requires slaughtering? — This stands to reason; since the Divine Law has placed it on the same footing as cattle in respect of all other laws, it is also like cattle in regard to uncleanness and slaughtering.

The Master said: 'I must therefore exclude the blood of those that walk on two legs, for they are subject to weighty uncleanness and not to light uncleanness'. A contradiction was pointed out. [We have learnt:]²⁰ [The flesh which] one cut from off a man requires both intention and preparation.²¹ Upon this the question was raised: 'Wherefore does it require intention? Let the cutting express his intention!'²² And Resh Lakish replied: He cut it for the use of a dog, and such a purpose is not a proper intention. Is this indeed so? Surely we have learnt: They laid down this general rule concerning uncleanness: Everything that serves as food for man [and became unclean] remains unclean until it becomes unfit to be food for dogs!²³ — This ruling relates to the annulment of existing uncleanness, [the argument being,] since it was at one time fit for man its uncleanness does not depart unless it has become unfit for a dog; that other instance, however, relates to the state in which it can receive uncleanness; [we therefore say,] if it is fit for man it is fit for a dog; if it is unfit for a man it is unfit for a dog. It states, at all events, that [with flesh of man] intention is required; though intention is essential only for light uncleanness!²⁴ — This is so [while the man is] alive, but after death there is indeed weighty uncleanness only.²⁵ But, then, the corresponding dictum relating to cattle must, accordingly, also refer to the time after death. Now, if the flesh is meant, it surely conveys weighty uncleanness; if the blood, it too conveys weighty uncleanness,²⁶ as we have learnt: The blood of a dead animal is clean, according to Beth Shammai; Beth Hillel say: It is unclean!²⁷ — It speaks of an instance similar to that which we have learnt [in a Mishnah:] The carcass of an unclean beast anywhere and the carcass of a clean bird in the villages require intention and not preparation.²⁸ Rab remarked thereupon to R. Hiyya: Wherefore is an intention required to qualify it for light uncleanness, is it not already unclean?²⁹ — The latter replied: It is a case where there was less than an olive's bulk of nebelah³⁰ joined to another edible, which was less than an egg's bulk, but together they made up an egg's bulk.³¹ But, then, preparation should also be required, for the School of R. Ishmael have taught: The text, [If aught of their carcass fall] upon any sowing seed, which is to be sown,³² implies: as seed is characterised in that it will at no time convey weighty uncleanness and requires preparation, so everything that will at no time convey weighty uncleanness requires preparation! — He replied: This holds good in cases where the edibles have not joined to them less than an olive's bulk of nebelah; in our instance, however, the food has joined to it less than an olive's bulk of nebelah, and since it would require no preparation if it [the nebelah] was made up to a full olive's bulk, [so it requires no preparation even now].

(1) Though a person is rendered unclean when coming into contact with a reptile, he does not transmit this uncleanness to his clothes.

- (2) I.e., they do not require slaughtering.
- (3) The question is implied: Why two specifications.
- (4) Heb. **קַלְיָיִם** i.e., the prohibition of wearing a material of a mixture of wool and linen. V. Lev. XIX, 19. The fluff of the fowl is not subject to this law.
- (5) I.e., cattle and goat, whose hair, too, is not subject to that law. Sheep would be excluded, for its wool is subject to the law of kil'ayim.
- (6) Deut. XXII, 6f. This law applies only to clean fowl.
- (7) Viz., unclean fowls.
- (8) On the hermeneutical rule of generalisation and specification, v. Shabu. (Sonc. ed) p. 12, n. 3.
- (9) Lev. VII, 27.
- (10) I.e., those possessing the same characteristics as the instances of the specifications, as expounded above in connection with the law of blood.
- (11) V. Glos.
- (12) V. B.K. 64a and Zeb. 4b.
- (13) I.e., a cross between a goat and a gazelle, about which the Sages were in doubt whether it belonged to the category of 'cattle' or of 'beast of chase'; v. Glos.
- (14) Surely not. The Divine law is not in doubt as to the status of the koy.
- (15) Lev. VII, 23.
- (16) I.e., a carcass of an unslaughtered or non-ritually slaughtered animal. V. Glos.
- (17) Deut XIV, 21.
- (18) I.e., the nervus ischiadicus, forbidden in accordance with Gen. XXXII, 33.
- (19) Thus every animal is included, for this law is to remind us of the incident of the text. For the exclusion of birds, however, v. Hul. 92b.
- (20) 'Uk. III, 2.
- (21) The flesh is susceptible to uncleanness only if it had been cut off with the express intention of using it as food, and after it had been 'prepared', i.e. moistened by a liquid which renders it susceptible to uncleanness.
- (22) And by that act alone it should be susceptible to uncleanness.
- (23) Toh. VIII, 6.
- (24) We thus learn that also the flesh of man is capable of light uncleanness, contrary to the above conclusion.
- (25) The discussion above relates, therefore, to the flesh of a dead man, when no light uncleanness is possible.
- (26) Thus cattle, too, are subject to weighty uncleanness only.
- (27) 'Ed. V, 1. The decision is in accordance with Beth Hillel, that the blood of a carcass is, like its flesh, contaminated with weighty uncleanness.
- (28) 'Uk. III, 3. Intention to use the flesh as food is required whenever it is normally not eaten by the people. The carcass of unclean cattle is eaten neither in town nor in villages. That of a clean bird is not likely to find a consumer in a village. Some add here the second sentence of the quoted Mishnah: 'The carcass of a clean beast anywhere and that of a clean bird or the heleb (of cattle) in the markets require neither intention nor preparation.
- (29) Since it is nebelah.
- (30) The minimum quantity for nebelah uncleanness is an olive's bulk.
- (31) There was not the requisite quantity of nebelah. It is, therefore, not in itself unclean, but the portion of nebelah may combine with the other edible to the requisite size of an egg's bulk, which is the standard for food uncleanness. The intention is therefore essential to render the morsel of nebelah an edible, and thus capable of combination with the other food.
- (32) Lev. XI, 37. This text lays down the law that foodstuffs must first be made wet by a liquid in order to be susceptible to uncleanness. Seed is the specified instance in the Torah, and seed is at no time capable of weighty uncleanness. Moreover, the morsel of nebelah cannot defile with weighty uncleanness, since it is less than an olive's bulk.

Talmud - Mas. K'rithoth 21b

An exception, however, is the flesh of a dead man, for even though it is joined [to a foodstuff to make up the requisite egg's bulk] it does not convey food uncleanness, for his view is set aside by general opinion.¹

R. Hanania said: You may also say that there was a whole olive's bulk [of nebelah], but in this case it was entirely covered with dough.² If so, it should also require preparation!³ — This holds good only with regard to other foodstuffs, which transmit uncleanness neither by contact nor by carrying;⁴ in this instance, however, granted that it does not transmit uncleanness by contact, because it is covered with dough;⁵ it may nevertheless transmit uncleanness by carrying, for it is after all carried. An exception, however, is the flesh of a dead man, for even though it is covered with dough it will convey weighty uncleanness, for its uncleanness breaks through and rises and breaks through and descends.⁶

The Master said: 'I must exclude the blood of fish and of locusts, for they are always permitted'. What is the meaning of 'always permitted'?⁷ If that their heleb is permitted? Behold also the heleb of a beast of chase is permitted and yet its blood is forbidden! If that the prohibition of the gid ha-nasheh is not applicable to them? Behold also the fowl is not subject to the law of gid ha-nasheh, and yet its blood is forbidden! — 'Always permitted' means rather that they do not require slaughtering.

The Master said: 'If "fowl" [alone was mentioned, I might have said], as this is not subject to kil'ayim, so should be included only those animals [that are not subject to kil'ayim]; therefore the text teaches "beast".' Which kind of kil'ayim [is meant]?⁸ If that relating to breeding diverse kinds or to ploughing with diverse kinds, have we not learnt: Beasts and fowl are subject to similar laws?⁹ Said Abaye: It refers to its fluff which is not subject to the law of kil'ayim.¹⁰

Said Rab Judah in the name of Rab: For an olive's bulk of the blood of reptiles one incurs the penalty of stripes. An objection was raised: [It has been taught:] The blood of the spleen, or of the heart or of the kidneys, or of any other limb is subject to a prohibition;¹¹ the blood of those that walk on two legs or that of reptiles and creeping creatures is forbidden, but one is not liable for it.¹² What does 'but one is not liable for it' mean?¹³ This cannot mean [that one is not liable for it] to kareth, but only to a prohibition,¹¹ for in the first place this would be identical with the ruling of the first clause,¹⁴ and secondly the Tanna expressly excludes it even from a prohibition, as we have learnt: I must exclude the blood of reptiles for they are not subject to weighty uncleanness!¹⁵ — Replied R. Zera: If the warning related to reptiles, he incurs stripes; if to blood, he is exempt.¹⁶

Said Rab: The blood of fish collected [in a vessel] is forbidden.¹⁷ An objection was raised: [It has been taught:] The blood of fish and locust may deliberately be eaten!¹⁸ This is when it is not collected;¹⁹ whilst Rab speaks of collected blood. Then the clause relating to those that walk on two legs would likewise refer to uncollected blood; but is such blood at all forbidden; has it not been taught: The blood found on a loaf of bread must be scraped away and the loaf may be eaten; that between the teeth may be sucked and swallowed without hesitation? — In the instance of that Baraitha [the blood] contained [fish] scales; Rab, on the other hand, who rules that it is forbidden, refers to a case where there were no [fish] scales.²⁰

Said Rab Shesheth: In the case of human blood one is not even enjoined to refrain from it.²¹ An objection was raised: [It was taught:] The blood of the spleen, or of the heart or of the kidneys or of any other limb is subject to a prohibition; the blood of those that walk on two legs or that of reptiles and creeping things is forbidden, but one is not liable for it! — The ruling of the Baraitha that it is forbidden refers to the case

(1) A morsel less than an olive's bulk of nebelah is potentially liable to weighty uncleanness and therefore not on the same footing as seed. It, therefore, does not require moistening. Moreover, as an edible, it is also subject to light uncleanness if joined together with other food. The flesh of a man, however, is not capable of being regarded as food even if the person concerned expressed that intention, for it is against the natural conception of society to lend to it the

character of food.

(2) The dough itself was less than an egg's bulk but together with the olive's bulk of nebelah the whole amounted to an egg's bulk. This quantity can now convey food uncleanness.

(3) For it will at no time convey weighty uncleanness. It therefore requires preparation, I.e. moistening, according to the rule of the School of R. Ishmael.

(4) Unclean foodstuffs cannot render a person unclean, either by contact or by carrying.

(5) Direct contact with the nebelah is thus impossible.

(6) Even though the morsel of the corpse is buried or covered up it still transmits uncleanness to whatsoever is above or below it. The fact that it is wrapped in dough is therefore no hindrance in the transmission of its uncleanness. Some edd. add here: 'The Master said, "I must exclude reptiles for they are not subject to (weighty) uncleanness". But does not a reptile transmit uncleanness by contact? — It does not, however, by carrying'. This addition is struck out by Rashi.

(7) Heb. **כּוֹלוּ הֵיטֵר**, which may denote 'wholly permitted' as well as 'always permitted'.

(8) The Torah forbids four types of kil'ayim or 'diverse kinds': (a) sowing a vineyard with diverse kinds or a field with diverse kinds of seed; (b) allowing cattle to gender with diverse kinds; (c) ploughing with diverse kinds of beasts; and (d) wearing a garment wherein wool and linen are mingled together. V. Lev. XIX, 19, and Deut. XXII, 9 — 11.

(9) B.K. 54b. Among the laws enumerated as applying equally to cattle, beasts and fowl, is expressly mentioned the law of kil'ayim.

(10) The fluff of fowl may be woven together with linen.

(11) Lit. 'thou shalt not do'; involving the penalty of stripes.

(12) Tosef. Ker. II; v. infra 22a.

(13) The Talmudic text is in slight disorder, but the sense is as given.

(14) The text, however, makes it clear that a different ruling is given in the second clause.

(15) I.e., the blood of reptiles is excluded from the text that contains the prohibition of blood, viz., Lev. VII, 23.

(16) The blood of a reptile is prohibited as being part of the flesh, cf. supra 4b; as blood, however, it is not subject to a special prohibition. It therefore depends on the warning, which has to be precise and comprehensive, that was administered to the transgressor at the time of eating, as to whether he incurs stripes or not.

(17) When alone in a vessel it might be mistaken for the blood of cattle; it is therefore forbidden for appearance sake.

(18) Lit. 'is permitted even in the first instance'.

(19) It is still in the flesh of the fish, so that no misunderstanding is possible.

(20) I.e., the Baraitha speaks in fact of collected blood throughout. It is therefore right that the blood of man in these circumstances is forbidden. In the instance relating to the blood of fish it is permitted, because there were still scales in the blood which clearly indicated its origin, and no misunderstanding is possible.

(21) I.e., one may, as we have learnt above, deliberately swallow it.

Talmud - Mas. K'rithoth 22a

where it had been separated,¹ whilst in the instance of Rab it had not been separated; as it has been taught: The blood found on a loaf of bread must be scraped away and the loaf may be eaten; that between the teeth may be sucked and swallowed without hesitation.

Some there are who report the statement of Rab Shesheth with reference to that which has been taught: I might have thought that he who drinks human milk transgresses a prohibition, and this might be supported by the following a fortiori conclusion: if the milk of an unclean animal is forbidden, although with regard to uncleanness by contact it follows the lenient ruling,² how much more should the milk of those that walk on two legs, who follow the stringent view regarding uncleanness by contact, be forbidden! The text therefore teaches, This is unclean unto you:³ this is unclean; human milk, however, is not unclean but clean. I might exclude only milk in relation to which the law is not constant,⁴ but not blood in relation to which the law is constant, therefore the text teaches, 'This is unclean unto you': this is unclean; human blood, however, is not unclean but clean. Upon this remarked Rab Shesheth: 'One is not even enjoined to refrain from it'.

We have learnt elsewhere: The heart must be torn and its blood removed; if he had not torn it, he

has nevertheless not transgressed.⁵ Said R. Zera in the name of Rab: This holds good only with regard to the heart of a fowl which is not as big as an olive's bulk in all; the heart of a beast, however, which comprises an olive's bulk, is forbidden and [whoso eats it] incurs the penalty of kareth.

An objection was raised: [It has been taught:] The blood of the spleen or of the heart or of the kidneys, or of any other limb is subject to a prohibition; the blood of those that walk on two legs or that of reptiles and creeping things is forbidden, but one is not liable for it!⁶ — That which is there taught⁷ refers to the blood within;⁸ Rab, however, refers to blood that came from elsewhere.⁹ But is not the blood within identical With the blood of a limb?¹⁰ — And even according to you, is not the blood of the kidneys mentioned in addition to the blood of a limb? You must thus admit that the one is stated and then the other;¹¹ then say here, too, that the one is stated and then the other. [It says:] 'From elsewhere' — From where? — Said R. Zera: It absorbs it with the last breath.¹²

...OF THE BLOOD [OF THE ARTERIES] WHEREBY LIFE ESCAPES, HE IS LIABLE. It has been stated: What is the definition of 'the blood of arteries upon which life depends'?¹³ R. Johanan says: That which gushes forth; Resh Lakish says: From the black drop onward.¹⁴

An objection was raised: Which is the blood of arteries whereby life escapes? That which gushes forth, to the exclusion of secondary blood, because it flows gently.¹⁵ May we not assume that the first as well as the last blood that flow gently¹⁶ are regarded as secondary blood; and this is then in contradiction to Resh Lakish? — No, only the blackened blood is excluded, but the first and the last blood, though flowing gently, are regarded as life blood.¹⁷

An objection was raised: Which is regarded as life blood?¹⁸ That which gushes forth, to the exclusion of the first and last blood, which flow gently. This is in contradiction to Resh Lakish! — He might retort: Tannaim differ on this point, as has been taught: Which is regarded as life blood? That which gushes forth. This is the view of R. Eliezer. R. Simeon holds: From the black drop onward. The School of R. Ishmael taught: The text 'And drink the blood of the slain':¹⁹ excludes the gushing blood from rendering plants susceptible to uncleanness.

R. Jeremiah put the following query before R. Zera: What is the law if one drew blood from an animal and received it in two vessels? For [the blood which is] in the first vessel, according to all views one is liable;²⁰ but what of that in the second; is one liable for it or not? — He replied: Therein differ R. Johanan and Resh Lakish, as has been stated: If one drew blood from an animal and received it in two vessels, Resh Lakish says: He is liable to two sin-offerings;²¹ R. Johanan says: He is liable to one sin-offering only.

R. JUDAH HOLDS, HE IS LIABLE FOR SECONDARY BLOOD. Said R. Eleazar: R. Judah admits, however, with reference to atonement, for it is written: For it is the blood that maketh atonement by reason of the life:²² the blood whereby life escapes causes atonement, the blood whereby life does not escape does not cause atonement. Said Rab Nahman b. Isaac: We have also learnt in confirmation thereof, for it has been taught: [It would have sufficed had the text stated,] Blood, why does it say, Any manner of blood?²³ Because Scripture reads: 'For it is the blood that maketh atonement by reason of the life'; from this we only learn that the blood of consecrated animals whereby life escapes and which makes atonement, [is forbidden], whence do we know that blood of unconsecrated animals and secondary blood [are forbidden]? Because it reads: 'Any manner of blood'. And [it is established that] an anonymous [tradition in the] Sifra²⁴ represents the view of R. Judah.²⁵ MISHNAH. FOR DOUBTFUL MISAPPROPRIATION OF SACRED PROPERTY R. AKIBA DECLARES ONE LIABLE TO A SUSPENSIVE GUILT-OFFERING; WHILE THE SAGES DECLARE HIM EXEMPT.²⁶ R. AKIBA, HOWEVER, ADMITS THAT HE NEED NOT MAKE RESTITUTION²⁷ UNTIL HE BECOMES AWARE [OF HIS TRESPASS], WHEN HE

MUST BRING WITH IT AN UNCONDITIONAL GUILT-OFFERING. SAID R. TARFON: WHEREFORE SHOULD HE BRING TWO GUILT-OFFERINGS?²⁸ LET HIM RATHER RESTORE THE CAPITAL TOGETHER WITH THE FIFTH, OFFER A GUILT-OFFERING OF THE VALUE OF TWO SELA'S²⁹ AND STIPULATE: IF I DID COMMIT SACRILEGE, HERE IS MY RESTITUTION AND THIS MY GUILT-OFFERING; AND IF THE SACRILEGE WAS DOUBTFUL, LET THE MONEY BE A FREEWILL GIFT AND THE [OFFERING A] SUSPENSIVE GUILT-OFFERING; SINCE THAT WHICH IS OFFERED FOR A KNOWN [TRESPASS] IS OF THE SAME KIND AS THAT OFFERED FOR A DOUBTFUL ONE.³⁰ SAID R. AKIBA: HIS³¹ WORDS SEEM PLAUSIBLE IN THE CASE OF A MINOR MISAPPROPRIATION; BUT IF HIS DOUBT RELATED TO THE MISAPPROPRIATION OF A HUNDRED MANEHS, WOULD IT NOT BE MORE ADVANTAGEOUS FOR HIM TO BRING A GUILT-OFFERING³² FOR TWO SELA'S RATHER THAN RESTORE OUT OF DOUBT THE SUM OF A HUNDRED MANEHS? R. AKIBA INDEED AGREES WITH R. TARFON IN THE CASE OF A MINOR MISAPPROPRIATION.

