

JUDAISM

The Talmud

Keritot

A massive, multi-volume compendium of rabbinic debates and commentary on the Torah that forms the basis of Jewish religious law, ethics, and practice. Presents all 37 tractates with Gemara, via Sefaria's William Davidson Talmud (the Koren Talmud Bavli translation, CC BY-NC), plus Avot and Eduyot (which have no Gemara) via Michael L. Rodkinson's 1896-1918 translation.

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Chapter 1

¹ MISHNA: There are thirty-six cases in the Torah with regard to which one who performs a prohibited action intentionally is liable to receive excision from the World-to-Come [karet]. They are: One who engages in sexual intercourse with his mother; or with the wife of his father, even if she is not his mother; or with his daughter-in-law. The same punishment is imposed on a man who engages in intercourse with another male [hazekhur], or who copulates with an animal; and a woman who brings an animal upon her to engage in bestiality. The same punishment is imposed on one who engages in intercourse with a woman and her daughter, or with a married woman. The same punishment is imposed on one who engages in intercourse with his sister, or with his father's sister, or with his mother's sister, or with his wife's sister, or with his brother's wife, or with the wife of his father's brother, or with the wife of his mother's brother, or with a menstruating woman.

² And these too are liable to receive karet: One who blasphemes the name of Heaven, and one who worships an idol, and one who gives of his children to Molekh (see Leviticus 20:1–5), and a necromancer, and one who desecrates Shabbat. And the same is the punishment of one who is ritually impure who ate sacrificial food; and one who enters the Temple while ritually impure; and one who eats forbidden fat, or consumes blood, or eats meat left over from an offering after the time allotted for its consumption [notar], or eats meat of an offering that was sacrificed with the intent to consume it after its designated time [piggul]; and one who slaughters offerings and offers them up outside the Temple.

³ And these too are liable to receive karet: One who eats leavened bread on Passover, and one who eats or performs prohibited labor on Yom Kippur. And the same is the punishment of one who blends the anointing oil according to the specifications of the oil prepared by Moses in the wilderness (see Exodus 30:22–33); and one who blends the incense according to the specifications of the incense used in the Temple service for purposes other than use in the Temple; and one who applies the anointing oil to his skin. And one is liable to receive karet for failure to fulfill the mitzva of bringing the Paschal offering and the mitzva of circumcision, which unlike the cases of prohibitions enumerated in the mishna, are positive mitzvot.

⁴ For any of these prohibitions, one is liable to receive karet for its intentional violation and to bring a sin offering for its unwitting violation. And for their violation in a case where it is unknown to him whether or not he transgressed, he is liable to bring a provisional guilt offering, which provides provisional atonement until he discovers whether or not he transgressed. This is the halakha for all of the transgressions listed above except for one who defiles the Temple, i.e., he enters the Temple while ritually impure, or partakes of its consecrated items while ritually impure. In these cases he does not bring a provisional guilt offering because he is obligated to bring a sliding-scale offering for a definite transgression. This is the statement of Rabbi Meir.

⁵ And the Rabbis say: The halakha is the same even with regard to the one who blasphemes, as it is stated with regard to the sin offering: “You shall have one law for him who performs the action unwittingly” (Numbers 15:29), excluding one who blasphemes, as he does not perform an action but sins with speech.

⁶ GEMARA: The Gemara asks: Why do I need the mishna to state this tally of cases where one who performs the action is liable to receive karet? Why does it state a number? All thirty-six are listed in the mishna, and one could simply count them to discover how many there are. Rabbi Yoḥanan said: By listing the tally, the mishna is teaching that if one performed all of them in the course of one lapse of awareness, he is liable to receive punishment for each and every one, i.e., to bring thirty-six sin offerings.

⁷ The Gemara asks: And furthermore, with regard to that which we learned in a mishna (Shabbat 73a): The primary categories of labor are forty-less-one; why do I need this tally of forty-less-one? The Gemara answers: By listing the tally the mishna is teaching that if one performed all of the prohibited labors in one lapse of awareness during which he was unaware of the prohibition involved, he is liable to bring a sin offering for each and every one.

⁸ The Gemara asks: And furthermore, with regard to that which we learned in a mishna (8b): There are four people who have not yet brought an atonement offering to complete their purification process and may not eat sacrificial meat until they bring the requisite offerings. The mishna then teaches: And these are the people who have not yet brought an atonement offering: The zav, and the zava, and the woman after childbirth, and the leper. Why do I need this tally of four?

⁹ The Gemara answers: By listing the tally, the mishna serves to exclude the opinion of Rabbi Eliezer ben Ya’akov, who says there are five such individuals. As it is taught in a baraita that Rabbi Eliezer ben Ya’akov says: A convert is also one who has not yet brought an atonement offering and he may not partake of sacrificial meat, although he was circumcised and immersed in a ritual bath, until the priest sprinkles the blood of his offering on the altar on his behalf. It is for this reason that the mishna teaches four, to emphasize that there are not five such people.

¹⁰ The Gemara asks: And furthermore, with regard to that which we learned in that same mishna (8b): And there are four who bring an offering for the intentional transgression of a prohibition as they do for the unwitting transgression of a prohibition: One who engages in intercourse with a designated maidservant (see Leviticus 19:20–22), a nazirite who became ritually impure (see Numbers 6:9–12), one who takes a false oath that he does not know testimony on behalf of another (Leviticus 5:1), and one who takes a false oath on a deposit, i.e., that that an item belonging to another is not in his possession (Leviticus 5:21–26). Why do I need this tally of four?

¹¹ The Gemara answers: By listing the tally, the mishna serves to exclude the opinion of Rabbi Shimon. As it is taught in a baraita that Rabbi Shimon says: The intentional transgressor who takes a false oath on a deposit is not given the opportunity for atonement by bringing an offering. It is for this reason that the mishna teaches four, to emphasize that taking a false oath on a deposit is included in this list.

¹² The Gemara asks: And furthermore, with regard to that which we learned in a mishna (9a): There are five people who bring one offering for several transgressions, i.e., for violating the same transgression several times; and the mishna then teaches: These individuals bring one offering for several transgressions: One who engages in several acts of intercourse with an espoused maidservant;

a nazirite who became ritually impure via several instances of ritual impurity; one who issues a warning to his wife with regard to entering into seclusion with several men; a leper who was afflicted with several instances of leprosy; and a woman who gave birth to several offspring. Why do I need this tally of five?

¹³ The Gemara answers: The tanna of the mishna lists the tally because he wants to teach the latter clause: This also applies to a nazirite if he became ritually impure with several instances of ritual impurity. The tally of five includes the case of a nazirite. The Gemara explains what the novelty of this case is: And you find this, that a nazirite can contract ritual impurity several times consecutively, in a case where he became ritually impure on the seventh day and, after undergoing the purification process, again became ritually impure on the seventh day. And in accordance with whose opinion is it? It is in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda, who says that the naziriteship of purity, i.e., the naziriteship one must observe afresh after his purification, takes effect on the nazirite from the seventh day of his purification process.

¹⁴ The Gemara clarifies: As, if you say the mishna is in accordance with the opinion of Rabbi Yehuda HaNasi, that is difficult: Since he says that the naziriteship of purity does not take effect on the nazirite until the eighth day, how can you find a case in which these circumstances apply, i.e., that a nazirite can be considered impure with several instances of ritual impurity in the same term of naziriteship?

¹⁵ The Gemara explains why, according to the opinion of Rabbi Yehuda HaNasi, this is not possible: If this case involves a nazirite who became ritually impure on the seventh day, and, after undergoing the purification process, again became ritually impure on the seventh day, Rabbi Yehuda HaNasi would hold that all these impurities are in fact one instance of long ritual impurity. His reasoning is that the nazirite never reached the eighth day, which would renew his observance of naziriteship in purity. If so, the mishna would not refer to this as a case of multiple impurities.

¹⁶ And if the mishna is referring to a nazirite who became ritually impure on the eighth day and, after undergoing the purification process, again became ritually impure on the eighth day, the ruling of the mishna would not apply either. Since he left his state of impurity at an appropriate time to bring his offering, as he can bring his offering on the eighth day, it is not considered a continuation of the previous ritual impurity and he is liable to bring a separate offering for each and every instance of impurity. Rather, conclude from it that this mishna is in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda. It is to emphasize this fact that the mishna lists the tally.

¹⁷ The Gemara asks: What is the source of this opinion of Rabbi Yehuda HaNasi and what is the source of this opinion of Rabbi Yosei, son of Rabbi Yehuda? The Gemara answers: As it is taught in a baraita with regard to a verse that discusses a nazirite who became ritually impure and brought two birds to the Temple: “And the priest shall prepare one for a sin offering, and the other for a burnt offering, and make atonement for him, for he sinned by the soul, and he shall sanctify his head that same day” (Numbers 6:11). The verse is referring to the day of the bringing of his offerings, which is the eighth day of his purification; this is the statement of Rabbi Yehuda HaNasi. And Rabbi Yosei, son of Rabbi Yehuda, says the verse is referring to the day of his shaving, i.e., the seventh day of his purification.

¹⁸ The Gemara returns to its series of questions concerning the mention of tallies in mishnayot. The Gemara asks: And furthermore, with regard to that which we learned in a mishna (9a): And there are

five people who bring a sliding-scale offering, which is determined by the financial status of the sinner; and the mishna then teaches (10b): These bring a sliding-scale offering: One brings such an offering for hearing the voice of an oath, and for a false oath of the utterance of the lips, and for the defiling of the Temple and its sacred foods, and the woman after childbirth, and the leper. Why do I need this tally of five?

¹⁹ The Gemara answers: The tanna of the mishna lists the tally because of the halakha taught in the latter clause, as the latter clause teaches, in a different mishna (Horayot 8b): The court is not liable for issuing a ruling with regard to the hearing of a voice, or for a false oath of the utterance of the lips, or for the defiling of the Temple and its sacred foods. The status of the king is like that of the court and he is exempt from bringing an offering in these cases. It is for this reason the mishna teaches five, to exclude the opinion of Rabbi Eliezer, who says that a king brings a goat, i.e., a fixed sin offering, instead of a sliding-scale offering for the defiling of the Temple and its sacred foods.

²⁰ The Gemara asks: And furthermore, with regard to that which we learned in a mishna (Bava Kamma 2a): There are four primary categories of damage: The category of Ox, the category of Pit, the category of Maveh, and the category of Fire. Why do I need this tally of four?

²¹ The Gemara answers: By listing the tally, the mishna serves to exclude the opinion of Rabbi Oshaya, who says (Tosefta, Bava Kamma 9:1): There are thirteen primary categories of damage. And according to Rabbi Oshaya, why do I need this tally of thirteen? By listing the tally, he serves to exclude the opinion of Rabbi Ḥiyya, who says: There are twenty-four primary categories of damage. And according to Rabbi Ḥiyya, why do I need this tally of twenty-four? By listing the tally, he serves to exclude the case of an informer who causes the authorities to confiscate the property of another, and a priest who renders another's offering piggul, as Rabbi Ḥiyya concedes that these are not included in the primary categories of damage.

²² § The Gemara returns to discuss the statement of Rabbi Yoḥanan. The Master said earlier: By listing the tally, the mishna is teaching that if he performed all of them, i.e., he unwittingly violated every prohibition, in the course of one lapse of awareness, he is liable to receive punishment for each and every one, i.e., to bring thirty-six sin offerings.

²³ The Gemara raises a difficulty with regard to the prohibitions against engaging in forbidden intercourse: Granted, you cannot say that one who unwittingly violates every prohibition against engaging in forbidden intercourse is entirely exempt, as it is written: "For whoever shall do any of these abominations, the souls that do them shall be cut off from among their people" (Leviticus 18:29), and as they all are punishable by karet he is liable to bring a sin offering for his unwitting transgression. But why not say that if he transgressed one prohibition he becomes liable to bring one sin offering, and likewise if he transgressed all of them in one lapse of awareness he is liable to bring only one sin offering.

²⁴ Rabbi Yoḥanan said: It is for this reason that karet which one incurs for engaging in intercourse with one's sister is singled out and mentioned independently of the other acts of forbidden intercourse (Leviticus 20:17). This serves to separate the prohibitions and teach that one is liable to receive a separate punishment of karet or to bring a sin offering for each individual prohibition against forbidden intercourse.

²⁵ Rav Beivai bar Abaye objects to this: Why not say: With regard to one who engages in intercourse with his sister, which the verse detailed separately, he becomes liable to bring one sin offering for it,

but with regard to all the other acts of forbidden intercourse, once he transgressed all of them in one lapse of awareness he becomes liable to bring only one sin offering for all of them.

²⁶ The Gemara objects: And according to Rav Beivai bar Abaye, does he not accept that hermeneutical principle which is taught in a baraita: Any matter that was included in a generalization, but was singled out to teach a halakha, was singled out to teach that halakha not only about itself but to teach that halakha about the entire generalization.

²⁷ The baraita explains: How so? The verse states: “But the soul that eats of the flesh of the sacrifice of peace offerings that belong to the Lord, with his ritual impurity upon him, that soul shall be cut off from his people” (Leviticus 7:20). But weren’t peace offerings included in the general category of all sacrificial offerings; why, then, were they explicitly singled out in this verse?

²⁸ The baraita answers: They were singled out to juxtapose the halakha of other offerings to them, teaching: Just as peace offerings are unique in that they are consecrated for the altar and one is liable to receive karet for partaking of them while impure, so too, with regard to all food that is consecrated for the altar, one is liable to receive karet for partaking of them while impure. This excludes from this halakha items that are consecrated for Temple maintenance. The same reasoning should apply to the singling out of the prohibition against engaging in intercourse with one’s sister, as it teaches that one is liable separately for all the categories of forbidden relations.

²⁹ Rav Beivai bar Abaye said to the Sage who raised this difficulty: The discussion of Rabbi Yoḥanan’s statement should be held apart from that baraita. As, didn’t you say there that the comparison to peace offerings excludes items that are consecrated for Temple maintenance? The matter that was singled out teaches its halakha only with regard to cases that are similar to it. The same reasoning should apply with regard to the prohibition against engaging in intercourse with one’s sister.

³⁰ Rav Beivai elaborates: Here too, just as the case of one’s sister is unique in that she is a forbidden relative who cannot be permitted during the entire life of the one who prohibits her, i.e., her brother, as she will always be his sister, so too, the halakha that one is liable to bring a sin offering for the transgression of each prohibition applies to any forbidden relative who cannot be permitted in the life of the one who prohibits her. This excludes a married woman, who can be permitted in the life of the one who prohibits her, i.e., her husband, as their relationship can be terminated by means of divorce. If so, one would not be liable to bring a separate sin offering for each instance of engaging in intercourse with a married woman, whereas Rabbi Yoḥanan maintains that one is liable to bring a sin offering for violating each of the prohibitions listed in the mishna, including the one concerning a married woman.

³¹ Rabbi Yona said in response, and some say this was stated by Rav Huna, son of Rav Yehoshua: The verse states: “For whoever shall do any of these abominations, the souls that do them shall be cut off from among their people” (Leviticus 18:29). Since this is a juxtaposition, it means that in this verse all of those with whom relations are forbidden are juxtaposed to the case of one’s sister, written in that passage, as follows: Just as with regard to one’s sister he is liable to bring a separate sin offering for engaging in intercourse with her alone, so too, with regard to any one of all the cases of forbidden relations, one is liable to bring a separate sin offering for engaging in intercourse with that woman alone. When a halakha is derived by juxtaposition the cases do not have to be entirely similar.

³² The Gemara objects: But this presents a difficulty according to the opinion of Rabbi Yitzḥak, who says: All those liable to receive karet in cases of incest were included in the principle: “For whoever shall commit any of these abominations, even the people who commit them shall be cut off from among their people” (Leviticus 18:29). And why was karet incurred by engaging in intercourse with one’s sister singled out in Leviticus 20:17? It was singled out to judge it, so that the transgressors receive the punishment of karet and not the punishment of lashes. Although they have violated a prohibition, which generally carries the punishment of lashes, they are not flogged, as they are liable to receive the more severe punishment of karet.

³³ The Gemara explains the difficulty: From where does Rabbi Yitzḥak learn to separate the prohibitions and teach that one is liable to receive a separate punishment of karet or to bring a sin offering for each violation of the prohibition against forbidden intercourse? Unlike Rabbi Yoḥanan, he cannot derive it from the above verse, as he learns this aforementioned halakha from that verse. The Gemara answers: He derives it from the verse: “And you shall not approach a woman to uncover her nakedness as long as she is impure by her menstruation” (Leviticus 18:19). Since the verse could have stated simply: And you shall not approach a menstruating woman, the lengthy expression of: “A woman...as long as she is impure by her menstruation,” serves to separate the transgressions and render him liable to receive a punishment for each and every woman with whom he engaged in forbidden sexual intercourse.

³⁴ The Gemara challenges: And with regard to the Rabbis, who disagree with Rabbi Yitzḥak, let them also derive this halakha that one is liable to receive a separate punishment of karet or to bring a sin offering for each violation of the prohibition against forbidden intercourse from the verse cited by Rabbi Yitzḥak: “And you shall not approach a woman to uncover her nakedness as long as she is impure by her menstruation.” The Gemara answers: Yes, it is indeed so. The Gemara asks: But if they derive that halakha from the same source as Rabbi Yitzḥak, for what purpose does the specific instance of karet stated with regard to one’s sister come? The Gemara answers: The Rabbis require it to separate the transgressions and render one liable to bring a separate sin offering for engaging in intercourse with his sister, and for engaging in intercourse with his father’s sister, and for engaging in intercourse with his mother’s sister, in a single lapse of awareness.

³⁵ The Gemara asks: Why is it necessary for the verse to separate the transgressions and render one liable to bring a separate sin offering with regard to these forbidden relatives? Aren’t they separate categories of prohibitions, and aren’t they separate bodies, i.e., three different people? It is obvious that each act of intercourse will require a separate sin offering. Rather, say as follows: The verse serves to separate the transgressions and render one liable to bring a separate sin offering for unwittingly engaging in intercourse with his sister who is also his father’s sister and who is also his mother’s sister, i.e., one is liable to bring three sin offerings despite the fact that all three prohibitions are violated through one act of intercourse with the same person.

³⁶ The Gemara turns its attention to the other opinion: And with regard to Rabbi Yitzḥak, from where does he derive this matter? The Gemara answers: He derives it from the latter clause of the verse, as it is written: “He has uncovered his sister’s nakedness” (Leviticus 20:17). This seemingly superfluous phrase teaches this halakha.

³⁷ The Gemara further asks: And with regard to the Rabbis, concerning this mention of “his sister” in the latter clause of the verse, what do they do with it? The Gemara answers: They require it

³⁸ to teach the halakha in the case of his sister who is both his father's daughter and his mother's daughter, and this serves to say that one does not administer punishment based on an a fortiori inference. Although the verses state a punishment both for one who engages in intercourse with his half sister who is his father's daughter and for his half sister who is his mother's daughter, one cannot learn via an a fortiori inference that he should also be punished for engaging in intercourse with his sister from both parents, as punishments are applied only when the Torah expressly imposes them.

³⁹ The Gemara notes: And Rabbi Yitzhak, who does not interpret the verses in this manner, maintains that one administers punishment based on an a fortiori inference. And if you wish, say instead a different reason why Rabbi Yitzhak does not require this exposition: He derives the punishment of karet for engaging in intercourse with a sister from both parents from the warning, i.e., the prohibition that is stated with regard to her. Just as the verse explicitly prohibited engaging in intercourse with a sister from both parents, so too, the same punishment of karet applies to engaging in intercourse with her as it does to engaging in intercourse with other forbidden relatives.

⁴⁰ § Rabbi Elazar says that Rabbi Hoshaya says: Anywhere you find two different prohibitions, and only one punishment of karet is stated for both of them, you should divide the sin offering between them, i.e., if one transgressed both prohibitions unwittingly he is liable to bring a sin offering for each. And what is this case? One who blends the anointing oil according to the specifications of the oil prepared by Moses in the wilderness, for purposes other than use in the Temple, and one who applies this anointing oil to the skin of a person, as it is written: "Upon the flesh of man it shall not be applied, neither shall you make any like it according to its composition" (Exodus 30:32). These are two prohibitions, one for applying the oil and the other for blending it, and one karet is stated with regard to both, as it is written: "Whoever compounds any like it, or whoever puts any of it upon a stranger, he shall be cut off from his people" (Exodus 30:33).

⁴¹ The Gemara challenges this statement: But accordingly, once there are separate prohibitions stated in the Torah with regard to engaging in intercourse with all forbidden relatives (Leviticus, chapter 18), and at the conclusion of that passage it is written: "For whoever shall do any of these abominations, the souls that do them shall be cut off from among their people" (Leviticus 18:29), it is indicated that the punishments of karet or a sin offering apply to all these prohibitions. If so, why do I need the punishment of karet that the Merciful One writes with regard to one's sister, in a separate passage: "And they shall be cut off in the sight of the children of their people; he has uncovered his sister's nakedness" (Leviticus 20:17)?

⁴² The Gemara explains: This verse is required to teach one halakha according to the opinion of the Rabbis, and one halakha according to Rabbi Yitzhak, per his opinion. The Gemara elaborates: According to the opinion of the Rabbis, they require this verse to say that one does not administer punishment based on an a fortiori inference. According to Rabbi Yitzhak, he derives that this verse comes to deem one liable to bring three separate sin offerings for unwittingly engaging in intercourse with his own sister who is also his father's sister and who is also his mother's sister.

⁴³ The Gemara asks: And as for the Rabbis, from where do they derive this halakha? The Gemara answers: One can say that they derive it from the term "his sister" written in the first clause of the verse: "And if a man shall take his sister" (Leviticus 20:17). And Rabbi Yitzhak holds that one cannot derive a halakha from the term "his sister" written in the first clause, as it is the manner of the verse to describe the case in detail before stating the prohibition that applies to it. And therefore he

derives from the term “his sister” written in the latter clause of the verse that this comes to separate between the prohibitions and render one liable to bring three separate sin offerings for engaging in intercourse with his own sister who is also his father’s sister and who is also his mother’s sister.

⁴⁴ § The Gemara returns to Rabbi Elazar’s statement that one who unwittingly blends the anointing oil and applies it to the skin is liable to bring two sin offerings. Rav Naḥman bar Yitzḥak says: We learn in the mishna as well: And one who blends the anointing oil, and one who blends the incense, and one who applies the anointing oil to his skin.

⁴⁵ Rav Naḥman bar Yitzḥak explains his inference: Why do I need the tanna to teach the clause: One who blends the incense, in the middle, between the two cases concerning the anointing oil? Is it not correct that this is what the mishna teaches us: Just as blending the incense is an independent prohibition and one is liable to receive karet for it by itself, and to bring a sin offering for its unwitting transgression, so too, with regard to one who blends the anointing oil and one who applies the anointing oil to his skin, since they are each an independent prohibition, one is liable to receive karet for each action by itself, and to bring a sin offering for the unwitting transgression of each of them.

⁴⁶ And if you would say the mishna uses this order because it wants to teach the two cases involving blending together, let the tanna teach those two halakhot in the reverse order: One who blends the incense, and one who blends the anointing oil, and one who applies the anointing oil. In this manner the two clauses addressing blending would be adjacent, and likewise the two clauses addressing the anointing oil would be adjacent. Why did the tanna divide the cases involving the anointing oil by teaching the halakha of one who blends the incense in between them? Is it not correct that this teaches us that there is a separation between the two prohibitions, requiring one to bring two sin offerings? The Gemara affirms: Conclude from the mishna that this is the case.

⁴⁷ § The mishna included in its list of those liable to receive karet a male who engages in intercourse with another male or one who copulates with an animal, and a woman who brings an animal upon her to engage in bestiality. The Gemara asks: According to what criteria does the tanna of the mishna tally the prohibitions in the mishna? Rabbi Yoḥanan explained that the tally stated in the mishna serves to teach that one who violated every prohibition against engaging in forbidden intercourse in a single lapse of awareness is liable to receive punishment for each and every one. Which individual could have committed all these transgressions?

⁴⁸ The Gemara elaborates: If he is referring to prohibitions transgressed by men, then one should remove the case of a woman who brings an animal upon her to engage in bestiality, and if so, one case of karet is lacking from the tally. If he is referring to prohibitions transgressed by women, one should remove from them the case of a male who engages in intercourse with another male or with an animal, and if so, two cases of karet are lacking from the tally.

⁴⁹ Rabbi Yoḥanan said: Actually, the tanna is referring to prohibitions transgressed by men. One should remove the case of a woman who brings an animal upon her to engage in bestiality, and instead teach the mishna like this: A male who engages in intercourse with another male, and a male who brings another male upon him to engage in intercourse. And this mishna is in accordance with the opinion of Rabbi Yishmael, who says that one who transgresses both of these prohibitions in a single lapse of awareness is liable to bring two sin offerings.

⁵⁰ The Gemara raises a difficulty: But from the fact that the mishna teaches in its latter clause the case of one who blasphemes, and we interpret this clause in accordance with the opinion of Rabbi Akiva, it may be inferred that the first clause of the mishna is also in accordance with the opinion of Rabbi Akiva.

⁵¹ The Gemara suggests: And if you would say the entire mishna is in fact in accordance with the opinion of Rabbi Akiva, and with regard to the halakha listed in the first clause he holds in accordance with the opinion of Rabbi Yishmael, that is not tenable, as doesn't Rabbi Abbahu say: In the case of a male who engages in intercourse with another male, and a male who brings another male upon him to engage in intercourse, according to the statement of Rabbi Yishmael, who derives these prohibitions from two separate verses, from: "And you shall not lie with a man as with a woman" (Leviticus 18:22), and from: "There shall not be a sodomite of the sons of Israel" (Deuteronomy 23:18), which is referring to one who engages in homosexual intercourse passively, one who transgresses both of these prohibitions in a single lapse of awareness is liable to bring two sin offerings.

⁵² Rabbi Abbahu continues: By contrast, according to the opinion of Rabbi Akiva, he is liable to bring only one sin offering, as he derives both prohibitions from one verse: "You shall not lie [tishkhav] with a man," in the active form, as one can read the verb in this verse, written in the Torah without vowels, as though it stated: Enable your being lain with [tishakheiv], in the passive. Evidently, Rabbi Akiva disagrees with the opinion of Rabbi Yishmael with regard to a male who engages in intercourse with another male and a male who brings another male upon him to engage in intercourse.

⁵³ The Gemara suggests: Rather, the first clause is in accordance with the opinion of Rabbi Yishmael, and with regard to one who blasphemes he holds in accordance with the opinion of Rabbi Akiva. The Gemara raises a difficulty: If so, let the tanna also teach two additional cases with regard to bestiality: One who copulates with an animal, derived from the verse: "And you shall not lie with any beast" (Leviticus 18:23); and a man who brings an animal upon him for bestiality, derived from: "There shall not be a sodomite of the sons of Israel" (Deuteronomy 23:18), which can be interpreted as applying to all forms of male anal intercourse, including with animals.

⁵⁴ The Gemara answers: Didn't Abaye say: With regard to one who copulates with an animal, and who brings an animal upon him to engage in bestiality, even according to the opinion of Rabbi Yishmael he is liable to bring only one sin offering, as when the verse: "There shall not be a sodomite," is written, it is written with regard to men, i.e., the term sodomite does not include one who engages in bestiality. In conclusion, according to Rabbi Yoḥanan, the mishna is listing prohibitions transgressed by men, and therefore one should remove from the tally the case of a woman who brings an animal upon her to engage in bestiality, and add the case of a man who brings another male upon him to engage in intercourse, in accordance with the opinion of Rabbi Yishmael.

⁵⁵ The Gemara cites another interpretation: Rabbi Elazar said in the name of Rav: The mishna is listing prohibitions transgressed by men and not women, but one should not remove from the tally the case of a woman who brings an animal upon her to engage in bestiality. The reason is that the tanna of the mishna teaches thirty-three prohibitions for which a man brings sin offerings, and he teaches another three instances of karet in order to complete the list of transgressions for which one

is liable to be punished with karet. Those three do not meet the same criteria as the other thirty-three, and the case of a woman who brings an animal upon her to engage in bestiality is one of those three.

⁵⁶ What supports this interpretation? As the mishna teaches in the latter clause: And one is liable to receive karet for failure to fulfill the mitzva of bringing the Paschal offering and the mitzva of circumcision, which unlike the cases of prohibitions enumerated in the mishna, are positive mitzvot. Why does the tanna teach the cases of the Paschal offering and circumcision?

⁵⁷ And if you say the mishna mentions these positive mitzvot to teach that one brings an offering for unwittingly failing to perform them, does one in fact bring an offering in such a case? But isn't it taught in a baraita: The entire Torah is juxtaposed to idolatry, as it is written: "You shall have one law [torah] for him that does unwittingly. But the soul that does with a high hand, whether he be home-born or a stranger, he blasphemes the Lord; and that soul shall be cut off from among his people" (Numbers 15:29–30).

⁵⁸ The phrase "But the soul that does with a high hand, whether he be home-born or a stranger, he blasphemes the Lord" is referring to one who engages in idol worship, and it is derived from here: Just as idol worship is a situation in which the Torah says to a person: Sit and refrain from action, and one who transgresses this prohibition unwittingly must bring a sin offering, so too, with regard to every transgression in which the Torah says that one must sit and refrain from action, one is liable to bring a sin offering for performing the act. Accordingly, one is not liable to bring an offering for the unwitting failure to perform a positive mitzva, such as bringing the Paschal offering or circumcision.

⁵⁹ The Gemara concludes its statement: Rather, isn't it correct to conclude from the mishna that the tanna of the mishna taught thirty-three prohibitions for which a man brings sin offerings, which apply to one who acts unwittingly, and he taught another three instances of karet in order to complete the list of transgressions for which one is liable to be punished with karet? These three instances are a woman who brings an animal upon her to engage in bestiality, one who fails to bring the Paschal offering, and one who fails to perform circumcision. The Gemara affirms: Conclude from the mishna that this is the case.

⁶⁰ § The mishna's list of prohibitions for whose unwitting violation one must bring a sin offering includes one who desecrates Shabbat. The Sages express their surprise at this ruling and say: The primary labors of Shabbat are forty-less-one, and one is liable to bring a sin offering for each primary labor he violates. That alone totals more than the thirty-six cases mentioned in the mishna. Rabbi Yoḥanan said: The tanna taught a case where his action was unwitting with regard to Shabbat, i.e., he was unaware it was Shabbat, and his action was intentional with regard to the prohibited labors, in that he was aware that the acts he performed were labors that are prohibited on Shabbat. In that case, the halakha is that he is liable to bring only one sin offering, as he committed only a single error.

⁶¹ As it is taught in a baraita: The verse states: "Speak to the children of Israel, saying: A soul that sins in error, from all the commandments of God that may not be performed, and performs from one of them [me'ahat mehena]" (Leviticus 4:2). The expression "me'ahat mehena" is interpreted in several ways. One of them is: There is an instance of "them [hena]," i.e., many unwitting transgressions, which is like "one [ahat]," a single unwitting transgression, in that one is liable to bring only one sin offering. How so? When one performed many labors where his action was unwitting with regard to Shabbat but his action was intentional with regard to the prohibited labors, he brings only one sin offering. That is the case referred to in the mishna.

⁶² The Gemara challenges: But let the tanna teach a case where his action was intentional with regard to Shabbat, i.e., he knew it was Shabbat, but his action was unwitting with regard to the prohibited labors, as he was unaware they were prohibited. In that case, the halakha is that he is liable to bring forty-less-one sin offerings, one for each primary category of labor.

⁶³ The Gemara elaborates that this is as it is taught in a baraita: The verse states: “And performs from one of them.” This teaches that there are times when one is liable to bring one sin offering for all of his transgressions, and there are times when one is liable to bring a sin offering for each and every transgression. And it is further taught in a baraita: There is “one [aḥat],” i.e., the transgression of one prohibition, which is like “them [hena],” i.e., many unwitting transgressions, in that one is liable to bring multiple sin offerings. How so? When one performs many labors where his action was intentional with regard to Shabbat but his action was unwitting with regard to the prohibited labors, he brings multiple sin offerings.

⁶⁴ The Gemara answers: The tanna prefers to state the case of one who performed many labors where his action was unwitting with regard to Shabbat but it was intentional with regard to the prohibited labors, in order to emphasize that he is not exempt from bringing at least one sin offering, even though he performed the acts of labor intentionally.

⁶⁵ The Gemara notes: And likewise, you find that the tanna of the mishna taught in this manner with regard to idol worship, as he teaches liability to bring one sin offering, despite the fact that the sinner may have performed four prohibited rites: Slaughtering, burning incense, pouring libations, and bowing. How so? This was a case where, as with Shabbat, his actions were unwitting with regard to idol worship, as he did not know he was worshipping an idol, but they were intentional with regard to the prohibited rites, i.e., he was aware these rites are prohibited.

⁶⁶ The Gemara asks: What are the circumstances of performing an act unwittingly with regard to idol worship? If we say it is referring to a case where he was standing in a house of idol worship and thought that it was a synagogue and bowed there, and it turned out that he bowed toward an idol, in this situation he commits no transgression: Since his heart was directed toward Heaven it is not even an unwitting transgression.

⁶⁷ Rather, one might say it is referring to a case where he saw a statue [andarta] in the image of the king and bowed to it. Again, what are the circumstances of this case? If the baraita is referring to a situation where he bowed because he accepted that image upon himself as a god, he engaged in idol worship intentionally and therefore he is subject to death by stoning, and he is not required to bring a sin offering. And if he did not accept that image upon himself as a god and bowed merely in deference to the monarch, it is a meaningless act, not idol worship at all.

⁶⁸ Rather, it is referring to a case where one bowed out of love for someone who requested that he bow before the statue, or out of fear of someone demanding of him to do so. He was under the impression that unless he wholeheartedly has the intention to worship the idol there is no prohibition involved. This is an unwitting transgression.

⁶⁹ The Gemara comments: This works out well according to Abaye, who says: One who bows to an idol out of love or fear is liable to bring a sin offering. But according to Rava, who says: One who bows to an idol out of love or fear is exempt from bringing a sin offering, what can be said? What are the circumstances of an unwitting transgression with regard to idol worship?

⁷⁰ Rather, it is referring to a case where one says to himself that this is permitted. He is under the impression that idol worship is permitted, and his unwitting act was the result of ignorance, not forgetfulness. As, Rava raised a dilemma before Rav Nahman with regard to Shabbat only so it could be determined whether to deem one who is unaware of both the essence of Shabbat and the specific prohibited labors liable to bring one sin offering, or whether to deem him liable to bring two sin offerings. But as for the possibility to exempt him completely, he did not raise such a dilemma before him.

⁷¹ Rav Pappa says: You find an act performed unwittingly with regard to idol worship in the case of a child who was taken captive among the gentiles and never taught about the Torah, as he knows that idol worship in general is prohibited, but with regard to these particular objects of idol worship that he is worshipping, he does not know that they are prohibited.

⁷² And if you wish, say instead: You may even say this ruling is stated with regard to an adult, i.e., one who was not captured by gentiles as a child, and it is speaking of a case where he erred with regard to this verse: "You shall not make with Me gods of silver and gods of gold, you shall not make for yourselves" (Exodus 20:20). This person thinks that when bowing to an idol is prohibited it applies only to an object of idol worship fashioned of silver or gold; but with regard to objects fashioned of other substances, such as wood or stone, it is permitted. And that is a case of an action that is unwitting with regard to idol worship but intentional with regard to the prohibited rites.

⁷³ Rav Aḥa, son of Rav Ika, said a different interpretation of the mishna in the name of Rav Beivai: The tanna teaches the general category of Shabbat and the general category of idol worship, without mentioning the details of how many sin offerings one would be liable to bring for transgressing each prohibition. The Gemara asks: From where can one infer this is the case? From the fact that the mishna teaches: One who engages in intercourse with a woman and her daughter, or with a married woman. But there is the case of one's daughter from the woman he raped, which the mishna does not teach. The case of a daughter from the woman one raped is included in the category of intercourse with a woman and her daughter, yet it is not taught explicitly. Evidently, it is included in the general category of intercourse with a woman and her daughter.

⁷⁴ The Sages say in response to this inference: The tanna of the mishna teaches those prohibitions that are written explicitly in the Torah; he does not teach those prohibitions that are not written explicitly but are derived from the verses. That is the reason he does not teach the case of intercourse with a daughter from the woman one raped; it is not because he is teaching only general categories.

⁷⁵ The Gemara challenges this explanation: But there is the case of one's wife's daughter, and the daughter of her daughter, and the daughter of her son, which are written explicitly, and yet the tanna does not teach them. Rather, you must say that he teaches the general category of intercourse with a woman and her daughter, which includes those cases. So too, he teaches the general category of Shabbat and the general category of idol worship.

⁷⁶ Rav Aḥa, son of Rav Ika, raises a contradiction between one statement of Rav Beivai bar Abaye and another statement of his: Did Rav Beivai bar Abaye actually say this, that the tanna teaches the general category of Shabbat and teaches the general category of idol worship? But wasn't it stated: One who offers up the limbs of an offering slaughtered inside the Temple outside the Temple, i.e., he slaughtered the animal within the Sanctuary in accordance with halakha but sacrificed its limbs on an

altar outside the Temple, he is liable to bring a sin offering if he did so unwittingly. Likewise, if he sacrifices limbs of an offering slaughtered outside the Temple outside the Temple, he is liable.

⁷⁷ And Rav Beivai bar Abaye raised a difficulty: If so, consider that which we learned in the mishna: There are thirty-six cases in the Torah with regard to which one who performs the action intentionally is liable to receive karet. They are actually thirty-seven, as there is the case of one who offers up the limbs of an offering slaughtered inside the Temple outside the Temple, and one who offers up limbs of an offering slaughtered outside the Temple outside the Temple. Rav Aha, son of Rav Ika, explains the contradiction: If Rav Beivai bar Abaye maintains that the tanna of the mishna does not tally all the relevant prohibitions but states general categories, what is difficult to him? Let him answer that he teaches the category of offering up in the clause: One who slaughters offerings and who sacrifices them outside the Temple. The tanna would not then need to list these individual transgressions.

⁷⁸ The Gemara responds: Are these cases comparable? In the cases of Shabbat and idol worship the tanna taught their details in their places [abeinekheihon], on Shabbat 73a and Sanhedrin 60b, respectively. Consequently, with regard to karet, where it is necessary to mention them as part of a list of prohibitions that are punishable by karet, Rav Beivai bar Abaye answers that the tanna teaches the category of Shabbat and teaches the category of idol worship, but he did not need to specify the details in this manner. By contrast, with regard to bringing up an offering, does the tanna teach them in their place, so that Rav Beivai bar Abaye can answer in this manner?

⁷⁹ § It was stated earlier that Rabbi Elazar says that Rabbi Oshaya says: Anywhere you find two different prohibitions but only one punishment of karet is stated for both of them you should divide the sin offering between them, i.e., if one transgressed both prohibitions unwittingly he is liable to bring a sin offering for each. In a similar vein, Rabbi Yirmeya raised a dilemma before Rabbi Zeira: If there are two punishments of karet and only one prohibition written with regard to a certain act, what is the halakha? Is one liable to bring a separate sin offering for each act? Rabbi Zeira said to him: Are you saying this in reference to one who slaughters offerings outside the Temple and one who offered up the limbs of offerings outside the Temple? These do not match your description, as these are two separate prohibitions.

⁸⁰ Rabbi Zeira elaborates: If one considers the matter according to the one who derives the prohibition from a verbal analogy, it is as though both prohibitions are written explicitly. As it is stated here an expression of bringing: “Or who slaughters it outside the camp, and to the entrance of the Tent of Meeting he did not bring it” (Leviticus 17:3–4), and it is stated there an expression of bringing: “Who sacrifices a burnt offering or sacrifice, and to the entrance of the Tent of Meeting he did not bring it” (Leviticus 17:8–9).

⁸¹ Since there is a verbal analogy linking slaughtering an offering outside the Temple to sacrificing one outside the Temple, it follows that just as there, with regard to sacrificing, the Torah did not prescribe punishment unless it explicitly prohibited the act, as it is written: “Take heed to yourself, lest you sacrifice your burnt offerings in every place that you see” (Deuteronomy 12:13), so too here, with regard to slaughtering, the Torah did not prescribe punishment unless it explicitly prohibited the act as a separate prohibition.

⁸² If one considers the matter according to the one who derives the prohibition from a juxtaposition, it is also as though both prohibitions are written explicitly. The juxtaposition is that the verse states:

“There you shall sacrifice your burnt offerings and there you shall do all that I command you” (Deuteronomy 12:14). Here the verse juxtaposes slaughtering, in the phrase: “And there you shall do,” to offering up. This teaches that just as there, with regard to offering up, the Torah did not prescribe punishment unless it explicitly prohibited the act, so too here, with regard to slaughtering, the Torah did not prescribe punishment unless it explicitly prohibited the act. Whether one derives the prohibition by verbal analogy or juxtaposition, it is considered as though the Torah explicitly wrote a prohibition with regard to slaughtering, and therefore this would not meet the criteria of Rabbi Yirmeya’s dilemma.

⁸³ Rabbi Zeira continues to address Rabbi Yirmeya: Perhaps you are stating your dilemma with regard to two prohibitions punishable by the death penalty and only one prohibition is written with regard to them, and your dilemma is whether one brings two sin offerings if one transgressed both unwittingly, despite the fact that only one prohibition is written with regard to both acts. What is such a circumstance? This applies in the case of a necromancer, who raises up the spirit of the dead, and a sorcerer, who places a certain bone in his mouth for it to speak of its own accord (see Leviticus 20:6, 27).

⁸⁴ Rabbi Zeira further said to Rabbi Yirmeya: This should not be a dilemma, as this matter is a dispute between Rabbi Yoḥanan and Reish Lakish. As the Sages taught a baraita, where they list those liable to be executed by stoning, in tractate Sanhedrin (53a): A necromancer and a sorcerer, and the following presents a difficulty to us: And what is different with regard to stonings that the tanna teaches the case of a sorcerer, but the tanna does not teach the case of a sorcerer with regard to the list of transgressions punishable by karet, thereby indicating that one is liable to bring only a single sin offering for both transgressions?

⁸⁵ Rabbi Yoḥanan said: The tanna in tractate Karetot does not count the case of the sorcerer on its own since both the sorcerer and the necromancer were stated in one prohibition: “Do not turn to the necromancers and the sorcerers” (Leviticus 19:31); therefore, there is no separate obligation to bring an offering for each of them. The Gemara clarifies: And let the tanna say the case of a sorcerer and let him not say the case of a necromancer, rather than the reverse. The Gemara explains: The tanna maintains that since the verse opened with the case of a necromancer, it is proper to list that transgression and omit the case of a sorcerer.

⁸⁶ And Reish Lakish says: The case of the sorcerer is not included in the list of transgressions punishable by karet since it does not involve an action, but only speech, through the use of a bone, and one does not bring a sin offering for a prohibition that does not involve an action. The Gemara asks: And as for Reish Lakish, what is the reason he does not state an explanation in accordance with the explanation of Rabbi Yoḥanan?

⁸⁷ Rav Pappa said: Reish Lakish disagrees with the explanation of Rabbi Yoḥanan because the cases of a necromancer and a sorcerer are divided in the verse with regard to the issue of the death penalty, i.e., one is liable to receive the death penalty for transgressing either prohibition, as it is stated: “And a man also or a woman, who are a necromancer or a sorcerer shall be put to death” (Leviticus 20:27). Consequently, one would be liable to bring a separate sin offering for the unwitting transgression of either prohibition were it not for the fact that sorcery does not involve an action. And Rabbi Yoḥanan could say to you that a division of a prohibition is considered a division that leads to separate sin offerings, whereas a division of separate death penalties is not considered a division in this regard.

⁸⁸ The Gemara further asks: And as for Rabbi Yoḥanan, what is the reason he does not state an explanation in accordance with the explanation of Reish Lakish, who says the prohibition with regard to a sorcerer is not counted because it does not involve an action? The Gemara answers: Rabbi Yoḥanan maintains: Who is the tanna who taught the list of those liable to receive karet? It is Rabbi Akiva, who says: An action is not required for one to be liable to bring a sin offering.

⁸⁹ The Gemara asks: And as for Reish Lakish, how does he respond to this claim? He could say that although Rabbi Akiva does not require a significant action for one to be liable to bring a sin offering, nevertheless he does require a minor action. The transgression of a sorcerer involves no action, as the voice emerges of its own accord, and therefore even Rabbi Akiva would not hold one liable to bring a sin offering for the unwitting violation of this prohibition.

⁹⁰ The Gemara asks: In the case of a necromancer, what action is there in this transgression? The Gemara answers: The striking of his arms against each other to raise the spirit of the dead is considered an action. The Gemara further asks: In the case of one who blasphemes, who merely speaks, what action is there in this transgression? Since Rabbi Akiva holds that an unwitting blasphemer is liable to bring a sin offering, this apparently indicates that no action at all is necessary. The Gemara answers: The twisting of his lips while he speaks is considered an action.

⁹¹ The Gemara comments: It enters our mind that the striking of the necromancer's arms against each other is considered a minor action even according to the opinion of the Rabbis, and they would deem him liable. The Gemara raises an objection from a baraita: With regard to idol worship, one is liable to be punished only for a matter that involves an action, for example where one slaughtered an offering, or burned incense, or poured a libation, or bowed. And the following matter poses a difficulty to us: Bowing does not involve an action.

⁹² And Reish Lakish said: In accordance with whose opinion is this baraita? It is in accordance with the opinion of Rabbi Akiva, who says: An action is not required for one to be liable to bring a sin offering for transgressing a prohibition. And Rabbi Yoḥanan said: You may even say that the baraita is in accordance with the opinion of the Rabbis, as the bending of his height when he bows is considered an action. One can conclude from here by inference that Reish Lakish maintains that according to the opinion of the Rabbis, the bending of his height is not considered an action. If so, can it be said that the striking of his arms against each other, which is less of a movement than bending one's height, is considered an action?

⁹³ But rather, you must explain that when Reish Lakish says the striking of his arms against each other is considered a minor action, he is speaking only in accordance with the opinion of Rabbi Akiva; but according to the opinion of the Rabbis it is not considered an action.

⁹⁴ The Gemara raises a difficulty: If so, that the Rabbis hold that the necromancer does not perform an action, why does the mishna teach that the Rabbis say: The list in the mishna is excluding one who blasphemes, as he does not perform an action, but rather he sins with speech. Let it teach instead: The list in the mishna is excluding one who blasphemes and a necromancer. The Gemara answers: The tanna teaches one of two examples that the Rabbis could have mentioned.

⁹⁵ The Gemara questions this explanation: But if that is so, let the mishna teach the statement of the Rabbis with regard to a necromancer and let it not teach the statement of the Rabbis with regard to one who blasphemes. The Gemara answers: It was necessary for the tanna to mention one who blasphemes, as it might enter your mind to say: Since its punishment of karet is written in the place

where the verse discusses an offering (see Numbers 15:28–30), one might say that in this case the Rabbis concede to Rabbi Akiva that one is liable to bring a sin offering despite the fact that no action is involved. To counter this, the mishna specifically mentions the exclusion of one who blasphemes to teach us that this is not the case.

⁹⁶ Ulla said: The reason the Rabbis did not state: Excluding one who blasphemes and a necromancer, is that the action of the necromancer that the mishna teaches is referring to one who burns incense to a demon in order to raise the dead, which is a full-fledged action. Rava objects to this answer from Ulla: If so, i.e., if the necromancer burns incense to a demon, this is the same as an idol worshipper, which is already mentioned in the mishna. Rather, Rava said: The mishna is referring to one who burns incense to a demon in order to gather it together with other demons, i.e., he does not burn incense to a demon by means of a rite but in a manner of sorcery, to bring the demons to one place to then make use of them.

⁹⁷ Abaye said to Rava: If so, this is the same as a *ḥover ḥever*, one who gathers together, which is stated in the Torah as a separate prohibition (Deuteronomy 18:11) and which is a prohibition that does not carry the punishment of karet. Rava said to him: It is true that such an individual is also a *ḥover ḥever*, but the Torah stated: A *ḥover ḥever* such as this, who gathers demons together, is included in the category of a necromancer and therefore his punishment is death by stoning, and transgressing this prohibition also results in karet. Abaye inquired: But then the case of a *ḥover ḥever*, which is a prohibition that does not entail karet, what is it?

⁹⁸ Rava said to Abaye: As it is taught in a baraita with regard to the verse: “And a *ḥover ḥaver*” (Deuteronomy 18:11), this is referring to both one who uses sorcery and thereby gathers large beasts into one place, and also to one who gathers small beasts into one place, and even to one who gathers into one place snakes and scorpions; all of these individuals are liable. With regard to this prohibition Abaye says: In the case of this one, who through sorcery wants to gather together a hornet and a scorpion, this is prohibited. But if they are pursuing him and he merely seeks to defend himself, it is permitted.

⁹⁹ The Gemara objects: According to the opinion of Rabbi Yoḥanan, who says the bending of one’s height is considered an action, the twisting of

¹⁰⁰ his lips should be considered an action in the case of one who blasphemes. Rava said: The case of one who blasphemes is different, since it is primarily in the heart. In other words, the transgression of blasphemy is not the actual speech but the verbalizing of a sentiment. One is not liable to bring a sin offering for such an action, as it is essentially a matter of the heart. But in general, the twisting of one’s lips is considered an action.

¹⁰¹ Rabbi Zeira raises an objection from that which is taught in a different context. It is stated in a baraita that all who unwittingly transgress prohibitions punishable by death are liable to bring sin offerings, except for conspiring witnesses, who are not obligated to bring sin offerings, as their transgression does not involve an action. But why is that so? It is written with regard to such witnesses: “At the mouth of two witnesses” (Deuteronomy 17:6). They acted through speech, and the twisting of their lips should be considered an action, as they are liable for what they actually said, not for what was in their hearts. Rava said: The case of conspiring witnesses is different, since their transgression is primarily through sight, i.e., the important part of their testimony is what they saw, which is not an action.

¹⁰² § The mishna included in its list of those liable to receive karet one who eats forbidden fat. With regard to this, the Sages taught a baraita which deals with the verse: “You shall eat no fat of ox, or sheep, or goat” (Leviticus 7:23). This verse serves to render one liable to receive lashes for each and every one, i.e., one who eats the fat of an ox, and a sheep, and a goat is liable to receive three sets of lashes. This is the statement of Rabbi Yishmael. And the Rabbis say he is liable to receive only one set of lashes.

¹⁰³ The Gemara suggests: Let us say that Rabbi Yishmael and the Rabbis disagree about this matter, that Rabbi Yishmael maintains one is flogged for violating a general prohibition and the Rabbis maintain one is not flogged for violating a general prohibition. This is referring to the violation of a prohibition that includes several different actions, such as this one, which pertains to eating the fat of an ox, sheep, and goat. The Rabbis contend that one does not receive multiple sets of lashes for transgressing each element of such a prohibition.

¹⁰⁴ The Gemara answers: Actually, Rabbi Yishmael also maintains that one is not flogged for violating a general prohibition, but here it is different, as elements of the verse are superfluous. The Gemara explains: Let the verse write only: You shall eat no fat, and all the individual types of fat would be included. Why do I need the additional terms: “Ox, or sheep, or goat”? Learn from it that the verse serves to separate between them and render one liable to receive a separate set of lashes for eating each type of forbidden fat.

¹⁰⁵ The Gemara asks: And as for the Rabbis, how do they respond to this reading of the verse? The Gemara answers: The Rabbis would say that no element of the verse is superfluous, since if it had not written: “Ox, or sheep, or goat,” I would say that even the fat of an undomesticated animal is included in the prohibition. For this reason the verse writes: “Ox, or sheep, or goat,” to say that it is the fat of an ox, or a sheep, or a goat that is forbidden, but all the fats of an undomesticated animal are permitted.

¹⁰⁶ The Gemara raises a difficulty against this interpretation of the dispute: The Rabbis spoke well to Rabbi Yishmael, i.e., their response is persuasive. The Gemara suggests an alternative explanation: Rather, this is the reasoning of Rabbi Yishmael, as he holds: If so, that the verse serves to exclude the fat of only an undomesticated animal from the prohibition, then let it write: You shall eat no fat of an ox, which would be understood as a paradigm representing every type of domesticated animal. Why do I need the phrase: “Sheep or goat”? Learn from it that the verse serves to separate between them and render one liable to receive a separate set of lashes for eating each type of forbidden fat.

¹⁰⁷ And the Rabbis maintain that if the Merciful One had written only: You shall eat no fat of an ox, I would say: Let us derive a verbal analogy from the word “ox” stated here as a paradigm representing every type of domesticated animal [behema] and the word “ox,” i.e., behema, stated with regard to a mitzva given in preparation for the revelation at Sinai: “Whether it be animal [behema] or man, it shall not live” (Exodus 19:13).

¹⁰⁸ The Gemara explains the meaning of this hypothetical verbal analogy: Just as with regard to the command at Sinai, undomesticated animals and birds are subject to the same prohibition as domesticated animals despite the use of the term behema, so too, with regard to eating their fat, undomesticated animals and birds are subject to the same prohibition as domesticated animals despite the verse employing the example of an ox. For this reason the Merciful One writes: “Ox, or

sheep, or goat,” to say that these are forbidden, but all the fats of an undomesticated animal and birds are permitted.

¹⁰⁹ The Gemara raises a difficulty against this interpretation of the dispute: The Rabbis spoke well to Rabbi Yishmael, i.e., their response is persuasive. How could he say the terms in the verse are superfluous? The Gemara suggests an alternative explanation: Rather, this is the reasoning of Rabbi Yishmael, as he holds: Let the verse write: You shall eat no fat of sheep; alternatively, let it state: You shall eat no fat of goat. Why do I need the verse to state all three: “Ox, or sheep, or goat”? Learn from it that the verse serves to separate between them and render one liable to receive a separate set of lashes for eating each type of forbidden fat.

¹¹⁰ And the Rabbis maintain that if the Torah had written merely: You shall eat no fat of sheep, I would say it is only the fat of sheep that is forbidden, but the fat of an ox or a goat is permitted. And if you would say: In what way is the category of sheep stronger, i.e., more fitting to have its fats forbidden, than the categories of ox and goats, that one would think the prohibition applies only to sheep? The answer is that one might have thought so due to the fact that there is an increased obligation with regard to a sheep’s tail, as it is sacrificed upon the altar, which is not the case with an ox or a goat.

¹¹¹ And this is as Rabbi Ḥanina taught: Why does the verse list the obligation to burn the sacrificial portions on the altar with regard to a firstborn ox, and the obligation to burn the sacrificial portions [ve’eimurim] with regard to a firstborn sheep, and the obligation to burn the sacrificial portions with regard to a firstborn goat? As it is written: “But the firstborn of a bull, or the firstborn of a sheep, or the firstborn of a goat, you shall not redeem; they are sacred. You shall dash their blood against the altar, and shall make their fat smoke for an offering made by fire” (Numbers 18:17). The “fat” mentioned in this verse is their portions to be burned on the altar.

¹¹² Rabbi Ḥanina explains: These repetitions are necessary, as, if the Torah had written this obligation only with regard to a firstborn ox I would say that we do not derive the halakha of a sheep and a goat from it, as that derivation can be refuted: What is notable about an ox? It is notable in that an ox has an increased number of wine libations, more than those poured with sheep and goat offerings. Therefore, perhaps the additional obligation to burn the sacrificial portions applies only with regard to an ox.

¹¹³ And likewise, if you were to suggest: Let the Merciful One write the obligation to burn the sacrificial portions only with regard to a sheep and we will derive the halakha of an ox and a goat from the halakha of a sheep, that derivation can be refuted: What is notable about a sheep? It is notable in that there is an increased obligation with regard to a sheep’s tail, as explained earlier.

¹¹⁴ And similarly, if you suggest: Let the Merciful One write the obligation to burn the sacrificial portions only with regard to a goat, and we will derive the halakha of an ox and a sheep from the halakha of a goat, this too can be refuted: What is notable about a goat? It is notable in that a goat has an increased applicability with regard to idol worship, as one who sins unwittingly in the case of idol worship is liable to bring a goat as a sin offering (see Numbers 15:27), unlike one who transgresses other prohibitions unwittingly, for which they are liable to bring a sheep.

¹¹⁵ Rabbi Ḥanina continues: We cannot derive these halakhot from the halakha of any one of the others, but let the Torah write two of them and we will derive the halakha of one of them from the halakha of the other two. Which is this animal that should not be written? If one suggests we will

derive the obligation to burn the sacrificial portions of a firstborn ox from the obligation to burn the sacrificial portions of a sheep and a goat, this derivation has a refutation: What is notable about a sheep and a goat? They are notable in that they have increased applicability, as they are suitable for the Paschal offering, whereas an ox is not suitable for this purpose.

¹¹⁶ If one suggests the verse should not write the obligation to burn the sacrificial portions of a sheep, and we will derive its halakha from the halakha of an ox and a goat, this derivation has a refutation: What is notable about an ox and a goat? They are notable in that they have increased applicability as suitable offerings to atone for an unwitting transgression of idol worship, as when a community unwittingly sins with regard to idol worship they bring an ox as a burnt offering and a goat as a sin offering (see Numbers 15:24), while an individual brings a goat but not a sheep.

¹¹⁷ If one suggests that the verse should not write the obligation to burn the sacrificial portions of a goat, and we will derive its halakha from the halakha of an ox and a sheep, this derivation has a refutation: What is notable about an ox and a sheep? They are notable in that each of them has an increased aspect of applicability with regard to the altar, as the libations for an ox are greater than those for a goat, and the tail of a sheep, but not that of a goat, is burned on the altar. Rabbi Ḥanina concludes: Therefore, all three cases are necessary, as they cannot be derived from each other.

¹¹⁸ The Rabbis have explained why all three mentions of an ox, a sheep, and a goat are necessary. Consequently, the Gemara again states: The Rabbis spoke well to Rabbi Yishmael, i.e., their response is persuasive. The Gemara suggests: Rather, the reason of Rabbi Yishmael is actually as we said at the outset, that if so, that one who eats the forbidden fats of all three animals is liable to receive only one set of lashes, let the verse write: You shall eat no fat, and be silent. What did you say in response? That this fact that the verse writes: “Ox, or sheep, or goat,” serves to permit the fat of an undomesticated animal? This is not a valid objection.

¹¹⁹ The Gemara explains: When the verse concerning forbidden fat is written it is in the context of sacrificial animals, since the subsequent verse concerning the prohibition against eating forbidden fat states: “For whoever eats the fat of the animal of which men present an offering of fire to the Lord, even the soul that eats it shall be cut off from his people” (Leviticus 7:25). The verse categorizes an animal whose fat one may not eat as an “animal of which men present an offering of fire to the Lord,” i.e., offerings. And one of the thirteen hermeneutical principles is: A matter is derived from its context, i.e., one interprets a verse according to the context in which it is written. Since offerings may be brought only from domesticated, not undomesticated, animals, the prohibition against eating forbidden fat applies only to such animals.

¹²⁰ The Gemara raises a difficulty: Can one conclude by inference that the Rabbis maintain we do not derive halakhot by employing the hermeneutical principle of: A matter is derived from its context? This cannot be correct, as it is an accepted basic principle of exegesis. The Gemara answers: No, everyone agrees that we do derive halakhot by employing the hermeneutical principle of: A matter is derived from its context, and here it is about this issue that they disagree: Rabbi Yishmael maintains that we derive the halakhot of one prohibition from the halakhot of another prohibition, and this applies whether it is from a standard prohibition, whose transgression results in the punishment of lashes, or whether from a prohibition whose transgression results in the punishment of karet.

¹²¹ Accordingly, the prohibition of: “You shall eat no fat of ox, or sheep, or goat,” can be derived from the prohibition of: “It shall be a perpetual statute throughout your generations in all your dwellings, that you shall eat neither fat nor blood” (Leviticus 3:17), which is written with regard to the matter of sacrificial animals. And there are no undomesticated animals in the category of sacrificial animals. So too, with regard to the prohibition of: “You shall eat no fat of ox, or sheep, or goat,” when the verse writes it without further specification, there is no reason to be uncertain whether or not it is referring also to undomesticated animals. Therefore, the phrase “ox, or sheep, or goat” comes to separate, i.e., to render one liable for eating the forbidden fat of each and every one of them.

¹²² All this teaches only that a separate prohibition applies to each type of animal. And with regard to the liability to receive lashes for eating each one we derive the prohibition of: “You shall eat no fat,” and the prohibition of: “It shall be a perpetual statute,” from the example of karet stated in the verse: “For anyone who eats the fat of the domesticated animal, of which people present an offering of fire to the Lord, the soul that eats it shall be cut off from its people” (Leviticus 7:25). Just as that verse serves to separate and teach that if one unwittingly ate the fat of an ox, a goat, and a sheep he is liable to bring a sin offering for each one, so too, this verse serves to separate and teach that one is liable to receive lashes for eating the fat of each one.

¹²³ And the Rabbis maintain we derive the halakhot of one standard prohibition from the halakhot of another standard prohibition, but we do not derive the halakhot of a standard prohibition from the halakhot of a prohibition whose transgression results in the punishment of karet.

¹²⁴ The Gemara suggests: And if you wish, say instead that this is the reason of the Rabbis: As Rav Mari said to Rav Zevid when asked about a different issue: If that is so, that a sheep tail is categorized as fat by the verses and is included in the portions of an offering for which one is liable for the misuse of consecrated property, then the tail of a non-sacred animal should be prohibited for consumption as forbidden fat. Rav Zevid said to Rav Mari: With regard to your claim, the verse states concerning forbidden fat: “You shall eat no fat of ox, or sheep, or goat” (Leviticus 7:23). This teaches that for the prohibition against eating forbidden fat to take effect we require an item that is found equally in all three types of animals, an ox, and a sheep, and a goat, and that is not the case here. Since an ox and goat do not have tails, the tail is not prohibited even in the case of a sheep.

¹²⁵ Therefore, the same applies with regard to the issue at hand: When the verse “ox, or sheep, or goat” comes, it comes to permit consumption of the tail of a non-sacred animal, and one cannot learn from here that a separate prohibition applies to each type of forbidden fat. And Rabbi Yishmael could say to you in response: If so, let the verse state: You shall eat no fat of ox or sheep; why do I need the mention of a goat? Learn from it that the verse serves to separate between them and render one liable to receive lashes for eating each type of forbidden fat.

¹²⁶ Rabbi Ḥanina says: Although Rabbi Yishmael maintains that one who unwittingly eats the fat of an ox, a sheep, and a goat is liable to receive a separate set of lashes for each one, he concedes with regard to bringing an offering that if he ate those types of forbidden fat in a single lapse of awareness he brings only one sin offering. What is the reason? The reason is that this prohibition is not similar to the prohibition of those with whom relations are forbidden. As derived in the Gemara on 2b, one who unwittingly engages in intercourse with many women to whom he is forbidden is liable to bring a sin offering for each act. In that context the verse states a separate prohibition for each forbidden

relative, whereas in this case there is a single prohibition that applies to the forbidden fat of all domesticated animals.

¹²⁷ § With regard to the sin offering required of one who transgresses the prohibition against eating forbidden fat, the Sages taught in a baraita: The verse states: “Speak to the children of Israel, saying: A soul that sins in error, from all the commandments of God that may not be performed, and from one of them” (Leviticus 4:2). This phrase should be interpreted as though it states: And performs one, and again states: And performs them, i.e., it serves to render one liable to bring a sin offering for each and every transgression.

¹²⁸ The baraita continues: This teaches that if one ate forbidden fat and again ate forbidden fat, if it was from one category, i.e., the same type of forbidden fat, and he ate it in two lapses of awareness, that is, he was made aware of his sin after the first instance of consumption and then again ate unwittingly, he is liable to bring two sin offerings. If he ate forbidden fat from two categories, as the Gemara will soon explain, in one lapse of awareness, he is likewise liable to bring two sin offerings.

¹²⁹ Rami bar Hama said to Rav Hisha: Granted, one who ate forbidden fat from one category in two lapses of awareness is liable to bring two sin offerings, as this is due to the fact that the lapses of awareness separate between his transgressions; each time he becomes aware of his transgression he is liable to bring another sin offering. But in a case where he ate forbidden fat from two categories in one lapse of awareness, why is he liable to bring two sin offerings? We require separate lapses of awareness and that is not the case here.

¹³⁰ Rav Hisha said to him: Here we are dealing with a case where he ate forbidden fat left over from an offering after the time allotted for its consumption [notar], as he is liable due to eating notar and is also liable due to eating forbidden fat. These are the two categories mentioned in the baraita. Rami bar Hama said to him: If so, that the case involves more than one prohibition, let him be liable due to eating sacrificial food as well, and he should be liable to bring a guilt offering for the unwitting misuse of consecrated property (see Leviticus 5:14–16).

¹³¹ Rather, Rav Sheshet said: Here we are dealing with a case where he ate forbidden fat of sacrificial animals, and this ruling is in accordance with the opinion of Rabbi Yehuda, who renders one liable to bring two sin offerings for eating forbidden fat of sacrificial food. As it is taught in a baraita: If one ate forbidden fat of an animal carcass, or if he ate forbidden fat of sacrificial animals, he is liable to receive two sets of lashes, either for transgressing the prohibitions of eating forbidden fat and eating an animal carcass, or for both eating forbidden fat and transgressing the prohibition forbidding a non-priest to partake of sacrificial animals. Rabbi Yehuda says: If one ate forbidden fat of sacrificial animals he is flogged with three sets of lashes, because there are two separate prohibitions of forbidden fat in the case of sacrificial animals, as the Gemara will soon explain, in addition to the prohibition forbidding a non-priest to partake of sacrificial animals.

¹³² The Gemara comments: They laughed at this suggestion in the West, i.e., Eretz Yisrael: And let us interpret this baraita as referring to a case where he ate the forbidden fat of an ox, and of a sheep, and of a goat, and explain that it is in accordance with the opinion of Rabbi Yishmael, who says that he is flogged with three sets of lashes for the different types of fat, if he did so intentionally and was forewarned.

¹³³ Why does one not interpret the baraita in accordance with the opinion of Rabbi Yishmael? The reason is as Rabbi Hana says: Although Rabbi Yishmael maintains that one who eats the fat of an

ox, a sheep, and a goat is liable to receive a separate set of lashes for each one, he would concede with regard to bringing an offering that if he ate those types of forbidden fat in a single lapse of awareness he is liable to bring only one sin offering. Now too, the baraita should not be interpreted in accordance with the opinion of Rabbi Yehuda, as doesn't Rabbi Eliezer say: Rabbi Yehuda would concede with regard to bringing an offering that if one ate forbidden fat of sacrificial animals he brings only one sin offering?

¹³⁴ Rather, Reish Lakish said in the name of the Sage bar Ta'utni: What are we dealing with here, where one is liable to bring two sin offerings for eating forbidden fat of two categories? We are dealing with a case in which he ate the forbidden fat from two dishes, i.e., where each part was prepared in a different manner, and this is in accordance with the opinion of Rabbi Yehoshua, who says that dishes serve to separate the acts of eating. One who eats forbidden food from two different dishes in the course of a single lapse of awareness is considered to have transgressed two prohibitions and is liable to bring a sin offering for each one.

¹³⁵ § The Gemara returns to discuss the matter itself: If one ate forbidden fat of an animal carcass he is flogged with two sets of lashes for transgressing the prohibitions of eating forbidden fat and consuming an animal carcass. If he ate forbidden fat of sacrificial animals, he is flogged with two sets of lashes, for both eating forbidden fat and transgressing the prohibition forbidding a non-priest to partake of sacrificial animals. Rabbi Yehuda says: If one ate forbidden fat of sacrificial animals, he is flogged with three sets of lashes.

¹³⁶ Rav Sheizevi said to Rava: Granted, according to the opinion of Rabbi Yehuda, this is the meaning of the three verses that are written: "It shall be a perpetual statute throughout your generations in all your dwellings, that you shall eat neither fat nor blood" (Leviticus 3:17); "You shall eat no fat, of ox, or sheep, or goat" (Leviticus 7:23); "And no non-priest shall partake of the sacred food" (Leviticus 22:10), as these are three prohibitions, two for eating forbidden fat of sacrificial animals, as the two verses that mention fat are discussing sacrificial animals, and one for the prohibition forbidding a non-priest to partake of consecrated food. But according to the opinion of the Rabbis, what is their reasoning? Why is one liable to receive only two sets of lashes?

¹³⁷ The Gemara answers: The Rabbis maintain that the prohibition of: "It shall be a perpetual statute," was stated with regard to sacrificial animals, but the prohibition of: "You shall eat no fat of ox," was stated with regard to non-sacred animals. Therefore, if one ate forbidden fat of sacrificial animals he is liable to receive only two sets of lashes. And both verses are necessary, as one could not have been derived from the other.

¹³⁸ As, had the Merciful One written the prohibition against eating forbidden fat only with regard to sacrificial animals I would say: It is only in the case of sacrificial animals, whose prohibitions are generally stringent, that their fat is forbidden. But with regard to non-sacred animals one might say their fat is not forbidden. It is due to that reason that the Merciful One writes: "You shall eat no fat of ox."

¹³⁹ And by contrast, had the Merciful One written only: "You shall eat no fat of ox," I would say: It is only the fat of non-sacred animals that is forbidden, since there are no circumstances in which its general prohibition was permitted, i.e., those fats of domesticated animals are always forbidden. But with regard to sacrificial animals, whose general prohibition was permitted in certain circumstances, i.e., with regard to the rest of its meat after the blood has been sprinkled, I would say that from the

fact that their meat was permitted, their fat was permitted as well. Therefore, both verses are necessary, in order to teach that the prohibition against eating forbidden fat applies equally to sacrificial animals and non-sacred animals.

¹⁴⁰ And Rabbi Yehuda maintains that when it is written: “You shall eat no fat of ox,” it is also written with regard to the matter of sacrificial animals, as it is stated after the prohibition against eating forbidden fat: “For whoever eats the fat of the animal, of which men present an offering of fire to the Lord, even the soul that eats it shall be cut off from his people” (Leviticus 7:25), and this is derived by employing the hermeneutical principle: A matter is derived from its context.

¹⁴¹ The Gemara raises a difficulty: But can one conclude from here by inference that the Rabbis maintain we do not derive halakhot by employing the hermeneutical principle of: A matter is derived from its context? This cannot be correct, as it is an accepted, basic principle of exegesis.

¹⁴² The Gemara answers: No; everyone agrees we do derive halakhot by employing the hermeneutical principle of: A matter is derived from its context. And it is about this issue that they disagree: Rabbi Yehuda maintains that we derive the halakhot of one prohibition from the halakhot of another prohibition, and we derive the halakhot of a prohibition from the punishment of karet, and therefore he derives that the prohibition: “You shall eat no fat of ox,” is also written with regard to sacrificial animals from the nearby verse concerning karet, which is referring to sacrificial animals. And the Rabbis maintain that generally we derive the halakhot of one prohibition from the halakhot of another prohibition, but we do not derive the halakhot of a prohibition from the punishment of karet, and one is liable to receive karet for eating forbidden fat of sacrificial animals.

¹⁴³ The Gemara asks: But if so, then according to Rabbi Yehuda, for what purpose does the verse: “It shall be a perpetual statute throughout your generations in all your dwellings, that you shall eat neither fat nor blood” (Leviticus 3:17), come? After all, he has already derived the prohibition against eating the forbidden fat of sacrificial animals from the verse: “You shall eat no fat of ox.” The Gemara answers: He requires it to juxtapose the prohibition against consuming blood to the prohibition against eating forbidden fat. As it is taught in a baraita: “You shall eat neither fat nor blood,” which teaches that just as for eating forbidden fat one is flogged with two sets of lashes, so too, for eating blood one is flogged with two sets of lashes. This is the statement of Rabbi Yehuda. And the Rabbis say: Only one prohibition applies to blood.

¹⁴⁴ The Gemara asks: Why is the juxtaposition necessary according to Rabbi Yehuda? And what is different about forbidden fat that the baraita states that one who eats it is flogged with two sets of lashes even without needing to derive the double punishment from a juxtaposition? The reason must be that two verses are written with regard to it: “You shall eat neither fat nor blood,” and: “You shall eat no fat of ox or sheep.” With regard to blood as well, even without deriving the halakha from a juxtaposition, one who consumes it should be flogged with two sets of lashes, as two prohibitions are written with regard to it: “You shall eat neither fat nor blood,” and the verse: “And you shall eat no manner of blood, whether it is of fowl or of animal, in any of your dwellings” (Leviticus 7:26).

¹⁴⁵ Rather, say that the baraita states the following: The juxtaposition teaches that just as for eating forbidden fat one is flogged with three sets of lashes, two for eating forbidden fat of sacrificial animals and one for the prohibition of a non-priest partaking of sacrificial food, from the verse: “And no non-priest shall partake of the sacred food” (Leviticus 22:10), so too, for eating blood one is flogged with three sets of lashes.

¹⁴⁶ The Gemara again asks: And what is different about forbidden fat that it is obvious that one who eats it is flogged with three sets of lashes? The reason must be that these two prohibitions are written with regard to it, and there is also the prohibition of a non-priest partaking of consecrated food, as explained earlier, which totals three. The same can be said with regard to blood as well: The two verses stated above, together with the prohibition of a non-priest partaking of consecrated food, likewise render one liable to receive three sets of lashes. If so, the juxtaposition is unnecessary.

¹⁴⁷ The Gemara answers: The juxtaposition was necessary, as it might enter your mind to say: Since blood is excluded from the halakha of ritual impurity, as one who consumes the blood of sacrificial animals in a state of ritual impurity has not transgressed the prohibition against consuming sacrificial food while impure, let it also be excluded from the prohibition of consumption as a non-priest. To counter this, Rabbi Yehuda teaches us that it is derived from the juxtaposition that one receives three sets of lashes for consuming the blood of sacrificial animals, including for transgressing the prohibition of a non-priest.

¹⁴⁸ The Gemara asks: But according to the Rabbis, who maintain that only one prohibition applies to the consumption of the blood of sacrificial animals and that one is not liable to receive lashes for partaking of it as a non-priest, for what purpose does this juxtaposition come?

¹⁴⁹ The Gemara answers that they require it for that which is taught in a baraita: The verse states: “You shall eat neither fat nor blood,” which teaches that just as forbidden fat is unique in that the fat of the animal is discrete from its flesh, i.e., the fat is forbidden and the flesh is permitted, and therefore they do not combine with each other, i.e., if one ate half an olive-bulk of forbidden fat and half an olive-bulk of permitted meat he is not liable for eating an olive-bulk of forbidden food, so too, the prohibition concerning blood does not combine with the flesh of non-kosher animals to constitute the volume of an olive-bulk in the case of an animal whose blood is discrete from its flesh, as the penalty of karet applies only to the animal’s blood, whereas its flesh is prohibited by a standard prohibition.

¹⁵⁰ The baraita continues: Accordingly, I will exclude from this halakha the blood of the carcasses of creeping animals, since their blood is not discrete from their flesh, i.e., no separate prohibition applies to the blood of creeping animals, and consequently their flesh and blood combine with each other to form the volume of an olive-bulk of a creeping animal.

¹⁵¹ The Gemara asks: But is this halakha derived from here, i.e., from the derivation from the verse: “You shall eat neither fat nor blood”? It is derived from there, from a different verse, as it is taught in a baraita: The verse states: “And these are they that are impure for you among the creeping animals” (Leviticus 11:29). This teaches with regard to the blood of one of the eight creeping animals listed in the Torah and the flesh of the creeping animal, that they combine with each other to constitute the minimum volume.

¹⁵² The Gemara answers: If not for the juxtaposition, it might enter your mind to say this statement applies with regard to ritual impurity, that the blood of one of the creeping animals listed in the Torah and its flesh combine with each other to constitute the lentil-bulk measure required to impart impurity. But with regard to consumption, one might say they do not combine with each other. Therefore, the juxtaposition teaches us that they combine even with regard to consumption.

¹⁵³ Ravina said: Therefore, the blood of a snake and its flesh combine with each other to constitute the volume of an olive-bulk. The Gemara asks: What is Ravina teaching us? This is exactly the

derivation from the juxtaposition. The Gemara explains: It might enter your mind to say that with regard to a creeping animal, whose blood is included with regard to ritual impurity, it is also included with regard to consumption; whereas a snake, whose blood is not included with regard to ritual impurity, as it is not one of the eight creeping animals that are ritually impure (see Leviticus 11:29–30), is not included with regard to consumption. Therefore, the juxtaposition teaches us that every item whose blood is not discrete from its flesh is included in the derivation that its blood and flesh combine with each other.

¹⁵⁴ § Rava says: Concerning the three mentions of karet that are stated with regard to blood (Leviticus 7:27, 17:10, 17:14), about what types of blood do they teach? One is for the blood of non-sacred animals, one is for the blood of sacrificial animals, and one is for the blood of exudate, i.e., which exudes from the neck of the animal after the initial spurt of its slaughter.

¹⁵⁵ The Gemara comments: This works out well according to the opinion of Rabbi Yehuda, as it is taught in a baraita: There is a prohibition stated with regard to the blood of exudate, but one is not punished with karet for consuming it. This is not as severe as consuming regular blood, for which one is liable to receive karet. Rabbi Yehuda says: One is liable to receive karet for the blood of exudate, as this blood is regarded as full-fledged blood.

¹⁵⁶ The Gemara continues: But according to the opinion of the Rabbis, who say there is no punishment of karet for consuming blood of exudate, for what purpose does that third mention of karet concerning blood come? The Gemara adds: And even according to the opinion of Rabbi Yehuda, he derives the karet that one receives for this blood from a different source, from the superfluous phrase: “Who eats any manner of blood” (Leviticus 17:10).

¹⁵⁷ As it is taught in a baraita concerning the verse: “And whatever man there be of the house of Israel, or of the strangers that sojourn among them, that eats any manner of blood, I will set My face against that soul that eats blood, and will cut him off from among his people” (Leviticus 17:10), that Rabbi Yehuda says: The verse could have stated in the first part of the verse: That eats blood. What is the meaning when the verse states there: “That eats any manner of blood”?