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- (1) Blood that had parted from the body and was collected in a vessel or was found on a loaf, may not be eaten; that which is still within the body may deliberately be consumed.
- (2) A living animal can never cause uncleanness, either itself or by any kind of secretion from it, whilst a woman is unclean through menstruation or gonorrhoea, and transmits the uncleanness to other objects.
- (3) Lev. XI, 29. The verse refers to unclean creeping things.
- (4) Lit. 'is not alike in all (cases)'. Viz., the milk of a clean animal is permitted, but that of an unclean one is forbidden. Blood, however, is forbidden in all cases.
- (5) I.e., he has not transgressed the law relating to blood by eating the heart whole; Hul. 109a.
- (6) V. supra 21b. This is in contradiction to Rab, for it states that the blood of the heart — and it obviously speaks of cattle—is subject to a prohibition, whilst Rab holds it is subject to kareth.
- (7) Thus the version of Tosaf.; cur. edd. add here: 'That one is not liable for it'. This version seems incorrect for this expression is used in the second clause and not in relation to the blood of the heart.
- (8) I.e., the blood which is contained in the walls of the heart.
- (9) And is now collected in the heart chambers.
- (10) Its enumeration is thus superfluous.
- (11) Even though one is redundant.
- (12) The last beat of the heart before the animal's death fills the chambers of the heart with blood from the arteries.
- (13) This is identical with the expression 'the blood whereby life escapes' used in our Mishnah.
- (14) Thus literally. Rashi explains that 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 R. Johanan, only the blood that escapes with force is considered the life blood; according to Resh Lakish it is all blood that escapes after the last black drop even when flowing gently.
- (15) Tosef. Zeb. VIII.
- (16) Even though it escaped after the last black drop. The first and the last blood means that which flows out gently before and after the gushing blood.
- (17) 'Life blood' and 'the blood whereby life escapes' are identical expressions.
- (18) Thus in MS; cur. edd. read erroneously 'first blood'.
- (19) Num. XXIII, 24. The text implies that the blood that issues from persons already slain (dead) may be regarded as a liquid with regard to qualification for uncleanness; 'life blood', however, does not qualify.
- (20) For it contains blood which streamed out with force.
- (21) One for each vessel, provided it was consumed in two different spells of unawareness of sin.
- (22) Lev. XVII, 11. 'By reason of the life' is interpreted as referring to life blood.
- (23) Ibid. v. 10 which deals with the prohibition of blood. As the following sentence makes reference to the blood of sacrifices, which causes atonement, I might have thought that the whole prohibition was confined to such blood.
- (24) V. Glos.
- (25) Cf. 'Er. 96b. We thus find that R. Judah admits that only the blood that gushes forth with force brings about

atonement.

(26) The Sages hold that only those transgressions that are subject to a sin-offering in the case of certain offences involve a suspensive guilt-offering in the case of doubt. Sacrilege, however, is subject to an ordinary guilt-offering.

(27) V. Lev. V, 15-16.

(28) I.e., at first a suspensive guilt-offering and then, should the trespass be established, an ordinary guilt-offering.

(29) Two silver shekels is the minimum amount to be spent for the offering, because the text (Lev. V, 15) speaks of silver shekels in the plural.

(30) I.e., in both instances a ram is to be offered.

(31) R. Tarfon's.

(32) Viz., one for doubtful sins; and should it afterwards be established that the trespass was certain, he will bring another ordinary guilt-offering. The risk amounts to two sela's only, whilst according to R. Tarfon he might lose a hundred muneh2.

Talmud - Mas. K'rithoth 22b

GEMARA. It has been taught: The expression And if any one¹ intimates that one is liable to a suspensive guilt-offering in the case of doubtful sacrilege; thus the view of R. Akiba. The Sages declare him exempt.² May we assume that they differ in the following point: R. Akiba holds, we may derive the law above³ from the law below, while the [other] Rabbis hold, we may not derive the law above from the law below? — Said R. Papa: All agree that we may derive the law above from the law below, otherwise we should not find [a basis for the law] that a bullock has to be slaughtered on the north side of the altar;⁴ but the reason why the Rabbis here declare him exempt, lies in the textual analogy to a sin-offering based on the common term mitzwoth:⁵ as [that text] there⁶ speaks of an offence for which one is liable to kareth in the case of wilful transgression, to a sin-offering in the case of erroneous transgression, and to a suspensive guilt-offering in the case of doubt, so for all other offences, for which one is liable to kareth in the case of wilful transgression, and to a sin-offering in the case of erroneous transgression, one is liable to a suspensive guilt-offering in the case of doubt; this excludes sacrilege, since for the wilful transgression thereof one is not liable to kareth, as has been taught: If one committed sacrilege wilfully, Rabbi says, He is liable to the death penalty;⁷ the Sages say, [He has merely transgressed] a prohibition. And R. Akiba? — He maintains that the textual analogy regarding the sin-offering for heleb,⁸ based upon the common term mitzwoth, is to be applied only for the following purpose: as that text relates to a fixed sacrifice, so must all be fixed sacrifices, thus excluding sacrifices of higher or lesser value.⁹ And the Rabbis? — They hold, a gezerah shawah cannot be applied partially.¹⁰ Are we, then, to conclude that R. Akiba holds that one may apply a gezerah shawah partially?¹¹ — Say, rather, all agree that a gezerah shawah cannot be applied partially; but this is the reason of R. Akiba. The text says, And if any one: 'And' implies an addition to the foregoing, so we therefore derive the law above from the law below.¹² And the Rabbis? — They hold [that the inference is in the reverse direction], and we must derive the law below from the law above regarding silver shekels for guilt-offerings.¹³ And R. Akiba? — He holds, a hekkesh cannot be applied partially.¹⁴ Are we, then, to conclude that the Rabbis hold that a hekkesh can be applied partially? Is it not definitely established that a hekkesh cannot be applied partially? — All agree that a hekkesh cannot be applied partially, but here the Rabbis maintain that the textual analogy founded upon the common term 'mitzwoth' supersedes the hekkesh. And R. Akiba? — The law regarding silver shekels for guilt-offerings he derives from: This is the law of the guilt-offering:¹⁵ there is one law for all guilt-offerings, which includes the silver shekels.

And the Rabbis?¹⁶ — Although it is written, 'This is the law of the guilt-offering', there is still need for the phrase, 'and if any one', the 'and' implying an addition to the foregoing, and thereby deriving the law below from the law above. For as to [the passage], 'This is the law of the guilt-offering', from which is derived that one law rules all guilt-offerings, it might be said to apply to unconditional guilt-offerings only [and not to suspensive guilt-offerings]; for since the suspensive

guilt-offering is brought [e.g.] for [the eating of] doubtful heleb, I might have argued that doubtful transgression should not be more stringent than certain transgression; and as in the case of certain transgression a sin-offering of the value of a danka¹⁷ suffices, so also in the case of doubtful transgression a guilt-offering of the value of a danka should suffice. It is for this reason that the Divine Law wrote, 'And if any one', the 'and' implying an addition to the foregoing.¹⁸ The above [conclusion of R. Akiba] is valid according to him who holds¹⁹ that an inference may be made from [the text], 'This is the law of the guilt-offering'; but according to him who holds that one cannot make any inference from, 'This is the law of the guilt-offering', what can be said? — The law²⁰ will then be derived from that relating to the guilt-offering of sacrilege by a textual analogy based upon the common term be'erkeka;²¹ whilst regarding the guilt-offering of the designated bondmaid,²² in connection with which be'erkeka is not mentioned, the law will be derived by an analogy based upon the common term ayil.²³

R. AKIBA, HOWEVER, ADMITS etc. What is the meaning of AND IF THE SACRILEGE WAS DOUBTFUL?²⁴ — Said Raba: Read, 'And if the doubt remains for ever, it shall be a suspensive guilt-offering, since that which is offered for a known [trespass] is of the same kind as that offered for a doubtful one'. But has he not, after all, to bring an unconditional guilt-offering when he becomes aware of the transgression?²⁵ — Said Raba: From this ruling of both²⁶ we learn that knowledge at the outset is not essential with regard to an unconditional guilt-offering.²⁷

MISHNAH. IF A WOMAN BROUGHT A SIN-OFFERING OF A BIRD BY REASON OF A DOUBT,²⁸ AND PRIOR TO THE PINCHING OF ITS NECK SHE LEARNT THAT THE BIRTH WAS A CERTAINTY, SHE SHALL OFFER IT AS FOR A CERTAINTY,²⁹ FOR THAT WHICH SHE OFFERS IN THE CASE OF CERTAINTY IS OF THE SAME KIND AS THAT WHICH SHE OFFERS IN THE CASE OF DOUBT.³⁰ [IF THERE WAS] A PIECE OF UNCONSECRATED FOOD AND A PIECE OF CONSECRATED FOOD, AND A PERSON ATE ONE OF THEM AND DOES NOT KNOW WHICH OF THEM HE ATE, HE IS EXEMPT. R. AKIBA DECLARES HIM LIABLE TO A SUSPENSIVE GUILT-OFFERING.³¹ IF HE THEN ATE THE SECOND [PIECE], HE IS LIABLE TO AN UNCONDITIONAL GUILT-OFFERING.³² IF HE ATE THE ONE [PIECE] AND ANOTHER CAME AND ATE THE OTHER, EACH OF THEM IS LIABLE TO A SUSPENSIVE GUILT-OFFERING; THIS IS THE VIEW OF R. AKIBA. R. SIMEON SAYS: THEY TOGETHER BRING ONE GUILT-OFFERING.³³ SAID R. JOSE

(1) Lev. V, 15. The 'and' connects it with the previous paragraph which speaks of the guilt-offering for sacrilege. This is taken to indicate that also this transgression is to be included in the law relating to doubtful sins.

(2) V. Zeb. 48a.

(3) The law above is that relating to sacrilege, the law below that of the suspensive guilt-offering.

(4) Cf. Zeb. 48a where this ruling is derived from the fact that the text relating to bullock-offerings (Lev. I, 3f) precedes that relating to small cattle (ibid. 10f) which explicitly mentions the north side as the place of slaughtering.

(5) I.e., the expression 'commandments', which occurs in connection with the sin-offering (Lev. IV, 27) and also with the suspensive guilt-offering (ibid. V, 27). Such an analogy is known as a *gezerah shawah*.

(6) Viz., Lev. IV, 27, which deals with the sin-offering.

(7) I.e. death at the hands of Heaven.

(8) The eating of heleb is mentioned as the prototype of a transgression which is subject to a sin-offering, because the law relating to it (Lev. III, 27) immediately precedes the chapter containing the laws of the sin-offering.

(9) I.e., sacrifices which vary according to the pecuniary position of the transgressor; cf. Lev. V, 1-13.

(10) The deduction by such an analogy must take into consideration all qualities. R. Akiba, however, considers only the fact of the fixed sacrifice and disregards the fact of the penalty of *kareth*.

(11) Which would be in contradiction to a generally accepted rule.

(12) I.e., because of the connection established by the 'and', this inference is to be made in spite of the deduction by *gezerah shawah* to the contrary. This analogy based on the inner or logical connection between laws is known as a *hekkesh*.

(13) I.e., that the suspensive guilt-offering contained in the later text has also to be at least two silver shekels in value, just as the sacrifice of the preceding paragraph, where this is expressly indicated in Lev. V, 15. Rashi omits the following four passages and continues here: And whence does It. Akiba derive the law concerning silver shekels for guilt-offerings? — From ‘this is the law of the guilt-offering, etc.’.

(14) I.e., in one direction only.

(15) Lev. VII, 1.

(16) They, too, could infer the rule relating to the cost of a guilt-offering from the passage in Lev. VII, 1, and therefore the hekkesh based upon ‘and if any one’ would be superfluous.

(17) A small coin, the sixth of a denar.

(18) This comparison of laws, as explained above, teaches that the value of a guilt-offering for doubtful sins, too, must be two sela's.

(19) Cf. Men. 3b. The text in question there is ‘this is the law of the meal-offering’; but the principle involved is the same as in our text.

(20) Viz., that the minimum cost of the suspensive guilt-offering must be two sela's.

(21) Tr. ‘according to thy valuation’, which occurs in Lev. V, 15 and *ibid.* v. 18.

(22) Lev. XIX, 20-21.

(23) Tr. ‘ram’, occurring in Lev. V, 15 and XIX, 22.

(24) There is no ‘if’ here, for we are speaking of a doubtful transgression.

(25) For the sacrifice offered at the time when there was still doubt as to the trespass cannot expiate for the sin that afterwards becomes certain.

(26) I.e., R. Akiba and R. Tarfon who agree in the instance of minor misappropriation that the sacrifice is valid even when the sin becomes known.

(27) I.e., it is not necessary for the sinner to be aware of the sin at the time of its commission.

(28) A woman after confinement must offer a lamb as a burnt-offering and a dove as a sin-offering; v. Lev. XII, 6f. If there is doubt whether a normal birth took place (cf. Nid. III) she offers the burnt-offering with the stipulation that it shall be a freewill-offering in case of her being exempt, and the sin-offering she offers out of doubt without any stipulation. For the sin-offering of a bird the form of slaughter is the pinching of its neck, cf. Lev. V, 8.

(29) And the bird may be eaten by the priests.

(30) I.e., in either case birds are offered.

(31) Misappropriation of sacred property is subject to a guilt-offering, and the Sages and R. Akiba differ in the previous Mishnah as to whether a suspensive guilt-offering is brought in case of doubtful sacrilege.

(32) As prescribed in Lev. V, 15. For he ate at all events of sacred food.

(33) With the stipulation that the one who is exempt makes a gift to the other of his portion of the sacrifice.

Talmud - Mas. K'rithoth 23a

: TWO PERSONS CANNOT BRING ONE GUILT-OFFERING.¹ IF THERE WAS A PIECE OF HELEB AND A PIECE OF UNCONSECRATED [PERMITTED FAT], AND A PERSON ATE ONE OF THEM AND DOES NOT KNOW WHICH, HE IS LIABLE TO A SUSPENSIVE GUILT-OFFERING; IF HE THEN ATE THE SECOND PIECE, HE IS LIABLE TO A SIN-OFFERING. IF HE ATE THE ONE [PIECE] AND ANOTHER CAME AND ATE THE OTHER, EACH OF THEM IS LIABLE TO A SUSPENSIVE GUILT-OFFERING. R. SIMEON SAYS: THEY TOGETHER BRING ONE SIN-OFFERING.² SAID R. JOSE: TWO PERSONS CANNOT BRING ONE SIN-OFFERING. IF THERE WAS A PIECE OF HELEB AND A PIECE OF CONSECRATED [PERMITTED FAT], AND A PERSON ATE ONE OF THEM AND DOES NOT KNOW WHICH, HE IS LIABLE TO A SUSPENSIVE GUILT-OFFERING; IF HE THEN ATE THE SECOND PIECE, HE IS LIABLE TO A SIN-OFFERING AND AN UNCONDITIONAL GUILT-OFFERING.³ IF HE ATE THE ONE PIECE AND ANOTHER CAME AND ATE THE OTHER, EACH OF THEM BRINGS A SUSPENSIVE GUILT-OFFERING. R. SIMEON HOLDS: THEY TOGETHER BRING A SIN-OFFERING AND A GUILT-OFFERING.² SAID R. JOSE: TWO PERSONS CANNOT TOGETHER BRING ONE SIN-OFFERING AND ONE GUILT-OFFERING. IF THERE WAS A PIECE OF UNCONSECRATED HELEB AND A PIECE

OF CONSECRATED HELEB,⁴ AND A PERSON ATE ONE OF THEM AND DOES NOT KNOW WHICH, HE IS LIABLE TO A SIN-OFFERING. R. AKIBA SAID: ALSO TO A SUSPENSIVE GUILT-OFFERING. IF HE THEN ATE THE SECOND PIECE, HE IS LIABLE TO TWO SIN-OFFERINGS⁵ AND ONE UNCONDITIONAL GUILT-OFFERING. IF HE ATE THE ONE PIECE AND ANOTHER CAME AND ATE THE OTHER, EACH OF THEM IS LIABLE TO A SIN-OFFERING.' R. AKIBA SAYS: EACH OF THEM BRINGS [IN ADDITION] A SUSPENSIVE GUILT-OFFERING. R. SIMEON HOLDS: EACH OF THEM BRINGS A SIN-OFFERING AND TOGETHER THEY BRING ONE GUILT-OFFERING. SAID R. JOSE: TWO PERSONS CANNOT BRING ONE GUILT-OFFERING. IF THERE WAS A PIECE OF HELEB AND A PIECE OF HELEB [WHICH WAS AT THE SAME TIME] NOTHAR, AND A PERSON ATE ONE OF THEM AND DOES NOT KNOW WHICH, HE IS LIABLE TO A SIN-OFFERING AND TO A SUSPENSIVE GUILT-OFFERING;⁶ IF HE THEN ATE THE SECOND PIECE, HE IS LIABLE TO THREE SIN-OFFERINGS.⁷ IF HE ATE THE ONE PIECE AND ANOTHER CAME AND ATE THE OTHER, EACH OF THEM BRINGS A SIN-OFFERING AND A SUSPENSIVE GUILT-OFFERING. R. SIMEON HOLDS: EACH OF THEM BRINGS A SIN-OFFERING AND TOGETHER THEY BRING A SIN-OFFERING. SAID R. JOSE: NO SIN-OFFERING THAT IS BROUGHT FOR THE EXPIATION OF SIN⁸ CAN BE OFFERED BY TWO PERSONS.

GEMARA. Said Raba to R. Nahman: According to R. Jose it is only a sin-offering that cannot be brought by two persons, but a suspensive guilt-offering can be brought by two persons. Is this, then, not identical with the view of the first Tanna? And should you say they differ as to whether one out of two pieces is required,⁹ [I would reply,] has it not been taught: R. Jose holds that each of them¹⁰ brings a suspensive guilt offering? He replied: What he wishes to let us know is that the first Tanna is R. Jose.