¹⁵⁸ I have derived only the punishment of karet concerning the blood of sacrificial animals with regard to which the soul of the animal leaves the body when it emerges, as atonement is achieved through this blood, and the next verse states: “For the life of the flesh is in the blood, and I have given it to you upon the altar to make atonement for your souls” (Leviticus 17:11). Rabbi Yehuda continues: From where do I derive that the same punishment of karet applies to the blood of a non-sacred animal and the blood of exudate? The verse states: “Any manner of blood.” Rava’s statement, that the punishment of karet for consuming blood of exudate is derived from a different verse, does not accord with the opinion of Rabbi Yehuda either.

¹⁵⁹ Rather, say that this is what Rava means: One mention of karet is for the blood of non-sacred animals, and one is for the blood of sacrificial animals, and one is for the blood of covering, i.e., the blood of an undomesticated animal or a bird, with regard to which there is a mitzva to cover their blood (see Leviticus 17:13).

¹⁶⁰ And Rava further says: Why are there five prohibitions stated with regard to blood (Leviticus 3:17, 7:26, 17:14; Deuteronomy 12:16–23)? One is for the blood of non-sacred animals, and one is for the blood of sacrificial animals, and one is for the blood of covering, and one is for the blood left in the limbs of the animal, and one is for the blood of exudate.

¹⁶¹ § Rabbi Illa says: If one ate outside Jerusalem the second tithe of grain, wine, and oil, he is flogged with three sets of lashes (see Deuteronomy 12:17). The Gemara raises a difficulty: But one is not flogged for transgressing a general prohibition. The prohibition concerning consuming second tithe outside Jerusalem is a general one, as it includes all of these categories. The Gemara explains: It is different here, as the verses are superfluous.

¹⁶² The Gemara elaborates: Since the Merciful One writes: “And you shall eat before the Lord your God, in the place where He shall choose to cause His name to dwell there, the tithe of your grain, of your wine, and of your oil” (Deuteronomy 14:23), from which it is derived that inside the chosen place, Jerusalem, yes, one may eat second tithe, but outside Jerusalem, no, one may not eat second tithe; why do I need the Merciful One to write: “You may not eat within your gates the tithe of your grain, or of your wine, or of your oil” (Deuteronomy 12:17)? This verse serves to separate the prohibitions concerning tithes, to teach that one is separately liable to receive lashes for consuming each type of produce.

¹⁶³ The Gemara refutes this proof: If the halakha were derived only from that verse, i.e., “And you shall eat before the Lord your God,” I would say this statement applies only to the extent that there is a prohibition derived by inference from a positive mitzva, for which one does not receive lashes, as it has the status of a positive mitzva. But one might say that one does not transgress a prohibition. It is due to this

¹⁶⁴ reason that the Merciful One writes: “You may not eat” (Deuteronomy 12:17), to establish the consumption of second-tithe produce outside Jerusalem as a prohibition.

¹⁶⁵ The Gemara challenges: But still, it is a general prohibition, as all three types of second tithe are included in a single command. The Gemara explains: If so, that one receives only one set of lashes, let the verse say: You may not eat them within your gates, as a previous verse already stated “your tithes” (Deuteronomy 12:11). Why do I need the verse to specify: “The tithe of your grain, of your wine, and of your oil”? This serves to designate a prohibition and the punishment of lashes for the consumption of each and every type of produce.

¹⁶⁶ § Rabbi Yitzḥak says: One who eats bread, parched grain, and fresh stalks before the omer offering has been sacrificed is flogged with three sets of lashes, as it states: “And you shall eat neither bread, nor parched grain, nor fresh stalks until this day itself, until you have brought the offering of your God; it is a statute forever throughout your generations in all your dwellings” (Leviticus 23:14). The Gemara raises a difficulty: But one is not flogged for transgressing a general prohibition. The Gemara answers: It is different here, as the verses are superfluous; the verse did not need to specify these three types of grain products.

¹⁶⁷ The Gemara tries to ascertain which terms are superfluous. Let the verse say “bread,” and we will derive the halakha of parched grain and fresh stalks from that of bread. The Gemara questions this suggestion: This derivation can be refuted: What is unique about bread? It is unique in that it has an increased obligation with regard to ḥalla, which is separated only from the dough of bread, not from parched grain and fresh stalks not made into dough.

¹⁶⁸ The Gemara further suggests: Let the verse write only “parched grain,” and let it not write bread or fresh stalks, and we will derive the halakha of bread and fresh stalks from that of parched grain. The Gemara responds: The halakha of bread cannot be derived from that of parched grain due to the fact that parched grain is in its unadulterated form, whereas bread is not in its unadulterated form,

i.e., it has been fully processed, and therefore it can be maintained that only produce that has not been changed is prohibited before the omer. Likewise, the halakha of fresh stalks cannot be derived from that of parched grain due to the fact that parched grain has an increased obligation with regard to meal offerings, as the omer meal offering is of parched grain, whereas fresh stalks do not have an increased obligation with regard to meal offerings.

¹⁶⁹ The Gemara further suggests: Let the verse write only “fresh stalks,” and we will derive the halakha of bread and parched grain from that of fresh stalks. The Gemara responds: This derivation can be refuted: What is unique about fresh stalks? They are unique in that they have not changed from their original state at all. The Gemara states: Clearly, the halakha of two of these types cannot be derived from the halakha of any one of the others. But let us derive the halakha of one of them from the halakha of the other two.

¹⁷⁰ The Gemara elaborates: Let the verse not write bread, and let us derive its halakha from that of parched grain and fresh stalks. The Gemara responds: This derivation can be refuted: What is unique about parched grain and fresh stalks? They are unique in that relative to bread, which has been fully processed, they are in their unadulterated form. The Gemara suggests: Let the verse not write fresh stalks, and let us derive its halakha from the halakha of bread and parched grain. The Gemara responds: This derivation can be refuted: What is unique about bread and parched grain? They are unique in that they have an increased obligation with regard to meal offerings.

¹⁷¹ The Gemara explains that Rabbi Yitzḥak could say to you: Let the verse not write parched grain, and let us derive its halakha from the halakha of bread and fresh stalks. What would you say to refute this? If you refute it by saying: What is unique about bread? It is unique in that it has an increased obligation with regard to ḥalla, the example of fresh stalks will prove that this is not a decisive factor, as the obligation of ḥalla does not apply to it and yet it is prohibited before the omer. And if you would refute the derivation due to the fact that fresh stalks differ from parched grain, as they have not changed from their original state, the case of bread will prove that this is not the key factor, as it has changed from its original state and yet it is prohibited. Therefore, one is flogged for each type, as the verse is superfluous.

¹⁷² The Gemara objects: But why not say that for the consumption of parched grain, whose mention is superfluous, one is separately liable to receive one set of lashes, whereas for eating all the rest of them, i.e., bread and fresh stalks, one is liable to be flogged with only one set of lashes, as they are prohibited by a general prohibition? The Gemara explains: If so, and the halakha of parched grain is unique, let the verse write: Bread, fresh stalks, and parched grain; alternatively, let it write: Parched grain, bread, and fresh stalks. Why does it write the example of parched grain in between the others? This is what the verse is saying: One who eats bread is liable to receive the punishment given for eating parched grain, and likewise one who eats fresh stalks is liable to receive the punishment given for eating parched grain.

¹⁷³ § Rabbi Yannai says: A verbal analogy should never be lightly regarded in your eyes, as the fact that one is punished with karet for consuming meat of an offering that was sacrificed with the intent to consume it after its appointed time [piggul] is one of the fundamental principles of the Torah, and the verse taught it only through a verbal analogy.

¹⁷⁴ The Gemara explains that this is as Rabbi Yoḥanan says that Zavda bar Levi teaches: It is stated there, with regard to meat of an offering left over after the appointed time for its consumption

[notar]: “But everyone who eats it shall bear his iniquity” (Leviticus 19:8), and it is stated here, with regard to intent to consume an offering after its appointed time: “And the soul that eats it shall bear his iniquity” (Leviticus 7:18). Just as there the punishment for eating notar is karet, so too here, the punishment for eating piggul is karet.

¹⁷⁵ Rabbi Simai says: A verbal analogy should never be lightly regarded in your eyes, as the fact that one is punished with karet for consuming notar, from which it is derived that one is punished with karet for partaking of piggul, is one of the fundamental principles of the Torah, and the verse taught it only through a verbal analogy.

¹⁷⁶ What is this verbal analogy? One derives by verbal analogy of the word “sacred” in Leviticus and the word “sacred” in Exodus that the verse: “But everyone who eats it shall bear his iniquity,” is discussing notar. This verse states: “But everyone who eats it shall bear his iniquity, because he has profaned the sacred thing of the Lord” (Leviticus 19:8), and it is written: “You shall burn the leftovers [notar] in fire; they are not to be eaten, for they are sacred” (Exodus 29:34). Just as the verse in Exodus is referring to notar, the same is true of the verse in Leviticus.

¹⁷⁷ Abaye says: A verbal analogy should never be lightly regarded in your eyes, as the fact that one is punished with karet for engaging in intercourse with one’s daughter born from the woman he raped is one of the fundamental principles of the Torah, and the verse taught it only through a verbal analogy.

¹⁷⁸ Abaye elaborates: This is as Rava says: Rabbi Yitzhak bar Avdimi said to me that this halakha is derived by a verbal analogy between the unusual form “they [henna]” and “they [henna],” written with regard to the prohibition against engaging in intercourse with one’s daughter born from the woman he raped. As it is written: “The nakedness of a woman and her daughter...you shall not take her son’s daughter, or her daughter’s daughter, to uncover her nakedness: They [henna] are near kinswomen” (Leviticus 18:17). And it is stated: “The nakedness of your son’s daughter, or of your daughter’s daughter; for they [henna] are your own nakedness” (Leviticus 18:10). This latter verse is interpreted as referring to one’s granddaughter from the woman he raped (see Yevamot 97a). The verbal analogy teaches that although one’s daughter from the woman he raped is not mentioned in the verse, she too is included with one’s granddaughter, just as a daughter and a granddaughter are equated in Leviticus 18:17.

¹⁷⁹ Furthermore, the punishment for this transgression of intercourse with one’s daughter from the woman he raped is derived from a verbal analogy between: “It is lewdness” (Leviticus 18:17), which is written with regard to engaging in intercourse with both a woman and her daughter, and the same term “lewdness” that appears elsewhere, which teaches that the transgressor is liable to be put to death by burning. As it is stated: “And if a man take with his wife also her mother, it is lewdness; they shall be burnt with fire, both he and they” (Leviticus 20:14). This teaches that death by burning is the punishment for engaging in intercourse with both a woman and her daughter, and the same applies to intercourse with one’s daughter from the woman he raped, due to the verbal analogy of henna and henna linking the two cases.

¹⁸⁰ Rav Ashi says: A verbal analogy should not be lightly regarded in your eyes, as the list of those who are liable to be put to death by stoning is one of the fundamental principles of the Torah, and the verse taught it only through a verbal analogy.

¹⁸¹ This is as it is taught in a baraita that it is stated here, with regard to engaging in intercourse with specific relatives: “Their blood shall be upon them” (Leviticus 20:11–16), and it is stated with regard

to a necromancer and a sorcerer: “Their blood shall be upon them” (Leviticus 20:27). Just as there, the verse specifies that a necromancer and a sorcerer are executed by stoning, so too here, with regard to one who engages in intercourse with those relatives, they are executed by stoning.

¹⁸² § The mishna’s list of prohibitions for whose unwitting violation one must bring a sin offering includes one who blends the anointing oil according to the specifications of the oil prepared by Moses in the wilderness (see Exodus 30:22–33). The Sages taught in a baraita: One who blends the anointing oil to learn how it was prepared or to transfer it to the community for them to use in the Temple is exempt. But if he blends the anointing oil in order to apply it to his body he is liable. And one who applies to his body the oil prepared by another is exempt, because he is liable for applying the oil to his body only if he uses the anointing oil that was prepared by Moses alone, in accordance with the verse: “Or whoever puts any of it upon a stranger” (Exodus 30:33), which is referring to that specific oil.

¹⁸³ The Master said earlier: One who blends the anointing oil to learn how it was prepared or in order to transfer it to the community for them to use in the Temple is exempt. The Gemara asks: From where do we derive this? The Gemara answers: This is derived via a verbal analogy from the term: “Its composition” (Exodus 30:32), written with regard to the oil and the term: “According to its composition” (Exodus 30:37), written with regard to the incense. And it is written with regard to the incense in that verse: “You shall not prepare for yourselves,” from which it is inferred that it is incense prepared for yourselves that is prohibited, but if one prepares it to transfer it to the community he is exempt. With regard to the anointing oil as well, one who blends it to transfer it to the community is exempt.

¹⁸⁴ The Gemara objects: But in light of this verbal analogy, let the case of incense return and let us derive it from that of the anointing oil: Just as with regard to the anointing oil, when one blends it in halves, i.e., not all the specified amount at once, he is exempt, so too, with regard to the incense, when one blends it in halves he should be exempt. Why, then, does Rava say: In the case of incense that one blended in halves, he is liable, whereas with regard to anointing oil that one blended in halves, he is exempt?

¹⁸⁵ The Gemara answers that Rava could say to you: With regard to the anointing oil it is written: “Neither shall you prepare any like it according to its composition” (Exodus 30:32), which indicates that it is oil prepared precisely like it that is prohibited, but with regard to preparing half of it, one may well do so. By contrast, with regard to incense, as it is written: “And the incense that you shall prepare, according to its composition you shall not prepare for yourselves” (Exodus 30:37), which teaches that any act of preparing of this incense is prohibited, as it is possible to burn a portion, half of the maneh that must be prepared, in the morning, and a portion in the afternoon.

¹⁸⁶ § The Sages taught in a baraita: The anointing oil contains pure myrrh weighing 500 shekels, cassia of 500 shekels, aromatic cinnamon of 500 shekels, and aromatic calamus of 250 shekels. It is found that all of them together amount to 1,750 shekels.

¹⁸⁷ The Gemara expresses surprise at the statement of the baraita: Does the tanna come to teach us the tally? Why is it necessary for the baraita to state the sum of the amounts? The Gemara answers that this is difficult for the tanna: Since the verse states: “And of aromatic cinnamon half so much, two hundred and fifty, and of aromatic calamus two hundred and fifty” (Exodus 30:23), one might say that the weight of aromatic calamus is like that of aromatic cinnamon: Just as half of the amount

of aromatic cinnamon is two hundred and fifty, so too, the verse means that half of the amount of aromatic calamus is two hundred and fifty, which would mean that the sum total is two thousand.

¹⁸⁸ The Gemara asks: But why not say that it is indeed so, that the total weight of calamus is five hundred? The Gemara answers: If so, let the verse write: And of aromatic cinnamon and of aromatic calamus half so much and half so much, two hundred and fifty. The fact that the verse employs the term “half so much” only with regard to cinnamon indicates that their weights were different.

¹⁸⁹ Rav Pappa said to Abaye: When one weighs these substances, does he weigh the ingredients with a slight surplus, so that they tip the scales, or does he weigh the ingredients with precision? Abaye said to him that the Merciful One writes: “Of each there shall be a like weight” (Exodus 30:34), which indicates a precise measure, and you say it is possible that one weighs the ingredients with a surplus? The Gemara raises a difficulty: But doesn’t Rabbi Yehuda say: The Holy One, Blessed be He, knows the amount of surpluses that should be added. Evidently, there is a surplus involved in these measures.

¹⁹⁰ Rather, one certainly weighs with a surplus, and this is what Rav Yehuda says: With regard to aromatic cinnamon, why does one bring half of its total of five hundred, i.e., two hundred and fifty at one time, and two hundred and fifty at one time? Since its entire amount is five hundred, let him bring five hundred all at once. Conclude from the fact that one brings aromatic cinnamon at two separate times that there is a surplus involved in this measure, i.e., one must add a little each time he weighs the cinnamon, and the Holy One, Blessed be He, knows the amount of surpluses.

¹⁹¹ The Gemara asks: But according to Rav Yehuda’s opinion, what is the meaning of the phrase: “Of each there shall be a like weight”? Ravina said: It means that one should not place a weight of one ingredient against the weight of another ingredient and weigh in this manner. In other words, after weighing one of the ingredients one may not weigh another ingredient against that one; rather, each ingredient must be weighed independently against the scales.

¹⁹² The Sages taught in a baraita: How did they prepare the anointing oil that Moses prepared in the wilderness? They would cook the roots of the spices in it; this is the statement of Rabbi Yehuda. Rabbi Yosei said to him: But that amount of oil is not sufficient even to apply to the roots, as they would absorb the oil; how, then, could the roots be cooked in it? Instead, how did they act? They brought the roots and boiled them in water and the fragrant substance would rise to the top, and one poured the anointing oil on the water, and the oil would absorb the fragrance and retain it, and later he removed the oil [vekipeho] from off the top and place it in its flask. This is how the anointing oil was prepared.

¹⁹³ Rabbi Yehuda said to Rabbi Yosei:

¹⁹⁴ And was just one miracle performed with the anointing oil? But many miracles were performed with it, from its initial preparation to its end. He explains: Its initial preparation was only the measure of twelve log, and even so the Tabernacle and its vessels were anointed with it, and likewise Aaron and his sons were anointed with it all the seven days of inauguration, and High Priests and kings were anointed with it throughout the generations, and yet despite the reduction in the amount of oil during its preparation process, as well as its multiple uses throughout history, it all remains intact for its use in the future.

¹⁹⁵ Rabbi Yehuda adds that this is as it is stated: “This [zeh] shall be a sacred anointing oil to Me throughout your generations” (Exodus 30:31). The word zeh has a numerical value [bigimatriya] of twelve, which teaches that the original twelve log of oil that existed at the outset are extant throughout all the generations. If so, i.e., if such miracles were performed in connection with the oil, it is no wonder that its initial preparation was miraculous.

¹⁹⁶ The Sages taught in a baraita: “And Moses took the anointing oil, and anointed the Tabernacle and all that was in it and sanctified them” (Leviticus 8:10). Rabbi Yehuda says: With regard to the anointing oil that Moses prepared in the wilderness, many miracles were performed with it, from its initial preparation to its end. Its initial preparation was only twelve log; consider how much of it a cauldron absorbs from what is cooked inside it, and how much of it the roots of the plants absorb, how much of it the fire burns, and yet the Tabernacle, and its vessels, and Aaron, and his sons were all anointed with it all seven days of the inauguration.

¹⁹⁷ The baraita adds: And High Priests and kings were anointed with it, and even a High Priest, the son of a High Priest, requires anointing with the oil. But one does not anoint a king, the son of a king. And if you say: If so, for what reason did they anoint King Solomon, who was the son of King David? It was due to the dispute over the throne instigated by his older brother Adonijah, who attempted to usurp the monarchy. And similarly Joash, son of Ahaziah, was anointed king (see II Kings 11:12) due to the threat of Athaliah, his paternal grandmother, who attempted to seize the monarchy for herself (II Kings 11:1–3). And Jehoahaz, son of Josiah, was anointed as king (II Kings 23:30) due to the competition from Jehoikim, his brother, who was two years older than his brother, i.e., Jehoahaz. Ordinarily the older brother succeeds the father, but Jehoahaz was more worthy of the throne.

¹⁹⁸ The Gemara clarifies several aspects of this baraita. The Master said earlier: And even a High Priest, the son of a High Priest, requires anointing. The Gemara asks: From where do we derive this halakha? It is derived from a verse, as it is written: “And the anointed priest that shall be in his stead from among his sons” (Leviticus 6:15). Let the verse say merely: The priest that shall be in his stead from among his sons. What is taught by the addition of the term “anointed”? This teaches us that even when the new High Priest is from among the sons of the previous High Priest, only that priest who is anointed with oil is the High Priest, but if he is not anointed with oil he is not the High Priest.

¹⁹⁹ The Master said earlier: But one does not anoint a king, the son of a king. The Gemara asks: From where do we derive this halakha? Rav Aḥa bar Ya’akov said that this is as it is written: In order that he may prolong his days in his kingdom, he and his sons, all the days in the midst of Israel (see Deuteronomy 17:20). The mention of a king’s sons teaches that the kingdom is an inheritance, which does not need to be confirmed by anointing.

²⁰⁰ The baraita further taught: And for what reason did they anoint King Solomon? Due to the dispute over the throne instigated by his older brother Adonijah. The Gemara asks: From where do we derive that in a situation where there is a dispute the new king requires anointing, and the current king cannot simply grant the kingship as an inheritance to whomever he desires? Rav Pappa said that the verse states: “He and his children in the midst of Israel” (Deuteronomy 17:20). At a time when there is peace in Israel the monarchy transfers smoothly to the king’s son, but not when there is a dispute.

²⁰¹ It was taught in a baraita: Also Jehu, son of Jehoshaphat, son of Nimshi, was anointed by Elisha the prophet only due to the dispute with Joram, son of Ahab, who was the incumbent king, against whose reign Jehu rebelled (see II Kings 9:1–6). The Gemara asks: Why is it necessary to state this reason? Let the tanna of the baraita derive that Jehu required anointing due to the fact that he was the first king of his lineage, as Jehu was not the son of a king. The Gemara answers: The baraita is incomplete, and this is what it is teaching: One anoints the kings of the house of David with the anointing oil, but one does not anoint the kings from the kingdom of Israel. And if you say: For what reason did Elisha anoint Jehu, son of Jehoshaphat, son of Nimshi? This was due to the dispute with Joram, son of Ahab.

²⁰² The Master said earlier: One anoints the kings of the house of David with the anointing oil, but one does not anoint the kings of Israel. The Gemara asks: From where do we derive this halakha? It is derived from a verse, as it is written with regard to the anointing of David: “Arise, anoint him; for this is he” (I Samuel 16:12). This king, i.e., any king from the house of David, requires anointing, but another king, i.e., from the kingdom of Israel, whose kings were not descendants of the house of David, does not require anointing.

²⁰³ The Master said earlier that Jehu was anointed due to the dispute with Joram. The Gemara asks: And due to the dispute with Joram, son of Ahab, will we misuse consecrated property by anointing someone unnecessarily with the anointing oil, which is called “a sacred anointing oil” (Exodus 30:31)? After all, kings of the kingdom of Israel do not require anointing. The Gemara answers: This is as Rav Pappa said with regard to Jehoahaz: They anointed him with pure balsam oil, rather than with the anointing oil. Here too, Elisha anointed Jehu with pure balsam oil, not the anointing oil.

²⁰⁴ It was further stated in the baraita: And Jehoahaz, son of Josiah, was anointed due to the competition from Jehoiakim, his brother, who was two years older than him. The Gemara asks: And was Jehoiakim in fact older than Jehoahaz? But isn’t it written: “And the sons of Josiah: The firstborn Johanan, the second Jehoiakim, the third Zedekiah, the fourth Shallum” (I Chronicles 3:15); and Rabbi Yoḥanan says: The one who is called Johanan in that verse is also called Jehoahaz, and the one who is called Zedekiah is the same as the one called Shallum. If so, Jehoahaz is the eldest son, not Jehoiakim. Why, then, was it necessary to anoint Jehoahaz?

²⁰⁵ The Gemara answers: Rather, Jehoiakim was actually older than Jehoahaz. And why does the verse call Jehoahaz the firstborn? This is referring to the fact that Jehoahaz was the firstborn with regard to the monarchy, i.e., he became king first. The Gemara asks: And do we establish the younger son as king before the older son? But isn’t it written with regard to Jehoshaphat: “And he gave the kingdom to Jehoram, because he was the firstborn” (II Chronicles 21:3)? The Gemara answers: Jehoram was one who filled the place of his fathers, i.e., he was fit to serve as king, and therefore as he was firstborn he received the kingship, whereas Jehoiakim was deemed unworthy of the honor, despite being the oldest among his brothers.

²⁰⁶ The Master said earlier: The one who is called Shallum is also called Zedekiah. The Gemara objects: But the Torah counts these individuals in a row, i.e., one after the other, as I Chronicles 3:15 mentions the first, second, third, and fourth sons. This indicates that they are different people. The Gemara answers: Shallum and Zedekiah are in fact one and the same, and what is the reason the verse calls Zedekiah the third? The reason is that he is third of the sons, i.e., the third in order of birth. And what is the reason the verse calls Shallum the fourth? The reason is that he is fourth to the

kingship, because Jeconiah reigned before him. How so? Initially Jehoahaz reigned, and afterward Jehoiakim reigned, and afterward Jeconiah reigned, and afterward Zedekiah reigned. Accordingly, Zedekiah, called Shallum, was fourth to the kingship.

²⁰⁷ The Sages taught in a baraita: The one who is called Shallum is also called Zedekiah, and why was he called Shallum? Because he was perfect [shalem] in his good deeds. Alternatively, he was called Shallum because in his days the kingdom of the house of David was completed [shalam], as he was the last king in the Davidic dynasty. And what was his true name? Mattaniah was his name, as it is stated: “And the king of Babylonia made Mattaniah, his father’s brother, king in his stead, and changed his name to Zedekiah” (II Kings 24:17).

²⁰⁸ The baraita explains: Why did the king of Babylonia, Nebuchadnezzar, call him by the name Zedekiah? The reason is that Nebuchadnezzar said to him: God will justify [yatzdik] the judgment over you if you rebel against me, as it is stated with regard to Nebuchadnezzar and Jehoiachin: “And brought him to Babylon” (II Chronicles 36:10), and with regard to Zedekiah it is stated: “And he also rebelled against King Nebuchadnezzar, who had made him swear by God” (II Chronicles 36:13).

²⁰⁹ § The Gemara raises a difficulty with regard to the statement that Jehoahaz was anointed: And was there anointing oil in the days of Jehoahaz? But isn’t it taught in a baraita (Tosefta, Yoma 2:15) that from when the Ark was sequestered, along with it was sequestered the jar of manna that was next to it (see Exodus 16:33), and the flask of the anointing oil, and Aaron’s staff with its almonds and blossoms (see Numbers 17:23).

²¹⁰ The baraita continues: And also sequestered with the Ark was the chest that the Philistines sent as a gift to the God of Israel after they captured the Ark and were stricken by several plagues, as it is stated: “And put the jewels of gold that you return to Him for a guilt offering, in a coffer by its side, and send it away that it may go” (I Samuel 6:8). And who sequestered the Ark? Josiah, king of Judah, sequestered it, as it is stated: And the king said to the priests: Put the sacred Ark in the house that Solomon, the son of David, king of Israel, built (see II Chronicles 35:3).

²¹¹ And Rabbi Elazar says: How do we know that all these items needed to be sequestered together with the Ark? The halakha that the jar of manna was to be kept with the Ark is derived through a verbal analogy between the words “there” and “there.” The word “there” is stated with regard to the Ark: “Where I will meet with you there” (Exodus 30:6), and it is also stated with regard to the manna: “And put there” (Exodus 16:33).

²¹² The halakha that the anointing oil was to be kept together with the Ark is derived through a verbal analogy between the words “generations” and “generations.” This term is stated with regard to the jar of manna: “To be kept throughout your generations” (Exodus 16:33), and also with regard to the anointing oil: “This shall be a sacred anointing oil to Me throughout your generations” (Exodus 30:31).

²¹³ Finally, the halakha that Aaron’s staff was to be kept together with the Ark is derived through a verbal analogy between the terms “to be kept” and “to be kept.” This term is stated with regard to the jar of manna, and also with regard to Aaron’s staff: “To be kept there, for a token against the rebellious children” (Numbers 17:25). All these items, which are connected through these verbal analogies, including the anointing oil, were kept by the side of the Ark, and therefore they were sequestered together with the Ark. If so, how was Jehoahaz anointed with the anointing oil? Rav Pappa said: They did not anoint Jehoahaz with the anointing oil, but with pure balsam.

²¹⁴ § The Sages taught in a baraita: One anoints the kings by placing the oil around the head in a shape similar to a crown, and one anoints the High Priests by placing the oil upon the head in the shape similar to chi. In explanation of this statement, Rav Menashya says: It is placed in a shape similar to the Greek letter chi, which looks like the letter X. It is taught in one baraita: First, one pours oil on the head of the High Priest, and afterward one places oil between his eyelashes. And it is taught in another baraita: First, one places oil between his eyelashes, and afterward one pours oil on his head. The baraitot contradict each other.

²¹⁵ The Gemara explains: This is a matter of dispute between tanna'im, as there is a tanna who says: Anointing between his eyelashes is preferable to pouring on the head and therefore comes first, and there is a tanna who says that pouring on the head is preferable to anointing between his eyelashes, and therefore comes first. What is the reasoning of the one who says that pouring on the head is preferable? As it is stated: "And he poured of the anointing oil upon Aaron's head and anointed him to sanctify him" (Leviticus 8:12), which indicates that pouring is first, followed by anointing. And as for the one who says that anointing between his eyelashes is preferable to pouring on the head and precedes it, he holds that anointing is preferable in that its use is increased, i.e., it is performed on the service vessels, whereas pouring is not mentioned with regard to the service vessels.

²¹⁶ The Gemara raises a difficulty: But according to the opinion that anointing is preferable, isn't it written: "He poured," and ultimately: "He anointed" (Leviticus 8:12)? The Gemara explains that this is what the verse is saying: What is the reason for "he poured"? This action was made possible due to the fact that he had already: "Anointed him to sanctify him." In other words, the pouring came after the anointing, which is the primary act.

²¹⁷ The Sages taught in a baraita: The verse states: "It is like the precious oil upon the head descending upon the beard; the beard of Aaron, that descends upon the collar of his garments" (Psalms 133:2). Two drops of anointing oil shaped like pearls hung from Aaron's beard. Rav Kahana says it is taught: When Aaron would speak his beard would move, and these drops would miraculously rise and sit on the roots of his beard, so that they would not fall to the ground. And with regard to this matter Moses, our teacher, was concerned, thinking: Perhaps, God forbid, I misused the anointing oil by pouring too much, which resulted in these two additional drops.

²¹⁸ A Divine Voice emerged and said: "It is like the precious oil upon the head, descending upon the beard; the beard of Aaron, that descends upon the collar of his garments, like the dew of the Hermon that comes down upon the mountains of Zion" (Psalms 133:2–3). This comparison serves to teach: Just as the Hermon's dew is not subject to misuse of consecrated property, as it is not consecrated but can be used by all, so too, the anointing oil that descends upon Aaron's beard is not subject to misuse of consecrated property.

²¹⁹ And still Aaron himself was concerned, thinking: Perhaps Moses did not misuse consecrated property but I misused the oil, as the additional oil is on my body and I derive benefit from it. A Divine Voice emerged and said to him: "Behold how good and how pleasant it is for brothers to dwell together in unity" (Psalms 133:1). Just as your brother Moses did not misuse consecrated property, so too, you did not misuse consecrated property.

²²⁰ § The Gemara cites a baraita which discusses the anointing of kings. The Sages taught: One may anoint kings only next to a spring. This is done as a fortuitous sign, so that their kingdom should continue uninterrupted just as the waters of the spring flow uninterrupted throughout the year. As it is

stated with regard to the coronation of Solomon in the days of King David: And the king said to Benaiah: Take with you the servants of your lord, and cause Solomon my son to ride upon my own mule, and bring him down to Gihon. And let Zadok the priest and Nathan the prophet anoint him there king over Israel (see I Kings 1:33–34). The Sages derived from here that all kings should be anointed near a spring.

²²¹ Parenthetical to this matter of performing an act as a fortuitous sign, the Gemara cites that which Rav Ami says: One who desires to know if he will live through this current year or not should bring a lit candle during those ten days between Rosh HaShana and Yom Kippur and hang it in a house through which wind does not blow, and he should watch it carefully: If its light continues he shall know that he will live out his year.

²²² And one who desires to conduct business and wants to know if his business will succeed or not should raise a rooster. If the rooster gets fat and beautiful he shall know that the venture will succeed.

²²³ This one who wishes to leave on a journey and wants to know whether he will return to his home should enter a dark house. If he sees

²²⁴ the reflection [bavua] of a reflection of his reflection he shall know that he will return and come to his home. The Sages say about this: And this is nothing, i.e., one should not practice these divinations, as perhaps he will become despondent if he does not see the positive sign and his fortune will turn bad, and this itself will result in his failure.

²²⁵ Abaye said: Now that you have said that a sign is a substantial matter, a person should be accustomed to eat, at the start of the year, gourd, fenugreek, leeks, beets, and dates, as each of these grow and multiply quickly, which is a good omen for the deeds of the upcoming year.

²²⁶ With regard to positive omens, Rav Mesharshiyya said to his sons: When you want to go to study in the presence of your teacher, initially study the mishnayot and then ascend before your teacher. And when you sit before your teacher, see your teacher's mouth, as it is stated: "And your eyes shall see your teacher" (Isaiah 30:20). And when you learn a halakha, learn near a source of flowing water, as just as the water flow continues, so too, your learning should continue.

²²⁷ Rav Mesharshiyya gave his sons additional advice: It is better for you to dwell on the garbage piles [akilkei] of the city Mata Meḥasya and not to dwell in the palaces [apadnei] of the city Pumbedita. It is better to eat rotten fish [gildana] than high-quality kutha, which uproots and tosses rocks from their places, i.e., it is a very spicy, powerful flavoring.

²²⁸ The Gemara further discusses the issue of anointing and good omens. Hannah said in her prayer after her son Samuel was born: "And Hannah prayed and said: My heart exults in the Lord, my horn is exalted in the Lord" (I Samuel 2:1). The Gemara notes that Hannah said: "My horn is exalted," and she did not say: My jug is exalted. With regard to David and Solomon, who were anointed with oil from a horn, this was a good omen for them, and their kingships lasted. But with regard to Saul and Jehu, who were anointed with oil from a jug, their kingships did not last.

²²⁹ § The mishna included in its list of those liable to receive karet: One who blends the incense according to the specifications of the incense used in the Temple service, for purposes other than use in the Temple. The Sages taught in a baraita: One who blends the incense in order to teach himself how to prepare it or in order to transfer it to the community is exempt from liability. But if he prepares it in order to smell it he is liable to receive karet, as it is stated: "He who prepares it in order

to smell it shall be cut off from his people” (Exodus 30:38). And one who actually smells the incense mixture is exempt from the punishment of karet and from bringing a sin offering; but he has misused consecrated property, and is therefore liable to bring a guilt offering if he acted unwittingly.

²³⁰ The Gemara asks: And is there the prohibition of misuse of consecrated property with regard to smell? But doesn't Rabbi Shimon ben Pazi say that Rabbi Yehoshua ben Levi says in the name of bar Kappara: With regard to exposure to the sound, or to the sight, or to the smell of consecrated items, including incense, these are not subject to the prohibition of misuse of consecrated property?

²³¹ The Gemara answers: With regard to exposure to the smell of the incense, the following distinction applies: The smell of the incense that is emitted when the spices are placed on the coals on the altar is subject to the prohibition, since this is the manner in which the mitzva is performed. By contrast, the smell emitted after the flame catches and the column of smoke rises is not subject to the prohibition of misuse of consecrated property. The reason is that its mitzva has already been performed, and you have no case in which an item is at the stage after its mitzva has already been performed and yet one is liable for its misuse.

²³² The Gemara asks: And why not say that misuse of consecrated property applies to an item whose mitzva has been already performed? But there is the case of the daily removal of the ashes of the offerings from the altar, whose mitzva has been performed, as the offerings have been burnt, and yet one who uses the ashes is liable for misusing the ashes, as derived from the verse: “And the priest shall put on his linen garment, and his linen breeches shall he put upon his flesh; and he shall take up the ashes of what the fire has consumed of the burnt offering on the altar, and he shall put them beside the altar” (Leviticus 6:3).

²³³ The Gemara answers: This case does not disprove the principle, since the halakhot of the removal of the ashes and the priestly vestments of white linen worn by the High Priest on Yom Kippur are two verses that come as one, i.e., to teach the same matter, and there is a principle that any two verses that come as one do not teach their common aspect to apply to other cases. In other words, if a halakha is stated twice with regard to two separate cases, this halakha applies only to those cases. Had the Torah wanted to teach that this halakha applies to all other relevant cases as well, it would have mentioned it only once, and other cases would be derived from there. The fact that two cases are mentioned indicates they are exceptions.

²³⁴ The Gemara comments: The fact that the Torah mentions this halakha twice works out well according to the opinion of the Rabbis, who maintain that the priestly vestments worn by the High Priest on Yom Kippur require interment. But according to the opinion of Rabbi Dosa, what can be said? As it is taught in a baraita: The verse states: “And Aaron shall come into the Tent of Meeting, and shall take off the linen garments, which he put on when he went into the sacred place, and he shall leave them there” (Leviticus 16:23). This phrase teaches that his vestments require interment. Although their use for the mitzva has been completed, it is prohibited to derive benefit from these garments. This is the opinion of the Rabbis.

²³⁵ Rabbi Dosa says: These priestly vestments may no longer be used by the High Priest on Yom Kippur, but they are fit for use by an ordinary priest, as they are similar to those worn by ordinary priests on a daily basis. Rabbi Dosa adds: And what is the meaning when the verse states: “And he shall leave them there”? This teaches that the High Priest may not use them on another Yom Kippur. According to the opinion of Rabbi Dosa, only one verse teaches there is misuse of consecrated

property with regard to an item that has already been used for performing its mitzva. Therefore, one should derive a principle from the verse discussing the removal of the ashes.

²³⁶ The Gemara answers: One cannot derive a general principle from this case, because the removal of the ashes and the halakha of the heifer whose neck is broken, from which one may not derive benefit after that rite has been performed, are two verses that come as one, and any two verses that come as one do not teach their common aspect to apply to other cases. The Gemara elaborates: What is the case of the removal of the ashes? As it is taught in a baraita: The verse states: “And he shall put them beside the altar” (Leviticus 6:3). This teaches that they require interment. What is the case of the heifer whose neck is broken? As it is taught in a baraita: The verse states: “And they shall break the heifer’s neck in the valley” (Deuteronomy 21:4). This teaches that such heifers require interment.

²³⁷ The Gemara adds: And even according to the one who says that two verses that come as one do teach their common aspect to apply to other cases, here they certainly do not teach that misuse of consecrated property applies to items whose mitzva has been performed. This is due to the fact that there are two terms indicating exclusions with regard to these halakhot, limiting this halakha to those cases. With regard to the removal of the ashes it is written: “And he shall put it.” The word “it” teaches that in this particular case, yes, there is misuse of consecrated property, but with regard to any other matter this prohibition does not apply. With regard to the heifer whose neck is broken it is written: “The heifer that had its neck broken” (Deuteronomy 21:6). The word “the” indicates that with regard to the heifer that had its neck broken, yes, but with regard to any other matter the prohibition of misuse of consecrated property does not apply.

²³⁸ § The Sages taught in a baraita: How is the blending of the incense performed? Balm, and onycha, and galbanum, and frankincense, each of these by a weight of seventy maneh, i.e., seventy units of one hundred dinars. Myrrh, and cassia, and spikenard, and saffron, each of these by a weight of sixteen maneh. Costus by a weight of twelve maneh; three maneh of aromatic bark; and nine maneh of cinnamon. Kersannah lye of the volume of nine kav; Cyprus wine of the volume of three se’a and three more kav, a half-se’a. If one does not have Cyprus wine he brings old white wine. Sodomite salt is brought by the volume of a quarter-kav. Lastly, a minimal amount of the smoke raiser, a plant that causes the smoke of the incense to rise properly. Rabbi Natan says: Also a minimal amount of Jordan amber.

²³⁹ And if one placed honey in the incense he has disqualified it, as it is stated: “For you shall make no leaven, nor any honey, smoke as an offering made by fire unto the Lord” (Leviticus 2:11). If he omitted any one of its spices he is liable to receive death at the hand of Heaven. Rabbi Shimon says: The balm mentioned here is nothing other than a resin exuded from the balsam tree, not the bark of the tree itself. The Kersannah lye mentioned is not part of the ingredients of the incense itself, but it is necessary as one rubs the onycha in it so that the onycha should be pleasant. Likewise, the Cyprus wine is required as one soaks the onycha in it so that it should be strong. And urine is good for this purpose, but one does not bring urine into the Temple because it is inappropriate.

²⁴⁰ The Gemara comments: This final ruling supports the opinion of Rabbi Yosei, son of Rabbi Hanina, who says with regard to a verse that discusses the incense: It is sacred, it shall be sacred to you (see Exodus 30:36–37), that this teaches that all of its actions should be performed only in the sacred area of the Temple.

²⁴¹ The Gemara raises an objection from a mishna (Shekalim 4:6): With regard to one who consecrates all his possessions without specifying for what purpose, they are consecrated for Temple maintenance. And if among them there were items suitable for use as communal offerings, which may not be used for the maintenance of the Temple but only for sacrificial purposes, what is done with those items to remove their consecration for Temple maintenance so that they can be properly consecrated for sacrificial use? They are given to Temple artisans as their wages, and they are thereby desacralized. They can then be consecrated again for their proper purpose.

²⁴² The Gemara analyzes the mishna: These items that are suitable for use as communal offerings, what are they? If they are domesticated animals and undomesticated animals, the tanna taught the halakha with regard to them later in that same mishna. Likewise, if they are wines, oils, and flours, the tanna taught them in that mishna as well. Rather, is it not referring to incense consecrated by a private individual? If so, this would mean that one can prepare and consecrate incense outside the Temple.

²⁴³ Rabbi Oshaya said: The mishna is referring to that incense which is given to the Temple artisans as their wages, i.e., the incense was prepared in the sacred place and was desacralized when it was given to the artisans, who subsequently consecrated it. As it is taught in a mishna (Shekalim 4:5): The leftover incense from one year could not be used the following year, as it had been purchased with the shekels collected for the previous year. What would they do with it in order to render it usable? The Temple treasurers would remove an amount of it equal to the value of the wages of the artisans who worked in the Temple. And they would then desacralize that incense by transferring its sanctity to the money owed the artisans. They would then give the incense to the artisans as their wages. And finally, they would return and purchase the incense from the artisans with funds from the new collection of shekels.

²⁴⁴ Rav Yosef objects to this explanation: How can the mishna in Shekalim 4:6 be interpreted as referring to artisans who consecrated leftover incense? With regard to all leftovers the tanna teaches: They would return and purchase the incense from the artisans with funds from the new collection of shekels, as stated in the mishna earlier. And yet here, in tractate Shekalim, the tanna does not teach this clause, indicating that it is not speaking of incense paid to the artisans and repurchased from them.

²⁴⁵ Rather, Rav Yosef says: The mishna is referring to one of the ingredients of the incense, which an individual consecrated when it is not in the Temple. It is not speaking of incense that has already been blended, as this action may be performed only in the sacred area, as claimed by Rabbi Yosei, son of Rabbi Ḥanina.

²⁴⁶ The Sages taught in a baraita: The incense was prepared from ingredients amounting to the weight of 368 maneh, i.e., 368 units of one hundred dinars. Of these, 365 of them correspond to the days of the solar year. The additional three maneh are those from which the High Priest would bring in to the Sanctuary his handful required on Yom Kippur (see Leviticus 16:12), and the rest, i.e., the incense that was not used over the course of the year, was given to the artisans as their wages.

²⁴⁷ This is as it is taught in the aforementioned mishna (Shekalim 4:5): With regard to the leftover incense, what would they do with it? The Temple treasurers would remove an amount of it equal to the value of the wages of the artisans who worked in the Temple. And they would then desacralize that incense by transferring its sanctity to the money owed to the artisans. They would then give the

incense to the artisans as their wages. And finally, they would return and purchase the incense from the artisans with funds from the collection of the Temple treasury chamber.

²⁴⁸ § The Sages taught in a baraita: The leftover of the incense, from the three extra maneh each year, would accumulate so that once every sixty or every seventy years they would blend the incense for the new year by halves, i.e., they required only half the usual amount, and the other half would come from the leftover incense. Therefore, a private individual who blended incense by halves in order to smell it is liable for violating the prohibition: “And the incense that you shall prepare, according to its composition you shall not prepare for yourselves, it shall be to you sacred for the Lord” (Exodus 30:37). This is the statement of Rabban Shimon ben Gamliel, who said it in the name of the deputy High Priest.

²⁴⁹ Rabban Shimon ben Gamliel added: But I did not hear the same with regard to the blending of one-third or one-quarter of the amount of the incense. And the Rabbis say: Every day one would prepare incense for the day according to its composition, i.e., in the appropriate ratio for each ingredient, and he would bring it in the Sanctuary and burn it on the golden altar.

²⁵⁰ The Gemara comments: This opinion of the Rabbis supports the opinion of Rava, as Rava says: With regard to the anointing oil that one blended in parts, i.e., in any amount, in order to apply it to the skin, he is exempt, but if one blended the incense to smell it, even in parts, he is liable, as it is written: “And the incense that you shall prepare, according to its composition you shall not prepare for yourselves” (Exodus 30:37). This teaches that any incense of the amount that you prepare for the Sanctuary is prohibited, as it is possible to burn a portion, i.e., one-half of the maneh that must be prepared, in the morning, and a portion in the afternoon.

²⁵¹ The Sages taught in a baraita: They would return the incense to the mortar to regrind it twice a year; in the summer they would place it scattered so that it should not grow moldy, while in the rainy season it was kept piled, in order that its scent should not dissipate. And when one would grind the incense he would say: Crush well, well crush; this is the statement of Abba Yosei ben Yoḥanan.

²⁵² And as for the extra three maneh of incense from which the High Priest would bring in his handful required on Yom Kippur, one would place it in the mortar on Yom Kippur eve and grind it thoroughly so that the incense should be extra fine. As it is taught in a baraita: The verse states, with regard to the incense on Yom Kippur, that it shall be: “Finely ground aromatic incense” (Leviticus 16:12). What is the meaning when the verse states this? Isn’t it already stated with regard to all incense: “And you shall grind some of it finely” (Exodus 30:36)? Why must the verse state “finely ground”? This teaches that on Yom Kippur one must grind the incense more, in order that it should be extra fine.

²⁵³ The Master said earlier: When one would grind the incense he would say: Crush well, well crush. The Gemara notes that this supports the opinion of Rabbi Yoḥanan, as Rabbi Yoḥanan says: Just as speech is detrimental to wine, and therefore no words were spoken during its preparation, so too, speech is beneficial to the preparation of the spices of the incense.

²⁵⁴ § Rabbi Yoḥanan says: The eleven ingredients of the incense were stated by God to Moses at Sinai, as not all of them are specified in the verses. Rav Huna said: What is the verse from which it is derived? “Take for you spices, stacte, and onycha, and galbanum; spices with pure frankincense” (Exodus 30:34). The plural form of the phrase: “Take for you spices” is referring to two ingredients; “stacte, and onycha, and galbanum” are three ingredients; this results in a total of five; and the other

mention of “spices” indicates that there are another five, i.e., that one should double the previous total, and this results in a total of ten. And finally, “pure frankincense” is one, and this results in a total of eleven.

²⁵⁵ The Gemara raises a difficulty: But why not say the first mention of “spices” is a generalization; “stacte, and onycha, and galbanum,” is a detail; and when the verse repeats “spices” it is then generalized again. This is the hermeneutical principle of: a generalization, and a detail, and a generalization, and therefore you may deduce that the verse is referring only to items similar to the detail: Just as the detail is explicit in that it is referring to an item whose smoke rises and its scent diffuses, so too, it includes any item whose smoke rises and its scent diffuses.

²⁵⁶ And if you would say: If that is so, that this is a generalization, and a detail, and a generalization, then let the verse write only one detail of the three; the fact is that indeed [la’ei], all the details are necessary. As, if the Torah had written merely “stacte,” I would say that spices from a type of tree, yes, they may serve as ingredients of the incense, but spices grown from the ground, no, they may not serve this purpose. It is due to that reason that the verse wrote “and onycha.” And if the Torah had written only “and onycha,” I would say that spices grown from the ground, yes, they may serve as ingredients of the incense, but spices from a type of tree, one might say no, they may not serve this purpose. It is due to that reason that the verse wrote “stacte.”

²⁵⁷ The Gemara concludes its rejection of the suggested resolution: And as for the mention of galbanum, this comes for itself, i.e., one would not otherwise have included this ingredient, because unlike the other spices its smell is foul. Consequently, all these details are necessary, and therefore it is possible to expound the verse as a generalization, and a detail, and a generalization, which means that the difficulty remains: How is it derived that there were eleven spices? The Gemara answers: If so, that the verse is a generalization, and a detail, and a generalization, there is no need for the first mention of “spices,” as one could derive the generalization from the phrase “Take for you.”

²⁵⁸ The Gemara raises another difficulty: How is it derived from the verse that there are eleven spices? But why not say that the last mention of “spices” signifies two ingredients, just like the first mention of “spices”? The Gemara answers: If so, let the verse write “spices” and “spices” together, and afterward let it write “stacte, and onycha, and galbanum.” The fact that the second mention of “spices” is written after all those specified ingredients indicates that its number corresponds to the total of all of them.

²⁵⁹ The school of Rabbi Yishmael teaches in a baraita: The first mention of “spices” is a generalization; “stacte, and onycha, and galbanum,” is a detail; and when the verse repeats “spices” it then generalized again. This is a generalization, and a detail, and a generalization, and you may deduce that the verse is referring only to items similar to the detail: Just as the detail is explicit in that it is referring to an item whose smoke rises and its scent diffuses, so too, it includes any item whose smoke rises and its scent diffuses.

²⁶⁰ The baraita continues: Or perhaps it is only that the second generalization is in the same category as the first generalization, and the second detail is in the same category as the first detail. You must say that this is not the case; consequently, you cannot learn in accordance with the last version, but rather you must learn in accordance with the first version.

²⁶¹ The Gemara clarifies the latter clause of the baraita. The Master said: Or perhaps it is only that the second generalization is in the same category as the first generalization, and the second detail is

in the same category as the first detail. You must say that this is not the case; consequently, you cannot learn in accordance with the last version, but rather you must learn in accordance with the first version. The Gemara asks: What is the difficulty alluded to here by the baraita? The Gemara explains that this is what is difficult to the tanna: Let us say that the last mention of “spices” is referring to two ingredients, just as the first mention of “spices” is referring to two ingredients. The tanna then answered as we answered earlier, that if so, let the verse write: Spices, spices, stacte, and onycha, and galbanum, in that order.

²⁶² The Gemara further asks: And what is the meaning of the suggestion: The second detail is in the same category as the first detail? The Gemara answers that this is what is difficult to the tanna: Since it is derived by the principle of a generalization, and a detail, and a generalization that all items similar to those specified in the verse are included, as stated earlier that spices from types of trees are derived from the mention of stacte and spices grown from the ground are derived from the mention of onycha, one might say as follows: Let them also learn from the mention of pure frankincense, which includes one aspect, i.e., that one should include an item whose scent diffuses, even though its smoke does not rise.

²⁶³ The Gemara continues: The tanna then said that this cannot be the case, as if so, let the verse write “pure frankincense” in the middle, between the two mentions of “spices,” alongside stacte, onycha, and galbanum, and then one would derive this halakha from it. Since the frankincense is mentioned after the second mention of “spices,” it is not part of the generalization, detail, and generalization.

²⁶⁴ The Gemara questions this claim: If the verse were to write “pure frankincense” in the middle, there would be twelve ingredients in the incense, as that ingredient would also be included in the doubling of the second mention of “spices.” The Gemara explains: If so, that frankincense is meant to be one of the details, let the verse write “pure frankincense” in the middle and “galbanum” at the end, after the second mention of “spices.” Since the verse placed frankincense at the end, one cannot derive halakhot from it as a detail. Reish Lakish says that this halakha can be derived from the word incense itself: What is the meaning of the term incense [ketoret]? It means an item that produces smoke [koter] and rises.

²⁶⁵ Rav Ḥana bar Bizna says that Rabbi Shimon Ḥasida says: Any fast that does not include the participation of some of the sinners of the Jewish people is not a fast, as the smell of galbanum is foul and yet the verse lists it with the ingredients of the incense. Abaye says that this is derived from here: “It is He Who builds His upper chambers in the heavens and has established His bundle on the earth” (Amos 9:6), i.e., when the people are united as a bundle, including their sinners, they are established upon the earth.

²⁶⁶ § The mishna includes in its list of those liable to receive karet: And one who applies the anointing oil to his skin. The Sages taught in a baraita: One who applies the anointing oil to animals or vessels is exempt, and one who applies it to gentiles or to corpses is exempt. The Gemara objects: Granted, one is exempt in the case of animals and vessels, as it is written: “Upon the flesh of a person it shall not be applied” (Exodus 30:32), and animals and vessels are not the flesh of a person. It is also clear why one is exempt if he applies it to a corpse, as once someone has died, the body is called a corpse and not a person. But if one applies anointing oil to gentiles why is he exempt? Aren’t they included in the meaning of the term person [adam]?

²⁶⁷ The Gemara explains: Indeed they are not. As it is written: “And you My sheep, the sheep of My pasture, are people [adam]” (Ezekiel 34:31), from which it is derived that you, the Jewish people, are called adam, but gentiles are not called adam.

²⁶⁸ The Gemara raises an objection based on a verse discussing captives taken during the war against Midian. But isn’t it written: “And the people [nefesh adam] were sixteen thousand” (Numbers 31:40). This indicates that gentiles are also referred to as adam. The Sage who was asked this said to the questioner: That term serves to exclude, i.e., to distinguish between the people who were taken captive and the animals that were taken as spoils of war, which are also mentioned in that verse.

²⁶⁹ The Gemara raises another difficulty: But isn’t it written: “And should I not have pity on Nineveh, that great city, wherein are more than one hundred and twenty thousand people [adam] who cannot discern between their right hand and their left hand, and also much cattle” (Jonah 4:11). The inhabitants of Nineveh were gentiles. The Gemara answers: That term serves to exclude them from the animals mentioned in the verse.

²⁷⁰ And if you wish, say instead a different reason why one who applies anointing oil to gentiles is exempt. This is as a tanna teaches before Rabbi Elazar: Anyone included in the obligation not to apply anointing oil to himself or others is likewise included as subject to the prohibition of: It shall not be applied, i.e., it is prohibited to apply the oil to him. And anyone not included in the obligation not to apply anointing oil to himself or others is not included as the object of: It shall not be applied. Only Jews are included in the prohibition against applying the anointing oil.

²⁷¹ It is taught in another baraita: One who applies the anointing oil to animals or vessels, or to gentiles or on corpses, is exempt. If one applies the anointing oil to kings or to priests after they had already been anointed, Rabbi Meir deems him liable and Rabbi Yehuda deems him exempt. And how much oil must one apply to his skin and be liable? Rabbi Meir says: Any amount. Rabbi Yehuda says: An olive-bulk. The Gemara raises a difficulty: But doesn’t Rabbi Yehuda say that he is entirely exempt? The Gemara answers: When Rabbi Yehuda deems him exempt that is with regard to applying oil to kings and priests, whereas in the case of an ordinary person Rabbi Yehuda deems him liable.

²⁷² The Gemara asks: Concerning what matter do Rabbi Meir and Rabbi Yehuda disagree? Rav Yosef says that they disagree concerning this issue: Rabbi Meir holds that this halakha is based on the fact that it is written: “Upon the flesh of a person it shall not be applied” (Exodus 30:32), and it is written: “Or whoever places any of it upon a stranger, he shall be cut off from his people” (Exodus 30:33). The wording of the prohibition teaches with regard to the liability to receive karet: Just as the act of applying the oil to the skin prohibited by the verse refers to the application of any amount, as there is no specific measure stated in this regard, so too, the act of placing the oil mentioned with regard to karet refers to any amount.

²⁷³ And Rabbi Yehuda holds: We derive the halakha of placing [netina] that is stated here, which is upon a stranger, i.e., one upon whom there is no mitzva to place the anointing oil, from the halakha of giving [netina] in general. Just as giving in general is with the amount of an olive-bulk, so too, placing anointing oil upon a stranger is with the amount of an olive-bulk. The principle that giving [netina] in general is with the amount of an olive-bulk is derived from the verse: “And if a man eats a sacred thing in error then he shall add a fifth part in addition to it, and shall give [venatan] to the priest the sacred item” (Leviticus 22:14). This verse is referring to an item given for eating, and the

minimum amount that must be consumed for an act to be considered eating is an olive-bulk. Rav Yosef adds: But with regard to the mitzva of applying the oil in order to anoint kings and priests, everyone agrees it is accomplished with any amount.

²⁷⁴ And Rav Yosef further says: With regard to what matter do Rabbi Meir and Rabbi Yehuda disagree in the case of kings and priests who had already been anointed? Rabbi Meir holds that since it is written: “Or whoever puts any of it upon a stranger,” and right now the king and priest are strangers because the mitzva to anoint them no longer applies, they are included in the prohibition. And Rabbi Yehuda holds: For the purposes of this prohibition we require that the individual in question be a stranger from his beginning to his end, and the king and priest were initially not strangers.

²⁷⁵ Rav Ika, son of Rav Ami, said: And Rabbi Meir and Rabbi Yehuda both follow their lines of reasoning, as it is taught in a mishna (Terumot 7:2):

²⁷⁶ With regard to the daughter of a priest who married an Israelite and then unwittingly partook of teruma, she pays the principal, as a thief would, as she partook of teruma to which she owns no rights. But she does not pay the additional one-fifth payment, which is the fine paid by an Israelite who partakes of teruma unwittingly (see Leviticus 22:14). This is because she is not completely disqualified from the priesthood, since if she becomes widowed or divorced without having borne children she will again be permitted to partake of teruma. And if she commits adultery her death penalty is administered by burning, as is the halakha with regard to the daughter of a priest (see Leviticus 21:9).

²⁷⁷ By contrast, if she married one of those who are unfit for her to marry due to his lineage, thereby disqualifying herself from the priesthood for the future, she pays the principal and the additional one-fifth payment, and her death is by strangulation, as is the halakha with regard to Israelite women. This is the statement of Rabbi Meir.

²⁷⁸ And the Rabbis say: In both this case and that case, whether she was married to an Israelite or to one unfit for her to marry, she pays the principal but she does not pay the additional one-fifth payment, and her death is by burning, as she previously had the status of a daughter of the priesthood. This opinion of the Rabbis is presumably that of Rabbi Yehuda, who is usually the disputant of Rabbi Meir. As explained with regard to the anointing of a king, Rabbi Yehuda requires that the individual in question must have the status of a stranger, i.e., not a High Priest or a king, from beginning to end.

²⁷⁹ Rav Yosef said the dispute between Rabbi Meir and Rabbi Yehuda applies to the placing of the anointing oil, and it is explained by those answers that we answered earlier, that according to Rabbi Meir one is liable for the placing of any amount, as the verse uses an expression of applying, whereas according to Rabbi Yehuda one is liable only if one places oil that is the volume of an olive-bulk. But with regard to placing in general, e.g., the prohibition not to place frankincense on the meal offering of a sinner (see Leviticus 5:11), everyone agrees one is liable for placing only the volume of an olive-bulk.

²⁸⁰ The Gemara discusses the matter itself: A tanna teaches a baraita before Rabbi Elazar: Anyone included in the obligation not to apply anointing oil to himself or others is likewise included as the object of: It shall not be applied, i.e., it is prohibited to apply the oil to him. And anyone not included in the obligation not to apply anointing oil to himself or others is not included as the object of: It

shall not be applied. Rabbi Elazar said to that tanna: You are saying well, as it is written: “Upon the flesh of a person it shall not be applied [lo yisakh]” (Exodus 30:32), and you read into the verse: Lo yasikh, he shall not apply it to others. This dual reading indicates that one who is commanded not to apply the oil is the same as the one upon whom it is prohibited to apply the oil, as stated by the tanna.

²⁸¹ § Rav Ḥananya taught a halakha before Rava: From where is it derived with regard to a High Priest who took from the anointing oil that is on his head and placed it on his stomach; from where is it derived that he is liable? It is derived from a verse, as it is stated: “Upon the flesh of a person it shall not be applied” (Exodus 30:32). Rav Aḥa, son of Rava, said to Rav Ashi: What is different between this case and that which is taught in a baraita: In the case of a priest who applied teruma oil to himself, the Israelite son of his daughter may rub against [mitaggel] this oil without concern that he might be deriving benefit from teruma?

²⁸² Rav Ashi said to him: There, with regard to teruma oil, it is written: “They will die through it if they profane it” (Leviticus 22:9), and since the priest has already profaned the oil by using it, it is considered profaned. But with regard to the anointing oil it is written: “For the consecration of the anointing oil of His God is upon him” (Leviticus 21:12). The Merciful One calls it anointing oil even at this stage, to teach that even though it is upon the High Priest it is not considered profaned, and instead remains sacred.

²⁸³ § The mishna teaches: For any of these prohibitions, one is liable to receive karet for its intentional violation and to bring a sin offering for its unwitting violation. And for violation in a case where it is unknown to him whether he transgressed, he is liable to bring a provisional guilt offering. The Gemara notes that the mishna further teaches: This is the halakha for all the transgressions listed above except for one who defiles the Temple, i.e., he enters the Temple while ritually impure or renders its consecrated items ritually impure. The Gemara asks: From what halakha does the tanna exclude these cases? After all, one who enters the Temple while impure or renders its consecrated items impure is also liable to receive karet. The Gemara answers: This is what the mishna is teaching: Except for one who defiles the Temple or renders its consecrated items ritually impure, as he does not bring a provisional guilt offering.

²⁸⁴ The Gemara suggests: And let the mishna also teach: Except for one who sinned and Yom Kippur passed, as he too does not bring a provisional guilt offering. Reish Lakish said: When the tanna teaches these exceptions he is referring to those cases where there is a sin and nevertheless the Merciful One exempts him from bringing a provisional guilt offering. By contrast, in a case where Yom Kippur passed, there is no remaining sin, as Yom Kippur atoned for him, i.e., for his sin.

²⁸⁵ Rabbi Yoḥanan said: The mishna is referring to one who rejects the atonement of Yom Kippur, who says: Yom Kippur does not atone for one’s sins. In this situation Yom Kippur does not atone for him, which means that if he retracted from his sinful ways after Yom Kippur he is required to bring a provisional guilt offering. Therefore, it cannot be listed in the exceptions stated in the mishna. The Gemara notes: And Reish Lakish does not explain the mishna in this manner, as he maintains that even with regard to one who rejects its atonement, Yom Kippur atones for his sins.

²⁸⁶ The Gemara notes: And their dispute is with regard to the issue that is the subject of the dispute between later amora’im: Concerning one who says: My sin offering, which is sacrificed for me, should not atone for me, Abaye said: This sin offering does not atone for him. Rava said: It atones for him. The Gemara explains: In a case where he said: I do not want it to be sacrificed, everyone agrees

that it does not atone for him, as it is written: “He shall bring it in accordance with his will” (Leviticus 1:3), which indicates that if the offering is brought against his will it is not effective. Where they disagree is when he says: The sin offering should be sacrificed but it should not atone for me. Abaye said: It does not atone for him, as he said that it should not atone for him. Rava said: It does atone for him, as once he says it should be sacrificed, the atonement comes by itself.

²⁸⁷ The Gemara notes: And Rava retracted his opinion, as it is taught in a baraita: One might have thought that Yom Kippur atones for those who repent and for those who do not repent. The baraita elaborates: And there is a logical inference to negate this assertion: Just as a sin offering and a guilt offering atone, and likewise Yom Kippur atones, just as a sin offering and a guilt offering atone only for those who repent, so too, Yom Kippur atones only for those who repent.

²⁸⁸ The baraita rejects this opinion: No, if you said this is the halakha with regard to a sin offering and a guilt offering, which do not atone for intentional sins as they do for unwitting sins, shall you also say that this is the halakha with regard to Yom Kippur, which does atone for intentional sins as it does for unwitting sins? Yom Kippur effects atonement even in cases where offerings do not. And since it is the case that the atonement of Yom Kippur is far-reaching in that it atones for intentional sins as it does for unwitting sins, it follows that it may atone both for those who repent and for those who do not repent. To dispel this notion, the verse states: “Yet on the tenth day of this month it is Yom Kippur” (Leviticus 23:27). By means of the word “yet,” the verse divided and limited the atonement of Yom Kippur so that it atones only for those who repent. This concludes the baraita.

²⁸⁹ The Gemara analyzes this baraita. What is the meaning of: Those who repent and those who do not repent? Shall we say those who repent are those whose transgressions were unwitting, whereas those who do not repent are those whose transgressions were intentional? This cannot be the case, as the baraita teaches: No, if you said this is the halakha with regard to a sin offering and a guilt offering, which do not atone for intentional sins as they do for unwitting sins. Since the baraita is referring to the concepts of intentional and unwitting sins in this clause, the categories of those who repent and do not repent must have another meaning.

²⁹⁰ Rather, the category of those who do not repent is like that which Ulla says that Rabbi Yoḥanan says: If one unwittingly ate forbidden fat and separated an offering for this sin, and became an apostate and subsequently retracted his apostasy, nevertheless, since the offering was rejected from being sacrificed while he was an apostate, it shall remain rejected. Accordingly, the baraita is suggesting that the same applies to one who became an apostate and Yom Kippur passed: Even if he retracts his apostasy, the following Yom Kippur should not atone for his transgression.

²⁹¹ The Gemara rejects this interpretation: Granted, the offering is rejected from the altar, and therefore it cannot be sacrificed at a later stage. But the man himself is fit for atonement, and he can bring another sin offering. The Gemara suggests another interpretation of the baraita: Rather, it must be that the category of those who repent is referring to one who says: My sin offering should atone for me, and the category of those who do not repent is referring to one who says: My sin offering should not atone for me. The Gemara comments: Conclude from the baraita that a sin offering does not atone for one who states beforehand: My sin offering should not atone for me, in contradiction of the earlier statement of Rava. Since Rava was aware of this baraita, he must have retracted his opinion.

²⁹² The Gemara continues its analysis of this baraita by comparing it to another baraita. And the Sages raise a contradiction: One might have thought that Yom Kippur shall atone only for one who fasted on it and did not perform labor on it and declared it a holy convocation. With regard to one who did not fast on it, or performed labor on it, or did not declare it a holy convocation, one might have thought that Yom Kippur shall not atone for him. To counter this the verse states: “Yet on the tenth day of this seventh month it is Yom Kippur” (Leviticus 23:27); the additional emphasis of “it is” serves to teach that the day atones in any case. The ruling of this baraita disputes the one cited earlier, which states that Yom Kippur atones only for those who repent, and both are unattributed baraitot in the Sifra. They are difficult, as they contradict each other.

²⁹³ Abaye said: This is not difficult. This first baraita is the opinion of Rabbi Yehuda HaNasi in accordance with the opinion of Rabbi Yehuda, and that second baraita is the opinion of Rabbi Yehuda HaNasi in accordance with his own opinion. As it is taught in a baraita that Rabbi Yehuda HaNasi says: For all transgressions that are stated in the Torah, whether one repented or whether one did not repent, Yom Kippur atones.

²⁹⁴ Rabbi Yehuda HaNasi continues: This is the halakha except for one who divests himself of the yoke of God, by denying His existence, and one who impudently reveals facets of the Torah in a manner that departs from their true meaning, and one who nullifies the covenant of the flesh, i.e., circumcision. With regard to these, if one repented, Yom Kippur atones, and if not, Yom Kippur does not atone. This indicates that according to the opinion of Rabbi Yehuda HaNasi, Yom Kippur atones even if one did not repent.

²⁹⁵ Rava said: Both this baraita and that baraita are the opinion of Rabbi Yehuda HaNasi in accordance with his own opinion, that Yom Kippur atones even for those who do not repent, but even Rabbi Yehuda HaNasi concedes that with regard to the transgressions of violating Yom Kippur itself, e.g., if one ate or performed labor on Yom Kippur, that Yom Kippur does not atone for those transgressions. He must necessarily concede this point, as if you do not say so, then according to Rabbi Yehuda HaNasi, with regard to the punishment of karet for transgressing the prohibitions of Yom Kippur, since each and every hour of the day atones for one’s sins, how can you find the application of karet in this case?

²⁹⁶ The Gemara questions this proof: And what is the difficulty? Perhaps you find a case where he performed labor the entire night of Yom Kippur and died at dawn, as in such a case there was no daytime of Yom Kippur, which is the part of Yom Kippur that effects atonement, to atone for him. The Gemara asks: That works out well with regard to the punishment of karet for transgressing at night; but with regard to karet for transgressing at daytime, how can you find these circumstances, i.e., how can he be liable to receive karet for transgressing in the day?

²⁹⁷ The Gemara responds: And what is the difficulty? Perhaps while eating bread he choked on a chunk of meat he ate with it, and died, as there was not enough time in the day after his transgression to atone for him. Alternatively, it is referring to a case where he performed labor close to sunset; alternatively, it is referring to a case where as he was performing labor, the hoe with which he was working cut his thigh and he died, as in these cases too there was no time in the day after his transgression to atone for him, either because it was no longer Yom Kippur or because he died immediately.

²⁹⁸ § The mishna teaches: And the Rabbis say: The halakha is the same, i.e., there is no obligation to bring a sin offering, even with regard to the one who blasphemes, as it is stated with regard to the sin offering: “You shall have one law for him who performs the action unwittingly” (Numbers 15:29), excluding one who blasphemes, as he does not perform an action but sins with speech. The Gemara asks: What caused the Rabbis to specify: Even one who blasphemes, as he does not perform an action? Why do the Rabbis mention this explanation?

²⁹⁹ The Gemara explains: The Rabbis heard that Rabbi Akiva teaches in his list of those who must bring a sin offering a necromancer, and he does not teach a sorcerer in his list, and therefore they said to him: What is different about a sorcerer that he does not bring an offering? It must be due to the fact that his transgression does not involve an action. If so, with regard to the sin of one who blasphemes as well, it does not involve an action.

³⁰⁰ The Sages taught in a baraita (Tosefta 1:1): One who unwittingly blasphemes brings an offering, since karet is stated with regard to it. This is the statement of Rabbi Akiva. And the verse states: “Whoever curses his God shall bear his sin” (Leviticus 24:15), as the Gemara will explain. The Gemara asks: And is it an established principle that wherever it is written karet with regard to a mitzva, one who violates it unwittingly brings an offering? But there is the case of the mitzva of the Paschal offering, and the mitzva of circumcision, as the punishment of karet is written for failing to perform them, and yet one does not bring an offering for failing to perform these mitzvot unwittingly.

³⁰¹ The Gemara answers that this is what Rabbi Akiva is saying: One who unwittingly blasphemes brings an offering, since its punishment of karet comes, i.e., is written, in a place where the Torah discusses an offering, i.e., karet is mentioned in a passage that discusses a sin offering (see Numbers 15:27–31). This is the statement of Rabbi Akiva, as he maintains: Since the verse should have written karet in general, i.e., without connecting it to bringing an offering, and yet this karet is written in a place where the Torah discusses an offering, conclude from it that the unwitting blasphemer brings an offering for his transgression.

³⁰² The Gemara analyzes the next clause of the baraita: And the verse states: “Whoever curses his God shall bear his sin” (Leviticus 24:15). The Gemara explains: Here we arrive at the opinion of the Rabbis, and this is what Rabbi Akiva is saying to the Rabbis: You say that the transgression of one who blasphemes does not involve an action, as what is the case of one who blasphemes? It is one who blesses, i.e., curses, the Name, i.e., God. But if so, then concerning the punishment of karet that is written: “That person blasphemes the Lord; and that soul shall be cut off [venikhreta] from among his people” (Numbers 15:30), for what purpose does it come, if not to render him liable to bring an offering?

³⁰³ The Rabbis say to him: It comes to give the punishment of karet to one who curses God, in order to teach that the phrase: “Shall bear his sin,” written in the verse: “Whoever curses his God shall bear his sin” (Leviticus 24:15), is referring to karet, so that one can derive by verbal analogy that an individual who was obligated to bring a Paschal offering for the second Pesah and did not do so is likewise liable to receive karet. As it is written with regard to one who curses God: “Whoever curses his God shall bear his sin,” and it is written with regard to one who was obligated to bring a Paschal offering for the second Pesah and did not do so: “That man shall bear his sin” (Numbers 9:13). Just as there, with regard to one who curses God it is referring to the punishment of karet, so too here, with regard to the Paschal offering it is referring to the punishment of karet.

³⁰⁴ With regard to one who blasphemes, the Sages taught in a baraita: The verse states: “That person blasphemes [megaddef] the Lord” (Numbers 15:30). Isi ben Yehuda says: This is like a person who says to another: You cleaned [geirafat] the bowl and rendered it lacking, i.e., the transgression of blasphemy is so severe that it is compared to one who does actual damage to God. Isi ben Yehuda maintains that the case of the blasphemer is identical to that of one who blesses, i.e., curses, the Name, i.e., God, which is a particularly severe transgression.

³⁰⁵ Rabbi Elazar ben Azarya says that this is like a person who says to another: You cleaned the bowl and removed its contents, but did not render it lacking, i.e., the transgression of blasphemy is not compared to one who does actual damage to God. Rabbi Elazar ben Azarya maintains that the case of the blasphemer is the same as that of an idol worshipper, which is a less severe transgression.

³⁰⁶ This dispute as to the nature of the transgression of the blasphemer is taught in another baraita: “That person blasphemes the Lord” (Numbers 15:30), and Rabbi Elazar ben Azarya says: The verse is speaking of an idol worshipper. And the Rabbis say: The verse comes only to give the punishment of karet to one who blesses, i.e., curses, the Name, i.e., God.

³⁰⁷ MISHNA: There are some women who bring a sin offering of a woman after childbirth and the offering is eaten by the priests. And there are some women who bring a sin offering but it is not eaten. And there are some women who do not bring a sin offering at all.

³⁰⁸ The mishna elaborates: The following women bring a sin offering and it is eaten by the priests: One who miscarries a fetus with a form similar to a domesticated animal, one who miscarries a fetus with a form similar to an undomesticated animal, or one who miscarries a fetus with a form similar to a bird; this is the statement of Rabbi Meir. And the Rabbis say: She does not bring a sin offering unless the fetus has the form of a person.

³⁰⁹ With regard to a woman who miscarries a sandal fetus, i.e., one that has the form of a flat fish; or if she miscarries the placenta; or an amniotic sac in which tissue developed; or a fetus that emerged cut, i.e., in pieces; and likewise a Canaanite maidservant, owned by a Jew, who miscarried; in all these cases she brings a sin offering and it is eaten by the priests.

³¹⁰ And these women bring sin offerings but their sin offerings are not eaten: One who miscarries and does not know the nature of what she miscarried; and two women who miscarried, in a case where one miscarried a fetus of a type for which a woman is exempt from bringing an offering and the other one miscarried a fetus of a type for which a woman is liable to bring an offering, and they do not know which miscarried which type. Rabbi Yosei said: When is their sin offering not eaten? It is when both women went to different places within the Temple to bring their offerings, e.g., this woman went to the east and that woman went to the west. But if both of them were standing together, both of them together bring one sin offering, and it is eaten.

³¹¹ These women do not bring a sin offering: A woman who miscarries an amniotic sac full of water, or one full of blood, or one full of different colors; and likewise a woman who miscarries a fetus with a form similar to fish, or grasshoppers, or repugnant creatures, or creeping animals; and a woman who miscarries on the fortieth day of her pregnancy; and a woman who gives birth by caesarean section. Rabbi Shimon deems a woman liable to bring a sin offering in the case where she gives birth by caesarean section.

³¹² GEMARA: From where do we derive that in the case of a Canaanite maidservant, owned by a Jew, who miscarried, she brings a sin offering and it is eaten? As the Sages taught in a baraita: The passage discussing the halakhot of a woman following childbirth begins with the verse: “Speak to the children of Israel, saying: If a woman conceives and gives birth to a male” (Leviticus 12:2). From this verse I have derived only that the full-fledged children of Israel are included in these halakhot; from where do I derive that a convert and a Canaanite maidservant are also included in these halakhot? The verse states “a woman,” which includes other women.

³¹³ The Gemara asks: What is the meaning of the special emphasis in the mishna: And likewise a Canaanite maidservant? Why does the mishna deem it necessary to write this halakha? The Gemara answers: It might enter your mind to say that when we say: With regard to any mitzva in which a woman is obligated a Canaanite slave is also obligated in that mitzva, this statement applies with regard to a matter that is the same for a man and for a woman. But with regard to the offerings of a woman after childbirth, which is a category that applies to women but does not apply to men, one might say a Canaanite maidservant is not obligated to bring these offerings. It is for this reason the mishna taught the case of a Canaanite maidservant.

³¹⁴ § The mishna teaches: These women bring a sin offering but their sin offerings are not eaten. It then teaches that in a case where one miscarried a fetus of a type for which a woman is exempt from bringing an offering and the other one miscarried a fetus of a type for which a woman is obligated to bring an offering, Rabbi Yosei maintains that if both are standing together they bring one offering together. The Gemara asks: What exactly do they do? The two of them bring one definite burnt offering, and a sin offering of a bird due to uncertainty, and they each stipulate that if she is obligated to bring the sin offering the animal is hers, and if not then it belongs to the other woman.

³¹⁵ The Gemara asks: And is Rabbi Yosei of the opinion that a stipulation is effective in the case of a sin offering? But didn’t we learn in a mishna (23a): With regard to a situation where one of two women unwittingly ate a piece of forbidden fat and is obligated to bring a sin offering, but it is unknown which woman, Rabbi Shimon says: They both bring one sin offering together, and Rabbi Yosei says: They do not both bring one sin offering together. Evidently, Rabbi Yosei is not of the opinion that a stipulation is effective with regard to a sin offering.

³¹⁶ Rava said: Rabbi Yosei concedes that a stipulation is effective with regard to one who has not yet brought an atonement offering to complete the purification process, as is the case concerning a woman after childbirth. And likewise, when Ravin came from Eretz Yisrael to Babylonia he said that Rabbi Yoḥanan says: Rabbi Yosei concedes with regard to one who has not yet brought an atonement offering that a stipulation is effective.

³¹⁷ The Gemara asks: What is the reason for this difference between the sin offering of one who has not yet brought an atonement offering and standard sin offerings? The Gemara answers: There, with regard to a sin offering brought for a transgression, the man requires definite awareness of his transgression for him to be obligated to bring a sin offering, as it is written: “If his sin, which he has sinned, be known to him” (Leviticus 4:28). Therefore, in the case where one of two women ate forbidden fat, they do not bring a sin offering together and stipulate that it should be for whichever of them ate the forbidden fat. But here, with regard to a woman after a miscarriage, when these women bring their sin offering they do so only in order to become permitted in the consumption of sacrificial food, and therefore the stipulation is effective.