IF A PIECE OF HELEB AND A PIECE OF CONSECRATED [PERMITTED FAT]..., A PIECE OF UNCONSECRATED HELEB AND A PIECE OF CONSECRATED HELEB..., A PIECE OF HELEB AND A PIECE OF HELEB [WHICH WAS AT THE SAME TIME] NOTHAR etc. Said Raba to Rab Nahman: Let him also bring an unconditional guilt-offering, for the nothar is at the same time consecrated [food]? — He replied: [It is a case where] the food was not worth a perutah.¹¹ But do not the preceding instances¹² relate to food worth a perutah, for it is stated, HE MUST BRING AN UNCONDITIONAL GUILT-OFFERING? — He replied: In that instance since it was not nothar, it was worth a perutah.¹³ But what [of the Mishnah] 'One may by one act of eating ...'¹⁴ which speaks of nothar as one of the trespasses involved, nevertheless it states that he is liable to four sin-offerings and one guilt-offering? — That [Mishnah] refers to a large meal, ours to a scanty meal; alternatively that [Mishnah] relates to the winter season and ours to the summer season.¹⁵

IF ONE PERSON ATE ONE PIECE etc. Said Raba to Rab Nahman: And does R. Simeon indeed hold that a prohibition can take effect on an existing prohibition;¹⁶ has it not been taught: R. Simeon says, He who eats nebelah on the Day of Atonement is exempt?¹⁷ — Said R. Shesheth son of Idi: [Our Mishnah] refers to one who ate the kidney with the heleb attached thereto.¹⁸ But even in the case of the kidney with the heleb attached thereto is it not subject to prohibition relating to things offered [upon the altar]?¹⁹ How, then, can the prohibition regarding nothar take effect on it? And should you argue that R. Simeon maintains that the prohibition relating to nothar is a stringent²⁰ one and therefore takes effect on the existing lighter prohibition regarding things offered [upon the altar], [I might retort], behold the prohibition of nebelah is light and that of the Day of Atonement is stringent, and yet the latter does not take effect on the former! — One must say that in connection with consecrated things the Divine Law has revealed that one prohibition can take effect on an existing prohibition,

(1) He holds no conditions may be attached to a sacrifice.

(2) V. p. 171, n. 9.

(3) For the first piece he would be liable to a sin-offering, and for the second, which is not heleb, to a guilt-offering; in the case of doubt he brings a suspensive guilt-offering even according to the Sages, because of the doubt relating to the first piece.

(4) The first is subject to a sin-offering, the second to a sin-offering as well as a guilt-offering by reason of its sacred character.

(5) Provided the two pieces were not eaten in one spell of unawareness, otherwise he would be liable to but one sin-offering, viz., for the eating of heleb.

(6) The first is subject to a sin-offering, the second to two sin-offerings, for the law of nothar is more comprehensive than that of heleb, although it was forbidden before it became nothar. For nothar v. Glos. In case of doubt as to which of them he ate, he brings a sin-offering, to which he is at all events liable, and a suspensive guilt-offering by reason of the doubt relating to nothar.

(7) V. p. 172, n. 5.

(8) Excluded from this rule are the sin-offerings which are not brought as the outcome of a certain sin, such as the one offered by a woman after confinement, v. supra 7b.

(9) V. supra 16b. The first Tanna will hold that if the two pieces were eaten by two persons both will be liable to a suspensive guilt-offering, although when the second one ate his piece the presence of something forbidden was not established; R. Jose will hold that only the first is liable, because of the two pieces before him one was definitely forbidden, but the second is exempt.

(10) Obviously also the second is liable.

(11) The standard value for the trespass of the law of sacrilege is a perutah, the smallest coin.

(12) In the third instance of the Mishnah it is stated that if one ate both pieces he is liable to a sin-offering (by reason of the heleb present) and to a guilt-offering to expiate the sacrilege he committed. The second piece must, accordingly, have been worth a perutah; why should we not assume the same in the concluding instance?

(13) The meat of the nothar is usually inferior and cheaper because of its staleness.

(14) V. supra 13b. One of the sin-offerings is brought for the transgression of the law of nothar, whilst the guilt-offering is to expiate the trespass of sacrilege. The piece of nothar must of necessity have been worth a perutah.

(15) I.e., the meat referred to there was either of a bigger quantity or better preserved, by reason of the cold of the winter.

(16) R. Simeon holds in the last instance of the Mishnah that a second sin-offering is to be brought because of the trespass of the law of nothar. Now, before it became nothar it was already forbidden as heleb; how can the second prohibition take effect upon something already prohibited?

(17) The nebelah (v. Glos.) was forbidden even before the Day of Atonement; he is therefore exempt from the sin of eating on the Day of Atonement, for this prohibition cannot take effect.

(18) That part of the kidney which is not heleb is at all events subject to nothar. By eating them together he has made himself liable to the prohibition of heleb as well as nothar, the first by reason of the heleb, the second because of the kidney.

(19) Both the kidney and the heleb of an offering are burnt upon the altar and are therefore forbidden for use.

(20) Nothar and eating on the Day of Atonement involve the penalty of kareth, nebelah and the portions offered on the altar are only subject to a mere prohibition.

Talmud - Mas. K'rithoth 23b

as has been taught: [The expression] Which pertain unto the Lord¹ includes the sacrificial portions [destined for the altar]. Now these portions are subject to the prohibition relating to things offered [upon the the altar], moreover the heleb thereof is subject to a prohibition involving kareth, and yet the prohibition regarding uncleanness takes effect on them. A further proof that this is so:² Behold, Rabbi is of the opinion that one prohibition can take effect on another, provided it is a stringent prohibition being applied to an existing light one, and not a light one to a stringent one, yet in the matter of consecrated things he maintains that even a light prohibition can take effect on a stringent one. For the prohibition of sacrilege is light, being subject to death,³ whereas the prohibition relating to [the eating of] consecrated things is stringent, involving kareth, yet the prohibition involving death takes effect on the prohibition involving kareth, as has been taught: Rabbi says, [The text] All fat is

the Lord's⁴ includes the sacrificial portions of offerings of a lower degree of holiness destined for the altar as being subject to the law of sacrilege. Now, sacrilege is a prohibition involving death³ and yet it takes effect on the prohibition of heleb which involves kareth. This proves that Scripture revealed a special case with regard to consecrated things. But has it not been taught elsewhere: R. Simeon says, Neither the law of piggul⁵ nor that of nothar applies to things that are offered upon the altar? — There are two [contradictory] tannaitic [traditions] in the name of R. Simeon; some there are who hold that in relation to consecrated things a prohibition can take effect on an existing prohibition, but others hold that even in relation to consecrated things a prohibition cannot take effect on an existing prohibition. And for what purpose will they who hold that also in relation to consecrated things one prohibition cannot take effect on another, employ [the text], 'All fat is the Lord's'?⁶ — They will employ it for the young⁷ of consecrated animals, for they hold that the young of consecrated animals are sacred only from birth,⁸ so that both [prohibitions]⁹ come into force simultaneously.

CHAPTER VI

MISHNAH. IF A PERSON BROUGHT A SUSPENSIVE GUILT-OFFERING AND LEARNT AFTERWARDS THAT HE DID NOT SIN,¹⁰ IF IT WAS BEFORE THE ANIMAL WAS SLAUGHTERED, IT MAY GO OUT TO PASTURE AMONG THE FLOCK;¹¹ THUS THE VIEW OF R. MEIR. THE SAGES SAY: IT SHALL BE LEFT TO PASTURE UNTIL IT BECOMES BLEMISHED¹² AND THEN SOLD, AND ITS PRICE GOES TO [THE TEMPLE FUND FOR] FREEWILL-OFFERINGS.¹³ R. ELIEZER SAYS: IT SHALL BE OFFERED UP, FOR IF IT DOES NOT EXPIATE THIS SIN, IT WILL EXPIATE ANOTHER SIN.¹⁴ IF HE LEARNS OF IT AFTER IT WAS SLAUGHTERED, THE BLOOD SHALL BE Poured OUT AND THE FLESH IS REMOVED TO THE PLACE OF BURNING.¹⁵ IF THE BLOOD HAD ALREADY BEEN TOSSED, THE FLESH MAY BE EATEN.¹⁶ R. JOSE SAYS: EVEN IF THE BLOOD IS STILL IN THE VESSEL, IT SHOULD BE TOSSED AND THE FLESH THEN EATEN.¹⁷ THE LAW, HOWEVER, IS DIFFERENT WITH AN UNCONDITIONAL GUILT-OFFERING: IF¹⁸ BEFORE THE ANIMAL WAS SLAUGHTERED, IT MAY GO OUT TO PASTURE AMONG THE FLOCK; IF AFTER IT WAS SLAUGHTERED, IT SHALL BE BURIED; IF AFTER THE SPRINKLING OF THE BLOOD, THE FLESH MUST BE REMOVED TO THE PLACE OF BURNING. THE LAW IS ALSO DIFFERENT REGARDING AN OX TO BE STONED:¹⁹ IF BEFORE IT WAS STONED,²⁰ IT MAY GO OUT TO PASTURE AMONG THE FLOCK; IF AFTER IT WAS STONED, IT IS PERMITTED FOR USE. THE LAW IS ALSO DIFFERENT REGARDING THE HEIFER WHOSE NECK IS TO BE BROKEN:²¹ IF BEFORE ITS NECK WAS BROKEN,²² IT MAY GO OUT TO PASTURE AMONG THE FLOCK; IF AFTER ITS NECK WAS BROKEN, IT SHALL BE BURIED ON THE SPOT,²³ FOR IT WAS FROM THE OUTSET BROUGHT IN A MATTER OF DOUBT, IT HAS ATONED FOR THE DOUBT, AND SO HAS SERVED ITS PURPOSE.

GEMARA. Wherein do they differ? — R. Meir reasons, As he no longer requires the offering he does not dedicate it;²⁴ the [other] Rabbis hold, Because of his troubled conscience²⁵ he resolved to dedicate it. A Tanna [taught]: Whether he learnt that he did sin²⁶ or learnt that he did not sin, R. Meir and the Rabbis differ. In the case where he learnt that he did sin, [the dispute is taught] to present the force of R. Meir's view: Although he is now aware of his sin, since he did not know this when the sacrifice was set aside, it may therefore go out to pasture among the flock. And in the case where he learnt that he did not sin, [the dispute is taught] to present the force of the view of the Rabbis: Although he is now aware that he did not sin, since he did not know this when the sacrifice was set aside, his conscience troubled him and so resolved to dedicate it absolutely.

Said Rab Shesheth: R. Meir concedes to the Rabbis

(1) Lev. VII, 21, which states the law that if an unclean person eats of the flesh of sacrifices, he is liable to kareth. The

expression 'which pertain unto the Lord' is apparently superfluous, and serves to teach us that also the portions destined for the altar are subject to this prohibition.

(2) That in connection with consecrated things one prohibition can take effect on another.

(3) Not the death penalty by human hands but as a heavenly punishment. This penalty is less stringent than kareth; cf. M.K. 28a.

(4) Lev. III, 16.

(5) V. Glos.

(6) From this text we derived above that the law of sacrilege takes effect upon the prohibition concerning heleb.

(7) Or rather to the sacrificial portions destined for the altar of the young of consecrated animals. Rashi reads explicitly 'the sacrificial portions of the young ones'.

(8) Lit. on coming into being', i.e. at birth.

(9) Viz., that concerning sacrilege and that relating to the use of things offered upon the altar. These two prohibitions take effect simultaneously, from the moment of birth. There is thus no question of one prohibition applying to the other.

(10) E.g., it is afterwards established that the portion left over was the heleb and the one he had eaten the permitted fat.

(11) I.e., it loses its sacred character and becomes again a profane animal.

(12) So that it is unfit for the altar. Only then may a consecrated animal be sold to a private person.

(13) I.e., a fund which provided freewill-offerings whenever the altar was empty.

(14) This is consistent with R. Eliezer's view in the following Mishnah that such a guilt-offering may be brought without reference to a specific doubtful sin.

(15) I.e., it shall be burnt outside the Temple precincts, like all disqualified sacrifices.

(16) Since the ceremony of expiation was performed, it is to be treated as a valid offering.

(17) Because the blood was ready for tossing.

(18) I.e., if he discovers that the certain sin for which the sacrifice was brought did not take place after all; v. Gemara.

(19) An ox that killed a person must be stoned and no benefit or use may be derived from it. V. Exod. XXI, 28.

(20) It was found out that the judgment passed upon it was wrong.

(21) Deut. XXI, 1ff.

(22) The murderer was found.

(23) I.e., it is to be treated as if it was valid, for its purpose was to atone for the congregation who may have borne some guilt in the murder, and at the time that the heifer had its neck broken this doubt still existed.

(24) I.e., his dedication of the offering was not absolute, but rather that it should be sacred so long as the doubt existed. Now that the doubt has been solved the animal is again profane.

(25) Lit., 'his heart knocks him'; at the time of dedication he resolved to bring an offering unconditionally.

(26) When a sin-offering is due. Even then R. Meir holds that the suspensive guilt-offering loses its sacred character, and becomes profane.

Talmud - Mas. K'rithoth 24a

in the case of a person who dedicated two guilt-offerings as a surety¹ and was atoned for by one of them, that the second shall be left to pasture until it becomes blemished and then sold, and its price goes to the fund for freewill-offerings.² What is the reason? — R. Meir disagrees with the Rabbis only in the case where the offerer had given no proof that his conscience troubled him; in this instance, however, behold only one sacrifice was required of him, for what reason then did he separate two sacrifices? [Obviously] because he thought. 'Should one be lost, I shall be atoned for by the other'. Now since he has proved that his conscience troubled him, we therefore assume that his dedication was absolute.

Said Rab Judah in the name of Rab: The Rabbis concede to R. Meir in the case of a suspensive guilt-offering [which was brought on the strength of] the evidence of witnesses who were subsequently proved to be 'plotters',³ that it shall go out to pasture among the flock. What is the reason? — The Rabbis disagree with R. Meir only in the case where the offerer brought the sacrifice of his own accord, when we may assume that his conscience troubled him; but when he brought it on the strength of the evidence of two witnesses, he did not [entirely] rely on the witnesses, thinking

that perhaps others might come and prove them 'plotters'. Raba raised an objection: THE LAW IS ALSO DIFFERENT REGARDING AN OX TO BE STONED: IF BEFORE IT WAS STONED, IT MAY GO OUT TO PASTURE AMONG THE FLOCK. What were the circumstances?⁴ If two witnesses came and said [the ox] killed a person, and two others [then came and] said, it did not kill, why should we accept the latter and not the former? It must therefore be a case of plotting witnesses, and correspondingly in the matter concerning the suspensive guilt-offering it is also a case of plotting witnesses, and yet [we see that] they differ therein! — Abaye replied to him: [The case of] the ox to be stoned⁵ may be that the person [alleged to have been] killed came forward on his own feet; correspondingly in the matter concerning the suspensive guilt-offering, the case is that the remaining piece was [eventually] recognised.⁶ But when the suspensive guilt-offering was brought on the strength of the evidence of two witnesses, the law may indeed be different.⁷

[This is also] the subject of a dispute [between the following]. If a suspensive guilt-offering was brought on the strength of the evidence of witnesses and they were subsequently proved to be 'plotters'. R. Eleazar⁸ says, It is [treated] like the meal-offering of jealousy,⁹ of which it was taught that if the witnesses against the woman were proved to be 'plotters', it [the meal-offering] reverts to its profane character; but R. Johanan holds: It shall be left to pasture until it becomes blemished and then sold, and its price goes to the fund for freewill-offerings. And why does not R. Johanan compare it to the meal-offering of jealousy? — They are not comparable [one to another]; the meal-offering of jealousy is not offered for atonement but to ascertain her guilt; the suspensive guilt-offering, however, is offered for atonement, and since [we assume] that his conscience troubled him he resolved to dedicate it absolutely.

R. Kerespedai said in the name of R. Johanan: If an ox was condemned to be stoned and the witnesses were proved to be 'plotters'. whosoever takes possession of it is its legal owner.¹⁰ Said Raba: R. Johanan's view is plausible in the case where the witnesses testified that his beast was abused,¹¹ but if they asserted that he himself abused his beast, since he is certain that he did not abuse it, he certainly does not renounce his ownership of it, but will take pains to find witnesses [to disprove the charge]. But in what respect does [this case] differ from that which Rabbah b. Ithi taught in the name of Resh Lakish: In the case of a beguiled city¹² whose witnesses were proved to be 'plotters', whosoever takes hold of the property thereof is its legal owner? — In the beguiled city there are a multitude of people and each of them thinks, even though I did not sin others might have sinned,¹³ and he therefore renounces the ownership of his property; in our instance, however, the matter rests with him alone; as he knows that he did not abuse the animal he does not renounce his ownership of it, but rather endeavours to find witnesses [to disprove the charge].

Resh Lakish said: If a person offers a gift to his fellow, and the latter says. 'I do not want it', whosoever takes hold of it becomes its legal owner.¹⁴ But in what respect does this differ from that which Rabbah b. Aibu said in the name of Rab Shesheth, or as some report. R. Abbahu in the name of Rab Shesheth: If the recipient of a gift declared after it had come into his possession. 'Let this gift be annulled', or 'It is to be annulled', or 'I do not want it', his words have effect;¹⁵ if he said, 'It is annulled' or 'It is no gift', his words are of no effect.

(1) I.e., should the one die or be lost, the other shall be offered instead.

(2) I.e., that the second remains sacred property, because the dedication thereof is assumed to have been absolute.

(3) Zomemim, v. Glos. I.e., two witnesses gave evidence that he did something which was a doubtful sin, whereupon he is obliged to offer a suspensive guilt-offering. As it was not his conscience which prompted him to seek expiation, it is thought that he offered the sacrifice with reservation. The witnesses were then, before the slaughtering of the animal, proved to be 'plotters' by reason of their absence from the scene of the alleged offence; v. Deut. XIX, 18f and Mak. I, 1ff. The law distinguishes between witnesses who are contradicted and witnesses who have been proved to be 'plotters'. In the former instance the subject matter of the evidence is contradicted by two other witnesses. Neither testimony is then accepted. In the latter instance evidence is brought against the credibility of the first witnesses by proving that at the

time when the alleged act was supposed to have taken place the witnesses were seen in a different place. V. Mak. 2ff.

(4) I.e., how was it established that the sentence passed on the ox was wrong?

(5) An example of the charge being unfounded in the case of the 'ox to be stoned'.

(6) Viz., as being the forbidden fat.

(7) Lit. 'no'.

(8) Some texts read: Resh Lakish.

(9) V. Num. V, 12ff. The offering is brought on the basis of evidence that she retired with a man after having been forewarned by the husband not to do so. Its purpose is not the expiation of a sin, but rather to prove her fidelity or otherwise.

(10) The ox is regarded as ownerless, for it is assumed that the owner has abandoned all his rights in it, since it is forbidden to derive therefrom any kind of benefit.

(11) I.e. that some person had committed an offence upon the beast. V. Lev. XX, 15. Such an animal belongs to the category of an 'ox to be stoned'.

(12) v. Deut. XIII, 13-18. The whole city is to be destroyed. It is therefore assumed that every inhabitant has implicitly relinquished the ownership of his property.

(13) I.e., although he was sure that he did not sin the city might still be destroyed because of the other inhabitants. V. Sanh. IIIb.

(14) It is regarded as ownerless, for both the donor and the beneficiary have renounced their rights in the gift.

(15) This dictum has a different version in Git. 32b; cf. Tosaf. a.l. According to our version, the recipient's declaration is valid if it is clothed in terms of the future, for it is then equal to a renunciation of ownership, and invalid if clothed in terms of the present, for his words are then in contradiction to his action, viz., his taking possession of the gift. Rashi here prefers the text of the version as quoted in Git. l.c.

Talmud - Mas. K'rithoth 24b

Does not the ruling 'his words have effect' imply that it returns to the original owner?¹ — No, 'his words have effect' implies that he, too, has not acquired it, but whoever takes hold of it becomes its legal owner.

An objection was raised: If a person says to his partner, 'I have neither right nor claim on this field', or 'I have no concern in it', or 'I entirely dissociate myself from it', his words are of no effect. Now, the expression 'I entirely dissociate myself from it' corresponds to 'I do not want it', and yet we learn here that his words are of no effect! — This case is different; for what he meant was that he dissociates himself from all rights and claims, but not from the real [ownership of the] field.²

An objection was raised: If a [dying] man assigned his possessions, in writing, to another, and there were among them slaves, and the other said, 'I do not want them', if the second master was a priest,³ they may eat of terumah.³ R. Simeon b. Gamaliel says: As soon as that other said, 'I do not want them', the heirs at once become their legal owners.⁴ Now according to R. Simeon b. Gamaliel it is well, for he argues: When a man bestows a gift it is with the understanding that it be accepted; and if it is not accepted, it [automatically] returns to its original owner. But what of the first Tanna? If [it is right to say⁵ that] whenever a beneficiary says, 'I do not want it', whoever takes hold of the property becomes its legal owner, here since the second master said, 'I do not want them', the slaves should be 'strangers',⁶ and how can 'strangers' eat terumah?⁷ — He holds: If a man renounces the ownership of his slave, the latter is free but still requires a bill of emancipation from his master; and he also maintains that one who awaits a bill of emancipation may still eat of terumah.⁸

R. ELIEZER SAYS: IT SHALL BE OFFERED UP etc. Why does R. Eliezer state [that IT WILL EXPIATE ANOTHER] SIN? Does not R. Eliezer hold that a suspensive guilt-offering may be brought [at any time] as a freewill-offering, as we have learnt:⁹ R. Eliezer says. A man may freely offer a suspensive guilt-offering every day? — Replied Rab Ashi: R. Eliezer takes here into consideration what they [the Sages] said to him,¹⁰ as we have learnt:⁹ But they said unto me, Wait

until you fall into a state of doubt .¹¹

IF HE LEARNS OF IT AFTER IT WAS SLAUGHTERED etc. [It is stated here:] THE FLESH IS REMOVED TO THE PLACE OF BURNING, from which it follows that non-consecrated animals that were slaughtered in the [Temple] court are to be burnt, whilst [we read later] in contradiction thereto: THE LAW, HOWEVER, IS DIFFERENT WITH AN UNCONDITIONAL GUILT-OFFERING: IF BEFORE THE ANIMAL WAS SLAUGHTERED, IT MAY GO OUT TO PASTURE AMONG THE FLOCK; IF AFTER IT WAS SLAUGHTERED, IT SHALL BE BURIED.¹² — Replied R. Eleazar: The contradiction is obvious;¹³ he who taught the one clause cannot have taught the other.¹⁴ Rabbah said: Do you point out a contradiction between the unconditional guilt-offering and the suspensive guilt-offering? As to the unconditional guilt-offering, since it is no longer required we may assume that its owner has not dedicated it; but as to the suspensive guilt-offering, since his conscience troubled him, we may assume that he has dedicated it absolutely.¹⁵

There is, however, a contradiction between two statements relating to the unconditional guilt-offering itself; for here we learn: IT SHALL BE BURIED, whilst the concluding clause reads: THE FLESH IS REMOVED TO THE PLACE OF BURNING! — This is doubtlessly a contradiction; he who taught the one clause cannot have taught the other. Rab Ashi said: Because it has the appearance of a disqualified offering.¹⁶

IF THE BLOOD HAD ALREADY BEEN TOSSED, THE FLESH MAY BE EATEN. Why? Has he not [in the meantime] reached a state of certainty?¹⁷ — Replied Raba: The text says, Though he knew it not, and he shall be forgiven;¹⁸ and this man was in doubt during the ceremony of forgiving.

R. JOSE SAYS, EVEN IF THE BLOOD IS STILL IN THE VESSEL etc. How can R. Jose maintain that the blood should be tossed? Has he not arrived at a condition of certainty at the time of the ceremony of forgiving? — Replied Raba: R. Jose follows R. Simeon who holds, Whatever is ready to be tossed is to be regarded as if it had already been tossed. But perhaps R. Simeon maintains his view only with regard to things that are indeed ready to be tossed,¹⁹ whilst this is not ready to be tossed!²⁰ — In the West²¹ they replied: R. Jose holds that the vessels of ministry render fit for offering that which is disqualified from the outset.²²

THE LAW, HOWEVER, IS DIFFERENT WITH AN UNCONDITIONAL GUILT-OFFERING etc. It was stated: When does the heifer whose neck is to be broken become forbidden [for use]? R. Hamnuna says: In its lifetime; Raba says: After the breaking of the neck. Now Raba's opinion is clear, for it is from the time that an act was done to it; but from what specific time according to R. Hamnuna?

(1) I.e., it is not ownerless. This is in contradiction to Resh Lakish.

(2) The term **דין ודברים אין לי** . lit., 'I have no lawsuit and words', is now understood to convey the declaration that he does not expect to have to go to court to establish his title to the field, for this is undisputed.

(3) The slave of a priest may also eat of terumah (v. Glos.). Here the slave may eat terumah, for the declaration of the beneficiary, his second master, is void.

(4) V. B. B. 138a.

(5) As Resh Lakish maintains.

(6) I.e. non-priests. The slaves are declared ownerless and therefore take possession of themselves, so to speak.

(7) For no non-priest may eat of terumah.

(8) So long as he does not possess this bill he is still attached to his master. And if his master is a priest he may still eat terumah.

(9) Infra 25a.

(10) Viz., to Baba b. Buta; cf a.l.

(11) R. Eliezer corrected his view in conformity with this reply, according to which it is not advisable to offer a suspensive guilt-offering without some suggestion of sin. It was therefore necessary for R. Eliezer to offer a reason in the Mishnah for his opinion.

(12) The contradiction is that in one clause burial is prescribed, whilst in the other burning.

(13) Or, 'a division must be made'.

(14) I.e., the Mishnah is self-contradictory in combining two views which are at variance with one another. The views, however, are derived from different Schools.

(15) I.e., with a sacrifice for a certain sin we presuppose that it was offered only because the offerer wished to atone for his guilt. When it is found out that he did not commit the sin after all, the offering is proved to be an error and reverts to its profane status. As a profane animal, which was slaughtered in the Temple court, it has to be buried. In the case of doubt, however, the offerer himself had at all times to admit the possibility that he did not sin. By offering the sacrifice whilst he was still in a state of doubt, he manifested that he was particularly anxious to free himself from all uncertainty, and he therefore resolved to offer a sacrifice of atonement unqualifiedly. The offering remains sacred even after the doubt has been solved, and is to be treated like a disqualified offering, which is designated for burning.

(16) I.e., the unconditional guilt-offering is in fact not regarded as sacred, and this is why in the first clause we read that it shall be buried, just as a profane animal slaughtered in the Temple precincts. The reason why the concluding clause states that it is to be burnt if the blood had already been tossed, is that the offering has then the appearance of a valid sacrifice which had gone through many stages of the ceremony and was then rendered unfit for the altar. It is therefore to be treated like a disqualified sacrifice, which is to be burnt. The translation follows Rashi's version. Some edd. read: 'Rab Ashi said: The former clause which states of the suspensive guilt-offering that the flesh is removed to the place of burning offers no difficulty. because it has the appearance of a disqualified offering'.

(17) The sacrifice is thus rendered unfit, and the flesh should be forbidden for use, for it was brought in a matter of doubt and there is no longer any doubt.

(18) Lev. V, 18. The text conveys that the status during the ceremony of forgiving, i.e. tossing the blood, is decisive. If at that time he was still in doubt, the guilt-offering is valid.

(19) And will be tossed later.

(20) For in the meantime he has learnt that the doubtful sin was really a permitted act, so that the offering reverts to its profane status.

(21) I.e., Palestine.

(22) The fact that the blood to be tossed is already in the sacred vessel of ministry preserves the sacred character of the offering.

Talmud - Mas. K'rithoth 25a

— Said R. Jannai: I had heard a time limit regarding it, but it has escaped my memory. His colleagues, however, suggested:¹ Its conveyance to the 'rough valley'² renders it unfit for use.

Said R. Hamnuna: Whence do I derive this [my opinion]? From that which we have learnt:³ If a person slaughtered the heifer of purification⁴ or an ox condemned to be stoned or the heifer whose neck is to be broken, R. Simeon declares him exempt; the Sages declare him guilty. Now, according to me who hold it is forbidden 'in its lifetime', [the meaning] is clear, for the dispute between R. Simeon and the Sages lies in this: R. Simeon holds that ineffective slaughtering⁵ is no slaughtering, while the Sages hold that ineffective slaughtering is regarded as slaughtering; but according to you who hold [it is forbidden] 'after the breaking of the neck', why does R. Simeon exempt him? The slaughtering is indeed effective!⁶ Should you say, however, that R. Simeon considers slaughtering valid in the case of the heifer [whose neck is to be broken],⁷ surely we have learnt: That which is valid with the [red] heifer is invalid with the heifer whose neck is to be broken, and that which is invalid with the [red] heifer is valid with the heifer whose neck is to be broken: With the [red] heifer slaughtering is valid and the breaking of the neck invalid, and with the heifer [whose neck is to be broken] the breaking of the neck is valid and slaughtering invalid!⁸ — Thereupon he⁹ was silent. After the former had left, he said: Why did I not retort: R. Simeon is nevertheless of the opinion that slaughtering is valid with the heifer [whose neck is to be broken]? R. Hamnuna, on the other hand,

might then have objected: The Tanna should not have failed to mention the view that slaughtering is valid with the heifer [whose neck is to be broken], when you might have said, it represents R. Simeon's opinion.¹⁰

Raba said: Whence do I derive this [my view]? From that which we have learnt: THE LAW IS ALSO DIFFERENT REGARDING THE HEIFER WHOSE NECK IS TO BE BROKEN: IF BEFORE ITS NECK WAS BROKEN, IT MAY GO OUT TO PASTURE AMONG THE FLOCK.¹¹ Now, if it were forbidden in its lifetime, how could it go out to pasture among the flock; surely it was forbidden while still alive?¹² — Read: 'If before it was ready for the breaking of the neck...'¹³ Then read the following clause: IF AFTER ITS NECK WAS BROKEN. IT SHALL BE BURIED ON THE SPOT.¹⁴ — Read: 'If after it was ready for the breaking of the neck'. If so, read the concluding clause: FOR IT WAS FROM THE OUTSET BROUGHT IN A MATTER OF DOUBT, IT HAS ATONED FOR THE DOUBT, AND SO HAS SERVED ITS PURPOSE. Now, if [it were forbidden] while still alive, then it has not yet atoned for the doubt!¹⁵ — [On this point there is] a dispute between Tannaim, as had been taught:¹⁶ Qualifying¹⁷ and atoning¹⁷ sacrifices are mentioned within [the Temple], and qualifying and atoning sacrifices are mentioned without.¹⁸ just as with the qualifying and atoning sacrifices mentioned within [the Temple], the qualifying sacrifices are in all respects like the atoning sacrifices, so with the qualifying and atoning sacrifices mentioned without, the qualifying sacrifices are to be like the atoning sacrifices in all respects.¹⁹ MISHNAH. R. ELIEZER SAYS: A MAN MAY FREELY OFFER A SUSPENSIVE GUILT-OFFERING ON ANY DAY AND AT ANY TIME HE PLEASES.²⁰ SUCH A SACRIFICE WAS KNOWN AS THE GUILT-OFFERING OF THE PIOUS. IT IS SAID OF BABA B. BUT A THAT HE USED TO FREELY OFFER A SUSPENSIVE GUILT-OFFERING EVERY DAY, EXCEPT ON THE DAY FOLLOWING THE DAY OF ATONEMENT.²¹ HE DECLARED: BY THIS TEMPLE! HAD THEY ALLOWED ME, I WOULD HAVE OFFERED ONE EVEN THEN, BUT THEY SAID UNTO ME, WAIT UNTIL YOU HAVE COME TO A STATE OF DOUBT.²² THE SAGES, ON THE OTHER HAND, HOLD THAT ONE MAY NOT BRING A SUSPENSIVE GUILT-OFFERING EXCEPT FOR A [PARTICULAR] SIN. THE WILFUL TRANSGRESSION OF WHICH IS SUBJECT TO KARETH AND THE INADVERTENT TRANSGRESSION OF WHICH IS SUBJECT TO A SIN-OFFERING. THEY THAT ARE LIABLE TO SIN-OFFERINGS OR TO UNCONDITIONAL GUILT-OFFERINGS AND THE DAY OF ATONEMENT HAD INTERVENED, ARE STILL BOUND TO OFFER THEM AFTER THE DAY OF ATONEMENT.²³ THEY THAT ARE LIABLE TO SUSPENSIVE GUILT-OFFERINGS ARE EXEMPT.²⁴ HE WHO HAS COMMITTED²⁵ A DOUBTFUL SIN ON THE DAY OF ATONEMENT, EVEN AT TWILIGHT, IS EXEMPT, BECAUSE THE WHOLE OF THE DAY²⁶ EFFECTS ATONEMENT. A WOMAN WHO IS LIABLE TO A SIN-OFFERING OF A BIRD FOR A DOUBT.²⁷ AND THE DAY OF ATONEMENT HAD INTERVENED, IS STILL BOUND TO OFFER IT AFTER THE DAY OF ATONEMENT. BECAUSE IT RENDERS HER FIT TO PARTAKE OF SACRIFICIAL FLESH.²⁸ IF A SIN-OFFERING OF A BIRD WAS BROUGHT FOR A MATTER OF DOUBT AND, AFTER THE PINCHING OF ITS NECK,²⁹ IT BECAME KNOWN [THAT THERE WAS NO NEED FOR IT], IT MUST BE BURIED.

GEMARA. What is the reason for R. Eliezer's view? — Were it³⁰ obligatory, why is he to bring a sin-offering when the sin becomes known?³¹ This proves that it is voluntary.³² The [other] Rabbis on the other hand say: Burnt-offerings and peace-offerings may be brought either in fulfilment of a vow or as freewill sacrifices,³³ but sin-offerings and guilt-offerings only as obligatory sacrifices; and the reason why one brings at all a suspensive sin-offering, although the sin is uncertain, is to afford him protection, because the Torah has compassion upon the lives of Israel.³⁴ Said Rab Aha the son of Raba to Rab Ashi: May it not be that the suspensive guilt-offering is analogous to burnt-offerings and peace-offerings; as burnt-offerings and peace-offerings are brought either by free will or by obligation, so may suspensive guilt-offerings be brought either by free will or by obligation? — He replied: Burnt-offerings and peace-offerings are mentioned in Scripture mainly as freewill sacrifices,

suspensive guilt-offerings mainly as obligatory sacrifices.³⁵

R. Hiyya³⁶ recited before Raba

(1) Lit. 'took to say'.

(2) V. Deut. XXI. 4.

(3) Hul. 81b. This Mishnah deals with the prohibition of slaughtering the young with its mother on the same day (Lev. XXII, 28). The three types of animals enumerated in this Mishnah are such as are forbidden for use. Their ritual slaughtering, therefore, does not produce its normal effect, viz., of rendering the flesh permitted to be eaten. It is therefore questionable whether the slaughtering of such animals is subject to the prohibition of, 'It and its young', since the text there speaks of **תִּשְׁחָטוּ**, which denotes slaughtering for the purpose of rendering the flesh fit for food.

(4) I.e., the red heifer, Num. XIX.

(5) I.e., slaughtering which does not render the flesh fit for use. According to R. Hamnuna, the heifer whose neck is to be broken is forbidden when still alive, and its slaughtering is indeed of no avail with regard to rendering the flesh fit for use. R. Simeon holds that such slaughtering does not come within the scope of the prohibition of Lev. XXII, 28, whilst the Sages hold that it does.

(6) Through the slaughtering it becomes unfit as a sacrifice but suitable for ordinary purposes.

(7) I.e., slaughtering may take the place of breaking the neck. The animal thereby becomes forbidden, so that the slaughtering is ineffective.

(8) Hul. 23b.

(9) Sc. Raba

(10) I.e., if this view were tenable it would have been mentioned in the Mishnah.

(11) I.e., it becomes a profane animal, permitted for use.

(12) I.e., how can it revert to its profane status after it had been brought down to the 'rough valley' as the heifer whose neck was to be broken and so unfit for use.

(13) I.e., before it was brought to the 'rough valley', while it was indeed still permitted.

(14) This implied that the preceding clause refers to the time prior to the breaking of the neck, even though the sacrifice was already in the 'rough valley'.

(15) I.e., if the second clause was to be interpreted that the heifer should be buried if the murderer was found after it had been brought to the 'rough valley' even though it was still alive, the argument for this ruling would be meaningless, since the ceremony of atonement, i.e., the breaking of the neck, had not yet taken place.

(16) Some edd. quote this ruling in the name of the School of R. Ishmael.

(17) Qualifying sacrifices are those which are offered to render a person fit or clean for the Temple or the community, such as the guilt-offering of the leper after recovery which is offered in the Temple; atoning sacrifices are those which procure atonement for sin, such as ordinary sin- and guilt-offerings.

(18) A qualifying sacrifice which is offered outside the Temple is that of the bird of the leper which after the ceremony is set free (V. Lev. XIV, 7). An atoning sacrifice performed outside the Temple is the heifer whose neck is to be broken and also the scapegoat (v. ibid. XVI, 21).