³¹⁸ The Gemara cites a proof that this distinction is in fact the opinion of Rabbi Yosei: As it is taught in the latter clause of that mishna that Rabbi Yosei says: With regard to any sin offering that comes as atonement for a sin, two people do not bring it together. This indicates that if a sin offering does not atone for a sin, two people can bring it together.

³¹⁹ § The mishna teaches: And these women do not bring a sin offering, and among them are a woman who gives birth by caesarean section. Rabbi Shimon deems a woman liable to bring an offering in a case where she gives birth by caesarean section. The Gemara asks: What is the reason of Rabbi Shimon? Reish Lakish said that the verse states: “But if she bears a girl” (Leviticus 12:5). The term “she bears” is superfluous in the context of the passage, and it serves to include another type of birth, and what is it? This is a birth by caesarean section.

³²⁰ The Gemara asks: And as for the Rabbis, what is their reasoning? Rabbi Mani bar Pattish said that their ruling is derived from the verse: “If a woman conceives [tazria] and gives birth to a male” (Leviticus 12:2). The word tazria literally means to receive seed, indicating that all the halakhot mentioned in that passage do not apply unless she gives birth through the place where she receives seed, not through any other place, such as in the case of a caesarean section.

³²¹ MISHNA: A woman who gives birth to a daughter counts fourteen days during which she is ritually impure. That is followed by sixty-six days during which she remains ritually pure even if she experiences a flow of blood. The Torah obligates a woman to bring her offering on the eighty-first day (see Leviticus 12:1–6). If the woman miscarries another fetus before that day, she is not required to bring an additional offering. In the case of a woman who miscarries a fetus on the night of, i.e., preceding, the eighty-first day, Beit Shammai deem her exempt from bringing a second offering and Beit Hillel deem her liable to bring a second offering.

³²² Beit Hillel said to Beit Shammai: What is different between the night of the eighty-first and the day of the eighty-first? If they are equal with regard to the halakhot of ritual impurity, i.e., the blood flow of this woman on the eighty-first night renders her ritually impure and all the standard strictures of ritual impurity apply to her, will the two time periods not be equal with regard to liability to bring an additional offering as well?

³²³ Beit Shammai said to Beit Hillel: No, there is a difference between that night and the following day. If you said with regard to a woman who miscarries on the eighty-first day that she is obligated to bring an additional offering, this is logical, as she emerged into a period that is fit for her to bring her offering. Would you say the same with regard to a woman who miscarries on the night of the eighty-first day, where she did not emerge into a period that is fit for her to bring her offering, as offerings are not sacrificed at night?

³²⁴ Beit Hillel said to Beit Shammai: But let the case of a woman who miscarries on the eighty-first day that occurs on Shabbat prove that this distinction is incorrect, as she did not emerge into a period that is fit for her to bring her offering because individual offerings are not sacrificed on Shabbat, and nevertheless she is obligated to bring an additional offering.

³²⁵ Beit Shammai said to Beit Hillel: No, there is a difference between these cases. If you said this ruling with regard to a woman who miscarries on the eighty-first day that occurs on Shabbat, the reason is that although Shabbat is unfit for the sacrifice of an individual offering, it is fit for the sacrifice of a communal offering whose time is fixed, e.g., the daily offering. Would you say the

same with regard to a woman who miscarries on the night of the eighty-first day, as the night is completely unfit, since neither an individual offering nor a communal offering is sacrificed at night?

³²⁶ Beit Shammai add: And as for the ritual impurity status of the blood, i.e., Beit Hillel's opinion that the two time periods are equal with regard to the halakhot of ritual impurity, this does not prove what the halakha should be with regard to offerings, as with regard to a woman who miscarries before the completion of the term of eighty days, her blood is impure like the blood of a woman after childbirth, and nevertheless she is exempt from bringing the offering.

³²⁷ GEMARA: In continuation of the discussion of the mishna, it is taught in a baraita that Beit Hillel said to Beit Shammai: The verse states: "And when the days of her purification are fulfilled, for a son or for a daughter" (Leviticus 12:6). The entire clause: "For a son or for a daughter," is superfluous and serves to include the night preceding the eighty-first day, i.e., if she has a miscarriage at that point she is obligated to bring another offering.

³²⁸ The Gemara relates: Rabbi Hoshaya would regularly study before bar Kappara. He then left him and came to study before Rabbi Ḥiyya. One day Rabbi Hoshaya encountered bar Kappara and raised the following dilemma before him: With regard to a man who experiences a gonorrhea-like discharge [zav], who is obligated to bring an offering on the eighth day of his purification for three discharges, if he saw another three sightings, i.e., experienced an additional three discharges, on the night preceding the eighth day, what do Beit Hillel say about this matter? Must the zav bring a separate offering for this impurity as he would if he experienced the discharges on the eighth day?

³²⁹ Rabbi Hoshaya explains the sides of the dilemma: Is the reason for the ruling of Beit Hillel that a woman who miscarries on the night preceding the eighty-first day must bring an additional offering due to the derivation from the verse, as it is written: "For a son or for a daughter"? But with regard to a zav who saw three sightings on the night preceding the eighth day, they deem him exempt, as in this case there are no superfluous verses from which one could derive this obligation. Or perhaps there is no difference between these halakhot, and just as a woman who miscarried on the night preceding the eighty-first day after childbirth must bring another offering, as it is the night preceding the day upon which she can bring her offering, a zav must likewise bring another offering for this impurity.

³³⁰ Bar Kappara said to Rabbi Hoshaya: What does the Babylonian, i.e., Rabbi Ḥiyya, who came from Babylonia, say about this matter? Rabbi Hoshaya was silent and did not say anything. Bar Kappara said to him: Do we require the statement of Iyya, i.e., Ḥiyya? Let us review the earlier ruling, as the baraita teaches that the verse that states: "For a son or for a daughter" (Leviticus 12:6), serves to include the night of the eighty-first day. This indicates that the halakha applies only in the case of a woman after childbirth.

³³¹ The Gemara suggests: Let us say this dilemma is subject to a dispute between tanna'im. With regard to a zav who saw three sightings on the night preceding the eighth day, it is taught in one baraita that he brings an additional offering, and it is taught in another baraita that he does not bring another offering. What, is it not the case that this is a dispute between tanna'im? As, the tanna of this baraita who taught that he brings an additional offering holds that night is not considered part of a date whose time has not yet arrived, and therefore it is as though the eighth day itself has begun; and the tanna of that baraita who taught that he does not bring another offering holds that night is

considered part of a date whose time has not yet arrived, and consequently it is not yet time to sacrifice his first offering of a zav.

³³² Rav Huna bar Aḥa said that Rabbi Elazar said: These tanna'im both hold that night is considered part of a date whose time has not yet arrived, and therefore a zav who experienced three discharges on the night preceding the eighth day does not bring another offering. And the ruling of this baraita, which taught that he brings an additional offering, is stated with regard to a zav who experienced two sightings. Since this zav has completed his purification process, as he is not obligated to bring an offering, these discharges constitute a new instance of ritual impurity. And the ruling of that baraita, which taught that he does not bring another offering, is stated with regard to a zav who had experienced three sightings. This zav must bring an offering, and the time for the offering has not yet arrived on the eighth night. Therefore, he is not obligated to bring another offering.

³³³ The Gemara raises a difficulty: If the ruling of that baraita is stated with regard to a zav who experienced two sightings, what is the purpose of stating this halakha? It is obvious that this is a new instance of ritual impurity. The Gemara explains: This is what the baraita teaches us: It is specifically if this zav saw a discharge on the night preceding the eighth day that he must bring an offering; but if he saw a discharge on the seventh day he is not obligated to bring an offering. This is because the tanna of this baraita holds: Any sighting of ziva that negates the days of purity, i.e., which causes the zav to have to count seven clean days afresh, does not bring him to the point of being liable to bring another offering.

³³⁴ Rava said: Why did you interpret that which is taught in the baraita, i.e., that he does not bring another offering, as stating a ruling with regard to a zav who experienced three sightings? If that is correct, let the tanna teach this example in the list that appears in a mishna from the next chapter (9a): There are five people who bring one offering for multiple transgressions, i.e., for violating the same transgression several times. The Gemara explains: The tanna did not include this case in that list because he could not state this halakha as a definitive ruling. As Rabbi Yoḥanan says: If the zav saw one discharge at night and then two on the eighth day, he brings an additional offering for these discharges. By contrast, if he saw two discharges at night and one in the day, he does not bring an additional offering.

³³⁵ Rav Yosef said: Know that if a zav saw one discharge at night and two in the day he brings an additional offering. This is because the first sighting of any zav is considered merely semen, since one who has a single discharge of ziva immerses on that day and is rendered ritually pure at sundown, like one who experiences a seminal emission. And yet if he sees two other discharges they combine with the first one to establish him as a zav and render him liable to bring an offering. The same applies in this case with regard to the eighth day.

³³⁶ Rav Sheshet, son of Rav Idi, said: Are the cases comparable? With regard to the first sighting of a zav, he saw it at a time of potential liability to bring an offering, which is why it combines with the next two discharges. By contrast, in a case where a zav sees one discharge at night preceding the eighth day, since he saw it when it was not the time of potential liability to bring an offering for the subsequent two sightings, as one who sees three discharges on the night preceding the eighth day does not bring an additional offering, were it not for the fact that Rabbi Yoḥanan teaches us that it combines with the other two discharges I would say it does not combine with them.

³³⁷ The Gemara asks: And does Rabbi Yoḥanan actually say that night is considered part of a date whose time has not yet arrived, as indicated by his ruling that if a zav experienced two discharges at night and one in the daytime he does not bring an additional offering?

³³⁸ But doesn't Hizkiyya say that if a nazirite contracted ritual impurity through contact with a corpse and underwent the purification rites, after which he must bring an offering on the eighth day, and he again became ritually impure on the eighth day itself, he brings a second set of offerings. But if he became ritually impure on the night preceding the eighth day he does not bring an additional set of offerings, because he could not have brought the offering at night. And Rabbi Yoḥanan says: Even if the nazirite became ritually impure on the night preceding the eighth day, he brings a second set of offerings. This indicates that according to Rabbi Yoḥanan, night is not considered part of a date whose time has not yet arrived.

³³⁹ The Gemara answers: When Rabbi Yoḥanan says that if a zav experienced two discharges at night and one on the eighth day he does not bring an additional offering, he spoke according to the statement of the one who says that night is considered part of a date whose time has not yet arrived. He himself maintains that even if a zav experienced all three discharges at night he must bring an additional offering.

³⁴⁰ The Gemara objects: If he spoke only according to the statement of the one who says that night is considered part of a date whose time has not yet arrived, it is obvious that no new offerings are required. What novelty did Rabbi Yoḥanan intend to express? The Gemara answers: It was necessary for him to teach the first case, of a zav who saw one discharge at night and two in the day. Lest you say: Since he saw the one at night when it was not the time of incurring liability to bring an offering, it should not combine with the other two discharges. Rabbi Yoḥanan therefore teaches us that the discharges do combine with each other.

³⁴¹ MISHNA: With regard to a woman who has in her case uncertainty concerning five births, and likewise a woman with regard to whom there is uncertainty concerning five irregular discharges of blood from the uterus [ziva], she brings one offering, and then she may partake of the meat of offerings. And the remaining offerings are not an obligation for her. If she experienced five definite discharges of a zava or five definite births, she brings one offering, and then she may partake of the meat of offerings. And the remaining offerings are an obligation for her.

³⁴² There was an incident where the price of nests, i.e., pairs of birds, stood in Jerusalem at one gold dinar, as the great demand for birds for the offerings of a woman after childbirth and a zava led to an increase in the price. Rabban Shimon ben Gamliel said: I swear by this abode of the Divine Presence that I will not lie down tonight until the price of nests will be in silver dinars. Ultimately, he entered the court and taught: A woman who has in her case five definite discharges of a zava or five definite births brings one offering, and then she may partake of the meat of offerings. And the remaining offerings are not an obligation for her. And as a result, the price of the nests stood that day at one-quarter of a silver dinar, as the demand for nests decreased.

³⁴³ GEMARA: The Sages taught in a baraita (Tosefta 1:10): If a woman has the obligations of five definite births and five uncertain discharges of a zava, or five definite births and five uncertain births, she brings two nests, one for the definite obligation and one for the uncertain obligation. That which she brought for the definite obligation is eaten by the priests, and the remaining offerings are an

obligation for her. That which she brought for the uncertain obligation is not eaten, and the remaining offerings are not an obligation for her.

³⁴⁴ Rabbi Yoḥanan ben Nuri says: With regard to offerings brought for the definite obligation, she should say: I am bringing the offering for the last definite obligation, and she is exempt from bringing the rest of the offerings. The reason is so that she should not think that no atonement is required for the others. With regard to offerings brought for the uncertain obligation, if there is a definite obligation among the uncertain offerings she should say: I am bringing it for the definite obligation, and she is exempt from the rest. But if there is no definite obligation she should say: I am bringing the offering for any one of them, not necessarily for the last one, and she is exempt. Rabbi Akiva says: Whether she brings her offering for the definite obligation or whether she brings it for the uncertain obligation, she should say: I am bringing it for one of them, and she is exempt.

³⁴⁵ Rav Naḥman bar Yitzḥak said to Rav Pappa: I will say a statement to you in the name of Rava: With regard to these tanna'im, with regard to what matter do they disagree? Their disagreement is that Rabbi Yoḥanan ben Nuri, who requires her to bring the offering for her definite obligation for the last definite obligation, compares the offerings of a woman after childbirth to a sin offering brought for a transgression. As, one who is liable to bring five sin offerings does not achieve atonement until he brings all of them, and only the offering that he brings at the end atones for him. Here too, it is no different, and therefore she achieves atonement and may consume sacrificial food only if she brings an offering for her last obligation.

³⁴⁶ And Rabbi Akiva compares the offerings of a woman after childbirth to immersions in a ritual bath. As with regard to one who is obligated to perform five immersions, once he has immersed one time he is purified. Here too, it is no different, and consequently as soon as she brings an offering for any of the obligations she is ritually pure and is permitted to partake of sacrificial food.

³⁴⁷ Rav Pappa said to Rav Naḥman bar Yitzḥak: If it enters your mind that Rabbi Yoḥanan ben Nuri compares the offerings of a woman after childbirth to a sin offering, why then, with regard to offerings brought for the uncertain obligation, should she say: I am bringing it for any one of them, and she is exempt? If one who is obligated

³⁴⁸ to bring five provisional guilt offerings, when he brings one offering is he exempt from bringing the rest? But isn't it taught in a baraita that this is the principle: In any case where one's transgressions are divided with regard to sin offerings, i.e., where one must bring a separate sin offering for each act when he becomes aware that he has sinned, they are likewise divided with regard to provisional guilt offerings, when there is uncertainty as to whether or not he sinned?

³⁴⁹ Rather, everyone agrees that we compare the sin offerings of a woman after childbirth and a zava to immersions, and therefore by Torah law it is sufficient for her to say: I am bringing it for one of them. And they disagree with regard to whether we are concerned for her negligence. Rabbi Yoḥanan ben Nuri maintains we are concerned for her negligence. In other words, if she says: I am bringing it for one of my obligations, if she gives birth in the following years she might think that she does not need to bring an offering for each birth, and she will neglect to bring an offering. By requiring her to declare: I am bringing the offering for the last definite obligation, the Sages thereby remind her that all her births require offerings. And Rabbi Akiva maintains we are not concerned for her negligence, and therefore it is sufficient for her to say: I am bringing the offering for one of them.

Chapter 2

¹ MISHNA: There are four individuals whose halakhic status is defined as: Lacking atonement [khappara], which means they had been in a state of ritual impurity and underwent rituals to purify themselves, but since they have not yet brought the requisite atonement offering to complete the purification process, they may not partake of sacrificial meat. And there are also four individuals who bring an offering for an intentional transgression in the same manner as they do for an unwitting transgression.

² And these are the four individuals who lack atonement: The man who experiences a gonorrhea-like discharge [zav], the woman who experiences a discharge of uterine blood after her menstrual period [zava], the woman after childbirth, and the leper. In all four of these cases, although the individual has completed all of the other steps of the purification process, the process is not complete until the atonement offering has been brought.

³ Rabbi Eliezer ben Ya'akov says: A convert also lacks atonement, even after he has been circumcised and has immersed in a ritual bath, until the priest sprinkles the blood of his offering on the altar on his behalf. A nazirite also lacks atonement with regard to his permission for drinking wine, and cutting his hair, and his exposure to ritual impurity imparted by a corpse, until his offerings are sacrificed.

⁴ GEMARA: The mishna lists four individuals whose status is defined as lacking atonement until their offering is brought: The zav, the zava, the woman after childbirth, and the leper. The Gemara asks: What is different about a zav and a zava, that the tanna decided to count them as two separate cases? The Gemara answers: They are different due to the fact that the impurity of a zav is distinct from that of a zava, as a zav does not become impure if he has a discharge by accident, i.e., due to a cause such as an illness or having consumed certain foods, whereas there is no such exemption in the case of a zava; and a zava, unlike a zav, does not become impure by three sightings of menstrual-type blood on one day like she becomes impure by sightings on three consecutive days.

⁵ As it is taught in a baraita: The verse states: “When any man has a discharge from his flesh, his discharge is impure” (Leviticus 15:2). The term “from his flesh” teaches that the discharge is impure only if it is due to an internal cause, and not due to his accident. And furthermore, a zav becomes impure by three sightings of gonorrhea-like discharge on one day like he becomes impure by three such sightings on three consecutive days, as it is taught in a baraita: The verse links the impurity of the male, i.e., a zav, to the number of sightings on the same day or on consecutive days, and of the female zava to the number of consecutive days on which she experiences sightings of blood. And by contrast, a zava becomes impure if she has a discharge by accident, and does not become impure by three sightings on one day like she becomes impure by sightings on three consecutive days. Therefore, the mishna counts them as two separate cases.

⁶ The Gemara objects: But the impurities of a male leper and a female leper are also distinct, as a male leper requires letting his hair grow wild and rending his garments, as it is written: “His garments shall be rent and the hair of his head shall go wild” (Leviticus 13:45), and he is prohibited from engaging in sexual intercourse.

⁷ And by contrast, a female leper does not require letting her hair grow wild and rending her garments, as it is taught in a baraita: The verse states: “He is a leprous man” (Leviticus 13:44): I have

derived only that a man can be a leper; from where do I derive that a woman can also be a leper? When the verse states: “And the leper in whom the mark is” (Leviticus 13:45), without specifying a man, the verse teaches that there are two here, i.e., a man and a woman.

⁸ The baraita asks: If so, why does the verse state: “A leprous man”? The baraita answers: The verse removed it from the matter stated earlier, and applied it to the matter stated later: “His garments shall be rent, and the hair of his head shall go wild,” to say that a man who is a leper lets his hair grow wild and rends his garments, but the woman who is a leper does not need to let her hair grow wild and does not rend her garments. And a female leper is permitted to engage in sexual intercourse, as it is stated: “And he shall dwell outside his tent for seven days” (Leviticus 14:8), and not: Outside her tent.

⁹ The Gemara now resumes stating its objection: Therefore, let us count the male and female leper as two separate cases, as the mishna does with regard to the zav and zava. Why does the mishna not do so? The Gemara explains: With regard to a zav and zava, they are treated as separate cases because the essence of their impurity is distinct, as the impurity of a zav is based on the number of sightings of discharge, whereas the impurity of a zava is based on the number of consecutive days on which she experiences sightings of menstrual-type blood. By contrast, with regard to a male leper and female leper, the essence of their impurity is not distinct, as in both this case of a male leper and that case of a female leper, the impurity is based on a leprous mark which is at least the area of a split bean.

¹⁰ § The mishna teaches that Rabbi Eliezer ben Ya’akov says: A convert also lacks atonement until the priest sprinkles the blood of his offering on the altar on his behalf. The Gemara asks: And what is the reason that the first tanna does not also teach a convert, i.e., why does the first tanna not include him in the list of individuals lacking atonement? The Gemara answers: When the first tanna teaches those individuals who lack atonement, he includes any matter where the atonement offering completes the process of purification and thereby permits the individual to partake of sacrificial meat. But when a convert brings his atonement offering, it is to qualify him to enter the congregation of Israel through marriage, not to permit him to partake of sacrificial meat.

¹¹ The Gemara asks: And what is the reason that the first tanna also does not teach that a nazirite lacks atonement? The Gemara answers: Ultimately, as well, when a nazirite brings his offering, it is to permit him to drink non-sacred wine, not to permit him to partake of sacrificial meat.

¹² The Gemara objects: And according to the opinion of Rabbi Eliezer ben Ya’akov, who teaches a nazirite in the mishna’s list of those who lack atonement, because the nazirite brings his offering in order to permit himself to drink wine, let him also teach, i.e., include in the list, a ritually impure nazirite. The Gemara answers: A ritually pure nazirite brings an offering in order to render an action permitted, and therefore Rabbi Eliezer ben Ya’akov considers him lacking atonement. By contrast, when a ritually impure nazirite brings his offering, it is not to render an action permitted, but rather to effect upon himself a new period of naziriteship in purity.

¹³ § With regard to the atonement offering of a convert, the Sages taught in a baraita: A convert is precluded from partaking of sacrificial meat until he brings his bird nest, i.e., his offering of a pair of birds, either pigeons or doves. If he brought one young bird [perida] in the morning, he may partake of sacrificial meat in the evening, and may bring the second bird at a later time. Furthermore, with regard to all other cases in the Torah where bird nests are mandated as offerings, one of the birds is

brought as a sin offering and the other one as a burnt offering; but here, in the case of the convert, both of them are burnt offerings.

¹⁴ The baraita continues: If, instead of birds, the convert brought a burnt offering from an animal as his obligatory offering, he has fulfilled his obligation, and if he brought a burnt offering and a peace offering, he has also fulfilled his obligation; but if he brought a meal offering and a peace offering, he has not fulfilled his obligation. This is because a bird nest was stated in the Torah only to be lenient for him. Therefore, if he voluntarily brought an animal, which is more expensive, as a burnt offering, he has fulfilled his obligation.

¹⁵ The Gemara asks: What is different about a meal offering and peace offering, that if the convert brings these he has not fulfilled his obligation? The Gemara answers: It is as it is written: “And if a stranger dwell with you, or whosoever may be among you, throughout your generations, and will offer an offering made by fire of a pleasing aroma unto the Lord; as you do, so he shall do” (Numbers 15:14). From this verse it is derived: Just as you brought a burnt offering and a peace offering when you entered the covenant on Mount Sinai, as it is stated: “And they sacrificed burnt offerings, and they sacrificed peace offerings” (Exodus 24:5), so too, a convert must bring a burnt offering and a peace offering.

¹⁶ The Gemara objects: If so, in a case where he brought one offering from an animal for his obligation, that should not be enough for him, as isn’t it written: “As you do, so he shall do,” which teaches that he must bring both a burnt offering and a peace offering? Why, then, does the baraita state that a single burnt offering from an animal is sufficient? Rav Pappa says: One can say that this is derived from an a fortiori inference: If a bird offering was included as an inexpensive way for a convert to fulfill his obligation, would the Torah not all the more so include a more expensive animal burnt offering?

¹⁷ The Gemara objects: If so, then even a meal offering should fulfill the convert’s obligation. The Gemara answers: The verse restricts the acceptable offerings, excluding a meal offering, as it states: “Just as you do, so he shall do,” meaning that he must not do less than that.

¹⁸ The Gemara asks: And where was a bird offering included as an option? The Gemara answers that this is as the Sages taught in a baraita: The verse states: “As you do, so he shall do” (Numbers 15:14): Just as you entered the covenant with a burnt offering and a peace offering, so too, a convert fulfills his obligation with a burnt offering and a peace offering, as it is stated: “As you are, so shall the stranger be” (Numbers 15:15). From where is it derived to include the option of the bird offering instead of an animal? The verse states: “An offering made by fire, of a pleasing aroma unto the Lord” (Numbers 15:14). Which item is an offering that is entirely for the Lord? You must say: This is referring to a bird burnt offering, which is entirely consumed upon the altar.

¹⁹ The baraita continues: One might have thought that I include as an option even a meal offering, which would not be entirely consumed on the altar. Therefore, the verse states: “So he shall do,” to exclude a meal offering.

²⁰ It is taught in another baraita: The verse states: “And if a stranger sojourn with you, or whoever may be among you, throughout your generations, and will offer an offering made by fire, of a pleasing aroma unto the Lord, as you do, so he shall do” (Numbers 15:14). From this verse I would derive that he fulfills his obligation with any offering that is brought on the fire of the altar, even a meal offering. Therefore, to negate that interpretation, the verse states: “As you do, so he shall do,”

which teaches that just as you entered the covenant with types of offerings whose blood is sprinkled on the altar, so too must they, converts, bring types of offerings whose blood is sprinkled on the altar.

²¹ The baraita continues: If so, why not derive similarly: Just as you entered the covenant with a burnt offering and a peace offering, so too, they must enter the covenant with a burnt offering and a peace offering? How is it derived that a convert may fulfill his obligation with a single burnt offering from an animal? The baraita answers that the verse states: “As you are, so shall the stranger be before the Lord” (Numbers 15:15). This serves to emphasize: I compared him to you in order to derive that just like you, he too must bring types of offerings whose blood is sprinkled on the altar, but I did not extend this comparison to another matter, i.e., to insist that his offerings must be identical to all of your offerings.

²² The baraita continues: Rabbi Yehuda HaNasi says: The offering of a convert is derived from the verse: “As you are, so shall the stranger be” (Numbers 15:15), which means as your ancestors were: Just as your ancestors entered the covenant only through circumcision and immersion in a ritual bath and the sprinkling of blood on the altar, so too they may enter the covenant only through circumcision and immersion and the sprinkling of some blood, which requires at least a bird offering.

²³ The baraita adds: And it is impossible to bring only one young bird as an offering, as we have not found an offering of a single bird anywhere in the entire Torah. Consequently, if the requirement for the sprinkling of blood is fulfilled with a bird offering, the convert must bring at least two birds. By contrast, if he chooses he may bring a single animal as a burnt offering, because a bird nest was stated in the Torah only in order to be lenient for him.

²⁴ The Gemara challenges Rabbi Yehuda HaNasi’s statement: And is it true that we have not found an offering of an individual bird anywhere in the Torah? But isn’t it taught in a baraita: The verse states with regard to a bird sacrificed as a burnt offering: “And the priest shall sacrifice it” (Leviticus 1:15). Why must the verse state this? Since it is stated about doves: “And he shall sacrifice his offering of doves” (Leviticus 1:14), in the plural, I might derive from here that the one who says: It is incumbent upon me to bring a bird as a burnt offering, shall not bring less than two young birds. Therefore, the verse states: “And the priest shall sacrifice it” (Leviticus 1:15), in the singular, to teach that one may bring a gift offering of even one single young bird. The Gemara responds: In any event, we have not found an obligatory offering of just one bird.

²⁵ The Gemara challenges this assertion as well: But isn’t there the offering of a woman after childbirth, who brings a single pigeon or dove as a sin offering (Leviticus 12:6)? The Gemara answers: This is not difficult, because in that case there is a lamb with it as part of her offerings; the bird is not brought as a complete offering by itself.

²⁶ The Gemara returns to the main part of Rabbi Yehuda HaNasi’s statement. The Master said: Just as your ancestors entered the covenant only through circumcision, immersion in a ritual bath, and the sprinkling of blood, converts must do the same. The Gemara objects: Granted, they underwent circumcision prior to entering the covenant, as it is written: “For all the nation that left Egypt was circumcised” (Joshua 5:5). Alternatively, it may be derived from here, a verse describing the redemption from Egypt: “And when I passed by you, and saw you wallowing in your blood, I said unto you: In your blood, live; and I said unto you: In your blood, live” (Ezekiel 16:6). The Sages interpret the double mention of blood in this verse as referring to the blood of the Paschal offering and the blood of circumcision.

²⁷ The Gemara continues: And granted as well, they entered the covenant through the sprinkling of blood, as it is written: “And he sent the young men of the children of Israel, and they sacrificed burnt offerings, and they sacrificed peace offerings” (Exodus 24:5). The Gemara asks: But from where do we derive that immersion in a ritual bath was also part of the process of entering the covenant? The Gemara answers: As it is written: “And Moses took half the blood...and sprinkled it on the people” (Exodus 24:6–8), and there is no sprinkling of sacrificial blood without immersion.

²⁸ The Gemara objects: If that is so, that these three rituals are required by Torah law for a convert to enter the congregation, then now, in our time, when there are no offerings, we not should have the ability to accept converts. In response, Rav Aḥa bar Ya’akov says that the verse states: “And if a stranger sojourn with you, or whosoever may be among you, throughout your generations” (Numbers 15:14). This teaches that converts may be accepted throughout the generations, even when there is no Temple and sacrificial offerings are therefore impossible.

²⁹ § With regard to the offerings of a convert, the Sages taught in a baraita: A convert in the present time is required to set aside a quarter of a dinar for his bird nest, so that when the Temple is rebuilt he can purchase the offering with this money. Rabbi Shimon says: Rabban Yoḥanan ben Zakkai already assembled a panel of Sages who voted and nullified this ordinance, due to a potential mishap. If one would inadvertently use such money, he would be liable for the misuse of consecrated property. Rav Idi bar Gershom says that Rav Adda bar Ahava says: The halakha is in accordance with the opinion of Rabbi Shimon, who says that a convert should not set aside money for the purchase of offerings.

³⁰ The Gemara comments: And there are those who teach this statement of Rav Adda bar Ahava with regard to this case, as the Sages taught in a baraita: A gentile who resides in Eretz Yisrael and observes the seven Noahide mitzvot [ger toshav] is permitted to perform labor on Shabbat for himself in the same manner that a Jew is permitted to perform labor on the intermediate days of a Festival, i.e., only for matters that, if unattended, will result in significant loss.

³¹ The baraita continues: Rabbi Akiva says: A ger toshav may perform labor on Shabbat in the same manner that a Jew is permitted to perform labor on a Festival, i.e., only for the purpose of preparing food. Rabbi Yosei says: A ger toshav may perform labor on Shabbat for himself in the same manner that a Jew is permitted to perform labor on a weekday. Rabbi Shimon says: Both a ger toshav and a resident male or female slave may perform labor on Shabbat for themselves in the same manner that a Jew may perform labor on a weekday. According to this tradition, it is in relation to this baraita that Rav Adda bar Ahava said that the halakha is in accordance with the opinion of Rabbi Shimon.

³² MISHNA: These individuals bring an offering for an intentional transgression in the same manner as they do for an unwitting transgression: One who engages in intercourse with an espoused maidservant, who is liable to bring a guilt offering (see Leviticus 19:20–22); and a nazirite who became ritually impure, who is required to bring a sheep as a guilt offering and two doves or two pigeons, one as a sin offering and one as a burnt offering (see Numbers 6:9–12); and one who falsely takes the oath of testimony, asserting that he does not have any testimony to provide on a given issue (see Leviticus 5:1); and one who falsely takes the oath on a deposit, asserting that an item belonging to another is not in his possession (see Leviticus 5:21–26).

³³ There are five individuals who bring one offering for several transgressions, i.e., for violating the same transgression several times; and there are five individuals who bring a sliding-scale offering, which is determined based on the financial status of the sinner. These are the five individuals who

bring one offering for several transgressions: First, one who engages in several acts of intercourse with an espoused maidservant, and second, a nazirite who became ritually impure due to several instances of contact with ritual impurity.

³⁴ gemara The mishna teaches that one who engages in intercourse with an espoused maidservant brings an offering for an intentional transgression as he does for an unwitting transgression. The Gemara asks: From where do we derive this?

³⁵ As the Sages taught in a baraita: The verse states: “And the priest shall make atonement for him with the ram of the guilt offering before the Lord for his sin that he has sinned” (Leviticus 19:22). The superfluous phrase: That he has sinned, teaches that he brings one offering for several transgressions. Furthermore, the verse concludes: “With the ram of the guilt offering before the Lord for his sin that he has sinned; and he shall be forgiven for his sin that he has sinned.” The second occurrence of the phrase “that he has sinned” serves to render the halakha with regard to an unwitting transgression the same as it is with regard to an intentional transgression, that one brings a guilt offering in either case.

³⁶ § The mishna teaches: A nazirite who became ritually impure brings an offering for an intentional transgression as he does for an unwitting transgression. The Gemara asks: From where do we derive this?

³⁷ The Gemara answers: It is as it is written with regard to a nazirite: “And if any man die unexpectedly [befeta], suddenly [pitom] beside him” (Numbers 6:9). When the verse states: “Unexpectedly,” this is referring to an unwitting transgression, and similarly, it states: “But if he thrust him unexpectedly without enmity” (Numbers 35:22). And when the verse states: “Suddenly,” this is referring to circumstances beyond his control, and similarly, it states: “And the Lord spoke suddenly to Moses, and to Aaron, and to Miriam: Come out you three to the Tent of Meeting. And they three came out” (Numbers 12:4). The Lord’s speech came to them suddenly, in a manner that was beyond their control.

³⁸ It is taught in another baraita: “Suddenly”; this is referring to an intentional transgression, and similarly the verse states: “A prudent man sees the evil, and hides himself; but the thoughtless pass on, and are punished” (Proverbs 22:3). The tanna interprets the expression “the thoughtless [peta’im]” as related to the word “suddenly [pitom],” and one can be punished, as the thoughtless are punished in the verse, but only for an intentional transgression.

³⁹ The Gemara objects: Let the verse write simply: “Suddenly [pitom],” as this term indicates unwitting transgression, and it also indicates intentional transgression, and it also indicates transgression due to circumstances beyond his control. The Gemara elaborates: “Suddenly” indicates intentional transgression and transgression due to circumstances beyond his control, as the tanna said in the baraitot earlier; and it also indicates unwitting transgression, as it is written: “The thoughtless one [peti] believes every word” (Proverbs 14:15), and because he is misinformed, his transgression is unwitting. And if so, let the verse not write: Unexpected [peta].

⁴⁰ The Gemara explains: If the verse had written only “suddenly,” which indicates unwitting transgression, and also indicates intentional transgression, and also indicates transgression due to circumstances beyond his control, I would say: When a nazirite brings an offering, it is in a situation where he transgressed unwittingly, as is the case for all mitzvot in the entire Torah, that one is generally liable to bring an offering for an unwitting transgression; but for a transgression due to

circumstances beyond his control or an intentional transgression, I would say the nazirite is not liable to bring an offering.

⁴¹ Therefore, the Merciful One wrote: Unexpected, which is a term that indicates unwitting transgression, in order to reveal about the word “suddenly” that it is a term that indicates transgression due to circumstances beyond his control or intentional transgression. Consequently, it teaches that even in this case the Merciful One rendered him liable to bring an offering.

⁴² § The mishna teaches that one who falsely takes the oath of testimony brings an offering for an intentional transgression in the same manner as he does for an unwitting transgression. The Gemara asks: From where do we derive this halakha? The Gemara answers that it is as the Sages taught in a baraita: With regard to all those who are liable to bring a sliding-scale offering, it is stated: “And it be hid from him” (see Leviticus 5:2–4). But here, with regard to the oath of testimony (Leviticus 5:1), it is not stated: And it be hid from him. This omission serves to render him liable for an unwitting transgression in the same manner as an intentional transgression.

⁴³ The mishna teaches that one who falsely takes the oath on a deposit brings an offering for an intentional transgression as he does for an unwitting transgression. The Gemara asks: From where do we derive this halakha? The Gemara answers: The tanna derives it from a verbal analogy between the term “shall sin,” stated with regard to an oath on a deposit (Leviticus 5:21), and the term “shall sin,” stated with regard to the oath of testimony (Leviticus 5:1). It is derived from this verbal analogy that just as in the case of the oath of testimony one is liable for committing an intentional transgression in the same manner as an unwitting transgression, the same applies to the oath on a deposit.

⁴⁴ § The mishna teaches: There are five individuals who bring one offering for several transgressions, i.e., for violating the same transgression several times. Among them, the tanna teaches: One who engages in several acts of intercourse with an espoused maidservant. The Gemara asks: From where do we derive this halakha?

⁴⁵ The Gemara answers: It is as the Sages taught in a baraita: The verse states: “And the priest shall make atonement for him with the ram of the guilt offering before the Lord for his sin that he has sinned” (Leviticus 19:22). The superfluous phrase “that he has sinned” teaches that he brings one offering for several transgressions. Furthermore, the verse concludes: “With the ram of the guilt offering before the Lord for his sin that he has sinned; and he shall be forgiven for his sin that he has sinned.” The second instance of the phrase “that he has sinned” serves to render the halakha with regard to an intentional transgression the same as it is with regard to an unwitting transgression, that one brings a guilt offering in either case.

⁴⁶ The Gemara objects: But when this verse is written, it is written with regard to an intentional transgression, as the verse states: “There shall be an inspection” (Leviticus 19:20), which indicates a punishment of lashes, and lashes are given only for an intentional transgression. The Gemara responds: Rather, say that the language of the baraita should be reversed, as follows: The phrase “that he has sinned” renders the halakha with regard to an unwitting transgression to be the same as it is with regard to an intentional transgression.

⁴⁷ Rabbi Ḥanina of Tirna’a raised a dilemma before Rabbi Yoḥanan: If one engages in intercourse with five espoused maidservants [shefaḥot ḥarufot] in one lapse of awareness, meaning that he was not informed of the prohibition in between his unwitting transgressions, what is the halakha? Is he

liable to bring an offering for each and every one, or is he liable to bring only one offering? Rabbi Yoḥanan said to him: He is liable to bring an offering for each and every one.

⁴⁸ Rabbi Ḥanina asked Rabbi Yoḥanan: What is different about this instance compared to the case of five lapses of awareness with regard to one espoused maidservant, when he brings only one offering, as stated in the mishna? Rabbi Yoḥanan said to him: In a case of multiple transgressions with one espoused maidservant, there are not separate bodies, as he committed multiple transgressions with the same individual. By contrast, in a case of separate transgressions with five espoused maidservants, there are five separate bodies, and therefore each one requires a separate offering.

⁴⁹ Rabbi Ḥanina further asked Rabbi Yoḥanan: And from where do we derive that there is halakhic significance to the separate bodies in the case of an espoused maidservant? Rabbi Yoḥanan said to him: Did you not state with regard to those with whom relations are forbidden that when the verse states: “And you shall not approach unto a woman to uncover her nakedness, as long as she is impure by her uncleanness” (Leviticus 18:19), this serves to require separate offerings for each and every woman with whom one committed unwitting transgressions? With regard to an espoused maidservant it is also similarly written: “And if a man lies carnally with a woman,

⁵⁰ and she is a maidservant designated to a man” (Leviticus 19:20). This verse likewise serves to require separate offerings for each and every espoused maidservant.

⁵¹ § The mishna teaches: A nazirite who became ritually impure with several instances of contact with ritual impurity brings one offering for several transgressions. The Gemara asks: Who is the tanna that taught this?