(19) In respect of the moment of their prohibition: as the bird of the leper is forbidden for use in its lifetime, so also is the heifer whose neck is to be broken. This Tanna thus holds with R. Hamnuna, whilst our Mishnah has been proved to agree with Raba's view.

(20) He is of the opinion that such a guilt-offering is essentially a voluntary sacrifice, primarily offered for the appeasement of a troubled conscience, not necessarily with reference to a particular sin. The Sages, on the other hand, hold it is an obligatory sacrifice for the expiation of a particular sin.

(21) The Day of Atonement expiated all doubtful sins of the past, and it is unlikely that in this short spell of one day he was guilty anew of any sin.

(22) I.e., until you have reason to assume that you might have committed a doubtful sin.

(23) Definite sins known to the transgressor are not atoned for by the Day of Atonement.

(24) Doubtful sins are forgiven on the Day of Atonement.

(25) Lit. 'there came to his hand'.

(26) Or rather, any moment of the day.

(27) E.g., a woman after confinement who is in doubt whether the birth was normal and so is liable to an offering.

- (28) The sacrifice is not expiatory, but serves to render her fit again to partake of holy things, after the period of uncleanness caused by the birth.
- (29) The prescribed form of killing a bird-offering.
- (30) Viz., the suspensive guilt-offering.
- (31) If the suspensive guilt-offering is an expiatory sacrifice, i.e., atoning for the sin that might have been committed, why then is a new sacrifice to be offered when the sin becomes known? Has it not already been atoned for?
- (32) I.e., he who is troubled by his conscience, that he might have committed a sin, is enjoined to offer a freewill-offering. The actual sin, however, if such there was, is not expiated.
- (33) Heb. neder or nedabah. In the latter a particular animal is dedicated, in the former a sacrifice generally is vowed.
- (34) Viz., to spare the trespasser punishment.
- (35) I.e., burnt-offerings and peace-offerings are chiefly prescribed as thanksgiving, festival and communal sacrifices; the guilt-offering is always the outcome of a sinful action.
- (36) Read with Sh. Mek.: Rab Hanina.

Talmud - Mas. K'rithoth 25b

: Nebelah¹ is subject to a suspensive guilt-offering. Said the latter to him: Have we not learnt, THE SAGES HOLD THAT ONE MAY NOT BRING A SUSPENSIVE GUILT-OFFERING EXCEPT FOR A [PARTICULAR] SIN. THE WILFUL TRANSGRESSION OF WHICH IS SUBJECT TO KARETH AND THE INADVERTENT TRANSGRESSION OF WHICH IS SUBJECT TO A SIN-OFFERING? And should you follow R. Eliezer's view, behold he maintains that it may be offered as a freewill sacrifice!² — Replied the former: Why do you not study [thoroughly]? Many a time I put this question before the Master, namely Rabbah, and he replied: This represents the view of R. Eliezer as [suggested] by 'those who spoke to him',³ as we have learnt: BUT THEY SAID UNTO ME, WAIT UNTIL YOU HAVE COME TO A STATE OF DOUBT. Said Raba, What is the reason of 'those that spoke to him?' — The text reads. And [doeth] through error [any one of all the things] which [the Lord his God hath commanded] not to be done, and is guilty.⁴

Raba also said: What is the reason of the Rabbis who maintain that one may not bring a suspensive guilt-offering except for a [particular] sin the wilful transgression of which is subject to kareth and the inadvertent transgression of which is subject to a sin-offering? They derive [their ruling] from the sin-offering for heleb⁵ by the analogy based upon the common term mitzwoth.⁶ As in that instance⁷ [it is brought] for a sin that is subject to kareth in the case of wilfulness and to a sin-offering in the case of error, so also in our instance,⁸ [it is brought] for such sins as are subject to kareth in the case of wilfulness and to a sin-offering in the case of error.

Our Rabbis taught: The five guilt-offering⁹ effect [complete] atonement; the suspensive guilt-offering does not effect complete atonement. How is this to be understood? — Said Rab Joseph. As follows: The five guilt-offerings effect complete atonement,¹⁰ the suspensive guilt-offering does not effect complete atonement;¹¹ thus dissenting from R. Eliezer, who holds that nebelah is subject to a suspensive guilt-offering.¹² Rabina said: It is to be understood thus: In respect of the five guilt-offerings nothing else can take their place to effect atonement, for when it is known to him he must still bring it;¹³ with reference to the suspensive guilt-offering. however, something else can take its place to effect atonement, for when it is known to him he does not bring it;¹⁴ as we have learnt: THEY THAT ARE LIABLE TO SIN-OFFERINGS OR TO UNCONDITIONAL GUILT-OFFERINGS AND THE DAY OF ATONEMENT HAD INTERVENED, ARE STILL BOUND TO OFFER THEM AFTER THE DAY OF ATONEMENT; THEY THAT ARE LIABLE TO SUSPENSIVE GUILT-OFFERINGS ARE EXEMPT.

THEY THAT ARE LIABLE TO SIN-OFFERINGS OR TO UNCONDITIONAL GUILT-OFFERINGS etc. It is stated, THEY THAT ARE LIABLE TO SIN-OFFERINGS OR TO UNCONDITIONAL GUILT-OFFERINGS AND THE DAY OF ATONEMENT HAD

INTERVENED, ARE STILL BOUND TO OFFER THEM AFTER THE DAY OF ATONEMENT; THEY THAT ARE LIABLE TO SUSPENSIVE GUILT OFFERINGS ARE EXEMPT. Whence do we know this? — When Rab Dimi arrived,¹⁵ he said in the name of R. Ammi, who reported it in the name of R. Hanina. The verse reads, And he shall make atonement for the holy place, because of the uncleanness of the children of Israel, and because of their transgressions, even all their sins;¹⁶ ‘sins’ are analogous to ‘transgressions’: as ‘transgressions’¹⁷ are not subject to a sacrifice, so also only those ‘sins’ which are not subject to a sacrifice are atoned for [by the Day of Atonement]; ‘sins’, however, which are subject to a sacrifice are not atoned for.¹⁸ Said Abaye to him: But this verse refers to the goat that is offered up within,¹⁹ which does not atone for the conscious transgression of a law; the scapegoat, however, which does atone for the conscious transgression of a law, I may say will atone also for sins that are subject to a sacrifice! Rather said Abaye: It is derived from the following [text]: And he shall confess over him all the iniquities of the children of Israel, and all their transgressions, even all their sins;²⁰ ‘sins’ are analogous to transgressions: as transgressions’ are not subject to a sacrifice, so also only those ‘sins’ which are not subject to a sacrifice are atoned for [by the Day of Atonement]; ‘sins’, however, which are subject to a sacrifice are not atoned for by it. Scripture has thus suggested a limitation [in the text] relating to the ‘scapegoat’, to teach us that it does not atone for sins that are subject to a sacrifice. Said to him Rab Dimi: Whence do you know that the ‘transgressions’ referred to are those that are not subject to a sacrifice? Perhaps they are those that are subject to a sacrifice; as we have learnt: Four persons offer a sacrifice for wilful as for inadvertent transgression!²¹ In confirmation of his [Abaye's] view it was stated: When Rabin arrived,²² he said in the name of R. Jose, who reported it in the name of Resh Lakish: ‘And he shall confess over him all the iniquities of the children of Israel, and all their sins; sins are analogous to ‘transgressions’: as ‘transgressions’ are not subject to a sacrifice, and are atoned for [by the Day of Atonement], so also only those ‘sins’ which are not subject to a sacrifice are atoned for by it; ‘sins’, however, which are subject to a sacrifice are not atoned for by it. Remarked Abaye: I, too, derived it from this text, but Rab Dimi objected: Whence do we know that the ‘transgressions’ referred to are those that are not subject to a sacrifice; perhaps they are those that are subject to a sacrifice, as we have learnt: Four persons offer a sacrifice for wilful as for inadvertent transgression? — Replied Rabin to him: The majority of ‘transgressions’ are not subject to a sacrifice.²³ Said the other to him: Does the passage mention ‘majority’? — Rather, said Abaye: [The proof comes] from the beginning of this same verse: And he shall confess over him all the iniquities of the children of Israel. And it was taught: ‘Iniquities’ denote wilful transgressions, and so it is written, His iniquity shall be upon him.²⁴ Now, why did the verse add, ‘and all their transgressions, even all their sins’;²⁵ to establish an analogy to ‘transgressions’: as transgressions’ are not subject to a sacrifice, so also only those ‘sins’ are implied which are not subject to a sacrifice; ‘sins’, however, which are subject to a sacrifice are not atoned for [by the Day of Atonement].

THEY THAT ARE LIABLE TO SUSPENSIVE GUILT-OFFERINGS etc. Whence do we learn this?²⁶ — Said R. Eleazar: The Scriptural text reads, From all your sins [shall ye be clean] before the Lord.²⁷ The Day of Atonement expiates sins that are known to the Lord alone. Said Rab Tahlifa, the father of Rab Huna, in the name of Raba: Also the preceding instance²⁸ need no longer

(1) V. Glos. Nebelah is subject to a prohibition involving only the penalty of stripes but not kareth. Its transgression in error is, therefore, not subject to a sin-offering

(2) It is, accordingly, superfluous to state that it may be offered for a prohibition.

(3) The reference is to the reply made by the Rabbis to Baba b. Buta in our Mishnah. According to them, one is not advised to bring a suspensive guilt-offering except with reference to a specific sin. R. Hiyya lets us know that this sin may be a prohibition which involves stripes and not kareth.

(4) This text does not literally occur in connection with the suspensive guilt-offering (Lev. V, 17-19). but in IV, 22 with reference to the sin-offering of the prince. It should rather read here: Which (the Lord hath commanded) not to be done, though he know it not, yet he is guilty, of Lev. V, 17 (v. Rabbenu Gershom). This passage suggests that that guilt-offering is offered only for a particular transgression prohibited by the Lord.

- (5) The eating of heleb is the prototype of a sin which involves a sin-offering. For heleb v. Glos.
- (6) 'Commandments'; occurring in Lev. IV, 27 with reference to the sin-offering and in V, 17 with reference to the suspensive guilt-offering; v. also supra 22b.
- (7) Sc. the sin-offering.
- (8) Sc. the suspensive guilt-offering.
- (9) The ordinary guilt-offering is prescribed in five instances: for sacrilege (Lev. V, 15f). for robbery (ibid. 21f.), for the leper (ibid. XIV, 12), for connection with a designated bondmaid (ibid. XIX, 20f.) and for the nazirite (Num. VI, 12).
- (10) I.e., no other expiation is ever required.
- (11) If the sin becomes known after the offering of this guilt-offering, an additional sin-offering is required.
- (12) Nebelah is not subject to a sin-offering in the case of certain transgression; the suspensive guilt-offering brought for the doubt is thus its final expiation.
- (13) Even though the Day of Atonement had intervened.
- (14) I.e., the suspensive guilt-offering is no longer required, for the Day of Atonement atones for uncertain sins, though not for certain sins liable to a sin-offering.
- (15) Viz., in Babylon from Palestine. He was the bearer of many a Palestinian tradition.
- (16) Lev. XVI, 16, referring to the High Priest's atonement of the people's transgressions effected by the goat of atonement, which was offered upon the inner altar of the Temple on the Day of Atonement. In addition, the scapegoat', i.e., the goat that was removed, or made to 'escape' into the wilderness, symbolizing the removal of the guilt of the community, was also offered on this day.
- (17) Heb. פשעים . 'transgressions', denotes wilful rebellious action. Such an act of apostasy is too grave to be expiated by a sacrifice. חטאים , 'sins', on the other hand, denotes unintentional deviation from the law.
- (18) Viz., by the Day of Atonement. The Mishnah, therefore, states that the sacrifices are still due. The suspensive guilt-offering is an exception for reasons that will be explained further on.
- (19) Viz., within the Temple, upon the inner altar. This sacrifice expiates only unconscious transgressions; v. Shebu. 22.
- (20) Ibid. v. 21. referring to the 'scapegoat'.
- (21) Supra 9a. The text may allude to these four exceptional instances, thus implying that also transgressions liable to a sacrifice are expiated on the Day of Atonement.
- (22) V. p. 192, n. 1.
- (23) These four instances are exceptions, and it is therefore unlikely that the text alludes to them.
- (24) Num. XV, 31. The beginning of the sentence reads, He hath despised the word of the Lord, suggesting a wilful departure from the law of God.
- (25) 'Transgressions' is regarded as superfluous as it is included in 'iniquities'. Its mention is to indicate the analogy.
- (26) Viz., that the Day of Atonement expiates doubtful sins.
- (27) Lev. XVI, 30. 'Before the Lord' is interpreted as a phrase qualifying 'sins' intimating that man is cleansed of all sins of which he is unaware by reason of their doubtfulness.
- (28) Viz., that relating to sacrifices for certain sins, which has been expounded in the discussion preceding this paragraph by Abaya and R. Dimi. These expositions are regarded as unsatisfactory by reason of the above objections that were raised against them.

Talmud - Mas. K'rithoth 26a

be expounded in the manner of Rab Dimi and Abaye, but it may be derived from this argument: 'The Day of Atonement expiates sins that are known to the Lord alone;' from which it follows that the Day of Atonement expiates only sins known to the Lord alone, but it does not expiate sins of which the transgressor himself is conscious.

Furthermore said Rab Tahlifa, father of Rab Huna, in the name of Raba: They that are liable to stripes and the Day of Atonement had intervened, are still liable thereto. Is this not obvious? for wherein does it differ from the instance relating to sin-offerings and unconditional guilt-offerings? — I might have argued: There money only is involved;¹ in this instance, however, since his person is involved, I might say that it is not so. He, therefore, teaches us [that the law is the same]. But have we not learnt:² Known as well as unknown [sins], positive as well as negative commandments?³ This

is no contradiction; in the one instance the transgressor was warned, in the other he was not warned.⁴

But if this is so,⁵ (Mnemonic: A woman after confinement; a leper; a nazirite; a woman suspected of infidelity; the heifer) a woman after a doubtful confinement, if the Day of Atonement had intervened, should also not [bring her offering],⁶ for the Day of Atonement had effected atonement, since the sin is one known to the Lord alone'! — Said R. Hoshaia: [It reads.] 'Even all their sins'; but not all their uncleanness.⁷ But according to R. Simeon son of Yohai, who holds that a woman in confinement is a sinner,⁸ what can be said? — The sacrifice that she brings is, nevertheless, for the purpose of permitting her to partake of consecrated food, and is not expiatory.⁹ Remarked Rab Ashi: We have also learnt likewise: A WOMAN WHO IS LIABLE TO A SIN-OFFERING OF A BIRD FOR A DOUBT, AND THE DAY OF ATONEMENT HAD INTERVENED, IS STILL BOUND TO OFFER IT AFTER THE DAY OF ATONEMENT, BECAUSE IT RENDERS HER FIT TO PARTAKE OF SACRIFICIAL FLESH.

Then a doubtful leper, if the Day of Atonement had intervened, should not [bring his offering], for the Day of Atonement had effected atonement, since the sin is one 'known to the Lord alone'! — Said Rab Oshaia: [It reads:] 'Even all their sins'; but not all their uncleanness. But did not R. Samuel b. Nahmani say in the name of R. Jonathan: For seven sins leprosy afflicts man?¹⁰ — The leper when bringing his offering does so, not for the purpose of expiation,¹¹ but in order to render him fit to partake of consecrated food.

Then a nazirite in doubt,¹² if the Day of Atonement had intervened, should not bring an offering, for the Day of Atonement had effected atonement, since the sin is one 'known to the Lord alone'! — Said Rab Oshaia: [It reads:] 'Even all their sins'; but not all their uncleanness. But according to R. Eleazar b. ha-Kappar, who holds that the nazirite is a sinner,¹³ what can be said? — The nazirite when bringing his offering does so, not for the purpose of expiation, but in order to enable him to resume his naziriteship in a state of cleanness.¹⁴

Then a woman suspected of doubtful infidelity,¹⁵ if the Day of Atonement had intervened, should not bring her offering, for the Day of Atonement had effected atonement, since the sin is one 'known to the Lord alone'! — Said Rab Oshaia: [It reads:] 'Even all their sins'; but not all their uncleanness.¹⁶ Abaye said: The adulterer is aware¹⁷ [of the sin]. Raba said: The woman suspected of infidelity, in bringing [the sacrifice] does so for the purpose of ascertaining her guilt.¹⁸

Then the heifer whose neck is to be broken,¹⁹ if the Day of Atonement had intervened, [should not be offered]! — Said Abaye: The murderer is aware [of the sin]. Raba said: Scripture reads, And no expiation can be made for the land for the blood that is shed therein, etc.²⁰ R. Papa said: Scripture reads, Forgive Thy people Israel, etc.,²¹ this atonement was applicable even to those who went out from Egypt.

Now that you have established that a sin known to the Lord alone is atoned for by the Day of Atonement, then I might say that when one becomes aware [of the sin] after the Day of Atonement he should not need to bring a sin-offering!²² — Said R. Ze'ira: You cannot say so, for Scripture states 'knowledge' in connection with the sin-offering [of the individual] and also with that of the prince and of the congregation.²³ But is it not necessary [with each of these]? For if it was only mentioned in connection with the ordinary individual, I should have said that the others could not be derived from the ordinary individual because of this objection: It is so with the ordinary individual, since his offering is invariably female.²⁴ Then let it be stated in connection with the prince alone, and I should derive the others from the case of the prince! — The case of the individual cannot be derived from that of the prince, for it can be objected to: It is so with the prince, since he is not included in the law regarding the refusal of evidence;²⁵ but can you say so of the individual who is included in this law? Similarly the instance of the congregation cannot be derived from that of the

prince, for I might object: It is so with the prince since his offering may at times be female.²⁶ Then let it be stated only in connection with the congregation, and I should derive the case of the individual and of the prince from it! — I can object: It is so with the congregation since they are liable only when ignorance of the law is followed by action in error.²⁷

From the mention of ‘knowledge’ in any one case you cannot indeed derive the others, but from its mention in two instances you might derive the third. Let ‘knowledge’ be omitted in connection with the ordinary individual, and let it be derived from ‘knowledge’ mentioned in connection with the prince and the congregation! — I might object: It is so with the prince and the congregation since they are not subject to the law regarding the refusal of evidence;²⁸ but can you say so of the individual who is subject to this law? Let then ‘knowledge’ be omitted in connection with the congregation and let it be derived from ‘knowledge’ mentioned with the individual and the prince! — I might object: It is so with the individual and the prince since their sacrifice may at times be female;²⁹ but can you say so of the congregation whose sacrifice can never be female? Let, then, ‘knowledge’ be omitted in connection with the prince and let it be derived from ‘knowledge’ mentioned in connection with the individual and the congregation! For what argument can be raised in objection thereto? If the fact that the sacrifice is offered only where ignorance of the law [is followed by action in error],³⁰ the individual proves [the opposite]; and if that the sacrifice is at all times a female, the congregation prove [the opposite],³¹ for they never offer a female and are nevertheless liable only when aware of the sin. Wherefore, then, was, ‘knowledge’ mentioned in connection with the prince? As it is not required for its own purpose, since it may be derived from that of the individual and the congregation, apply it to the case where the transgressor becomes aware [of his sin] after the Day of Atonement,³² to the effect that he must bring a sin-offering. Abaye said: If ‘knowledge’ were omitted in the text relating to the prince I should not have derived it from the cases of the individual and the congregation. for I might object: It is so with the individual and the congregation since they cannot change their status; can you say so

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- (1) His obligation, which is ruled to be unaffected by the Day of Atonement, binds him only to the extra expenditure of a sacrifice. In our instance, however, bodily chastisement is involved.
 - (2) With reference to the transgressions expiated by the Day of Atonement.
 - (3) Shebu. 2b. A negative commandment usually involves the penalty of stripes, yet it is stated that the Day of Atonement atones for it, thus in contradiction to Rab Tahlifa's ruling.
 - (4) That Mishnah of Shebu. refers to a case where no stripes are administered, because there was no legal warning. When, however, this penalty is due, the Day of Atonement does not effect its remission.
 - (5) I.e., if Rab Tahlifa was right.
 - (6) In contradiction to our Mishnah.
 - (7) The sin-offering of the woman after confinement is, he holds, brought by reason of her uncleanness and not of her sin; whilst Rab Tahlifa's ruling implies only the expiation of doubtful sins by the Day of Atonement.
 - (8) V. Nid. 31a. While in travail she swears not to unite again with her husband, and breaks this oath.
 - (9) The labour pains have expiated the sin.
 - (10) ‘Ar. 16a. Leprosy is thus the result of sin, and the sacrifice is therefore expiatory. The text adds as a mnemonic: G.G.G. Sh. Sh. L.Z., which are the initial letters of the Hebrew words for the seven sins, viz., Immorality, arrogance, robbery, bloodshed, false oath, slander, and meanness.’
 - (11) The sin has been expiated by the pain suffered in the illness.
 - (12) I.e., a nazirite who is in doubt whether his naziriteship has been interrupted through uncleanness. V. Num. VI, 9f.
 - (13) Ta'an. 11a. His vow of abstention is regarded as a sin.
 - (14) The sin, however, is expiated by the disgrace to which he submits himself in not having his hair cut (Rashi).
 - (15) Num. V, 12ff. Every case of a woman suspected of infidelity is obviously one of doubt, and that is what is referred to in this question (Rashi).
 - (16) Infidelity is expressed in the Bible as uncleanness; v. *ibid.* v. 13.
 - (17) The sin is thus not one known to the Lord alone, and is therefore not atoned for by the Day of Atonement.
 - (18) And not as an expiation; cf. Num. V, 19ff.

(19) Deut. XXI, 1ff.

(20) Num. XXXV, 33; this passage implies that there is no other means to achieve expiation except by the execution of the murderer; or, if the murderer is unknown, through the offering of the heifer.

(21) Deut. XXI, 8. The continuation is: 'Whom Thou has redeemed'. This is taken to indicate that even those who came out of Egypt would be liable to bring a heifer, although many a Day of Atonement had intervened in the meantime, because the Day of Atonement does not expiate a case of unidentified murder.

(22) For the sin is already atoned for.

(23) The text uses the term, 'If (the sin) be known' on three occasions: Lev. IV, 28 relating to an ordinary individual who commits a sin liable to a sin-offering; *ibid.* v. 23 referring to the prince; and *ibid.* v. 14 with reference to the congregation. This expression, the threefold repetition of which is unnecessary for the context, as will be explained later, is taken to intimate that whenever the sin becomes known a sin-offering is required. even though the Day of Atonement has intervened.

(24) V. *ibid.* v. 28. A female animal offering is of lesser importance, and the sin of the ordinary individual might be regarded as of lesser severity. I might therefore have thought that only this individual brings a sin-offering when aware of the sin; the others, however, are liable even in the case of doubt. Therefore the restrictive term 'if be known' is used also with the others.

(25) Lit., 'the hearing of the voice', i.e., the summons to give evidence, which was disregarded. v. Lev. V, 1. Such refusal to give evidence incurs a guilt-offering, but only in the case of an ordinary individual. A prince, on the other hand, cannot give evidence; cf. Sanh. 18a.

(26) In the case of idolatry both prince and commoner are liable to a female sin-offering.

(27) I.e., when the religious authorities wrongfully permitted an act which is forbidden by law, and which the congregation thereupon committed in error.

(28) Regarding the prince (v. p. 197. n. 4).As to the congregation. its liability lies only in active transgression. not in acts of omission.

(29) V. p. 197. n. 5.

(30) I.e., should you argue that the fact, that the sacrifice is offered after an erroneous judgement, is decisive for the ruling that no sin-offering is brought except where there is awareness of sin, I should reply, the individual disproves this, for his transgression is not the outcome of an erroneous decision and he is nevertheless subject to the same ruling concerning awareness of sin.

(31) I.e., should you argue that the fact, that the sacrifice is at all times a female, is decisive for our ruling and that therefore the prince, who at times offers a male, is not subject thereto, I should reply that the case of the congregation disproves this, which is always liable to a male offering and yet is subject to our ruling.

(32) The expression 'if be known' then conveys that whenever the sin be known, even after the passing of the Day of Atonement, a sin-offering is due.

Talmud - Mas. K'rithoth 26b

of the prince whose status is liable to change?¹ Abaye, therefore, said: [The law² is rather inferred] from the following: Since the common term 'mitzwoth' has established between them a textual analogy,³ thus rendering them analogous one to the other, why then was 'knowledge' mentioned thrice [i.e.] in connection with the commoner, the prince and the congregation? As it is not required for their own cases, for they can be inferred from each other, by reason of the analogy based upon the common term 'mitzwoth', apply it to the case where the transgressor becomes aware [of his sin] after the Day of Atonement ' to the effect that he must bring a sin-offering. But why not argue thus: Granted that when the transgressor becomes aware of his sin after the Day of Atonement he must still bring a sin-offering, because the Day of Atonement does not apply to this specific sin;⁴ but in the case of the suspensive guilt-offering, since the offering is brought for the specific sin, he thereby receives atonement, so that when he becomes aware of his sin, after he had offered the suspensive guilt-offering, he need not bring a sin-offering! — Raba replied: Scripture reads, 'If [the sin] be known to him'; at all events.⁵ Now that it is established that when he becomes aware of the sin he must still bring a sin-offering, what purpose did the suspensive guilt-offering serve? — Answered R. Zera, [It had the effect] that if he died, he died without sin. Raba demurred: But if he died, death

purged him!⁶ Raba, therefore, answered: [It had the effect] of guarding him from chastisement.⁷

IF A SIN-OFFERING OF A BIRD WAS BROUGHT FOR A MATTER OF DOUBT etc. said Rab: It nevertheless effected atonement.⁸ If so, why must it be buried? — Because it was not guarded.⁹ When was it not guarded? If at the beginning,¹⁰ was it not alive?¹¹ If at the end,¹² does he¹³ not guard it? — The Mishnah speaks rather of the case where the woman became aware that she did not give birth.¹⁴ And by law, therefore, it should be permitted for use; but why must it be buried? It is a Rabbinical enactment.¹⁵ Rab's remark, however, was stated in connection with the following: If a woman brought a sin-offering of a bird by reason of a doubt, and prior to the pinching of its neck she learnt that the birth was a certainty, she shall offer it for a certainty, for that which she offers in the case of doubt is of the same kind as that which she offers in the case of certainty.¹⁶ But if she learnt after the pinching of the neck that the birth was normal, then Rab says: The blood is sprinkled and drained out, atonement is effected, and [the bird] is permitted to be eaten. R. Johanan says: It is forbidden to be eaten as a precautionary measure lest it be said that a sin-offering of a bird in a matter of doubt may be eaten.

Levi taught in support of Rab: In the case of a sin-offering of a bird brought by reason of a doubt, if it is learnt after the pinching of the neck that the birth was normal, the blood is sprinkled and drained out, atonement is effected, and it is permitted to be eaten. It was taught [in a Baraita] in support of R. Johanan: In the case of a sin-offering of a bird brought by reason of a doubt, if it is learnt prior to the pinching of the neck that the birth did not take place, the bird reverts to its profane status or it may be sold to a fellowwoman;¹⁷ if it is learnt prior to the pinching of the neck that the birth was certain, it is offered as a certain sacrifice, for that which she offers in the case of doubt is of the same kind as that which she offers in the case of certainty; if it is learnt after the pinching of the neck that the birth did take place, the offering is forbidden even for all use,¹⁸ for it was offered from the outset for a doubt, it has atoned for the doubt, and so has served its purpose.¹⁹

MISHNAH. IF A MAN SET APART TWO SELA'S²⁰ FOR A GUILT-OFFERING AND BROUGHT THEREWITH TWO RAMS FOR A GUILT-OFFERING, IF ONE WAS OF THE VALUE OF TWO SELA'S,²¹ IT MAY BE OFFERED FOR HIS GUILT-OFFERING, AND THE OTHER MUST BE LEFT TO PASTURE²² UNTIL IT BECOMES BLEMISHED WHEN IT IS SOLD AND ITS PRICE GOES TO THE FUND FOR FREEWILL-OFFERINGS. IF HE HAD BOUGHT WITH THE MONEY TWO RAMS FOR ORDINARY USE,²³ ONE WORTH TWO SELA'S AND THE OTHER WORTH TEN ZUZ,²⁴ THAT WHICH IS WORTH TWO SELA'S SHALL BE OFFERED FOR HIS GUILT-OFFERING²⁵ AND THE OTHER FOR HIS TRESPASS.²⁶ [IF HE HAD BOUGHT WITH THE MONEY] ONE [RAM] FOR A GUILT-OFFERING AND THE OTHER FOR ORDINARY USE,²⁷ IF THAT FOR THE GUILT-OFFERING WAS WORTH TWO SELA'S IT SHALL BE OFFERED FOR HIS GUILT-OFFERING²⁸ AND THE OTHER FOR HIS TRESPASS,²⁹ AND WITH IT HE SHALL BRING A SELA' AND ITS FIFTH.³⁰

GEMARA. What means HIS TRESPASS³¹ which is stated in the first clause: AND THE OTHER FOR HIS TRESPASS? Shall I say it means the ram for the [Sacrilige] guilt-offering? But can it be said that the fifth is brought together with the ram [for the guilt-offering]? Bold it is written: And he shall make restitution for that which he hath done amiss in the holy thing, and shall add the fifth part thereto;³² whence we see that it is brought together with [the restitution of] his misappropriation! Moreover, the last clause states: [IF HE HAD BOUGHT WITH THE MONEY] ONE [RAM] FOR A GUILT-OFFERING, AND THE OTHER FOR ORDINARY USE, IF THAT FOR THE GUILT-OFFERING WAS WORTH TWO SELA'S, IT SHALL BE OFFERED FOR HIS GUILT-OFFERING, AND THE OTHER FOR HIS TRESPASS, AND WITH IT HE SHALL BRING A SELA' AND ITS FIFTH. From this too we see that the fifth is brought together with [the restitution of] his misappropriation! — Rather, HIS TRESPASS means the value he had benefitted

from the Sanctuary, which is the amount of the two sela's he had originally set apart for a guilt-offering, and with which he bought two rams for ordinary use. So that the one which is worth two sela's he brings as the ram for his guilt-offering, and the other which is worth ten zuz he gives as restitution for what he had benefitted from the Sanctuary, which exactly equals the amount of his misappropriation plus one fifth. And HIS TRESPASS means his misappropriation.

Now how did you interpret HIS TRESPASS stated in the first clause? His misappropriation? Then read the last clause: [IF HE HAD BOUGHT WITH THE MONEY] ONE [RAM] FOR A GUILT-OFFERING, AND THE OTHER FOR ORDINARY USE, IF THAT FOR THE GUILT-OFFERING WAS WORTH TWO SELA'S IT SHALL BE OFFERED FOR HIS GUILT-OFFERING, AND THE OTHER FOR HIS TRESPASS, AND WITH IT HE SHALL BRING A SELA'S AND ITS FIFTH; whence we see that HIS TRESPASS means the ram for the [Sacrilige] guilt-offering. Accordingly in the first clause HIS TRESPASS means his misappropriation,

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- (1) Viz., the prince may be deposed and reverted to the status of a commoner.
 - (2) Viz., that a sin-offering is brought when the transgressor becomes aware of the sin after the Day of Atonement.
 - (3) The term 'mitzwoth', ('commandment') occurs in connection with the congregation, Lev. IV, 13, the prince. v. 22, and the commoner, v. 27. This analogy includes that they all follow the same ruling also with regard to the Day of Atonement.
 - (4) The Day of Atonement atones for sins in general.
 - (5) I.e., whenever the sin becomes a certainty a sin-offering is due.
 - (6) For death expiates all sins with but few exceptions.
 - (7) During all that period that he was in doubt.
 - (8) Rab interprets this case of the Mishnah that the woman learnt afterwards that the birth was normal. He maintains that she is not liable to a fresh sacrifice.
 - (9) By reason of its doubtfulness, the sacrifice might not have been guarded properly from contact with unclean persons or objects.
 - (10) I.e., before the killing of the bird.
 - (11) And a living animal cannot contract uncleanness.
 - (12) After it was killed.
 - (13) Viz., the priest.
 - (14) The certainty was in the negative direction. She is exempt entirely from a sacrifice, and the offering she dedicated should by law revert to its secular status and be permitted for use.
 - (15) The Rabbis have ordered its destruction as a precautionary measure lest it be said that sin-offerings in a matter of doubt may be freely used.
 - (16) Supra 22b.
 - (17) I.e., any woman after confinement who would require such an offering.
 - (18) By reason of its doubtful status, it may neither be eaten nor made use of. On the one hand it may be a non-consecrated animal slaughtered in a manner contrary to law and thus forbidden for eating as nebelah; on the other hand, it may be consecrated flesh that may not be eaten, and as such is forbidden to be put to any use.
 - (19) I.e., it does not definitely revert to its original non-consecrated character.
 - (20) This is the price of a guilt-offering as prescribed in Lev. V, 15. The sela', identical with the Biblical shekel, equals four zuz.
 - (21) I.e., he bought it at a reduced price; v. Gemara.
 - (22) It was bought with money set apart for a guilt-offering, hence it cannot be used for ordinary purposes even though it is no longer needed for a guilt-offering.
 - (23) He has thus committed sacrilege by misappropriating consecrated money to the value of two sela's and must now bring a guilt-offering on this account and make restitution.
 - (24) I.e. two sela's and one half.
 - (25) Incurred by his present misappropriation of consecrated money.
 - (26) The animal that is worth ten zuz is to be given as restitution, which exactly equals the amount misappropriated plus

a fifth, cf. Lev. V, 16. It must be pointed out that the additional fifth is calculated as one quarter of the original value, so that what is added is a fifth of the repayment.

(27) The misappropriation therefore was of the value of one sela' only.

(28) Which he was liable to bring at the outset and for which he had originally set apart the money.

(29) I.e. the guilt-offering which he has incurred by the present misappropriation.

(30) As restitution.

(31) The Heb. word **מעילה** may mean the guilt-offering that must be brought for the misappropriation of consecrated property as well as the act of misappropriation itself.

(32) Lev. V, 16.

Talmud - Mas. K'rithoth 27a

while in the last clause HIS TRESPASS means the ram for his [Sacrilege] guilt-offering!¹ — In the first clause where the ram which he bought² is exactly equal to the principal and its fifth, the Tanna implies by HIS TRESPASS his misappropriation; in the last clause, however, where the ram which he bought is not equal to the principal and its fifth, the Tanna implies by HIS TRESPASS the ram for his [Sacrilege] guilt-offering, but he must bring with it a sela' and its fifth [as restitution].

R. Menashia b. Gadda raised the question: Can a man obtain atonement with an accumulation of fifths?³ If you will say [that it is held] that a man can obtain atonement with the increase of consecrated property,⁴ but surely that is because he troubled himself with it,⁵ whereas here, since he took no trouble with it, he cannot obtain atonement therewith. Or, perhaps, even if you will say that [it is held that] a man cannot obtain atonement with the increase of consecrated property, but surely that is because he did not set it apart,⁶ whereas here in the case of the accumulation of fifths, since he did set it apart.⁷ I might say that he can obtain atonement therewith? For the question was raised [in general]: Can a man obtain atonement with the increase of consecrated property or not?

Come and hear: [We have learnt:] IF A MAN SET APART TWO SELA'S FOR A GUILT-OFFERING AND BOUGHT THEREWITH TWO RAMS FOR A GUILT-OFFERING, IF ONE WAS OF THE VALUE OF TWO SELA'S IT MAY BE OFFERED FOR HIS GUILT-OFFERING, AND THE OTHER MUST BE LEFT TO PASTURE UNTIL IT BECOMES BLEMISHED WHEN IT IS SOLD AND ITS PRICE GOES TO THE FUND FOR FREEWILL-OFFERINGS. Surely the case is, is it not, that he bought it⁸ for four [zuz]⁹ and improved it so that it is now worth eight [zuz]? We thus see that a man can obtain atonement with the increase of consecrated property!¹⁰ — No, here we are dealing with the case where the shepherd sold it to him at a reduced price.¹¹

Come and hear: If a man bought a ram for one sela' and he fattened it so that it is now worth two sela's, it is valid [for a guilt-offering]. Does not this prove that a man can obtain atonement with the increase of consecrated property? — No, it is different where he fattened it, for it actually cost him eight [zuz].¹²

Come and hear: If a man bought a ram for one sela' and it is now worth two [sela's], it is valid [for a guilt-offering]. — Here, too, he fattened it. If so, is not this identical with the previous case? — In the first case he bought it for four [zuz] and improved it with four [zuz] more, so that [in fact] it cost him [in all] eight [zuz]; in the second case he bought the ram for four [zuz] and improved it with three [zuz] more and now it is worth eight [zuz]. If so, read the last clause: But he must pay one sela' [to the Sanctuary]. [Why so?] Has it not cost him seven [zuz]?¹³ — What he must pay is what is wanting to make up the [second] sela'. Now if you say that a man cannot obtain atonement with the increase of consecrated property, then even if he pays [one zuz] to make up the sela', what then? Surely we require a ram costing two sela's, and it is not so here! — Rather, the Tanna holds that a man can obtain atonement with the increase of consecrated property. If so, he should not have to

make up the sela'?' — This is the reason that he has to make up the sela'; it is a precautionary measure lest people say that a ram worth less than two sela's can make atonement.