⁵² Rav Ḥisda said: It is the opinion of Rabbi Yosei, son of Rabbi Yehuda, who says: A new naziriteship of purity, which is required of a nazirite who became ritually impure, takes effect from the seventh day of the nazirite’s purification. And therefore, you find that the nazirite brings one offering for several transgressions in a case where he became impure on the seventh day of his purification, was pure for seven days, and again became impure on the seventh day of his purification. And since for each case where he became impure the appropriate time to sacrifice an offering, i.e., the eighth day of his purification, had not yet emerged, he is liable to bring only one offering.

⁵³ Rav Ḥisda explains: The mishna must be in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda, as if it follows the opinion of Rabbi Yehuda HaNasi, then it is not possible for a nazirite to bring one offering for several transgressions, since Rabbi Yehuda HaNasi says: A new naziriteship of purity does not take effect until a nazirite’s eighth day of purification. If there was a case where a nazirite became impure on the seventh day of his purification, was pure for seven days, and then became impure again on the seventh day of his purification, according to Rabbi Yehuda HaNasi, that is all one long period of impurity, as the new term of naziriteship has not yet begun, and therefore the nazirite brings one offering for the entire period.

⁵⁴ And if there was a case where a nazirite became impure on the eighth day of his purification, was pure for seven days, and then again became impure on the eighth day of his purification, then since the appropriate time to sacrifice an offering had emerged, he is obligated to bring an offering for each and every time he became impure. Rav Ḥisda concludes: Rather, conclude from it that the mishna is in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda.

⁵⁵ The Gemara clarifies: And what is the statement of Rabbi Yosei, son of Rabbi Yehuda? As it is taught in a baraita: The verse states with regard to a nazirite who begins a new naziriteship of purity after having become impure: “And on the eighth day he shall bring two doves or two pigeons...And the priest shall prepare one for a sin offering and the other for a burnt offering, and make atonement for him, for that he sinned by reason of the dead; and he shall sanctify his head on that day” (Numbers 6:10–11). This teaches that the new term of naziriteship begins on the day of the bringing of his offerings, which is the eighth day of his purification. This is the statement of Rabbi Yehuda HaNasi.

⁵⁶ By contrast, Rabbi Yosei, son of Rabbi Yehuda, says: The verse means that the new term of naziriteship begins on the day of his shaving, i.e., the seventh day of his purification.

⁵⁷ MISHNA: The mishna continues to list the five situations in which one offering is brought to atone for several transgressions: Third, one who issues a warning to his wife declaring himself jealous with regard to several different men with whom he suspects her of committing adultery, and forbidding her to be alone with them. If the wife was then found separately in seclusion with each of the men, he brings her to the Temple with one single meal offering of jealousy. And fourth, a leper who was afflicted with several instances of leprosy, meaning that he was purified from his leprosy, and before he brought his offerings, he suffered a relapse of the leprosy. When he is finally purified, he brings only one set of offerings.

⁵⁸ If a leper brought the two requisite birds on the first day of his purification (see Leviticus 14:4–7), and prior to bringing his offerings on the eighth day of his purification he was afflicted with a relapse of leprosy, those birds do not satisfy his obligation until he brings his sin offering. Rabbi Yehuda says: Until he brings his guilt offering.

⁵⁹ GEMARA: The mishna teaches that if a man issues a warning to his wife with regard to several different men, and the wife violates the warning and is secluded with each of them, he brings one meal offering of jealousy. The Gemara asks: From where do we derive this halakha? The Gemara answers that it is as it is written: “This is the law of jealousies, when a wife, being under her husband, goes aside, and is defiled” (Numbers 5:29). The plural form of the word “jealousies,” teaches that one law, meaning one sacrificial offering, can suffice for several jealousies, i.e., different warnings.

⁶⁰ The mishna teaches that a leper who was afflicted with several instances of leprosy brings one single offering. The Gemara asks: From where do we derive this halakha? The Gemara answers that it is as it is written: “This shall be the law of the leper in the day of his purification” (Leviticus 14:2). The term “the law” teaches that one law, meaning one sacrificial offering, can suffice for several lepers, i.e., for several instances of leprosy in the same individual.

⁶¹ § The mishna teaches: If a leper brought the two birds on the first day of his purification, and prior to bringing his offerings on the eighth day of his purification he was afflicted with a relapse of leprosy, those birds do not satisfy his obligation until he brings his sin offering. Rabbi Yehuda says: Until he brings his guilt offering. This apparently means that when he is healed from the relapse of his leprosy, he must bring additional birds to fulfill the obligation generated by the first instance of leprosy.

⁶² The Gemara challenges this assumption: But didn’t you say in the mishna that he brings only one set of offerings for several instances of leprosy? The Gemara answers: The text of the mishna is

incomplete, and this is what it is teaching: In the case of a leper who was afflicted with several instances of leprosy and was subsequently purified from his leprosy, if he brought the two birds, and was then afflicted with a relapse of leprosy, he brings only one set of offerings. But with regard to establishing whether a leper has a status of poverty or of affluence in order to determine whether he brings a poor man's offering or a rich man's offering (see Leviticus, chapter 14), that is not established until he brings his sin offering. Rabbi Yehuda says: The leper's status of poverty or affluence is not established until he brings his guilt offering.

⁶³ The Gemara cites a dispute that supports this interpretation: We learned in a mishna there (Nega'im 14:11): In a case of a leper who was poor when he brought his guilt offering and then became wealthy before bringing the other offerings, all differences in offerings between a leper with the status of a rich man or a poor man follow his status at the time he brought his sin offering; this is the statement of Rabbi Shimon. Rabbi Yehuda says: It all follows his status at the time he brought his guilt offering. The Gemara cites an additional opinion: It is taught in a baraita that Rabbi Eliezer ben Ya'akov says: It all follows his status at the time he brought the two birds.

⁶⁴ Rav Yehuda says that Rav says: All three of them interpreted the same verse to arrive at their respective opinions: "This is the law of he who has the mark of leprosy, whose means do not suffice for that which pertains to his purification" (Leviticus 14:32). Rabbi Shimon holds that the term "his purification" is referring to the matter that atones for his sin, i.e., the sin offering. Rabbi Yehuda holds that it is referring to the matter that renders him fit to consume sacrificial meat, which is the guilt offering. And Rabbi Eliezer ben Ya'akov says that it is referring to the matter that causes him to return to a state of purity. And what are these? The birds.

⁶⁵ MISHNA: The mishna continues with the last of the five situations in which one offering is brought to atone for several transgressions: A woman who gave birth to several offspring. This is a case where a woman gave birth to a daughter, after which she is ritually impure for fourteen days and then enters a period of sixty-six days of ritual purity, even if she experiences uterine bleeding. Nevertheless, during this interim period, she is still somewhat impure, and it is therefore prohibited for her to enter the Temple or to partake of consecrated food, and at the end of the period she must bring an offering. And during those days of ritual purity, she became pregnant again and then miscarried a female fetus within the eighty days, and then became pregnant again and miscarried another female fetus within eighty days of the first miscarriage. In this situation, when she ultimately completes her process of purification, she brings one single offering for all the births and miscarriages.

⁶⁶ And a similar halakha applies to a woman who miscarries multiple fetuses from a single pregnancy at different points in time, miscarrying each fetus before completing the purification period of forty days for a male or eighty days for a female for the previous fetus. When she finally completes her process of purification, she brings one single offering for all of the miscarriages.

⁶⁷ Rabbi Yehuda says: In these cases, a single offering does not suffice for all the births or miscarriages. Rather, she brings an offering for the first birth or miscarriage and does not bring an offering for the second miscarriage, as it took place before the completion of the purification period for the first. She then brings an offering for the third miscarriage and does not bring an offering for the fourth fetus, as it was miscarried before the completion of the purification period for the third fetus.

⁶⁸ GEMARA: The mishna teaches that a woman who gave birth to several offspring brings a single offering. The Gemara asks: From where do we derive this halakha? The Gemara explains: As the tanna taught a baraita before Rav Sheshet with regard to the verse: “This is the law for the woman who bears a child, whether a male or a female” (Leviticus 12:7). This teaches that she brings one offering for several offspring. One might have thought that she brings one single offering even in a case where she becomes purified simultaneously both for a birth and for an irregular discharge of blood from the uterus [ziva]. Therefore, the verse states: “This,” to exclude such a case.

⁶⁹ The Gemara challenges the assumption that was refuted by the textual derivation: The tanna teaches: One might have thought that even in a case where she completes her purification at the same time for a birth and for ziva, she should bring only one offering. If that is so, then in a case where she consumed blood unintentionally, and is therefore liable to bring a sin offering, and she also gave birth, might one also have thought that she should bring only one offering? That is illogical, as these offerings are two completely different obligations. So too, the offerings after childbirth and ziva are two separate obligations.

⁷⁰ The Gemara explains: Rather, say that this is what the tanna taught: One might have thought that she should bring only one offering for a birth that occurred before the completion of the term, i.e., the first birth, and for a birth that occurred after the completion of the purification period for the first one. Therefore, the verse states: “This,” to negate that assumption.

⁷¹ § The mishna teaches that in a case of a woman who miscarried within the eighty-day purification period of a previous miscarriage, and then miscarried a third time within the eighty-day purification period for the second miscarriage, the first tanna says that she brings a single offering for all of them, and Rabbi Yehuda says that she must bring a separate offering for the third miscarriage, as it took place after the completion of the purification period for the first one. The Gemara states: When you analyze the matter you will find that one should say that according to Rabbi Yehuda, the first fetus is the one that causes the obligation of the offering, and she therefore counts the purification period from the birth or miscarriage of the first fetus; and according to the Rabbis, it is the second fetus that causes the obligation of the offering, and she counts the purification period from the birth or miscarriage of the second fetus.

⁷² The Gemara asks: Why was it necessary to state that when you analyze the matter you will find that one should say that according to Rabbi Yehuda the first fetus causes the obligation and according to the Rabbis it is the second fetus which causes the obligation? This is obvious, as it is stated explicitly. The Gemara answers: It was necessary for the Gemara to say this with regard to the case of a woman who miscarries multiple fetuses from the same pregnancy. It might enter your mind to say that in a case of a woman who miscarries multiple fetuses from the same pregnancy, Rabbi Yehuda concedes to the Rabbis that as the fetuses were in the womb together, their births are deemed a single event, and therefore the woman counts eighty days from the miscarriage of the second fetus. Consequently, the Gemara teaches us that Rabbi Yehuda disagrees with the Rabbis even in this case.

⁷³ § A dilemma was raised before the Sages:

⁷⁴ Concerning ritual impurity, what does Rabbi Yehuda say? Do we say that Rabbi Yehuda says that the second offspring is considered as though it does not exist only with regard to the matter of an offering? In other words, since the time in which it was possible to sacrifice an offering for the second fetus had not yet emerged, since that is so, the second offspring is considered as though it

does not exist. But concerning the matter of ritual impurity and purity, we say that he holds that it is considered as something that does exist, and accordingly, the days of impurity brought on by the second birth interrupt the days of purity following the first birth. The woman must therefore observe the days of impurity for the second birth, and afterward she completes the days of purity for the first birth, and then counts the days of purity brought on by the second fetus.

⁷⁵ Or perhaps, according to Rabbi Yehuda, the second offspring is considered as though it exists only where there is a stringency that results from that definition. But here, if the woman would complete the days of purity of the first birth after the days of impurity of the second, this is a leniency, as she is deemed pure even if she sees blood during these days, and therefore, perhaps Rabbi Yehuda does not hold that the offspring is considered existent where this results in a leniency.

⁷⁶ Rav Huna from Sura said: Come and hear a proof from a baraita: In the case of a woman after childbirth, one slaughters the Paschal offering and sprinkles its blood on her account on the fourteenth of Nisan, if this occurs on the fortieth day after giving birth to a male or on the eightieth day after giving birth to a female. Although she is still impure at the time of the sacrifice, she will be able to partake of the Paschal offering on the night of the fifteenth of Nisan.

⁷⁷ The Sages challenged this baraita: Is that so? But she is still impure on the night of the fifteenth of Nisan, and she may not partake of sacrificial meat until she brings her offering on the forty-first day for a male or the eighty-first day for a female. And Rav Ḥisda said in response: In accordance with whose opinion is this baraita? It is in accordance with the opinion of Rabbi Yehuda, who says that the second offspring is deemed as though it does not exist. The baraita is dealing with a case where the woman gave birth to two male offspring on two consecutive days, and the fourteenth of Nisan occurred on the fortieth day after the birth of the second offspring, which is the forty-first day following the birth of the first.

⁷⁸ And if you say that concerning impurity, Rabbi Yehuda holds that the second offspring is considered as though it is extant, which means that the days of purity following the first birth are delayed by the second birth and the mother does not become pure until the second term is complete, how may one slaughter the Paschal offering on her account on the fortieth day? After all, in the evening of the fifteenth she also may not eat the Paschal offering, because only forty days will have passed from the time of the second birth, and she would still be impure. Rather, must one not conclude from it that concerning ritual purity and impurity, Rabbi Yehuda holds that the second offspring is considered as though it does not exist?

⁷⁹ The Gemara rejects this proof: Actually, I could say to you: Even concerning impurity and purity, Rabbi Yehuda holds that the second offspring is considered as something that does exist; and when that baraita is taught, it is dealing with a case of a woman who gave birth to one child, and it is referring to a case of a Paschal offering that is brought in impurity. When the majority of a community is impure, the Paschal offering is brought even in impurity.

⁸⁰ The Gemara objects: And in that case, does she partake of it, as the baraita suggests? But didn't we learn in a mishna (Pesahim 95b): With regard to a Paschal offering brought in impurity, men who experience a gonorrhea-like discharge [zavim], women who experience a discharge of uterine blood after their menstrual periods [zavot], menstruating women, and women after childbirth may not partake of it?

⁸¹ The Gemara explains: In that case, they do not partake of it because they did not immerse themselves in a ritual bath. But when that mishna is taught, that one slaughters the Paschal offering and sprinkles its blood on her account, the reason is that she had already immersed herself on the eighth day after giving birth. The Gemara objects: If that is so, then it is from the eighth day following his birth that she is fit to eat a Paschal offering brought in impurity, and there is no reason for the baraita to specify that the offering is slaughtered on the fortieth day.

⁸² The Gemara explains: Actually, she is not fit from the eighth day, because the tanna maintains that a zav who immersed that day and is waiting for nightfall for the purification process to be completed is considered to have the status of a zav and may not partake of a Paschal offering brought in ritual impurity. Similarly, a woman who immerses after giving birth is considered like one who immersed that day, and therefore she cannot partake of sacrificial meat until the end of the forty-day period.

⁸³ The Gemara objects: If that is so, then on the fortieth day she is also not fit to eat the Paschal offering. The Gemara explains: This is not so; on the fortieth day she is fit to partake of the Paschal offering after nightfall, because the tanna holds that a zav who has immersed himself and waited for nightfall but is lacking atonement, i.e., he has not yet brought an atonement offering to complete the purification process, is not considered to have the status of a zav. Therefore, after completing the purification period, the woman may partake of the offering, despite the fact that she has not yet brought her atonement offering.

⁸⁴ The Gemara asks: But according to Rava, who says that a zav who is lacking atonement is considered to have the status of a zav, how does he resolve the problem in this baraita? Rav Ashi said that Rava resolves it as follows: The baraita is not referring to the fortieth day after the birth of a male, but to a miscarriage that occurred on the fortieth day after the conception of a male, or the eightieth day after the conception of a female. And it is in accordance with the opinion of Rabbi Yishmael, who says that it takes forty-one days for a male fetus to be formed, and eighty-one days for a female fetus to be formed. Since the miscarriage occurred before the forty-first or eighty-first day, it does not render the woman impure with the impurity of childbirth, and therefore she may partake of the Paschal offering.

⁸⁵ The Gemara objects: But ultimately, one should conclude that she is impure because she has the status of a menstruating woman. The Gemara explains: The mishna was stated with regard to the case of a dry birth, in which no blood was expelled, and therefore no impurity imparted. The Gemara asks: If that is so, then what is the purpose of stating it? The ruling in such a case is obvious. The Gemara answers: It was necessary to state it, lest you say that it is impossible for the womb to open without blood being expelled. The tanna therefore teaches us that it is possible for the womb to open without blood being expelled. Accordingly, Rabbi Yehuda's opinion with regard to the impurity of a second birth cannot be deduced from this mishna.

⁸⁶ Rabbi Shemaya said: Come and hear a proof from a baraita: The verse states with regard to a woman who gave birth to a female: "And she shall continue in the blood of purification sixty days and six days" (Leviticus 12:5). One might have thought that she counts the days whether they are continuous or dispersed. Therefore, the verse states: "Sixty days and six days," to teach that just as a day is a continuous time period, so too all sixty days are continuous. And whose opinion is this? If we say it is the opinion of the Rabbis, that cannot be correct, as are the Rabbis of the opinion that it is

possible for a woman who gave birth to count dispersed days? This is not the case, as the Rabbis count the days of purification from the second birth.

⁸⁷ Rather, is it not the opinion of Rabbi Yehuda? And from the fact that he prescribes for her sixty continuous days to be counted together, conclude from it that Rabbi Yehuda maintains that the second offspring is considered extant only where a stringency results, but where a leniency results, in that she continues counting the days of purity of the first birth after completing the days of impurity for the second birth, he does not maintain that the second offspring is considered as though it exists.

⁸⁸ The Gemara rejects this proof: No, actually, the baraita is stated in accordance with the opinion of the Rabbis. And what are we dealing with here? We are dealing with a woman who gives birth to a male within the eighty-day period following the birth of a female, so that the forty-day period for the male is entirely subsumed within the purification period for the female. In such a case, even the Rabbis would maintain that the second birth does not interrupt the term following the first. She would observe the seven days of impurity for the male, and then complete the days of purity for the female. Consequently, the verse teaches that the sixty-six days of purity following the first birth are observed continuously, and there is no need to observe additional days due to the intervening days of impurity.

⁸⁹ The Gemara objects: But ultimately, this scenario is impossible; the reason is that the days of the first birth are completed while the days of the latter birth are not completed, as the Rabbis count the days following the second birth, and therefore the term relating to the first birth is abandoned. The Gemara offers a different explanation of the baraita: Rather, you find a case of counting dispersed days according to the Rabbis in a case where a woman gives birth to twins, first a female and then a male, and for example, she gives birth to the latter offspring, the male, on the twentieth day of the days of purity for the female, as she is required to observe for him seven days of impurity for birth.

⁹⁰ The Gemara explains: And this is what the baraita is saying: One might have thought that where she gave birth to twins, a female initially and a male afterward, that the impurity of the second birth interrupts the term following the first birth in the middle, and she counts sixty-six dispersed days. Therefore, the verse states: “Sixty days and six days,” to teach that just as a day is an entirely continuous time period, so too all sixty days are to be continuous. Since the baraita could be in accordance with the opinion of the Rabbis, no proof can be inferred with regard to the opinion of Rabbi Yehuda.

⁹¹ Abaye said: Come and hear a proof from a baraita which discusses a woman who gave birth to a male. The verse states: “And she shall continue in the blood of purification three days and thirty days” (Leviticus 12:4). One might have thought that she counts the days whether they are continuous or dispersed. Therefore, the verse states: “Three days and thirty days,” to teach that just as a day is an entirely continuous time period, so too all thirty days are to be continuous. And whose opinion is this? If we say it is the Rabbis, that cannot be correct, as are the Rabbis of the opinion that

⁹² it is possible for a woman who gave birth to count dispersed days? No, as the Rabbis say that she counts the days from the birth of the second fetus. Rather, is it not the opinion of Rabbi Yehuda? And therefore, conclude from it that Rabbi Yehuda is of the opinion that the second offspring is considered as though it exists only where a stringency results, but where a leniency results, he is not of the opinion that the second offspring is considered to have existed.

⁹³ And further, Rav Ashi said: Come and hear a proof from a baraita, which discusses the verse: “Sixty days and six days” (Leviticus 12:5). One might have thought that she counts these six days whether they are continuous or dispersed, so that if, for example, she miscarried on the sixty-third day, she would complete the remaining three days of purity for the first fetus after completing the period of purification for the second. Therefore, the verse states: “Sixty” to teach that just as the sixty days are all continuous, so too, the six days are all continuous. Whose opinion is this? If we say it is the opinion of the Rabbis, that cannot be correct, as are the Rabbis of the opinion that it is possible for a woman who gave birth to count dispersed days? Didn’t the Rabbis say that she counts for the second offspring?

⁹⁴ Rather, is it not the opinion of Rabbi Yehuda? And therefore, may one conclude from it that Rabbi Yehuda is of the opinion that the second offspring is considered extant only where a stringency results; but where a leniency results, he is not of the opinion that the second offspring is considered to have existed? The Gemara rules: Indeed, conclude from it that this is the case.

⁹⁵ MISHNA: These are the five situations mentioned in the mishna (9a) in which one brings a sliding-scale offering: For hearing the voice of an oath, i.e., where one took a false oath that he does not have any testimony to provide on a given issue; and for the utterance of the lips, which is a case where one took a false oath about a different matter; and for the defiling of the Temple, by entering it while ritually impure, or defiling its sacrificial foods, by partaking of them while ritually impure; and a woman after childbirth; and a leper at the end of his purification process.

⁹⁶ GEMARA: The Sages taught a baraita with regard to the nature of a sliding-scale offering, which varies depending on the owner’s financial status: There is a case in which one brings the offering in one of two possible states, either a bird offering if the individual is in a state of poverty or an animal offering if he is in a state of wealth; and there is a case in which one brings the offering in one of three possible states, of wealth, of poverty, or of extreme poverty.

⁹⁷ The Gemara elaborates: A woman after childbirth brings a sliding-scale offering either in poverty, i.e., two doves or two pigeons, one as a burnt offering and one as a sin offering, or in wealth, i.e., a lamb as a burnt offering and a dove or a pigeon as a sin offering (see Leviticus 12:1–8). A leper brings the offering either in poverty in the form of a lamb for a guilt offering, and two doves or two pigeons, one as a sin offering and one as a burnt offering, or in wealth in the form of a lamb for a guilt offering, a lamb as a burnt offering, and a female lamb as a sin offering (see Leviticus 14:10–22). For the hearing of the voice, i.e., taking a false oath that one cannot provide testimony, or the utterance of the lips, or the defiling of the Temple or its sacrificial foods, one brings an offering either in wealth, i.e., a female lamb or goat as a sin offering, or in poverty, i.e., two doves or two pigeons, one as a sin offering and one as a burnt offering, or in extreme poverty, i.e., a meal offering.

⁹⁸ It is taught in another baraita: When offerings are brought in poverty rather than wealth, there is a case in which one brings one offering instead of a different one; there is a case in which one brings two offerings instead of two other offerings; there is a case in which one brings two offerings instead of one offering; and there is a case in which one brings one offering instead of two offerings. From here you may derive that the offering of one-tenth of an ephah may be worth as little as one peruta.

⁹⁹ A woman after childbirth brings one offering instead of one offering: One young bird, as a sin offering that she would bring even in wealth, and another bird as a burnt offering instead of the lamb. A leper brings two young birds instead of two lambs. For the hearing of the voice and the utterance

of the lips and the defiling of the Temple or its sacrificial foods, one brings two young birds instead of one female lamb, and in a case of extreme poverty one brings one meal offering of one-tenth of an ephah instead of two young birds.

¹⁰⁰ The baraita teaches: From here you may derive that the offering of one-tenth of an ephah may be worth as little as one peruta. The Gemara asks: From where do we learn this halakha? The Gemara answers that it is as the Sages taught in a baraita: In the case of one who says: It is incumbent upon me to bring an offering worth one sela to the altar, he brings a lamb, as there is nothing that is sacrificed upon the altar that is worth one sela other than a lamb.

¹⁰¹ From where is this halakha derived? It is derived from the fact that the Merciful One states in the Torah that the ram brought in its second year as a guilt offering must be “according to your valuation in silver by shekels” (Leviticus 5:15), i.e., it must be worth two sela. It may therefore be understood by inference that a lamb, i.e., a young ram, in its first year is worth one sela. And it is known that a lamb is brought when it is within its first year, as it is written: “A lamb of the first year” (Leviticus 12:6). And we learned in a mishna (8a): The price of nests, i.e., pairs of birds brought by an impoverished person instead of a lamb, stood that day at one-quarter of a silver dinar. A quarter-dinar is one-sixteenth of a sela, the price of a lamb.

¹⁰² And from the fact that the Merciful One has mercy upon one who brings an offering in poverty, in that He permits him to bring an offering that is worth one-sixteenth of the value of the lamb that is brought in wealth, it may be inferred that the Merciful One takes pity upon one who brings an offering in extreme poverty, and consequently He permits him to bring an offering which is worth one-sixteenth of the value of the offering brought in moderate poverty. Accordingly, the offering brought in extreme poverty may be equal to a two hundred fifty-sixth part of the value of a sela.

¹⁰³ The Gemara examines the mathematics necessary to determine that the value of the offering brought in extreme poverty is equal to one peruta: If so, how much is the offering brought in poverty worth? It is worth one-quarter of a dinar. And how many perutot are in one-quarter of a dinar? Forty-eight perutot. Accordingly, how many perutot are in the offering brought in extreme poverty, which is worth one-sixteenth of the offering brought in poverty? Three perutot.

¹⁰⁴ The Gemara objects: But with regard to that which the baraita teaches: From here you may derive that the offering of one-tenth of an ephah may be worth as little as one peruta, why did the baraita teach that it may be worth one peruta, rather than three perutot? Didn't you say that one-tenth of an ephah is brought in extreme poverty, and you also said that this offering should be worth one-sixteenth of the offering brought in poverty, which we calculated to be three perutot?

¹⁰⁵ The Gemara answers: The tanna derives the cost of an offering brought in poverty from the case of a woman after childbirth, who brings one bird instead of a lamb, as a bird is worth one thirty-second of the value of a lamb. The Gemara asks: But until now, how much was the offering brought in extreme poverty calculated to be worth? One-sixteenth of the value of the offering brought in poverty. And from where is this derived? It is derived from the value of the lamb and the ram, as explained earlier. If so, until now, the calculations lead to the conclusion that the offering brought in extreme poverty is worth one and one-half perutot, as one thirty-second of the value of a lamb is equal to one-eighth of a silver dinar rather than one-quarter, which means that the offering brought in poverty is worth twenty-four perutot, one-sixteenth of which is equal to one and one-half perutot.

¹⁰⁶ Rather, Rava said a different answer: The entire matter is derived from the offering brought by a woman after childbirth, and this is what the tanna is saying: It is derived from the fact that the Merciful One has mercy upon one who brings an offering in poverty, in that he may bring an offering which is worth one thirty-second of the value of the offering brought in wealth. Rava adds parenthetically: And from what case is this principle derived? From the case of a woman after childbirth. So too, the Merciful One has mercy upon one who brings an offering in extreme poverty, in that he may bring an offering that is worth one thirty-second of the value of the offering brought in moderate poverty.

¹⁰⁷ The Gemara objects: If so, the value should be one peruta minus one-quarter, i.e., three-quarters of a peruta. The Gemara explains: Indeed that is so, but it is not proper conduct to bring an offering worth less than one peruta before God.

¹⁰⁸ MISHNA: What are the differences between an espoused maidservant and all those others with whom relations are forbidden? The difference is that the status of the maidservant is not equal to their status, neither with regard to punishment nor with regard to an offering, as one who unwittingly engages in intercourse with any of those with whom relations are forbidden is liable to bring a sin offering, and by contrast, one who unwittingly engages in intercourse with an espoused maidservant is liable to bring a guilt offering. One who unwittingly engages in intercourse with any of those with whom relations are forbidden brings a female animal, and one who unwittingly engages in intercourse with an espoused maidservant brings a male animal, as a sin offering is a female and a guilt offering is a male.

¹⁰⁹ Furthermore, with regard to engaging in intercourse with any of those with whom relations are forbidden, both the man and the woman are equal with regard to liability to receive lashes if they were forewarned, and with regard to liability to bring an offering if they did so unwittingly. And in the case of one who engages in intercourse with a maidservant, the Torah did not equate the man with the woman with regard to lashes, as she alone is flogged, as will be explained, and the Torah did not equate the woman with the man with regard to bringing an offering, as she does not bring an offering.

¹¹⁰ With regard to intercourse with any of those with whom relations are forbidden, the Torah rendered the halakhic status of one who engages in the initial stage of intercourse [hame'areh] to be like that of one who completes the act, and one is liable to bring a sin offering for each and every act of intercourse that he performs unwittingly. By contrast, in the case of relations with an espoused maidservant, one is liable only for completing the act of intercourse, and the man brings a single offering for several transgressions.

¹¹¹ This is a stringency that the Torah imposed with regard to the maidservant relative to other individuals with whom relations are forbidden:

¹¹² That the Torah established her status so that the one who engages in intercourse with her intentionally is like the one who does so unwittingly, as both are liable to bring a guilt offering, whereas one who engages in intercourse with those with whom relations are forbidden is liable to bring a sin offering only when he does so unwittingly.

¹¹³ Who is the espoused maidservant in question? It is any woman who is half-maidservant half-free woman, i.e., a maidservant who belonged to two masters, one of whom liberated her, as it is stated: "And she was redeemed and not redeemed" (Leviticus 19:20), which means that she was partially but

not completely redeemed. This is the statement of Rabbi Yehuda. Rabbi Yishmael says: An espoused maidservant is a full-fledged maidservant whose status is certain, as the language of the verse does not mean redeemed and not redeemed; it is simply a way of stating that she was not redeemed. Rabbi Eliezer ben Ya'akov says: All those with whom relations are forbidden are enumerated in the Torah, and we have no exception other than one who is half-maidservant half-free woman.

¹¹⁴ GEMARA: The mishna teaches that in the case of an espoused maidservant the Torah did not equate the man with the woman. The Gemara asks: From where do we derive that she is flogged and that he is not flogged? As the Sages taught in a baraita: The verse states: “And if a man lies carnally with a woman, and she is a maidservant designated for a man...there shall be an inspection [bikkoret tihye]” (Leviticus 19:20). This teaches that she is flogged. And as one might have thought that both are flogged, the verse states: “There shall be [tihye],” in the feminine, to teach that she is flogged and he is not flogged.

¹¹⁵ And from where is it derived that this word inspection [bikkoret] is a term for flogging? Rabbi Yitzḥak said: It indicates that she shall be subjected to the reciting of [bikra’ei] the verses, as it is taught in a baraita: The procedure for administering lashes is that before each lash is administered, the eldest or most prominent of the three judges recites the relevant verses in the Torah; the second-eldest one counts the lashes; and the third says to the attendant: Strike him. Rav Ashi says that it indicates that she shall be subject to an assessment [bikkur], as we learned in a mishna (Makkot 22a): One assesses the number of lashes that the one sentenced to be flogged is capable of withstanding, but only by a number of lashes fit to be divided by three. This teaches that the assessment is an essential part of the flogging procedure.

¹¹⁶ The Sages taught in a baraita: At the time that, i.e., in any case where, the woman is flogged, the man brings an offering. In a case where the woman is not flogged, the man does not bring an offering. The Gemara asks: From where do we derive this? Rava said that it is as it is written: “And if a man lies carnally with a woman, and she is a maidservant designated for a man, and not at all redeemed, nor was freedom given her; there shall be an inspection...He shall bring his guilt offering unto the Lord” (Leviticus 19:20–21).

¹¹⁷ The Gemara explains: Since until here, the verse is dealing with a man, let it first write: “He shall bring his guilt offering unto the Lord,” and at the end let it write: “There shall be an inspection.” Why did the Merciful One first write: “There shall be an inspection,” and at the end write: “He shall bring his guilt offering unto the Lord”? The Gemara explains that this is what the verse is saying: If there will be an inspection, meaning that the woman is to be flogged, then “he shall bring his guilt offering unto the Lord.” But if there will not be an inspection, then he shall not bring his guilt offering.

¹¹⁸ The Gemara objects: You can say that the verse in fact excludes him from being flogged due to the use of the term “there shall be,” thereby limiting his liability to bring a guilt offering; but even so, she should be flogged and also bring an offering. The Gemara explains: “He shall bring his guilt offering unto the Lord,” is written in the verse, instead of merely: He shall bring a guilt offering. This teaches that only he, and not she, brings a guilt offering.

¹¹⁹ Rabbi Yitzḥak says: Actually, he is liable only in a case where he engages in intercourse with a non-virgin maidservant, as it is stated: “And she is a maidservant designated [neḥerefet] for a man.” And from where may it be inferred that this word “designated [neḥerefet],” is a term of change, i.e.,

that she has already changed from her status as a virgin to that of a non-virgin? Rabbi Yitzḥak explains: As it is written: “And strewed groats [harifot] thereon” (II Samuel 17:19). Since groats are grains that have been crushed or otherwise changed from their original form, the linguistic correlation between harifot and neḥerefet indicates that both terms are referring to some form of change. And if you wish, say that it is inferred from the verse: “Though you should bray a fool in a mortar with a pestle among groats [harifot]” (Proverbs 27:22).

¹²⁰ It is stated in another verse: “And among the sons of the priests there were found some that had married foreign women, namely: Of the sons of Jeshua, son of Jozadak, and his brethren, Maaseiah, and Eliezer, and Jarib, and Gedaliah. And they gave their hand that they would divorce their wives; and being guilty, a ram of the flock for their guilt” (Ezra 10:18–19). Rav Ḥisda said: This teaches that they had all engaged in intercourse with espoused maidservants, as guilt offerings are brought for engaging in intercourse only with an espoused maidservant.

¹²¹ § The mishna teaches: Which is the espoused maidservant? According to Rabbi Yehuda, it is any woman who is half-maidservant and half-free woman, whereas Rabbi Yishmael maintains that it is referring to a full-fledged maidservant. In relation to this dispute, the Sages taught in a baraita that deals with the verse: “And she was redeemed” (Leviticus 19:20): One might have thought that this means she was entirely redeemed. Therefore, the verse states: “And she was redeemed and not redeemed,” to teach that she was not entirely redeemed. If so, one might have thought that she was not redeemed at all. Therefore, the verse states: “And she was redeemed,” to teach that it is discussing a maidservant who was partially redeemed.

¹²² The baraita asks: How so? The baraita answers: The verse is referring to a maidservant who was both redeemed and not redeemed, as half of her is a maidservant owned by one master who did not redeem her, and half of her is a free woman, as the partner who previously owned the other half of her has freed her, and she is betrothed to a Hebrew slave. This is the statement of Rabbi Akiva. Rabbi Yishmael says that the verse is speaking of a Canaanite maidservant who was not redeemed at all and who is engaged to a Hebrew slave. If so, why must the verse state: “And she was redeemed and not redeemed”? The repetition is not halakhically significant; it is there because the Torah spoke in the language of people, and the phrase simply means: And she was not at all redeemed.

¹²³ Rabbi Elazar ben Azarya says: All those with whom relations are forbidden are enumerated for us explicitly in the Torah. The only case which is excluded for us from that generalization is a half-maidservant half-free woman who is betrothed to a Hebrew slave. And Aḥerim say that when it states: “They shall not be put to death because she was not free,” the verse is speaking about a Canaanite maidservant who is betrothed to a Canaanite slave.

¹²⁴ The Gemara objects: According to Rabbi Yishmael, granted that the phrase “and she was redeemed and not redeemed” is referring simply to a Canaanite maidservant, as it is taught in the baraita: The Torah spoke in the language of people. But from where do we derive that which is taught, i.e., that she is betrothed specifically to a Hebrew slave? The Gemara explains that it is as it is written: “They shall not be put to death, because she was not free” (Leviticus 19:20). By inference, it may be concluded that he, the man to whom she is betrothed, is free. A Hebrew slave is not the property of his owner, but is merely obligated to serve him for a period of time.

¹²⁵ The Gemara raises an objection: The opinion of Rabbi Elazar ben Azarya is identical to the opinion of Rabbi Akiva. Why was it stated separately in the baraita? The Gemara explains: It is

because Rabbi Elazar is saying to Rabbi Yishmael: According to me, in general I hold in accordance with your opinion, that the Torah spoke in the language of people. But here it is different, since it is also written in the verse: “Because she was not free.” If so, why do I need the phrase “and she is redeemed and not redeemed”? Conclude from it that it comes for this purpose, to teach that the verse is referring to a woman who is half-maidservant half-free woman.

¹²⁶ The Gemara further objects: According to Aḥerim, granted that the phrase “and she was redeemed and not redeemed” is referring to a Canaanite maidservant, as they too maintain that the Torah spoke in the language of people. But from where do we derive that she is betrothed to a Canaanite slave? The Gemara explains that the verse states: “Because she was not free,” and if it is not needed for the matter of her status as a maidservant, as it is already established that she is not free, apply it to the matter of his status as a slave.

¹²⁷ MISHNA: This mishna cites an additional difference between the status of an espoused maidservant and the status of forbidden relatives. In all cases of intercourse with those with whom relations are forbidden, if one is an adult and one is a minor, the minor is exempt; if one is awake and one is sleeping, the sleeping one is exempt; if one commits the act unwittingly and one does so intentionally, the one who did so unwittingly is liable to bring a sin offering and the one who did so intentionally is liable to be punished with karet. By contrast, in a case of intercourse with an espoused maidservant, the man is liable to bring a guilt offering only if the woman is flogged, and that is the case only if she was an adult, awake, and committed the sin intentionally.

¹²⁸ GEMARA: The mishna teaches that in all instances of intercourse with those with whom relations are forbidden, a minor is exempt. The Gemara asks: And is that to say that here, in the case of an espoused maidservant, a minor is liable? But a minor is exempt from all liabilities in the Torah. Rav Yehuda said: This is what the mishna is teaching: In all cases of intercourse with those with whom relations are forbidden, if one is an adult and one is a minor, the minor is exempt and the adult is liable. But here, in the case of an espoused maidservant, the adult is also exempt. What is the reason? Their punishments are linked, as they are juxtaposed to each other in the verse: “There shall be an inspection...and he shall bring his guilt offering unto the Lord” (Leviticus 19:20–21).

¹²⁹ The mishna teaches: In all cases of intercourse with those with whom relations are forbidden, if one is awake and one is sleeping, the one who is sleeping is exempt. The Gemara asks: And is that to say that here the one who is sleeping is liable? Rav Yehuda said that Rav said: This is what the mishna is teaching: In all cases of intercourse with those with whom relations are forbidden, if one is awake and one is sleeping, the one who is sleeping is exempt and the one who is awake is liable. But here, even the one who is awake is exempt. What is the reason? Their punishments are linked, as they are juxtaposed to each other in the verse: “There shall be an inspection...and he shall bring his guilt offering unto the Lord” (Leviticus 19:20–21).

¹³⁰ A tanna taught a baraita before Rav Sheshet: The Sages rendered one who completes the act of intercourse like one who engages in the initial stage of intercourse; one who commits the act intentionally like one who does so unintentionally; one who engages in intercourse in a typical manner like one who engages in intercourse in an atypical manner, i.e., anal intercourse; and one who is awake like one who is sleeping.

¹³¹ Rav Sheshet said to him: What are you saying? If you are teaching this with regard to an espoused maidservant, why would you say that they rendered one who completes the act like one

who engages in the initial stage of intercourse? This is not the case, as one who completes the act with an espoused maidservant is liable, but one who engages in the initial stage of intercourse is not liable. And furthermore, they did not make one who commits the act intentionally like one who does so unintentionally: If she intended it, she is liable to receive lashes; if she did not intend it, she is not liable.