What is the decision? — Come and hear: If at the time [the ram] was set apart it was worth one sela', but at the time of atonement it was worth two sela's, he has fulfilled his obligation.¹⁴

R. Eleazar raised the question: Can a man obtain atonement with the increase of consecrated property or not?¹⁵ Thereupon R. Johanan exclaimed: How many years is it that this one has been¹⁶ in our midst and has not heard this law from me? It would seem then that R. Johanan actually gave a ruling on this? — Indeed yes, and he stated it in connection with the following which we learnt: The young of a thank-offering, or the substitutes [of a thank-offering], or if a man set aside [an animal for] his thank-offering and it was lost, and he then set aside another in its stead, [and later the original animal was found] — these do not require the loaves.¹⁷ And R. Hananiah sent¹⁸ this ruling in the name of R. Johanan: They taught so¹⁹ only after atonement had been effected,²⁰ but before atonement had been effected it would require the loaves.²¹ Thus we see that R. Johanan holds that a man can obtain atonement with the increase of consecrated property.

R. Eleazar raised the question: Can living animals be rejected or not?²² Thereupon R. Johanan exclaimed: How many years is it that this one has been in our midst and has not heard this law from me? It would seem then that R. Johanan actually gave a ruling on this? — Indeed yes. for R. Johanan said: In the case of an animal belonging to two partners, if one dedicated his half²³ and later bought up the other's half and also dedicated it, the animal is holy but cannot be offered [as a sacrifice],²⁴ moreover it can make [another animal holy as its] substitute, and the substitute is like itself. We learn from this three rulings: we learn that living animals can be rejected; and we learn that what is consecrated only for its value can cause rejection; and we also learn that the law of rejection applies also to what is consecrated only for its value.²⁵

R. Eleazar raised the question: What is the law if in the whole world lambs became cheap?²⁶ Do we say that we require your choice vows,²⁷ which is the case here; or do we require [two] silver shekels,²⁸ which is not the case here? Thereupon R. Johanan exclaimed: Many years have we spent²⁹ in the Beth Hammidrash but we have not heard this law! 'We have not?' Behold R. Johanan said in the name of R. Simeon b. Yohai: Why did not the Torah fix a value for [the animal-offerings brought by] those lacking atonement?³⁰ Because it might happen that lambs would become cheap [in the whole world] and these would never be rendered fit to partake of consecrated food!³¹ — Say: We have not taught this law. But was not R. Hiyya b. Abba³² in the habit of revising all his studies every month before him [R. Johanan]?³³ — Say, rather: This law was not sought from us in the Beth Hammidrash.

The [above] text [stated]: 'R. Johanan said in the name of R. Simeon b. Yohai: Why did not the Torah fix a value for [the animal-offerings brought by] those lacking atonement? Because it might happen that lambs would become cheap [throughout the world] and these would never be rendered fit to partake of consecrated food.' Abaye demurred: In that case the sin-offering for [eating] forbidden fat³⁴ should have a fixed value, since it is brought for atonement and not to render one fit to eat consecrated food! Raba also demurred: In that case the guilt-offering of the nazirite should have a fixed value since it is brought for no apparent reason!³⁵ For R. Johanan said in the name of R. Simeon b. Yohai: The only offering that is brought for no reason is the guilt-offering of the nazirite! — This is indeed a difficulty.

(1) It is indeed strange that the Tanna in one Mishnah should employ the same term for the two conceptions.

(2) All printed texts have here רובן 'their majority' which makes no sense. The commentators unanimously emend to דזבן 'which he bought', which has been adopted here.

(3) E.g. a man wrongfully made profane use of two sela's which had been dedicated for an offering. He thereupon paid to

the Sanctuary the two sela's plus one fifth (as prescribed), in all a sum of ten zuz. Then again he made profane use of the two sela's, indeed he did so four times, and on each occasion he returned the two sela's plus one fifth (i.e. two zuz). The extra fifths now mount up to two sela's (eight zuz) which is the price of a guilt-offering for sacrilege. The question that is raised is, can these two sela's, the accumulation of the fifths of the four occasions, be used for one of the four guilt-offerings for sacrilege that he has incurred? V., however, Sh. Mek.

(4) If e.g. a man bought a ram for a guilt-offering for one sela' and improved it and fattened it, or in the meantime the price of rams had gone up, and it is now worth two sela's and therefore eligible now for a guilt-offering.

(5) He expended time and money on improving the animal.

(6) He did not actually set aside any more money beyond the original sela'.

(7) After each misappropriation he set apart an extra two zuz.

(8) Each ram.

(9) I.e. one sela'.

(10) Since one of the rams may be offered for a guilt-offering.

(11) The reduction was a personal favour to the purchaser, hence it is not considered as increase in consecrated property'.

(12) Four zuz the cost of purchase and four zuz the cost of fattening.

(13) At most he should have to pay to the Sanctuary one zuz.

(14) This clearly proves that a man can obtain atonement with the increase of consecrated property. The precise wording of this Baraita precludes the possibility that the increase was due to fattening. V. Sh. Mek. It must be observed that R. Gershom reads in the Baraita: 'he has not fulfilled his obligation', and the proof is therefore the reverse, that a man cannot obtain atonement with the increase of consecrated property.

(15) R. Eleazar apparently had not heard of the last Baraita quoted.

(16) Lit. 'has grown up'. (5) The substitute of an offering is holy like the offering itself; v. Lev. XXVII, 33.

(17) Which must accompany the thank-offering; v. Lev. VII, 12, 13. V. Men. 79b.

(18) From Palestine to Babylon.

(19) 'That the young of a thank-offering does not require the loaves'. These words appearing incur. edd. are obviously a gloss. V. Sh. Mek.

(20) With the offering of the mother animal.

(21) And the young may be offered as the thank-offering in fulfillment of his obligation. This is an obvious case of increase in consecrated property, and it is taught that one may use 'the increase' in fulfillment of one's obligation.

(22) If an animal consecrated for an offering was for some cause rendered ineligible for offering, and later the disqualifying cause was removed, can it now be offered or is it permanently rejected?

(23) At this stage it is ineligible for a sacrifice since only half of it is holy. The animal is consecrated only as to its money value, i.e. it must be sold and half the proceeds to be used for a sacrifice.

(24) Its original rejection is permanent even though now the whole animal is consecrated.

(25) This and the preceding ruling amount to the same thing (Rashi). There are several variants of the text here, v. Sh. Mek., and the parallel passages in Kid. 7a and b, Zeb. 12a, and Tem. 26a and b. V. infra 28a top.

(26) So that no lambs cost as much as two shekels.

(27) Deut. XII, 11. By bringing a choice animal one has surely fulfilled one's obligation, especially as no animal can be bought for two shekels.

(28) Lev. V, 15.

(29) Lit. 'grown up'.

(30) A zab, a zabah (v. Glos.), a woman after childbirth, and a leper, even after the completion of their period of uncleanness are still debarred from partaking of consecrated food until their prescribed offerings were brought.

(31) It follows from this that where the Torah did fix the price of the offering that condition is indispensable in all circumstances.

(32) Cur. edd. R. Zera b. Adda; but cf. Ber. 38b. and Hul. 86b.

(33) Then surely R. Johanan must have taught his pupil this ruling.

(34) A typical example of a sin involving a sin-offering.

(35) Lit. 'in vain'. The nazirite whose period of consecration was profaned by uncleanness was obliged, before resuming his period afresh, to bring two doves, one for a sin-offering and the other for a burnt-offering, as well as a lamb for a guilt-offering. Now his sin-offering atoned for his involuntary defilement, his burnt-offering for his sinful thoughts,

whereas the sprinkling with water of purification on the third and the seventh days of his uncleanness rendered him fit to partake of consecrated food. The guilt-offering, however, seems entirely superfluous and no reason can be adduced for its offering. V. however Ned. 10a.

Talmud - Mas. K'rithoth 27b

MISHNAH. IF A MAN SET APART HIS SIN-OFFERING AND THEN DIED. HIS SON MAY NOT OFFER IT AFTER HIM.¹ A MAN MAY NOT OFFER [WHAT WAS SET APART] FOR ONE SIN IN RESPECT OF ANOTHER SIN; MOREOVER. EVEN IF HE HAD SET APART [THE SIN-OFFERING] FOR FORBIDDEN FAT THAT HE HAD EATEN YESTERDAY, HE MAY NOT OFFER IT FOR FORBIDDEN FAT THAT HE HAS EATEN TO-DAY, FOR IT IS WRITTEN, HIS OFFERING ... FOR HIS SIN;² THE OFFERING MUST BE FOR THAT PARTICULAR SIN [FOR WHICH IT WAS SET APART].

GEMARA. Whence do we know this? — For our Rabbis taught:³ His offering⁴ [implies that] he fulfils his obligation with his own offering but not with that of his father. I might think that this means that he does not fulfil [his obligation] in respect of a serious offence⁵ with his father's offering which had been set apart for a light offence⁶ or vice versa, but he does fulfil [his obligation] in respect of a light offence with [what his father had set apart also for] a light offence, or his obligation in respect of a serious offence with [what his father had set apart also for] a serious offence. Therefore Scripture states, [once again,] His offering, [to show that] he fulfils [his obligation] with his own offering [only] but not with that of his father. Again I might think that he does not fulfil [his obligation] in respect of either a light or serious offence with the animal which his father had set apart also for an offence of a similar degree of gravity, since [it is established that] a man cannot make use of his [nazirite] father's animal for his own nazirite offerings,⁷ but he does fulfil [his obligation] with money which his father had set apart, and even transfer what was assigned for a light offence to a serious offence, and vice versa, since [it is established that] a man may make use of his [nazirite] father's money for his own nazirite offerings, provided that it was unspecified money and not ear-marked.⁸ Therefore Scripture states [a third time], His offering, [to show that] he fulfils [his obligation] with his own offering [only] but not with that of his father. I might further think that he does not fulfil [his obligation] even with money which his father had set apart, albeit for an offence of equal gravity, but he does fulfil [his obligation] with an offering which he himself had set apart, even transferring what was set apart for a serious offence to a light offence, or vice versa. Scripture therefore states, 'His offering ... for his sin', [to show that] the offering must be for the particular sin [for which the animal was set apart]. I might further think that he does not fulfil [his obligation] with an animal which he had set apart for himself, albeit for an offence of equal gravity, since [we know that] if he set apart an animal as an offering for his eating forbidden fat and brought it as an offering for his eating blood, or vice versa, he has thereby not been guilty of misappropriation⁹ and he has not received atonement therewith, but he does fulfil [his obligation] with money which he had set apart for himself, whether or not there is a change in the gravity of the offence, since [we know that] if he set apart for himself money for [an offering for his eating] forbidden fat and used it for [an offering for his eating] blood, or vice versa, he has thereby become guilty of misappropriation and he receives atonement therewith. Therefore Scripture states, His offering ... for his sin, [to show that] the offering must be for the particular sin [for which the money was assigned].

What is meant by 'he has thereby not been guilty of misappropriation and he has not received atonement therewith'? — Rab Samuel b. Shimi explained it before Rab Papa: It means, since he cannot possibly thereby become guilty of misappropriation,¹⁰ consequently he cannot receive atonement therewith; and this being so, he obviously cannot use it¹¹ [the animal] for something else. In the case of money, however, [which was set apart for one purpose,] since if he used it for something else he has thereby become guilty of misappropriation,¹² and must bring a guilt-offering

for his misappropriation. I might think that he may bring [another offering] even at the outset,¹³ we are therefore informed [that he may not do so].¹⁴

MISHNAH. ONE MAY BRING WITH [MONEY] DEDICATED TO BUY A LAMB [FOR A SIN-OFFERING] A GOAT, OR WITH [WHAT WAS] DEDICATED TO BUY A GOAT [ONE MAY BRING] A LAMB; OR WITH [WHAT WAS] DEDICATED TO BUY A LAMB OR A GOAT [ONE MAY BRING] TURTLE-DOVES OR YOUNG PIGEONS;¹⁵ OR WITH [WHAT WAS] DEDICATED TO BUY TURTLE-DOVES OR YOUNG PIGEONS [ONE MAY BRING] THE TENTH OF AN EPHAH.¹⁶ HOW IS THIS? THUS IF A MAN SET APART [MONEY] FOR A LAMB OR A GOAT AND HE BECAME POOR, HE MAY BRING A BIRD-OFFERING;¹⁷ IF HE BECAME STILL POORER HE MAY BRING THE TENTH OF AN EPHAH. IF A MAN SET APART [MONEY] FOR THE TENTH OF AN EPHAH AND HE BECAME RICH, HE MUST BRING A BIRD-OFFERING;¹⁸ IF HE BECAME STILL RICHER HE MUST BRING A LAMB OR A GOAT. IF¹⁹ A MAN SET APART A LAMB OR A GOAT AND THEY SUFFERED A BLEMISH,²⁰ HE MAY IF HE SO WISHES²¹ BRING WITH THEIR PRICE A BIRD-OFFERING; BUT IF HE SET APART A BIRD-OFFERING AND IT SUFFERED A BLEMISH,²² HE MAY NOT BRING WITH ITS PRICE THE TENTH OF AN EPHAH. SINCE A BIRD-OFFERING CANNOT BE REDEEMED.²³

GEMARA. Whence do we know this? — For our Rabbis taught: Wherefore does Scripture state: ‘From his sin-offering’. ‘From his sin-offering’, and ‘To his sin-offering’.²⁴ Whence do you know to say that one may bring with [money] dedicated to buy a lamb [for a sin-offering] a goat, or with [what was] dedicated to buy a goat [one may bring] a lamb; or with [what was] dedicated to buy a lamb or a goat [one may bring] turtle-doves or young pigeons; or with [what was] dedicated to buy turtle-doves or young pigeons [one may bring] the tenth of an ephah? How is this? Thus if a man set apart [money] for a lamb or a goat and he became poor, he may bring with it a bird-offering; if he became still poorer he may bring the tenth of an ephah. If a man set apart [money] for the tenth of an ephah and he became rich, he must bring a bird-offering; if he became still richer he must bring a lamb or a goat. If a man set apart a lamb or a goat and they suffered a blemish, he may if he so wishes bring with their price a bird-offering; but if he set apart a bird-offering and it suffered a blemish he may not bring with its price the tenth of an ephah, since a bird-offering cannot be redeemed. Therefore Scripture states, ‘From his sin-offering’, and ‘To his sin-offering’. And it is necessary for Scripture to state ‘from his sin-offering’ in connection with a lamb or a goat as well as in connection with a bird-offering. For if the expression had only been stated in connection with [money] set apart for a lamb or a goat, then I might have said that if he set apart [money] for a lamb or a goat and he became poor, [part] of that money may be applied²⁵ to a bird-offering, and he brings a bird-offering, since a lamb and a bird-offering are both blood offerings, but as for the tenth of an ephah, since it is not a blood offering, I might have said, had not the expression ‘from his sin-offering’ been stated in connection with the bird-offering, that if he set apart money for a pair of birds²⁶ and he became poor, he may not bring with it the tenth of an ephah, for it is not a blood offering, but he must bring the tenth of an ephah from his house, whilst that money which he had set apart shall fall to the fund for freewill-offerings. Therefore Scripture also stated ‘from his sin-offering’ in connection with the bird-offering to teach you that with [the money] dedicated to buy a bird-offering he may also bring the tenth of an ephah. And why is the expression ‘to his sin-offering’ stated in connection with the tenth of an ephah?²⁷ To teach you that if a man set apart money for the tenth of an ephah and before he brought the offering he became rich he must add [more money] to it and bring a bird-offering, and if he became still richer he must add [further money] to it and bring a lamb or a goat. And why is the expression ‘to his sin-offering’ stated in connection with the tenth of an ephah [and not in connection with the bird-offering]? If the expression ‘to his sin-offering’ were stated in connection with the bird-offering, I might have said that only if he had set apart money for a pair of birds and he became rich may he add [more money] to it and bring a lamb or a goat, since they are both blood offerings; but if he set apart money for the

tenth of an ephah and he became rich, then if he did not become very rich he must bring [from his house] a bird-offering, and if he became very rich he must bring [from his house] a lamb or a goat, whilst that money which he had [originally] set apart shall fall to the fund for freewill-offerings. Therefore Scripture stated the expressions 'from his sin-offering' in connection with [the offering brought by a man] when rich and also in connection with [the offering brought by a man] when poor, and the expression 'to his sin-offering' in connection with [the offering brought by a man] when very poor to teach you [the expositions] as we have stated above.²⁸

R. Eleazar said in the name of R. Oshaia: If a rich man who defiled the Sanctuary²⁹ had set apart a pair of birds

(1) If the son was liable to bring a sin-offering he may not make use of his deceased father's animal, for it is an established law (Tem. IV, 1) that if the owner of a sin-offering died the animal must be left to die. The son can certainly not offer this sin-offering on behalf of his father, for atonement cannot be effected after death.

(2) Lev. IV, 28.

(3) V. Naz. 27b. where the entire passage is taught.

(4) This expression is used three times in Lev. IV, once with reference to the sacrifice brought by a prince who sinned in error (v. 23); the second time with reference to the goat (v. 28) and the third time with reference to the lamb (v. 32) brought by one of the common people who sinned in error.

(5) E.g. the sin-offering brought for inadvertently profaning the Sabbath. This offence is regarded 'serious' in that the wilful commission thereof involves the death penalty.

(6) E.g. the sin-offering brought for inadvertently eating forbidden fat. This offence is regarded 'light' in that the wilful commission thereof involves the penalty of kareth (v. Glos.) only, but not death.

(7) Lit. 'he may not shave his naziriteship with the animal which his father (also a nazirite) had set apart'. The reference is to the sacrifice incumbent upon the nazirite at the end of the period of his consecration, when he must shave his head at the Sanctuary. V. Num. VI, 13-18.

(8) The money was not specified by the father for the particular offering, either for his sin-offering or his burnt-offering. V. Nazir 30a.

(9) V. infra, next paragraph and notes.

(10) The proposed change of using an animal assigned for a sin-offering, say, in respect of an offence relating to forbidden fat for an offence relating to blood is ineffectual (v. our Mishnah), and the animal remains in its former assignation. Moreover, an animal intended for the altar cannot be transferred from its sacred to a profane status, so that under no circumstances can the animal become his again, consequently no guilt of misappropriation is applicable.

(11) Lit. 'he cannot change it'.

(12) For any proposed change in the use of money set aside for a particular offering renders the money non-holy, even though the money is intended for another consecrated purpose; consequently the guilt of misappropriation is applicable, involving a guilt-offering.

(13) I.e. that he is permitted to make such a change even in the first instance.

(14) Because Scripture says, for his sin; thus no change is allowed in the first instance.

(15) I.e. if he became poor and could not afford the animal-offering. This is explained anon in the Mishnah.

(16) The prescribed quantity of fine flour for a meal-offering.

(17) The surplus of the money would become non-holy and remains for his own use.

(18) By adding to the money he had originally set apart.

(19) This sentence is not found in the cur. edd. but it is found in the separate Mishnah collections. Moreover Rashi comments on it, thus indicating that he had the passage before him in his text. V. Sh. M., and marg. gloss.

(20) For a consecrated animal may be redeemed only after it had suffered a blemish.

(21) I.e. if he became poor. V. Gemara.

(22) Not the ordinary kind of blemish which disqualifies an animal-offering, for that does not disqualify a bird, but a major blemish such as the loss of a limb.

(23) The law concerning the redemption of blemished consecrated animals is stated in connection with animal-offerings but not with birds.

(24) Lev. V, 6, 10, 13. This is the literal translation of these expressions; E.V. render: 'as concerning his sin' 'as

concerning his sin' and 'as touching his sin' respectively. These expressions are found in connection with the sin-offering brought for certain transgressions which varies according to the financial circumstances of the sinner: if he is rich he must bring a female lamb or a female goat for his sin-offering, if poor he must bring either two turtle-doves or two young pigeons, and if he is very poor he must bring the tenth part of an ephah as a meal-offering. It should be observed that in the first two texts the preposition מן 'from' is used, indicating that from a larger sum of money assigned for the sin-offering some is taken for the offering and the remainder is non-holy, while in the last text the preposition אל 'to' is used, signifying that in certain circumstances money must be added to the sum originally assigned.

(25) The word used in the text is unusual and would seem to mean 'they shall be redeemed', thus implying that the entire money becomes non-holy except for the value of the bird-offering.

(26) Lit. 'his nest'. The bird offering prescribed in the Torah always consists of two birds, a pair of turtle-doves or a pair of young pigeons, one for a sin-offering and the other for a burnt-offering.

(27) Emended text by Sh. Mek.

(28) The text of this entire passage is diffuse and hangs together loosely. The corrections of Sh. Mek. and Bah have been adopted generally.

(29) I.e. he entered the Sanctuary or ate consecrated flesh whilst in a state of uncleanness. He is bound to bring a sin-offering for atonement; the offering, however, varies according to the financial circumstances of the sinner; v. Lev. V, 2ff.

Talmud - Mas. K'rithoth 28a

instead of his lamb [that he was due to bring] and he became poor, since the offering was rejected it remains rejected.¹ Said Rab Huna the son of R. Joshua: From this we learn three things:² we learn that living animals can be rejected, that what is consecrated only for its money value can cause rejection,³ and that what was rejected [be it even] at the very outset remains rejected permanently.⁴

R. 'Ukba b. Hanna raised an objection: If a man set apart before the Passover⁵ a female lamb⁶ for his Passover-offering, it must be left to pasture until it suffers a blemish when it must be sold and with the price thereof he may bring a Passover-offering. If it gave birth to a male, it⁷ must be left to pasture until it suffers a blemish when it is sold and with the price thereof he may bring a Passover-offering. R. Simeon says: It itself may be brought as a Passover-offering. We thus learn [from the opinion of R. Simeon] that living animals are not rejected! — R. Oshaia replied:⁸ I stated [my view] in accordance with the opinion of the Rabbis, for it is [only] R. Simeon who holds that living animals are not rejected.⁹ For it was taught: If one of the two [goats] died he may bring another without [further] casting of lots;¹⁰ this is the opinion of R. Simeon. We thus see that he holds that living animals are not rejected, neither is the casting of lots indispensable.

Rab Hisda said: Bird-offerings are designated¹¹ only at the time of purchase by the owner or at the time of offering by the priest.¹² Said Rab Shimi b. Ashi: What is the reason for Rab Hisda's view? Because it is written, And she shall take two turtle-doves¹³ etc. and also, And the priest shall offer¹⁴ etc. thereby indicating [that the designation is made] either at the time of purchase by the owner or at the time of offering by the priest.

An objection was raised: [And Aaron shall present the goat upon which the lot fell for the Lord,] and make it a sin-offering;¹⁵ this implies, that the lot makes it a sin-offering but designation does not make it a sin-offering.¹⁶ For [without this text] I would have argued [the reverse] by a fortiori reasoning thus: if in a case where the lot does not sanctify¹⁷ designation does, then surely where the lot sanctifies designation does so all the more! Therefore Scripture stated, 'And make it a sin-offering', to intimate that the lot [only] makes it a sin offering but designation does not make it a sin-offering. Now [in the argument] designation was equated with the lot; and as the lot is [effective] not [necessarily] at the time of purchase or at the time of offering,¹⁸ so designation is [effective] not [necessarily] at the time of purchase or at the time of offering!¹⁹ Rabbah answered: This was the argument: if in a case where the lot does not sanctify even [when cast] at the time of purchase or at

the time of offering, designation does sanctify [if made] either at the time of purchase or at the time of offering,²⁰ then surely where the lot sanctifies outside the time of purchase or the time of offering, designation sanctifies all the more either at the time of purchase or at the time of offering! Therefore Scripture stated, 'And make it a sin-offering', to intimate that the lot [only] makes it a sin-offering but designation does not make it a sin-offering.

An objection was raised: If a poor man who defiled the Sanctuary had set apart money for his bird-offering, and he became rich,²¹ and afterwards²² said: 'This [money] shall be for my sin-offering and this for my burnt-offering', he may add to the money assigned for his [bird] sin-offering and bring therewith his obligation,²³ but he may not add to the money assigned for his [bird] burnt-offering and bring therewith his obligation.²⁴ Now here [the designation was made] neither at the time of purchase nor at the time of offering,²⁵ and yet it states that he may bring his obligation from the money assigned for his sin-offering but not from that assigned for his burnt-offering.²⁶ — Thereupon Rab Shesheth said: And do you think that the Baraitha is in order? [It surely is not,] for it says, 'And he became rich and afterwards said', whereas R. Eleazar said in the name of R. Oshaia that if a rich man who defiled the Sanctuary brought a poor man's offering he has not fulfilled his obligation!²⁷ But you must rather say that he had already designated it when he was still poor;²⁸ then here,²⁹ too, [we will say that] he had already designated it when he set apart [the money]³⁰. But according to R. Hagga who said in the name of R. Oshaia³¹ that he thereby fulfilled his obligation,³² what can be said?³³ — Read [in the Baraitha]: And afterwards he bought and said.³⁴

An objection was raised: If a poor leper brought the offerings of a rich leper he has fulfilled his obligation; if a rich leper brought the offerings of a poor leper he has not fulfilled his obligation. Is not this a refutation of R. Hagga's ruling in the name of R. Oshaia?³⁵ — He can reply: It is different in the case of a leper, for the Divine Law imposed there a limitation by the word 'this'.³⁶ If so, then even a poor leper who brought the offerings of a rich leper should not thereby fulfil his obligation? — How could this be? Surely this case was included by the expression 'the law'!³⁷ And so it was taught: The expression 'the law' includes the case of a poor leper who brought a rich leper's offering that he has-thereby fulfilled his obligation. I might think, however, that even where a rich leper brought a poor leper's offering he has also fulfilled his obligation; therefore Scripture added: 'this'. Let us then infer from it!³⁸ — Scripture states, And if he be poor and his means suffice not.³⁹ signifying that only 'he', the leper, when rich does not fulfil his obligation with a poor man's offering, but a rich man who defiled the Sanctuary and who brought a poor man's offering has thereby fulfilled his obligation.

MISHNAH. R. SIMEON SAYS: LAMBS COME BEFORE GOATS IN ALL PLACES.⁴⁰ YOU MIGHT THINK THAT IT IS BECAUSE THEY ARE CHOICER,⁴¹ THEREFORE SCRIPTURE STATED, AND IF HE BRING A LAMB AS HIS OFFERING,⁴² TO TEACH THAT BOTH ARE EQUAL. TURTLE-DOVES COME BEFORE YOUNG PIGEONS IN ALL PLACES. YOU MIGHT THINK THAT IT IS BECAUSE THEY ARE CHOICER. THEREFORE SCRIPTURE STATED, A YOUNG PIGEON OR A TURTLE-DOVE FOR A SIN-OFFERING,⁴³ TO TEACH THAT BOTH ARE EQUAL. THE FATHER COMES BEFORE THE MOTHER IN ALL PLACES. YOU MIGHT THINK THAT IT IS BECAUSE THE HONOUR DUE TO THE FATHER EXCEEDS THE HONOUR DUE TO THE MOTHER, THEREFORE SCRIPTURE STATED, YE SHALL FEAR EVERY MAN HIS MOTHER AND HIS FATHER,⁴⁴ TO TEACH THAT BOTH ARE EQUAL.⁴⁵ BUT THE SAGES HAVE SAID: THE FATHER COMES BEFORE THE MOTHER IN ALL PLACES, BECAUSE BOTH A MAN AND HIS MOTHER ARE BOUND TO HONOUR THE FATHER. AND SO IT IS ALSO WITH THE STUDY OF THE LAW; IF THE SON HAS BEEN WORTHY [TO SIT] BEFORE THE TEACHER, THE TEACHER COMES BEFORE THE FATHER IN ALL PLACES,⁴⁶ BECAUSE BOTH A MAN AND HIS FATHER ARE BOUND TO HONOUR THE TEACHER.

GEMARA. Our Rabbis taught:⁴⁷ Four cries did the Temple Court cry out. The first cry: Cause the sons of Eli, Hophni and Phinehas, to depart hence for they defiled the Temple.⁴⁸ The second cry: Open. O ye gates, and let Johanan the son of Nidbai, the disciple of Pinkai, enter and fill his stomach with the Divine sacrifices. It was said of the son of Nidbai that he used to eat four seah⁴⁹ of young birds

(1) Being a rich man the offering of a pair of birds which he set apart was ineligible for sacrifice, and once the offering had become ineligible it remains so for all times, even though in this case the man's circumstances deteriorated and he is now by law entitled to bring a bird-offering.

(2) V. supra 27a.

(3) The bird-offering which had been set apart by this man could not have been intended for the altar, since he was rich at the time, so that it was consecrated only for the value it would fetch — it would have to be sold and with the money realized the proper sacrifice would be offered. These actual birds, however, can under no circumstances be utilized for an offering even though now, by reason of the change in his circumstances, he is permitted to bring a bird-offering.

(4) And how much more so if its rejection followed its previous state of fitness!

(5) This is unnecessarily stated (Rashi). It is omitted in MS. M.

(6) This is contrary to law, for the Passover-offering must be a male, v. Ex. XII. 5.

(7) The young.

(8) In cur. edd. 'The school of R. Oshaia would say'.

(9) In cur. edd. there is added: 'neither is the casting of lots indispensable'. This has no bearing on the argument and is deleted by Sh. Mek.; it is omitted in MS. M.

(10) On the Day of Atonement two goats were brought and lots were cast over them, one as an offering to the Lord and the other as the Scapegoat; v. Lev. XVI, 8. If one of the goats died after the decision of the lots, another goat may be brought to replace it, according to R. Simeon, neither is there any need for a second ceremony of casting lots. Now the surviving goat was temporarily rejected by reason of the death of the other, yet it becomes now eligible for offering, thus proving that living animals are not permanently rejected.

(11) Which shall be a sin-offering and which a burnt-offering.

(12) Wherever the Torah prescribes a bird-offering, e.g. in the case of a woman after childbirth, two turtle-doves or two young pigeons must be brought, one to be a sin-offering and the other a burnt-offering. The allocation of the birds for the particular offering, we are here told, may be made at two periods only, either when the owner purchases them or when the priest is about to offer them. The designation of the birds at these two periods is final and cannot be altered; if made at any other time the designation is not decisive and it may be altered.

(13) Lev. XII, 8. The verse continues: or two young pigeons: the one for a burnt-offering and the other for a sin-offering. This indicates that the woman after confinement designates the birds for the particular kind of offering at the time when she takes, i.e. purchases, them.

(14) Ibid. XV, 30. In this verse the designation is left to the priest at the time when he prepares the birds for sacrifice.

(15) Ibid. XVI, 9, with reference to sacrifices of the Day of Atonement.

(16) If the High Priest, therefore, did not cast lots over the two goats but merely named them for their specific purposes, one for the Lord and the other as the Scapegoat, they are not thereby finally determined but may be interchanged.

(17) In the case where a pair of birds is prescribed, the casting of lots to determine which shall be the sin-offering and which the burnt-offering is not decisive, and they may be interchanged, for the casting of lots is prescribed as a rite only for the two goats of the Day of Atonement.

(18) For the casting of the lots over the goats may be done at any time on the Day of Atonement but not necessarily at these two specified periods.

(19) Thus contradicting Rab Hisda's statement.

(20) In accordance with Rab Hisda's dictum.

(21) He is now bound to bring an animal for a sin-offering, so that his subsequent designation of the money for the respective bird-offerings was in error and unnecessary.

(22) This word is deleted by Sh. Mek.; it is also omitted in MS. M.

(23) I.e. his animal sin-offering.

(24) For the designation, though unnecessary, was effective, and whatsoever is allocated for a burnt-offering may never be used for a sin-offering.

- (25) The designation was made some time after he had set apart the money.
- (26) Thus proving that the designation is effective even when made at other times contrary to Rab Hisda.
- (27) Since he does not fulfil his obligation with the poor man's offering of birds then surely his designation was of no effect, consequently he should be permitted to use the entire money as he pleases.
- (28) I.e. the designation was made before he became rich when he was still subject to a poor man's offering and therefore the designation is effective. The Baraitha must be corrected accordingly.
- (29) I.e. the interpretation of the Baraitha according to Rab Hisda.
- (30) According to Rab Hisda the Baraitha required a further correction to imply that the designation was made not only before this man became rich but actually at the very moment when the money was set apart. This period is equivalent to the time of purchase, and therefore the designation is effective in accordance with Rab Hisda's ruling.
- (31) Sh. Mek. emends: R. Josiah. So in the parallel passage in Yoma 41a.
- (32) In the case where a rich man who had defiled the Sanctuary brought a poor man's offering.
- (33) Accordingly the original text of the Baraitha is correct and does not require any emendation; how then will Rab Hisda reconcile this Baraitha with his view?
- (34) The word 'bought' must be inserted. In this way the designation was made at the time of purchase, and it is therefore effective, in accordance with Rab Hisda's view.
- (35) Who ruled that in the case where a rich man who had defiled the Sanctuary and brought a poor man's offering he has fulfilled his obligation.
- (36) Lev. XIV, 2: This shall be the law of the leper. The word 'this' suggests strict adherence to the offerings prescribed.
- (37) Ibid. The expression 'the law' indicates that ultimately there is one law for all lepers. Lit. 'the verse reverted him (to the general law)'.
- (38) That a rich man who defiled the Sanctuary cannot obtain atonement by a poor man's offering, just as a rich leper cannot discharge his obligation with the offering of a poor leper.
- (39) Ibid. 21.
- (40) Throughout Scripture where a choice of animals is given for an offering Scripture always mentions lambs before goats.
- (41) And should therefore be given preference in setting aside an animal for offering.
- (42) Lev. IV, 32. This offering is stated as an alternative to the goat prescribed earlier in this chapter, in v. 28. In this passage the goat is stated before the lamb, and it serves to signify that both are equal in regard to sacrifices.
- (43) Ibid. XII, 6.
- (44) Lev. XIX, 3.
- (45) The reward for honouring the mother is as great as for honouring the father (R. Gershom).
- (46) V. B.M. 33a.
- (47) V. Pes. 57a. where this same passage is taught with much textual variation.
- (48) V. I Sam. II, 17, 22.
- (49) V. Glos. Rashi in Pes. l.c. explains this as a compliment to his hospitality that many were invited to share his table, hence the excessive amount of food consumed.

Talmud - Mas. K'rithoth 28b

as a dessert for his meal. It was said that as long as he lived never was there nothar¹ in the Temple. The third cry: Lift up your heads, O ye gates. and let Elishama the son of Pikai,² the disciple of Phinehas,³ enter and serve in the [office of the] High Priesthood. The fourth cry: Open, O ye gates, and cause Issachar of Kefar Barkai to depart hence, for he honours himself and treats with contempt the Divine sacrifices. What used he to do? He used to wrap silk over his hands and thus perform the service.⁴ What was his fate?⁵ Once king Jannai and his queen were sitting [at a meal]. The king said, 'Goat's flesh is best', but the queen said, 'Lamb is best'. They said, 'Let us ask Issachar of Kefar Barkai, who is the High Priest and offers sacrifices daily; so he ought to know'.⁶ They [called him and] asked him; whereupon he replied. 'If goat's flesh were best let it be offered for the daily sacrifice'.⁷ As he spoke he waved his hand [in contempt]. Then said the king, 'Since he waved his hand [in contempt of our royal persons] let his right hand be cut off'. He, however, gave a bribe and they cut off his left hand. When the king heard this he said, 'Cut off his right hand too'. Rab Joseph

said: Blessed be the Merciful One who paid out to Issachar of Kefar Barkai his due [in this world]!

Rab Ashi said: He⁸ had not studied the Mishnah, for we have learnt: LAMBS COME BEFORE GOATS IN ALL PLACES. YOU MIGHT THINK THAT IT IS BECAUSE THEY ARE CHOICER, THEREFORE SCRIPTURE STATED, AND IF HE BRING A LAMB AS HIS SIN-OFFERING, TO TEACH THAT BOTH ARE EQUAL. Rabina said: He had not studied even Scripture, for it is written, If [he brings] a lamb ... And if [his offering be] a goat.⁹

R. Eleazar said in the name of R. Hanina:¹⁰ The disciples of the Sages increase peace in the world, as it is said, And all thy children shall be taught of the Lord; and great shall be the peace of thy children¹¹. Read not 'thy children' [banayik], but 'thy builders'¹² [bonayik].

(1) V. Glos.

(2) In Pes. l.c. the name is given as: Ishmael the son of Phabi.

(3) In his zeal for God, cf. Num. XXV, 11.

(4) The service must be performed with the bare hand, and any covering on the hand disqualifies the service. His action showed contempt for the Divine sacrifices.

(5) Lit. 'what came to him?'

(6) This follows the text of Sh. Mek. and MS. M.

(7) Whereas the daily sacrifices were lambs only; v. Num. XXVIII, 3.

(8) Issachar of Kefar Barkai.

(9) Lev. III, 7, 12. These verses indicate that neither is preferable, and one may offer whichever one pleases. On the whole passage see Pes. (Sonc. ed) pp. 285-6 and notes.

(10) This passage is also found at the conclusion of three other tractates viz. Berakoth, Yebamoth, and Nazir.

(11) Isai. LIV. 13.

(12) Scholars are the true builders of the world and by their dissemination of knowledge and enlightenment they preserve the peace of the world.