¹³² And they also did not render engaging in intercourse in a typical manner like doing so in an atypical manner: One who engages in intercourse in a typical manner with an espoused maidservant is liable, and one who does so in an atypical manner is not liable. What is the reason? It is written: “Lies carnally [shikhvat zera],” and the literal meaning of this term is referring to intercourse that can lead to procreation, as zera means seed. And finally, in what way can it be said that they rendered one who is awake like one who is sleeping? One who is sleeping is always exempt, as the circumstances are beyond his control. Consequently, it seems that the baraita cannot be referring to intercourse with an espoused maidservant.

¹³³ And if you teach this baraita in relation to intercourse with all those others with whom relations are forbidden, how is it that they rendered one who completes the act like one who engages in the initial stage of intercourse?

¹³⁴ It should teach the opposite, i.e., it should say: They made one who engages in the initial stage of intercourse like one who completes the act, as it is obvious that one who completes the act is liable.

¹³⁵ The tanna said to Rav Sheshet: Should I remove this baraita, as it is apparently corrupted? Rav Sheshet said to him: No; do not remove the baraita, as this is what it is teaching: The Sages rendered one who completes an atypical act of intercourse with an espoused maidservant, for which he is not liable, like one who engages in the initial stage of intercourse with her in the typical manner, for which he is also exempt. They derived this from the fact that it is written: “Lies carnally.”

¹³⁶ Similarly, they rendered one who engages intentionally in atypical intercourse with a maidservant, for which they are both exempt, like one who does so in a typical manner unintentionally, as it is written: “Lies carnally.” And they also rendered one who engages in intercourse in an atypical manner with an espoused maidservant while he is awake, for which they are both exempt, like one who does so while sleeping. What is the reason? They derived this from the fact that it is written: “Lies carnally.”

¹³⁷ The Gemara concludes: It has been determined that one who engages in intercourse intentionally or engages in the initial stage of intercourse with an espoused maidservant is like one who does so unintentionally with all those with whom relations are forbidden, meaning that he is exempt. Similarly, one who engages in intercourse with an espoused maidservant in a typical manner while sleeping is like one who does so, while sleeping, with all those others with whom relations are forbidden, and he is likewise exempt. Furthermore, it has also been determined that one who engages in atypical intercourse with an espoused maidservant while awake is like one who does so with all those with whom relations are forbidden, while sleeping, and he is also exempt.

Chapter 3

¹ MISHNA: If witnesses said to a person: We saw that you ate forbidden fat, he is liable to bring a sin offering if he did so unwittingly. If a witness says: He ate forbidden fat, and a witness says: He did not eat forbidden fat, or if a woman says: He ate forbidden fat, and a woman says: He did not eat forbidden fat, he is liable to bring a provisional guilt offering, brought by one who is uncertain as to whether he committed a sin that requires a sin offering. If a witness says: He ate forbidden fat, and the person himself says: I did not eat forbidden fat, he is exempt.

² If two witnesses say: He ate forbidden fat, and the person himself says: I did not eat forbidden fat, Rabbi Meir deems him liable to bring a sin offering. Rabbi Meir said: This conclusion can be derived a fortiori: If two witnesses could have brought him liability to receive the severe punishment of death, can they not bring him liability to sacrifice an offering, which is relatively lenient? The Rabbis said to him: Witnesses are unable to render another person liable to bring an offering contrary to his statement, as what if he wishes to say: I did so intentionally, in which case he would be exempt from bringing an offering?

³ If one unwittingly ate an olive-bulk of forbidden fat and then ate another olive-bulk of forbidden fat during one lapse of awareness, i.e., in a case where he did not discover in the interim that fat is forbidden, or that the food he is eating is forbidden fat, he is liable to bring only one sin offering. If one ate forbidden fat, and blood, and piggul, and notar in one lapse of awareness, he is liable to bring a sin offering for each and every one of them. This is a stringency that applies to one who eats several types of forbidden food and does not apply to one who eats one type of forbidden food.

⁴ And a stringency that applies to one who eats one type of forbidden food and not to one who eats several types of forbidden food is that if one ate half an olive-bulk and then ate another half an olive-bulk during one lapse of awareness, in a case where they were both from one type of forbidden food, he is liable to bring a sin offering. If they were from two types, he is exempt, because he did not eat an olive-bulk of any specific forbidden food.

⁵ GEMARA: The mishna teaches: If witnesses said to him: You ate forbidden fat, he is liable to bring a sin offering. The Gemara analyzes the first clause of the mishna: Since the mishna employs the plural form of the word said, how many witnesses are involved in the case? There must be at least two witnesses. And what does he say to them in response? If we say that he is silent and does not contradict them, then it may be inferred that it is only when he responds with silence in response to the claim of two witnesses that he brings a sin offering, but for silence in response to the claim of one witness, he does not bring a sin offering.

⁶ But say the middle clause: If a witness says that he ate forbidden fat, and the person himself says: I did not eat it, he is exempt. The Gemara infers: The reason that he is exempt is that he contradicts him. But if he is silent, he is liable, and all the more so if he is silent when two witnesses claim that he ate forbidden fat. This contradicts the inference from the first clause that silence in response to one witness does not render one liable to bring a sin offering.

⁷ Rather, the first clause is referring to a case where he contradicts the claim of the two witnesses. Whose opinion is this? It is that of Rabbi Meir, who says in the continuation of the mishna that the person's contradiction of the testimony of two witnesses is not considered a contradiction, and he is liable to bring a sin offering. But according to the opinion of the Rabbis, he is exempt.

⁸ The Gemara asks: And according to this answer, what does the tanna teach us in the first clause? From the latter clause you already learn that according to Rabbi Meir, one is liable to bring a sin offering as a result of the testimony of two witnesses, even if he contradicts them. The Gemara answers: The latter clause is clarifying the first clause, and this is what it teaches us: This matter that was stated in the first clause is actually the subject of a dispute between Rabbi Meir and the Rabbis, and that dispute pertains to a case where he contradicts their testimony.

⁹ Some say a different explanation of the first clause: The case is where only one witness asserts that the individual ate forbidden fat, and occasionally the plural verb form in the expression: Witnesses said to him, can also be used to refer to one witness. As we learned in a mishna (Yevamot 87b): With regard to a woman whose husband went overseas, and witnesses came and said to her: Your husband died, and she married another man on the basis of this testimony, and afterward her husband came back, she must leave both this man, her first husband, and that one, whom she married subsequently. This mishna indicates that the plural expression can be used in the case of a single witness, as we maintain that this mishna is referring even to a case where one witness testified that her husband died.

¹⁰ From where is this inferred? It is inferred from the fact that the latter clause of that mishna teaches: If she married without consent and then her first husband returned, she is permitted to return to him. What does the mishna mean when it states that she remarried without consent? It means she remarried without the consent of the court, which would be granted based on the testimony of one witness. Rather, two witnesses testified that her husband had died. Since that is full-fledged halakhic testimony, she is permitted to remarry independently, even without the explicit consent of the court.

¹¹ By inference, one may conclude that the first clause is referring to a case where she married with the consent of the court and on the basis of the testimony of one witness. Evidently, that mishna teaches the plural form of the word: Said, when it is referring to one witness, and here, too, in this mishna where it teaches the phrase: Witnesses said to him, it indicates that even one witness renders one liable to bring a sin offering.

¹² The Gemara asks: And what does he say in response to the witness? If we say that he contradicts the witness, does he bring an offering? But doesn't the middle clause teach: If a witness says: He ate forbidden fat, and the person himself says: I did not eat forbidden fat, he is exempt?

¹³ Rather, if it is referring to a case where he is silent, the clause is unnecessary, as one can learn this halakha from the middle clause, which states: If a witness says: He ate forbidden fat, and the person himself says: I did not eat forbidden fat, he is exempt from bringing a sin offering. This indicates that the reason he is exempt is that he contradicts the witness, but if he was silent, he is liable to bring a sin offering.

¹⁴ The Gemara rejects this reasoning: Actually, the first clause of the mishna is referring to a case where he does not contradict the witness but remains silent. And this is what the mishna is teaching: If they, i.e., even one witness, said to him: You ate forbidden fat, he is liable to bring a sin offering. The middle clause then clarifies: In what case is this statement said? It is said where he was silent in response to this accusation, but if he contradicts the witness, he is exempt.

¹⁵ The Gemara asks: And from where do we derive that by Torah law that if he does not contradict the witness, he is liable to bring a sin offering? It is as the Sages taught in a baraita with regard to a verse that deals with a sin offering: "Or if his sin is known to him" (Leviticus 4:28), that this is

referring to a case where he found out himself but not a case where others informed him of his sin. One might have thought he is exempt even if he does not contradict the claim of the witness. Therefore, the verse states: “Or if his sin is known to him,” which teaches that in any case where he knows that he sinned, even if others informed him of it, he is liable. He is exempt only if he denies it.

¹⁶ The Gemara asks: What are we dealing with, in the case where he is informed by others? If we say that it is referring to two witnesses who inform him, in a case where two witnesses testify and he does not contradict them does one need a verse to render him liable?

¹⁷ Rather, isn’t the baraita referring to a case of one witness, and it teaches that when he does not contradict the testimony of the witness, the witness is deemed credible? Learn from it that one witness can render a person liable to bring a sin offering if the person does not contradict the testimony.

¹⁸ § The mishna teaches that if two witnesses say that someone ate forbidden fat, and he denies it, Rabbi Meir deems him liable to bring a sin offering. Rabbi Meir said: This conclusion can be inferred a fortiori: If two witnesses could have brought him liability to receive the severe punishment of death, can they not bring him liability to sacrifice an offering, which is relatively lenient? The Rabbis said to him: Witnesses are unable to render another person liable to bring an offering contrary to his statement, as what if he wishes to say: I did so intentionally, in which case he would be exempt from bringing an offering?

¹⁹ A dilemma was raised before the Sages: What is the reasoning of the Rabbis, who deem him exempt from bringing an offering? Is it because they hold that a person is deemed credible about himself more than the testimony of one hundred people? Or perhaps it is because we say that since he could advance a more advantageous claim [miggo], in that if he wishes, he could say: I did so intentionally, in which case he would be exempt from bringing an offering, therefore, also when he says: I did not eat, he is deemed credible and is exempt.

²⁰ The Gemara asks: And what is the practical difference between the two possibilities? The Gemara answers: The difference is whether it is possible to resolve from it the case of ritual impurity, when witnesses testify that one became ritually impure before entering the Temple, and he claims that he did not become impure. If you say that the Rabbis’ reasoning is that a person is deemed credible about himself more than the testimony of one hundred people, then it is no different if it is a case of new impurity, where they testify that he became impure the day he entered the Temple, and it is no different if it is a case of old impurity, where they testify that he became impure at some earlier date. In either case, the person’s claim that he was not impure when he entered the Temple would be deemed credible.

²¹ But if you say that the reasoning of the Rabbis is that he can say miggo, then the Rabbis would deem him exempt from the obligation to bring a sliding-scale offering in a case of old impurity, but in a case of new impurity he would be obligated to bring a sliding-scale offering. What is the reason? With regard to old impurity, since if he wishes, he could say: I immersed in a ritual bath after becoming impure and at sunset I became ritually pure, in which case he would be exempt from bringing an offering for having entered the Temple the following day, then also when he says: I did not become impure, he is exempt, as it can be said: What does he mean when he says: I did not become impure? He means: I did not remain in my state of impurity, but rather I immersed in a ritual bath.

²² But in a case of new impurity, he would be obligated to bring an offering. What is the reason? It is because even when he says: I immersed in a ritual bath, he would be obligated to bring an offering if he entered the Temple, as the witnesses would say to him: You became impure just now, and you could not have purified yourself in the meantime.

²³ What, then, is the reasoning of the Rabbis? The Gemara suggests: Come and hear a baraita: If one witness said to a person: You became impure, and he says: I did not become impure, he is exempt from bringing an offering. One might have thought this is the halakha even where two witnesses said this. Rabbi Meir said: This conclusion can be inferred a fortiori: If two witnesses could have brought him liability to receive the severe punishment of death, can they not bring him liability to bring an offering, which is relatively lenient? And the Rabbis say: A person is deemed credible about himself more than the testimony of one hundred people. The Gemara explains its suggestion: Learn from the baraita that the reasoning of the Rabbis is that they say that a person is deemed credible about himself more than the testimony of one hundred people.

²⁴ Rabbi Ami said: Actually, the Rabbis' reasoning is that we say miggo, and this is what it is teaching: Since if he wished to say: I did not remain in my state of impurity but rather I immersed, then he would be exempt, therefore a person is deemed credible about himself more than the testimony of one hundred people. The Gemara asks: If so, this case is identical to that of eating forbidden fat, which the mishna already discussed.

²⁵ The Gemara explains that the baraita mentions the case of ritual impurity lest you say the following: When he says: I did not eat forbidden fat, he may explain his statement to mean: I did not eat forbidden fat unwittingly but intentionally, and I am therefore not obligated to bring an offering. But if two witnesses say: You have become impure, and he says: I have not become impure, one might say that he cannot explain his statement in a manner that would exempt him, as it makes no difference whether he became impure unwittingly or intentionally. Therefore, the baraita teaches us that here too, he can explain his statement in a different manner: I did not remain in my state of impurity, but rather I immersed, and he is therefore not obligated to bring an offering.

²⁶ The Gemara suggests: Come and hear an explanation of the opinion of the Rabbis from another baraita, which discusses the case of the defiling of the Temple, by entering it while ritually impure, or its sacrificial foods, by partaking of them while ritually impure one who enters the Temple or eats sacred foods in a state of ritual impurity: The Torah states: "And it shall be, when he shall be guilty of one of these things, that he shall confess...and he shall bring...for a sin offering" (Leviticus 5:5–6). This verse indicates that only one who confesses to sinning is liable to bring a sin offering, whereas one who does not confess is exempt from bringing a sin offering. If one witness said to him: You have become impure, and he says: I have not become impure, he is exempt from bringing a sin offering.

²⁷ One might have thought even in a case where two witnesses contradict him, he is exempt from bringing an offering. Rabbi Meir said: If two witnesses could have brought him liability to receive the severe punishment of death, can they not bring him liability to bring an offering, which is relatively lenient? Rabbi Yehuda says: A person is deemed credible about himself more than the testimony of one hundred people.

²⁸ The baraita continues: And the Rabbis, whose opinion is cited in the mishna, concede to Rabbi Yehuda with regard to denying the accusation of two witnesses that he ate forbidden fats, or with

regard to entering the Temple in a state of impurity, that if the person says that he did not eat the fats or enter the Temple, he is deemed credible. But with regard to ritual impurity, where witnesses say that he entered the Temple or ate sanctified food while impure and he says that he entered the Temple or ate the sanctified food but he was not impure, they do not concede to him; rather, they accept the opinion of Rabbi Meir that the testimony of two witnesses renders him obligated to bring an offering despite the fact that he denies that he transgressed.

²⁹ The Gemara asks: What type of impurity are we dealing with? If we say

³⁰ that the baraita is referring to a case of old impurity, where the witnesses said to him: You became impure yesterday, what is different about the cases of eating forbidden fat and entering the Temple while impure, where the Rabbis concede to Rabbi Yehuda that one is not liable to bring a sin offering even though his denial is contradicted by two witnesses? He is exempt since if he wished, he could say: I did so intentionally. Therefore, his denial can be interpreted to mean: My eating the forbidden fat or entering the Temple was not unwitting but intentional. If so, if he denies that he is in a state of old impurity, he can also explain his statement, since if he wished, he could say that he meant: I did not remain in my state of ritual impurity, but rather I immersed in a ritual bath.

³¹ Ravina said: Actually, the baraita can be referring to a case of old impurity, and nevertheless the Rabbis distinguish between one's denial that he is impure and one's denial that he ate or entered the Temple. The case is one where the witnesses say to him: You ate sacrificial meat while in a state of physical impurity, and he says to them: I did not become impure. The reason he is liable to bring an offering is that here he cannot explain his statement, as one cannot say that the phrase: I did not become impure, can be explained to mean: I did not remain in a state of impurity but rather I immersed.

³² Ravina elaborates: What would he say to them to explain his statement that he did not become impure? If he says: I immersed and I ate, then when he says this to them, his initial statement has been contradicted in any event with regard to his impurity imparted by contact. His initial claim that he did not become impure has not been adjusted with regard to this matter, and that claim was contradicted by the two witnesses.

³³ Rav Nahman says: The halakha is in accordance with the opinion of Rabbi Yehuda that even if two witnesses testify that a person became impure, and he claims that he did not become impure, he is deemed credible about himself more than the testimony of one hundred people. Rav Yosef says: Rabbi Yehuda said that he is deemed credible when he states that he is pure against the testimony of witnesses only when the person is by himself and only with regard to himself, but as far as others are concerned, he is regarded as impure.

³⁴ Reish Lakish says: Although according to Rabbi Meir one is liable to bring an offering based on the testimony of two witnesses that he ate forbidden fat even if he denied it, Rabbi Meir concedes to the Rabbis that if two witnesses said to him: You engaged in sexual intercourse with an espoused maidservant, and he says: I did not engage in sexual intercourse, he is deemed credible, since if he wishes, he can say to them: I did not complete my act of intercourse, in which case, as stated earlier (10b), he is not liable to bring a guilt offering.

³⁵ Likewise, Rav Sheshet says: Rabbi Meir concedes to the Rabbis in the case of an impure nazirite, i.e., one to whom two witnesses said: You became impure and are therefore liable to bring a sin offering, and he says: I did not become impure, that he is exempt, since if he wishes, he can say: I

requested from a halakhic authority to dissolve my nazirite vow, and he dissolved it. Therefore, it was permitted for me to become impure. Nazirites are prohibited from becoming impure with the impurity imparted by a corpse, whereas non-nazirites may come into contact with a corpse.

³⁶ Likewise, Abaye says: Rabbi Meir concedes to the Rabbis that if two witnesses said to a person: You know testimony about so-and-so, and he says: I do not know, and he takes an oath to this effect, he is exempt from bringing an offering for taking a false oath of testimony. The reason is that if he wishes, he can say: I did witness the event, but I had not intended to offer testimony, in which case he is exempt from bringing an offering for taking a false oath of testimony.

³⁷ § The mishna teaches that if one unwittingly ate an olive-bulk of forbidden fat and then ate another olive-bulk of forbidden fat during one lapse of awareness, he is liable to bring only one sin offering. Rabbi Zeira objects to this: Why is he liable to bring only one sin offering? But didn't he eat two olive-bulks of forbidden fat?

³⁸ Abaye said to Rabbi Zeira: One is liable to bring two sin offerings only when he ate the olive-bulks of forbidden fat during separate lapses of awareness, e.g., he ate forbidden fat when he was unaware that it was prohibited, and subsequently became aware of the prohibition and then forgot about it and ate another olive-bulk of forbidden fat. This is derived from the verse: "If his sin, which he has sinned, is known to him, then he shall bring for his offering a goat, a female without blemish, for his sin which he has sinned" (Leviticus 4:28). But here there is only one lapse of awareness.

³⁹ The Gemara cites a different version of the discussion between Rabbi Zeira and Abaye. There are those who claim that Rabbi Zeira raised his difficulty to Abaye in this manner: The reason that one is liable to bring only one sin offering for his two transgressions of eating forbidden fat is that both acts took place during one lapse of awareness; but if he ate forbidden fat in two lapses of awareness, he is liable to bring two sin offerings. But why? It is one category of prohibition of forbidden fat that he has violated, and therefore he should bring only one sin offering. Abaye said to Rabbi Zeira: With regard to bringing sin offerings, separate lapses of awareness render him liable to bring multiple offerings.

⁴⁰ § The mishna teaches: If one ate forbidden fat, and blood, and piggul, and notar in one lapse of awareness, he is liable to bring a sin offering for each and every one of them. In a case where one ate half an olive-bulk and then ate another half olive-bulk during one lapse of awareness, if the two half olive-bulks were both from one type of forbidden food, he is liable to bring a sin offering. If they were from two types, he is exempt.

⁴¹ The Gemara raises a difficulty: The ruling that if one ate two halves of an olive-bulk of one type of food he is liable to bring a sin offering is obvious, as he ate an olive-bulk of a forbidden food. Reish Lakish said in the name of bar Tutini: This is referring to a case where he ate them from two dishes, and it is in accordance with the opinion of Rabbi Yehoshua, who says that eating food from distinct dishes differentiates his acts of consumption and renders them separate transgressions.

⁴² This ruling was necessary lest you say that when Rabbi Yehoshua says that separate dishes render his acts separate transgressions, it is no different if this principle results in a leniency and it is no different if it results in a stringency. Therefore, the mishna teaches us that if he ate two half olive-bulks from two dishes, he is liable to bring a sin offering. Evidently, Rabbi Yehoshua says that eating food from separate dishes renders his acts of consumption separate transgressions only when this principle produces a stringency, but he did not say it as a leniency.

⁴³ There are those who say that this discussion referred to the latter clause of the mishna: In a case where one ate half an olive-bulk and then ate another half olive-bulk during one lapse of awareness, if they were from two types of food, he is exempt. The Gemara asks: Isn't that obvious, as he did not eat an entire olive-bulk of one type? Reish Lakish said in the name of bar Tutini: The mishna is referring to a case where he ate an olive-bulk of one type, but he ate it in two dishes, and it is in accordance with the opinion of Rabbi Yehoshua, who says that eating food from separate dishes differentiates his acts of consumption and renders them separate transgressions.

⁴⁴ This ruling was necessary lest you say that when Rabbi Yehoshua says that separate dishes render his acts separate transgressions, he says it only when it results in a stringency, but he does not say it when it results in a leniency. Therefore, the mishna teaches us that if he ate an olive-bulk from two types of food, he is exempt.

⁴⁵ The Gemara explains: What does the mishna mean when it states the case of eating from two types of food? It is actually a case of two half olive-bulks from one type of food; and why does the tanna call it two types? It is because he ate it in two dishes, half an olive-bulk in each dish, and the mishna teaches that he is exempt. Evidently, it is no different if it results in a leniency and it is no different if it results in a stringency; in both cases Rabbi Yehoshua says that separate dishes render one's acts of consumption separate transgressions.

⁴⁶ The Gemara objects: From the fact that in the latter clause, when the mishna refers to two types of food it actually means one type of food but the case is where one ate it from two dishes, one can infer that when the former clause states that if one ate two half olive-bulks of one type of food he is liable to bring a sin offering, it must mean that it is one type of food and one ate it from one dish. But if so, why is it necessary to state this halakha; isn't it obvious?

⁴⁷ Ravina said: The mishna is referring to a case where he ate the two half olive-bulks but he had a period of awareness in the interim, e.g., he unwittingly ate half an olive-bulk of forbidden fat, then he became aware that he had done so, and subsequently he unwittingly ate another half an olive-bulk of forbidden fat. And the mishna is in accordance with the opinion of Rabban Gamliel, who says: There is no awareness for a half-measure. If one unwittingly performed a half-measure of a prohibited act and then became aware of his transgression, and then again unwittingly performed another half-measure of the prohibited act, his awareness in the interim does not prevent the two acts from combining. Accordingly, in the case here, it is as though he ate a full olive-bulk during one lapse of awareness.

⁴⁸ As we learned in a mishna (Shabbat 105a): With regard to one who writes two letters on Shabbat, which is the minimum that one must write in order to be rendered liable for this prohibited labor, and he did so unwittingly in two separate lapses of awareness, one letter in the morning and one letter in the afternoon, Rabban Gamliel deems him liable to bring a sin offering for writing on Shabbat, and the Rabbis deem him exempt.

⁴⁹ The basis of this dispute is that Rabban Gamliel holds that there is no awareness for a half-measure. Therefore, the fact that he became aware of his transgression after writing the first letter is of no significance. His awareness does not divide between the first act of writing a letter and the second act of writing a letter. And the Rabbis hold: There is awareness for a half-measure. Consequently, the two half-measures are considered to have been performed during separate lapses of awareness, and they do not combine to render him liable to bring a sin offering.

⁵⁰ MISHNA: How much time can one expend while eating an olive-bulk of forbidden food and still be liable for violating the prohibition? The duration is calculated as though he were eating toasted grain, which one eats one kernel at a time. If he eats the olive-bulk of forbidden food within the amount of time it would take to eat an olive-bulk of toasted grain, he is liable. This is the statement of Rabbi Meir. And the Rabbis say: Unless the amount of time he expends from beginning to end is more than the time it takes to eat a half-loaf [peras] of bread, he is liable.

⁵¹ Likewise, one who ate a quarter-loaf of ritually impure foods or drank a quarter-log of ritually impure liquids within the amount of time it takes to eat a half-loaf of bread is rendered unfit to partake of teruma, the portion of the produce designated for priests, until he becomes pure. Similarly, if one drank a quarter-log of wine and entered the Temple, and he remained there for the time it takes to eat a half-loaf of bread, he is liable. Rabbi Elazar says: If he interrupted his drinking of the quarter-log of wine or if he placed any amount of water into the wine, he is exempt.

⁵² GEMARA: A dilemma was raised before the Sages: Does Rabbi Meir state his opinion, that the duration of time is calculated as though one were eating toasted grain, as a stringency or does he state it as a leniency? The Gemara elaborates: Does he state it as a stringency, and this is what he is teaching: The duration is calculated as though he were eating toasted grain a little at a time, and therefore even if it takes him the entire day to consume an olive-bulk of the forbidden food, and even though from beginning to end he expends more than the time it takes to eat a half-loaf of bread, since he consumed a full olive-bulk in one extended act of eating, he is liable; and the Rabbis said to him that unless he expends less than the time it takes to eat a half-loaf of bread, he is liable, but if he expends more than the time it takes to eat a half-loaf of bread, he is exempt?

⁵³ Or perhaps Rabbi Meir says his opinion as a leniency, as this is what he is teaching: The duration is calculated as though he were eating toasted grain, which is eaten continuously one kernel after another, and therefore he is liable only if he did not interrupt at all in between his bites. But if he interrupted in between them, then although the duration from beginning to end was less than the time it takes to eat a half-loaf of bread, he is exempt; and the Rabbis said to him: Since the amount of time from beginning to end is less than the time it takes to eat a half-loaf of bread, he is liable, despite the interruptions.

⁵⁴ The Gemara suggests a resolution: Come and hear the mishna: And the Rabbis say: Unless the amount of time he expends from beginning to end is the time it takes to eat a half-loaf of bread.

⁵⁵ Granted, if you say that Rabbi Meir issued his ruling as a stringency, and that one is liable even if he ate the olive-bulk over a long period of time, this is the reason that the tanna teaches that the Rabbis say: Unless the amount of time he expends, meaning: Unless his expenditure of time is no more than the time it takes to eat a half-loaf of bread, he is exempt.

⁵⁶ But if you say that Rabbi Meir issued his ruling as a leniency, meaning that if one interrupts in the middle of eating he is exempt, the tanna should have stated: And the Rabbis say: If he expended more than the time it takes to eat a half-loaf, he is exempt, which would indicate that if he expended less than this amount of time he is liable, even if he interrupted his eating in the middle. Rather, isn't it correct to conclude from it that Rabbi Meir issued his ruling as a stringency? The Gemara affirms: Conclude from it that this is correct.

⁵⁷ § Ravnai says that Shmuel says: With regard to forbidden fats and with regard to an unslaughtered animal carcass, one is liable for eating an olive-bulk even with interruptions unless the time he

expends from beginning to end is more than the time it takes to eat a half-loaf of bread, in accordance with the opinion of the Rabbis in the mishna. If he ate impure foods in the volume of a quarter-loaf of bread, or he ate repugnant creatures or creeping animals, or drank a quarter-log of impure liquids, he becomes impure and may not partake of teruma, even if consumption extended for the entire day, provided that they are eaten within the time it takes to eat a half-loaf of bread.

⁵⁸ The Gemara asks: What is Shmuel saying? Rav Pappa said that this is what he is saying: Even if he eats the quarter-loaf of food over the course of the entire day he becomes impure, but that is the halakha only where he ate each olive-bulk within the time it takes to eat a half-loaf of bread.

⁵⁹ The Gemara raises an objection from a baraita: All impure foods combine together to disqualify one's body from eating teruma if he ate a quarter-loaf of the impure food. What, is this not referring to a case where he ate the quarter-loaf within the time it takes to eat a half-loaf of bread? The Gemara explains: No, it is referring to a case where he ate each olive-bulk within the time it takes to eat a half-loaf of bread, but he ate the full quarter-loaf in longer than that amount of time.

⁶⁰ The Gemara raises an objection from another baraita: All impure foods combine to disqualify one's body from eating teruma if he ate a quarter-loaf of the impure food within the time it takes to eat a half-loaf of bread. How so? In a case where he ate and then ate again, if from the beginning of the first period of eating until the end of the last period of eating there is no more than the amount of time it takes to eat a half-loaf of bread, they combine together. If the time spent eating is more than that, they do not combine together.

⁶¹ The baraita continues: The Sages did not permit one who ate less than the minimum measure of impure foods, i.e., a quarter-loaf, to descend and to immerse in a ritual bath. If he descended, immersed, ascended, and then ate more impure food and thereby completed consumption of the full measure of a quarter-loaf, this second act combines with his previous consumption of impure food and renders the person unfit to consume teruma, despite the immersion in the interim. The Sages permitted a pregnant woman to eat less than the minimum measure due to the danger of her miscarrying.

⁶² All impure liquids combine to disqualify one's body from eating teruma if one consumes a quarter-log within the time it takes to eat a half-loaf of bread. How so? In a case where he drank and then drank again, and in total he drank a quarter-log, if from the beginning of the first act of drinking until the end of the last act of drinking there is no more than the amount of time it takes to eat a half-loaf of bread, they combine together. But if the period of drinking is more than that amount of time, they do not combine.

⁶³ With regard to a woman who has the status of first-degree impurity because she came into contact with one who was impure with impurity imparted by a corpse, the Sages permitted her to nurse her child, and her child remains pure. If the child touches teruma he does not render it disqualified, despite having consumed milk that presumably became impure upon leaving the body of the mother. This concludes the baraita.

⁶⁴ The Gemara explains its objection from the baraita: In any event, the baraita taught that if from the beginning of the first period of eating until the end of the last period of eating there is no more than the amount of time it takes to eat a half-loaf of bread, they combine together. This apparently contradicts the opinion of Ravnai, who says that if one eats a quarter-loaf of impure food in total and ate each olive-bulk within the time it takes to eat a half-loaf of bread, his acts of eating combine

together and he is disqualified from consuming teruma. The Gemara concludes: The refutation of the opinion of Ravnai is a conclusive refutation.

⁶⁵ § The Gemara further discusses the baraita. The Master said above: The Sages did not permit one who ate less than the minimum measure of impure foods, i.e., a quarter-loaf, to descend and to immerse in a ritual bath. The Gemara asks: What is he saying; why is this prohibited?

⁶⁶ Rav Yehuda said that this is what the tanna in the baraita is saying: If he ate less than the minimum measure that causes impurity, the Sages did not permit him to descend and immerse. As, if he would descend and immerse and ascend and eat more impure food and thereby complete the full measure of a quarter-loaf within the time it takes to eat a half-loaf, all the impure food he ate would combine together to disqualify him from eating teruma; and yet he might come to say: My first immersion following my first consumption of impure food was effective for me, and no additional immersion is required now that I ate merely another half-measure of impure food. But in fact, he does not know that immersion is effective in purifying him only at the end, and that if he now makes contact with teruma he will render it disqualified. Therefore, the Sages prohibited immersion in such a case to prevent one from reaching this erroneous conclusion.

⁶⁷ The Gemara analyzes another statement from the baraita: It was taught that the Sages permitted a pregnant woman to eat less than the minimum measure due to the danger of her miscarrying. Under the assumption that she is permitted to eat only less than the measure but not a full measure, the Gemara objects: Since it is permitted for her due to the danger, let her even eat a lot, i.e., more than the measure. Rav Pappa said that this is what the baraita is teaching: They permitted a pregnant woman to eat less than the measure of an olive-bulk within the time it takes to eat a half-loaf of bread, even if she ultimately eats a lot in this manner, due to the danger of her miscarrying.

⁶⁸ The Gemara further discusses the baraita: It was taught that with regard to a woman who came in contact with one who was impure due to a corpse, the Sages permitted her to nurse her child, and her child remains pure and may therefore be fed teruma. The Gemara asks: Why is he pure? Once he nurses from the milk of his mother, he becomes impure from the milk.

⁶⁹ And if you would say that the mother's milk was not rendered susceptible to impurity because it never came into contact with a liquid, which is necessary in order to render a food item susceptible to impurity, that is not so, as it is rendered susceptible to ritual impurity due to the drop of milk that is smeared on the nipple. Since this drop is not consumed by the child, it attains the status of a liquid rather than a food, and it subsequently renders the rest of the milk that passes through the nipple susceptible to impurity. Rav Nahman said that Rabba bar Avuh said: The baraita is referring to a case where the child nursed with one strong suck, and therefore it did not leave a drop of milk smeared on the nipple.

⁷⁰ Rava said: There are two refutations of this statement: One is that we see that the mouth of the infant is filled with milk, which means that it is impossible for it to have sucked so powerfully that it immediately swallowed all the milk without leaving a drop on the nipple. And furthermore, the mother's milk does not need to be rendered susceptible to impurity like other foods in order to become impure and transmit impurity. This is because the location from which the milk emerges is a spring, i.e., it has the same status as the woman's body. Therefore, if the woman is impure, her milk is also impure.

⁷¹ Rava elaborates: As a mishna (Makhshirin 6:8) teaches: A woman's milk renders food with which it comes into contact susceptible to impurity, whether it emerges to the satisfaction of the infant or not to its satisfaction. By contrast, the milk of an animal renders food susceptible to impurity only if it emerges to the satisfaction of the animal's owner.

⁷² What, is it not correct to say that when the mishna states that the milk emerged not to the satisfaction of the infant, it means that the milk is not amenable to him at that time, and yet the mishna teaches that it renders food susceptible to impurity? Since liquids generally render foods susceptible to impurity only if they come in contact with the food with the owner's approval, it is clear that a woman's milk has a different status than other foods or liquids. This means that it need not come into contact with a liquid in order to become impure or to impart impurity to another item. The question therefore remains: Why does the child remain pure when he drinks this impure liquid?

⁷³ Rather, Rava said that this is the reason that her child remains pure: The reason is that it is uncertain whether it nursed the measure of milk necessary to disqualify it from consuming teruma, or whether it did not nurse a sufficient amount of milk. And even if you say that it nursed a sufficient amount of milk, it is still uncertain whether it nursed the required amount of milk within the time it takes to eat a half-loaf of bread, or whether it nursed that amount in more than the time it takes to eat a half-loaf of bread and therefore is not disqualified from consuming teruma.

⁷⁴ The Gemara asks: And according to the opinion of Rava, is it correct that the location from which the milk emerges is considered like a spring, and therefore if the woman is impure the milk is also impure, and it does not need to be rendered susceptible to ritual impurity by contact with a liquid?

⁷⁵ But didn't we learn in a mishna (Kelim 8:11): In the case of a menstruating woman who had milk dripping from her nipples, and it fell into the airspace of an oven, the oven becomes impure. And this poses a difficulty for us: In what way was the milk rendered susceptible to impurity, such that it can become impure or render the oven impure? And Rabbi Yoḥanan said: It was rendered susceptible by the drop of milk smeared on the nipple. Apparently, Rabbi Yoḥanan maintains that a woman's milk must be rendered susceptible in order to contract impurity.

⁷⁶ And if you would say that Rava does not hold in accordance with the opinion of Rabbi Yoḥanan, as one amora is permitted to disagree with another, but isn't it taught in a baraita: You are found saying that there are nine liquids with regard to a zav: The sweat, ill-smelling pus, and liquid excrement are more pure than all of them, i.e., they do not become impure and do not render other items susceptible to impurity. The tears that emerge from his eye, and the blood that emerges from his wound,

⁷⁷ and the milk of a woman who is a zava transmit impurity of liquids where there is a quarter-log. The saliva, gonorrhea-like discharge of a zav, and urine transmit severe impurity in any amount.

⁷⁸ And if you say in accordance with the opinion of Rava that the location from which the milk emerges is considered a spring, then milk also should transmit severe impurity in any amount, like the gonorrhea-like discharge of a zav and his saliva. Rather, conclude from it that the location from which the milk of a woman emerges is not considered to be a spring, and the milk must be rendered susceptible to impurity in order to become impure or transmit impurity.

⁷⁹ The Gemara objects: If so, this mishna in Makhshirin cited earlier (13a), which Rava said supports his opinion, is difficult, as it states that a woman's milk renders food susceptible to impurity whether

it emerged to the satisfaction of the infant or not to his satisfaction. The mishna is difficult, as food is generally rendered susceptible to impurity only when the liquid comes into contact with it to the owner's satisfaction.

⁸⁰ The Gemara explains: Do you maintain that the term: Not to their satisfaction, that the mishna states, means that the emergence of the milk is not amenable to him? No; rather, what is the meaning of the expression: Not to his satisfaction, that the mishna states? It means that the child did not indicate whether he desires the milk or not, but as a child's mind is close to milk, i.e., he generally enjoys the milk, an explicit indication of interest or satisfaction is unnecessary in order for the milk to be susceptible to ritual impurity or to render other food items impure. But if he says, i.e., indicates, explicitly that the milk is not amenable to him, then the milk is not susceptible to ritual impurity, and it remains pure.

⁸¹ The mishna teaches that if one ate one quarter-loaf of ritually impure foods or drank a quarter-log of ritually impure liquids, or if one drank a quarter-log of wine, and he entered the Temple and remained there for the time it takes to eat a half-loaf of bread, he is liable. The Gemara objects: Why do I need him to remain in the Temple in order to be liable, such that it teaches: And remained there? Rav Yehuda said that this is what the mishna is teaching: In the case of one who ate a quarter-loaf of ritually impure foods or drank a quarter-log of impure liquids, or drank a quarter-log of wine, and remained involved in eating them or drinking them for no more than the time it takes to eat a half-loaf of bread, and then entered the Temple, he is liable.

⁸² § The mishna teaches that Rabbi Elazar says: If one interrupted his drinking of the quarter-log of wine, or if he placed any amount of water into the wine, he is exempt. The Sages taught in a baraita: When the Torah instructs Aaron the High Priest: "Drink no wine nor intoxicating drink, you, nor your sons with you, when you go into the Tent of Meeting, that you shall not die" (Leviticus 10:9), one might have thought that this applies even if he drank any amount, and even if he drank wine from its press, i.e., wine that has not finished fermenting.

⁸³ Therefore, the verse states: "Nor intoxicating drink," indicating that only the consumption of a quantity of wine sufficient to intoxicate is prohibited. And how much wine is sufficient to intoxicate? It is a minimum of a quarter-log of wine that is forty days old, which has already fermented.

⁸⁴ If so, why must the verse state "wine," when the term "intoxicating drink" would have sufficed? It is to tell you that although one is not liable to receive death at the hand of Heaven for it, it is prohibited to drink any amount of it, even less than a quarter-log, and then enter the Temple; and similarly, it is prohibited to drink it from its press and then enter the Temple, and one who does so is liable to be flogged, as is the case with any other prohibition by Torah law.

⁸⁵ Rabbi Yehuda says: From the word "wine" I have derived only that wine is forbidden; from where is it derived that other intoxicating beverages are forbidden as well? The verse states: "Nor intoxicating drink." If so, why must the verse state "wine"? This comes to teach that for entering the Temple after drinking wine one is liable to receive the punishment of death at the hand of Heaven, but for entering after drinking other intoxicating drinks, one violates only a regular prohibition.

⁸⁶ Rabbi Elazar says that the verse is interpreted to mean: Wine you shall not drink, and intoxicating drink, meaning that you shall not drink it in the manner of its being intoxicating. But if one interrupted his drinking, or placed any amount of water into it and drank it, he is exempt.

⁸⁷ The Gemara explains: With regard to what do they disagree? The first tanna holds: We learn by verbal analogy that the term “intoxicating drink” is referring to wine, from the term “intoxicating drink” mentioned with regard to a nazirite in the verse: “He shall abstain from wine and intoxicating drink” (Numbers 6:3). There it is referring only to wine (see Nazir 4a).

⁸⁸ But Rabbi Yehuda does not derive that the term “intoxicating drink” refers only to wine by the verbal analogy from the term “intoxicating drink” stated with regard to a nazirite. Consequently, he interprets the word as referring to an intoxicating drink that is not wine. And Rabbi Elazar holds: What is the meaning of the phrase: “Wine and intoxicating drink”? It is not referring to two separate items, but rather to wine in the manner that it intoxicates.

⁸⁹ The Gemara comments: In accordance with whose opinion is that which is taught in the following baraita: In the case of one who ate a sweet dried fig from Ke’ila, or drank honey or milk, all of which can have an intoxicating effect, and he entered the Temple and performed the Temple service, he is flogged. In accordance with whose opinion is this? It is in accordance with the opinion of Rabbi Yehuda, who maintains that any item which intoxicates is included in the prohibition. Rav Yehuda bar Aḥotai says: The halakha is in accordance with the opinion of Rabbi Elazar, and Rav referred to Rabbi Elazar as the most gratified of the Sages, as the halakha is in accordance with his opinion.

⁹⁰ The Gemara relates that Rav Aḥa of the city of Huzal had taken a vow not to derive benefit from his wife. He came before Rav Ashi to request that he dissolve the vow. Rav Ashi said to him: Go now and come back tomorrow, as I have just drunk wine, and it is prohibited for me to issue a halakhic ruling, as Rav would not place a disseminator before him to communicate his lectures to the masses from the meal of one Festival day until the other, i.e., the next morning, due to drunkenness. Since it was customary to drink wine during Festival meals, Rav would not deliver public lectures on Festival days, as one who has consumed wine may not issue halakhic rulings.

⁹¹ Rav Aḥa said to him: But doesn’t Rav say: The halakha is in accordance with the opinion of Rabbi Elazar that if one diluted the wine he drank with water and entered the Temple he is exempt; and the Master is one who puts water into his wine? Rav Ashi said to him: That is not difficult; that ruling of Rabbi Elazar applies in a case where one drank precisely a quarter-log of wine, whereas in this case I drank more than a quarter-log of wine. In such a case one does not maintain a clear mind even if he mixed in a small amount of water.

⁹² § In the continuation of the passage in which the Torah prohibits a priest from entering the Temple after drinking wine, the verse states: “And that you may differentiate between the sacred and the common, and between the impure and the pure; and that you may instruct the children of Israel in all the statutes which the Lord has spoken to them by the hand of Moses” (Leviticus 10:10–11). The Sages taught in a baraita: The verse states: “And that you may differentiate between the sacred and the common.” These terms are referring to the halakhot of values and valuations, dedications and consecrations, and the verse is teaching that it is prohibited to issue a ruling concerning these matters after drinking wine.

⁹³ “Between the impure and the pure”; these terms indicate that it is prohibited for one who drank wine to render decisions with regard to ritually impure items and ritually pure items. “And that you may instruct”; this is referring to issuing a ruling about what is permitted or prohibited. “All the statutes”; this is referring to the halakhic expositions of the Torah. “Which the Lord has spoken”; this is referring to halakha transmitted orally to Moses from Sinai. “By the hand of Moses”; this is

referring to the Talmud, the deliberations on the Oral Law, from which halakhic conclusions are derived. It is prohibited to teach any of these subjects after drinking wine.

⁹⁴ One might have thought that it is prohibited to teach even Mishna after drinking wine. Therefore, the verse states: “And that you may instruct,” indicating that the prohibition is limited to material that provides practical halakhic instruction, whereas one does not derive practical rulings from the Mishna. Rabbi Yosei, son of Rabbi Yehuda, says: One might have thought that even teaching Talmud is prohibited. Therefore, the verse states: “And that you may instruct,” indicating that the prohibition is limited to issuing halakhic rulings, but it does not include teaching material such as Talmud, although halakhic conclusions may be derived from it.

⁹⁵ The Gemara asks: In accordance with whose opinion is that which is taught in a baraita: The rulings that a carcass of a creeping animal is ritually impure and that a carcass of a frog is pure are excluded from this principle, as those who have drunk wine may issue a halakhic ruling about these matters. Let us say that this is in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda, who says it is permitted to teach Talmud, and these conclusions are obvious from the Talmud, and that it is not in accordance with the opinion of the Rabbis. The Gemara responds: You may even say that it is in accordance with the opinion of the Rabbis, and that this case is different, as it is a topic that one could go learn in a children’s school, and teaching is not considered issuing a halakhic ruling.

⁹⁶ Rav says: The halakha is in accordance with the opinion of Rabbi Yosei, son of Rabbi Yehuda, that it is permitted to teach material from which halakha may be derived, but it is prohibited to issue halakhic rulings. The Gemara objects: But Rav himself would not place a disseminator before him to communicate his lectures to the masses from the meal of one Festival day until the other, i.e., the next morning, due to drunkenness. The Gemara explains: Rav is different, as he would issue halakhic rulings during his lectures. The Gemara further objects: And let him place a disseminator and deliver a lecture but not issue halakhic rulings. The Gemara explains: Wherever Rav sits and delivers a lecture, it is not possible for him to do so without issuing a halakhic ruling.

⁹⁷ MISHNA: There is a case where one can perform a single act of eating an olive-bulk of food and be liable to bring four sin offerings and one guilt offering for it. How so? This halakha applies to one who is ritually impure who ate forbidden fat, and it was left over from a consecrated offering after the time allotted for its consumption [notar], on Yom Kippur. He is liable to bring sin offerings for eating forbidden fat and notar, for eating the meat of an offering while impure, and for eating on Yom Kippur. He is also liable to bring a guilt offering for misuse of consecrated property.

⁹⁸ Rabbi Meir says: If it was Shabbat and he carried it out from a private domain to a public domain while eating it, he would be liable to bring an additional sin offering for performing prohibited labor on Shabbat. The Rabbis said to him: That liability is not from the same type of prohibition, as it is not due to the act of eating, and therefore, it should not be counted.

⁹⁹ GEMARA: The Gemara suggests: Let us say that it is evident from the mishna that Rabbi Meir holds that a prohibition takes effect where another prohibition already exists. The Gemara counters: Although he does not generally hold that a prohibition takes effect where another prohibition already exists, with regard to a more inclusive prohibition and an expanded prohibition, he holds that the second prohibition does take effect where a prohibition already exists. Under certain circumstances a

second prohibition takes effect, and under other circumstances it does not. When the second prohibition is an expanded or inclusive prohibition, it takes effect.

¹⁰⁰ Therefore, in the case in the mishna of a ritually impure person who ate leftover forbidden fat from an offering, one who was initially pure was prohibited from eating the food only due to the prohibition of forbidden fat. Once the person became impure, since he became prohibited from eating even pure pieces of sacrificial meat, an additional prohibition is also added to the forbidden fat. The prohibition against an impure person eating sacrificial meat is considered an inclusive prohibition, and therefore it takes effect even though the prohibition against eating forbidden fat already applied.

¹⁰¹ And likewise, the forbidden fat was initially forbidden only in consumption. When he consecrated the animal, it became prohibited to derive benefit from it in any manner. Therefore, since the prohibition against deriving any form of benefit was added to it, it was also added with regard to eating the forbidden fat. Consequently, the prohibition against misusing consecrated property, which is an expanded prohibition, applies even to one who eats the forbidden fat.

¹⁰² And still, the consecrated forbidden fat is prohibited only to an ordinary person, but it is permitted to the Most High, i.e., the altar. When it becomes leftover, since a prohibition was added with regard to the Most High, as it is now prohibited to sacrifice it upon the altar, the expanded prohibition of leftover sacrificial meat is added with regard to an ordinary person as well. If Yom Kippur, during which the person is prohibited from eating anything, takes effect with regard to it, since a prohibition was added with regard to eating non-sacred food, a prohibition is also added with regard to food that had been consecrated to the Most High. The prohibition against eating on Yom Kippur is an inclusive prohibition, and therefore it takes effect even with regard to eating leftover sacrificial meat.

¹⁰³ The Gemara objects: And let the mishna teach: There is a case where one can perform a single act of eating an olive-bulk of food and be liable to bring five sin offerings, rather than four, and interpret it as a case where he ate an olive-bulk from an offering that was sacrificed with the intent to consume it after its appointed time [piggul]. The Gemara explains: The mishna is referring to a case of one animal, but is not referring to a case of two animals, and you do not find a case where the prohibitions of leftover sacrificial meat [notar] and piggul apply to one animal. From the moment an offering is rendered piggul it may not be sacrificed or eaten, and therefore it is not subject to the prohibition of notar.

¹⁰⁴ The Gemara asks: Why is it not possible for the prohibitions of notar and piggul to apply to the same animal? You find it in a case where one brought upon the altar a limb from an offering that was piggul, as from that time its piggul status has been abrogated, and it becomes notar once the time that it may be sacrificed has passed.

¹⁰⁵ And this is as Ulla says: In the case of a handful of a meal offering that is piggul that one brought upon the altar, its piggul status has been abrogated and it becomes leftover. Consequently, he is liable with regard to the limb that was offered for violating the prohibition of notar, and is liable with regard to the rest of the animal for violating the prohibition of piggul. The Gemara answers: The mishna is referring to one limb, but it is not referring to two limbs, and you do not find notar and piggul with regard to one limb.

¹⁰⁶ The Gemara asks: Why is there no such case? You find it in a situation where one brought a limb from a piggul offering upon the altar, and he placed half of it upon the altar and half of it outside of

the altar. In such a case, with regard to that portion of the limb which he placed upon the altar, its piggul status has been abrogated and it becomes notar. And this is as Ulla says: In the case of a handful of a meal offering that is piggul that one brought upon the altar, its piggul status has been abrogated and it becomes notar. By contrast, the part of the limb that was not placed upon the altar retains its status as piggul.

¹⁰⁷ The Sage answering the question said to the questioner: No, the status of piggul cannot be abrogated from part of a limb. Rather, if the majority of the limb is on the altar, then throw it on the altar, i.e., the entire limb has the status of being on the altar. If the majority of the limb is outside the altar, throw it outside, i.e., it is considered as though the limb was not placed on the altar at all.

¹⁰⁸ The Gemara objects: If so, one can resolve the dilemma that Rami bar Ḥama raised: Does one follow the majority with regard to limbs or not? According to the previous interpretation of the mishna, one does follow the majority with regard to limbs. The Gemara explains: Rather, the reason that the mishna did not mention the prohibition of piggul is that it is referring to the consumption of one olive-bulk of forbidden fat, and is not referring to two olive-bulks. Even if parts of one limb can have the status of piggul and other parts can be leftover sacrificial meat, one single olive-bulk cannot have both statuses.

¹⁰⁹ The Gemara asks: And is the mishna not referring to a case of more than one olive-bulk? But isn't it taught that one is liable to bring a sin offering for eating on Yom Kippur, and on Yom Kippur it is only eating the volume of a large date that obligates one to bring a sin offering, and the volume of a large date contains the volume of two olives?

¹¹⁰ Rabbi Zeira said: It is referring to a case where he eats a kidney with the fat attached to it. He is liable to bring three of the sin offerings enumerated in the mishna for eating the olive-bulk of fat, and the additional amount of kidney he eats brings his total consumption to the volume of a large date, so that he is liable for eating on Yom Kippur. Rav Pappa said: It is referring to a case where he ate an olive-bulk of the fat and completed the volume of a large date with dates.

¹¹¹ Rav Adda bar Aḥa teaches that the mishna is stating that one can be liable to bring five sin offerings for one act of eating, not just four, and he interprets it to be referring to a case where one ate an olive-bulk of piggul from another animal together with the olive-bulk of forbidden fat, and he does not answer in accordance with these answers that we answered in the name of Rav Pappa and Rabbi Zeira.

¹¹² The Gemara objects: And let the mishna teach that one can be liable to bring six sin offerings, and interpret it as referring to a case where he consumed an olive-bulk of blood in addition to the other two olive-bulks. The Gemara explains: The mishna is referring to one act of eating, but is not referring to two acts of eating, and the Sages calculated that one's throat does not hold more than two olive-bulks at once.

¹¹³ § The mishna teaches that Rabbi Meir says: If it was Shabbat and he carried it out from the private domain into the public domain while eating it, he would be liable to bring a sin offering for performing a prohibited labor on Shabbat. The Gemara objects: And let the mishna teach: If he carried it out he is liable, as the mishna is referring to one who ate on Yom Kippur, which is also a day when labor is prohibited. What is the reason that it teaches: If it was Shabbat and he carried it out he is liable? Why mention Shabbat at all? Rafram said: That is to say that the joining of courtyards in order to permit carrying, and the general prohibition against carrying from one domain to another,

apply with regard to Shabbat, but the joining of courtyards and the prohibition against carrying do not apply with regard to Yom Kippur.

¹¹⁴ The Gemara asks: From where is this conclusion derived? Perhaps the joining of courtyards and the prohibition against carrying do apply to Yom Kippur, and this is what the mishna is teaching: If it was Shabbat and he carried it out from one domain to another he is liable due to the prohibition against carrying on Shabbat and also due to the prohibition against carrying on Yom Kippur.

¹¹⁵ Rather, if the statement of Rafram was stated, it was stated with regard to this case, as it is taught in a baraita: The verse states with regard to the scapegoat of Yom Kippur: “And he shall send it away with an appointed man into the wilderness” (Leviticus 16:21). The word “man” is mentioned in order to render a non-priest fit for this task. The term “appointed” indicates that the scapegoat is always sent away at the appropriate time, even when the appointed man is in a state of ritual impurity, and even when Yom Kippur occurs on Shabbat. In addition, the word “appointed” is referring to one who was designated for the task the day before.

¹¹⁶ The baraita taught that the word “appointed” indicates that the scapegoat is sent away even on Shabbat, and in this context Rafram says: That is to say that the joining of courtyards and the prohibition against carrying apply with regard to Shabbat, but the joining of courtyards and the prohibition against carrying do not apply with regard to Yom Kippur.

¹¹⁷ The Gemara objects to Rafram’s inference: From where does he cite proof for this inference? The case of the scapegoat is different, as its validity on Yom Kippur is in this manner. Even if the prohibition against carrying does apply on Yom Kippur, the Torah explicitly commanded that the scapegoat be sent away on that day, and therefore it is permitted. Rather, the statement cited in the name of Rafram is an error [beruta], and it was not actually stated in the study hall.

¹¹⁸ MISHNA: There is a case where one can engage in a single act of intercourse and be liable to bring six sin offerings for it. How so? It is possible for one who engages in intercourse with his daughter to be liable due to having violated the prohibitions of engaging in intercourse with his daughter, his sister, the wife of his brother, the wife of his father’s brother, a married woman, and a menstruating woman.

¹¹⁹ GEMARA: The Gemara asks: How could one become liable to bring multiple sin offerings? But Rabbi Meir does not hold that a prohibition takes effect where another prohibition already exists. The Gemara answers: Although he generally does not hold that a prohibition takes effect where another prohibition already exists, with regard to an expanded prohibition and a more inclusive prohibition, he does hold that it takes effect where another prohibition already exists.

¹²⁰ Consequently, the ruling stated in the mishna applies in a case where one engaged in intercourse with his mother and thereby fathered a daughter, so that the prohibitions against engaging in intercourse with his daughter and with his sister come into effect simultaneously. If that daughter married his brother, then since a prohibition was added with regard to his other brothers, to whom she has now become forbidden, it is an expanded prohibition, and therefore a further prohibition is added with regard to him as well.

¹²¹ If she later married his father’s brother, then since a prohibition is added with regard to the sons of his father’s other brothers, a prohibition is also added with regard to him. If she becomes, or remains, a married woman, since a prohibition is added with regard to every man in the world other

than her husband, a prohibition is added with regard to him as well. If she then becomes a menstruating woman, since a prohibition is added with regard to her husband, a prohibition is added with regard to him as well.

¹²² MISHNA: It is possible for one who engages in intercourse with his daughter's daughter to be liable to bring sin offerings due to the unwitting violation of the prohibitions of engaging in intercourse with his daughter's daughter, and his daughter-in-law, and the wife of his brother, and the wife of his father's brother, and his wife's sister, and a married woman, and a menstruating woman. Rabbi Yosei says: If the elder, i.e., the man's father, who is the woman's great-grandfather, transgressed and married her, the man would also be liable for engaging in intercourse with her due to the prohibition of intercourse with the wife of his father.

¹²³ And likewise, it is possible for one who engages in intercourse with the daughter of his wife to be liable to bring six sin offerings, similar to one who engages in intercourse with his own daughter, for violating the prohibitions against engaging in intercourse with his wife's daughter, his sister, the wife of his brother, the wife of his father's brother, a married woman, and a menstruating woman. And it is possible for one who engages in intercourse with his wife's daughter's daughter to be liable to bring seven sin offerings, similar to one who engages in intercourse with his own daughter's daughter, for violating the following prohibitions: Engaging in intercourse with his wife's daughter's daughter, his daughter-in-law, the wife of his brother, the wife of his father's brother, his wife's sister, a married woman, and a menstruating woman.

¹²⁴ GEMARA: It is taught in the mishna that Rabbi Yosei says: If the elder, i.e., the man's father, who is the woman's great-grandfather, transgressed and married her, the man would also be liable for engaging in intercourse with her due to the prohibition against engaging in intercourse with the wife of his father. The Gemara asks: Is she permitted to marry the man's father? She had already been married to the man's father's brother, and therefore even if she was widowed or divorced from him, marriage would not even take effect with the man's father, to whom she is forbidden as the wife of his brother. Rabbi Yoḥanan said: The marriage can take effect in a case where she happened to become designated to him for levirate marriage, when his brother died without children.

¹²⁵ The Gemara raises an objection: If so, that they were married legitimately through levirate marriage, what is the reason for Rabbi Yosei's statement that he transgressed and married her? Rabbi Ya'akov said: It means that he transgressed by marrying her due to her status as his son's daughter-in-law, which renders her a secondary relative, forbidden to him by rabbinic law, albeit not by Torah law. Consequently, it was prohibited for him to enter into the levirate marriage.

¹²⁶ This is as it is taught in a baraita: One's daughter-in-law is a forbidden relative by Torah law, and his son's daughter-in-law is a secondary relative, prohibited to him by rabbinic law, and similarly, you find with regard to the daughter of his son, who is prohibited to him by Torah law, and with regard to the daughter of his son's son, until the end of all generations; the daughter of his son's son, or of his son's grandson, etc. They are all secondary relatives, prohibited to him by rabbinic law.

¹²⁷ The Gemara asks: And is Rabbi Yosei of the opinion that a prohibition takes effect where another prohibition already exists? But didn't we learn in a mishna (Sanhedrin 81a): If one violated a transgression that renders him liable to two death penalties, he is sentenced to the harsher one. Rabbi Yosei says: He is sentenced according to the first prohibition that applied to him.

¹²⁸ And it is taught in a baraita: In what case did Rabbi Yosei say that he is sentenced according to the first prohibition that applied to him? If his mother-in-law was widowed or divorced, and therefore forbidden to him only due to her status as his mother-in-law, and later she married and became forbidden as a married woman, and he engaged in intercourse with her, then he is sentenced to death by burning due to his violation of the prohibition proscribing intercourse with his mother-in-law, as this was the first prohibition to take effect.

¹²⁹ By contrast, if she was a married woman, and then he married her daughter and she thereby became his mother-in-law, and he subsequently engaged in intercourse with her, he is sentenced to death by strangulation due to his violation of the prohibition against engaging in intercourse with a married woman, despite the fact that burning is considered the more severe death penalty. This proves that Rabbi Yosei maintains that a prohibition does not take effect where another prohibition already exists.

¹³⁰ Rabbi Abbahu said: Rabbi Yosei concedes that in the case of an expanded prohibition it takes effect even when another prohibition already exists. Consequently, he maintains in the mishna that the prohibition against intercourse with the wife of his father applies in addition to the previously existing prohibitions. And similarly, when Ravin came from Eretz Yisrael he said that Rabbi Yoḥanan says: Rabbi Yosei concedes with regard to an expanded prohibition.

¹³¹ The Gemara asks: What expanded prohibition is there here? The Gemara answers: The expanded prohibition applies when there is another son of the grandfather, i.e., another son of the father of the subject of the mishna. Consequently, since a prohibition against intercourse with the woman is added with regard to his father's other son, when his father marries this woman, another prohibition against intercourse with her is added with regard to him as well.

¹³² MISHNA: It is possible for one who engages in intercourse with his mother-in-law to be liable to bring seven sin offerings for doing so, due to the unwitting violation of the prohibitions of engaging in intercourse with his mother-in-law, and his daughter-in-law, and the wife of his brother, and the wife of his father's brother, and his wife's sister, and a married woman, and a menstruating woman. And likewise, the same applies with regard to one who engages in intercourse with the mother of his father-in-law or with the mother of his mother-in-law.

¹³³ Rabbi Yoḥanan ben Nuri says: It is possible for one who engages in intercourse with his mother-in-law to be liable due to the unwitting violation of the prohibitions of engaging in intercourse with his mother-in-law, and the mother of his mother-in-law, and the mother of his father-in-law. The Rabbis said to him: Those three prohibitions are all one category of prohibition, derived from the same verse: "You shall not uncover the nakedness of a woman and her daughter; you shall not take her son's daughter, or her daughter's daughter" (Leviticus 18:17). Consequently, one is not liable to bring separate sin offerings for violating these prohibitions.

¹³⁴ GEMARA: Rabbi Elazar says that Rabbi Hoshaya says: Rabbi Yoḥanan ben Nuri and Sumakhos said the same thing. With regard to Rabbi Yoḥanan ben Nuri, this is referring to that which we stated in the mishna. With regard to Sumakhos, what is the equivalent ruling that he stated? It is the following ruling, as we learned in a mishna (Hullin 82a):

¹³⁵ If one slaughtered an animal and its daughter's daughter and afterward slaughtered the original animal's daughter, he incurs the forty lashes for transgressing the prohibition against slaughtering an animal and its offspring on a single day (see Leviticus 22:28). Sumakhos says in the name of Rabbi

Meir: He incurs eighty lashes for slaughtering the third animal, as its mother and its daughter had already been slaughtered on that day. This indicates that Sumakhos also maintains that when a person commits a single act and thereby commits two transgressions that are derived from a single verse, he is liable to receive punishment for both violations.

¹³⁶ Rava said: Perhaps it is not so, as Rabbi Yoḥanan ben Nuri would not agree with the ruling of Sumakhos. It is possible that Rabbi Yoḥanan ben Nuri says that one is liable to bring multiple sin offerings only here, in the case of one who engaged in intercourse with his mother-in-law, only due to the differentiated names of the prohibitions, as she is called his mother-in-law, and she is called his mother-in-law's mother, and she is called his father-in-law's mother, and the Torah prohibits each of these relationships separately.

¹³⁷ But with regard to the case of slaughtering a mother and its offspring in a single day, where all of the permutations are called: A mother and its offspring, as there are no differentiated names given in the Torah for slaughtering a mother animal and then its offspring or for slaughtering the offspring and subsequently its mother, Rabbi Yoḥanan ben Nuri might maintain that one is not liable to receive multiple sets of lashes.

¹³⁸ By contrast, Rav Naḥman bar Yitzḥak said: Perhaps Sumakhos says that one is liable to receive two sets of lashes only with regard to the case of slaughtering a mother and its offspring on the same day, as there are differentiated bodies. Although he violated the same prohibition twice, he did so by slaughtering three different animals.

¹³⁹ But here, with regard to a mother-in-law, where there are not several differentiated bodies, as the man engaged in intercourse with only one woman, one might say that Sumakhos holds in accordance with the statement that Rabbi Abbahu says in the name of Rabbi Yoḥanan, as Rabbi Abbahu says that Rabbi Yoḥanan says: The verse that introduces the prohibitions against engaging in intercourse with one's mother-in-law, one's mother-in-law's mother, and one's father-in-law's mother concludes with the phrase: "They are near kinswomen; it is lewdness" (Leviticus 18:17). This teaches that although these are different relationships, the verse rendered them all one single prohibition of lewdness, for which only a single sin offering is brought.

¹⁴⁰ MISHNA: Rabbi Akiva said: I asked Rabban Gamliel and Rabbi Yehoshua in the meat market [itlis] in Emmaus, where they went to purchase an animal for the wedding feast of the son of Rabban Gamliel: In the case of one who unwittingly engages in intercourse with his sister, and the sister of his father, and the sister of his mother, during one lapse of awareness, what is the halakha? Is he liable to bring one sin offering for all three prohibitions, or is he liable to bring a separate sin offering for each and every one of the prohibitions?

¹⁴¹ They said to Rabbi Akiva: We did not hear a ruling from our teachers about that case, but we heard the following ruling: One who engages in intercourse with each of his five wives while they are menstruating, during one lapse of awareness, we heard that he is liable to bring a separate sin offering for having engaged in intercourse with each and every one of them. And it appears to me that these matters can be derived from an a fortiori inference: If he is liable to bring separate sin offerings for having engaged in intercourse with five menstruating women, who are forbidden by one prohibition, he should certainly be liable to bring separate sin offerings for having engaged in intercourse with his sister, the sister of his father, and the sister of his mother, who are forbidden by three separate prohibitions.

¹⁴² GEMARA: The Gemara raises a difficulty with regard to Rabbi Akiva's question: What are the circumstances about which Rabbi Akiva inquired? If we say that the circumstances are precisely as the mishna teaches them, that one unwittingly engaged in intercourse with his sister, and the sister of his father, and the sister of his mother, then for what purpose did Rabbi Akiva raise this dilemma before Rabban Gamliel and Rabbi Yehoshua? Aren't they differentiated names of prohibitions and aren't they also differentiated bodies? Since the man engaged in intercourse with three women, who are forbidden by three distinct prohibitions, it is obvious that he is obligated to bring three separate sin offerings.

¹⁴³ Rather, it must be that this is what the mishna is teaching: Rabbi Akiva asked: In the case of one who unwittingly engages in intercourse with his sister who is also the sister of his father and who is also the sister of his mother, is he liable to bring only one sin offering for violating all of those prohibitions, or is he liable to bring a separate sin offering for each and every one? What is the halakha? Do we say that they are differentiated names of prohibitions, and since he violated distinct prohibitions, he is liable to bring separate sin offerings? Or perhaps we say: It is not a case of differentiated bodies; since he engaged in intercourse with only one woman, he is liable to bring only a single sin offering.

¹⁴⁴ And in response, they said to him: We did not hear a ruling from our teachers about that case, but we heard the following ruling: With regard to one who engages in intercourse with each of his five wives while they are menstruating, at the same time, i.e., during one lapse of awareness, which is five instances of violating one category of prohibition, we heard that he is liable to bring a separate sin offering for having engaged in intercourse with each and every one of them, due to the prohibition against engaging in intercourse with a menstruating woman.

¹⁴⁵ And it appears to us that these matters can be derived from an a fortiori inference: If one who engages in intercourse with his five wives while they are menstruating, at the same time, which is only one name of a prohibition, is nevertheless liable to bring a sin offering for each and every one of them, then in the case of one who engages in intercourse with his sister who is also the sister of his father and the sister of his mother, which are three separate prohibition names, is it not logical that he should be liable for each and every one of them?

¹⁴⁶ The Gemara raises an objection: This line of reasoning can be refuted, as follows: What is notable about the case of five menstruating women that would render one liable to bring a separate sin offering for having intercourse with each one of them? It is notable in that they are differentiated bodies, which is not the case with regard to one's sister who is also the sister of his father and the sister of his mother, as she is a single person.

¹⁴⁷ Rather, the reason one is liable to bring three separate sin offerings for engaging in intercourse with his sister who is also the sister of his mother and the sister of his father is that the verse states: "And if a man takes his sister...and they shall be cut off [venikhretu] in the sight of the children of their people; he has uncovered his sister's nakedness" (Leviticus 20:17). The final clause in this verse serves to render him liable to receive three separate penalties of karet for intentional intercourse, or to bring three separate sin offerings for unwitting intercourse, with his sister who is also the sister of his father and who is the sister of his mother.

¹⁴⁸ The Gemara explains how there could be a case where one's sister is also the sister of his father and the sister of his mother: Rav Adda bar Ahava says: You find it in the case of a wicked man, the

son of a wicked man. The case applies if a man engaged in intercourse with his mother and fathered two daughters, and then engaged in intercourse with one of those daughters and fathered a son, and his son engaged in intercourse with his mother's sister who is also his own sister, because they share a father, and who is also his father's sister. This individual is a wicked man, the son of a wicked man, as both he and his father engaged in incestuous relationships.

¹⁴⁹ § The Sages taught in a baraita: If one unwittingly engages in intercourse with a woman who is forbidden to him under the penalty of excision from the World-to-Come [karet], and then again engages in intercourse with her, and then yet again engages in intercourse with her, all during one lapse of awareness, he is liable to bring a separate sin offering for each and every one of the acts of intercourse with her. This is the statement of Rabbi Eliezer. But the Rabbis say: He is liable to bring only one sin offering.

¹⁵⁰ And the Rabbis concede to Rabbi Eliezer with regard to one who engages in intercourse with his five wives while they are menstruating, where the prohibition was violated unwittingly by both the man and the woman, at the same time, i.e., during one lapse of awareness, that he is liable for each and every one of them, since he caused each of them to be liable to bring a sin offering.

¹⁵¹ Rava said to Rav Nahman: Do we really say that since he caused each of them to be liable to bring a sin offering, he himself is liable to bring five separate sin offerings? But isn't it taught in a baraita: If one unwittingly engages in intercourse five times with a woman who is forbidden to him, and he does so during one lapse of awareness, without realizing over the course of that time period that the act is forbidden, but she does so during five lapses of awareness, as she repeatedly became aware of the prohibition and then forgot it before the next transgression, he is liable to bring only one sin offering, but she is liable to bring a separate sin offering for each and every one of the five transgressions? In this case, although he caused her to bring several sin offerings, he himself brings only one sin offering.

¹⁵² Rather, one must say that this is the reason he brings five sin offerings for engaging in intercourse with his five wives while they were each menstruating, during one lapse of awareness: It is because they are differentiated bodies.

¹⁵³ The Gemara discusses the opinion of Rabbi Eliezer that one who repeatedly engages in intercourse with a woman who is forbidden to him is liable to bring a separate sin offering for each act of intercourse, even if this all occurred in a single lapse of awareness. A dilemma was raised before the Sages: If one reaped a fig-bulk of grain on Shabbat, which is the measure for which one is liable to bring a sin offering, and then reaped another fig-bulk, in a single lapse of awareness, what would Rabbi Eliezer say?

¹⁵⁴ The Gemara explains the sides of the dilemma: Is the reason for the ruling of Rabbi Eliezer there, with regard to forbidden relations, that the sinner performed two separate prohibited acts, and therefore Rabbi Eliezer says he is liable to bring a separate sin offering for each and every one of the acts? If so, here too, where he performed two separate acts of reaping, he is liable to bring a separate sin offering for each act.

¹⁵⁵ Or, perhaps the reason for the ruling of Rabbi Eliezer there, in the case of forbidden relations, is that it is impossible for the sinner to combine the acts of intercourse with one another, and therefore Rabbi Eliezer says that he is liable to bring a separate sin offering for each and every one of the acts of intercourse. But if one reaped a fig-bulk of grain, and then reaped another fig-bulk, in a single

lapse of awareness, since it is possible for him to combine the two fig-bulks of grain together and reap them at the same time, he would be liable to bring only one sin offering. What is the correct explanation for Rabbi Eliezer's ruling?

¹⁵⁶ Rabba said: The reason for the ruling of Rabbi Eliezer there, in the case of forbidden relations, is that the sinner performed two separate prohibited acts; and here too, he has performed two separate acts of reaping and is liable to bring two sin offerings. And Rav Yosef said: The reason for the ruling of Rabbi Eliezer there, in the case of forbidden relations, is that it is impossible for him to combine the two transgressions into a single act; but if it is possible for him to combine them, e.g., by reaping two fig-bulks of grain, he is liable to bring only one sin offering.

¹⁵⁷ Abaye raised an objection to the opinion of Rabba from a baraita: Each type of labor prohibited on Shabbat comprises acts that are primary categories of that labor and acts that are subcategories of that labor, both prohibited by Torah law. Rabbi Eliezer deems one liable to bring separate sin offerings for the performance of subcategories of prohibited labor on Shabbat in a situation where he also performed the corresponding primary categories of prohibited labor during the same lapse of awareness. For example, if one planted grain on Shabbat and then watered the field, which is a subcategory of the prohibited labor of planting, he is liable to bring two sin offerings.

¹⁵⁸ It may be inferred from this statement that: But if one performed a primary category of labor and then performed the same primary category at the same time, i.e., during the same lapse of awareness, he is exempt from bringing a second sin offering. But if you say that the reason for the ruling of Rabbi Eliezer in the case of one who engages in repeated acts of intercourse with a woman forbidden to him is because the sinner performed two separate prohibited acts, then why is one exempt from bringing a second sin offering for repeatedly performing a primary category of prohibited labor on Shabbat, when he too has performed distinct prohibited acts?

¹⁵⁹ Mar, son of the Sages, said: Rav Naḥumi bar Zekharya and I interpreted the baraita as follows: What are we dealing with here, in the case where one is liable to bring two sin offerings for performing a primary category of prohibited labor and its subcategory?

¹⁶⁰ It is a case of a climbing grapevine that is trellised over a fig tree, and he cut them both, the grapevine and the figs, at the same time, during one lapse of awareness. Detaching the figs is one of the primary categories of the prohibited labor of harvesting, while pruning the vine in order to use it as fuel for a fire is a subcategory of harvesting. Due to that reason Rabbi Eliezer deems him liable to bring two sin offerings, since it is a case of differentiated names of prohibitions, as he violated both the primary category of the labor and a subcategory, and it is also a case of differentiated physical entities, as he detached figs and part of a grapevine.

¹⁶¹ In the corresponding situation, where one reaped a fig-bulk of grain on Shabbat and then reaped another fig-bulk in a single lapse of awareness, how can you find circumstances in which he is exempt from bringing a second sin offering? You find this in a situation where he reaped two fig-bulks simultaneously, in which case he performed only a single prohibited act. But if one reaped a fig-bulk of grain and then reaped another fig-bulk, he is liable to bring two sin offerings, as he performed two separate acts.

¹⁶² MISHNA: And furthermore, Rabbi Akiva asked Rabban Gamliel and Rabbi Yehoshua in the meat market of Emmaus: What is the status of a dangling limb of an animal? Does it impart ritual impurity like a severed limb? They said to Rabbi Akiva: We have not heard a ruling from our teachers in that

specific case, but we have heard with regard to a dangling limb of a person that it is ritually pure. And in this manner would

¹⁶³ the people afflicted with boils, whose limbs were dangling due to their affliction, act in Jerusalem: Each of them would go on Passover eve to the doctor, who would cut the affected limb almost completely until he would leave it connected by a hairbreadth of flesh, so that neither the doctor nor the afflicted would be rendered ritually impure by a severed limb. Then, the doctor would impale the limb on a thorn attached to the floor or the wall, and the afflicted would pull away from the thorn, thereby completely severing the limb.

¹⁶⁴ And that person afflicted with boils would perform the rite of his Paschal offering, and the doctor would perform the rite of his Paschal offering, as neither had come into contact with the limb once it was severed. In any case, as long as it was dangling, the limb did not impart impurity. And I consider that these matters can be derived from an a fortiori inference. If a person's limb, the impurity of which when amputated is severe, does not impart impurity when it is dangling, it is all the more so logical that an animal's limb, the impurity of which when amputated is lenient, does not impart impurity when it is dangling.

¹⁶⁵ GEMARA: We learned in a mishna elsewhere (Makhshirin 1:5): With regard to one who forcefully wipes rainwater from the surface of a leek or squeezes out water absorbed in his hair or in his clothing, the liquid that remains within it is not included under the rubric of the verse: "If water be put upon the seed, and some of their carcass fall on it, it is impure for you" (Leviticus 11:38). Therefore, it cannot render food susceptible to contracting ritual impurity. But the liquid that is released from it, in this process of wiping or squeezing, is included under the rubric of the verse: "If water be put," and therefore it renders any food it touches susceptible to ritual impurity, as the person has accorded it significance.

¹⁶⁶ Shmuel says: And the leek itself is rendered susceptible to ritual impurity. What is the reason for this? The reason is that at the moment of the water's separation from the leek, the leek is rendered susceptible to ritual impurity by the very water which is released from it.

¹⁶⁷ The Gemara raises an objection: But we learned in the mishna: A person afflicted with boils would go on Passover eve to the doctor to sever his dangling limb, and the doctor and the afflicted individual would remain pure. And if you say that at the moment of the water's separation from the leek, the leek is rendered susceptible to ritual impurity, there is also a parallel situation in that case of the dangling limb; at the moment of its separation from the person with boils it should render that person ritually impure.

¹⁶⁸ The Gemara answers: The explanation is as Rav Yosef says in a different context, that it is referring to a situation where the liquids are removed with great force. Here too, in the case of the dangling limb, it can be explained as referring to a situation where the limbs are removed with great force. Since the limb is pulled off in one powerful motion it is not considered to have touched the person after it was detached. By contrast, the water wiped off the leek is not discharged all at once, and therefore as the drops of water separate from the leek they render it susceptible to ritual impurity.

¹⁶⁹ And where, i.e., in connection to which case, was this explanation of Rav Yosef stated? It was stated with regard to this baraita: If a man who experiences a gonorrhea-like discharge [zav] and one who is ritually impure through contact with a corpse were walking along and rain fell on them, although they squeeze the garments of one another in order to remove the water, those liquids that

flow down from the upper section of a garment to the lower section remain pure. They do not become impure from contact with the impure person or his garments, as these liquids are not considered liquids that can become ritually impure unless they have emerged from those garments entirely.

¹⁷⁰ Once the liquids have emerged from those garments entirely they render food susceptible to ritual impurity, as the people have accorded it significance by squeezing it out of their garments. But the water itself is still not impure, as it is considered liquid that is susceptible to ritual impurity only after it has completely emerged from the body of those garments. Rav Yosef said: The reason the water does not become impure when it separates from the garment is that the baraita is referring to a case where it is removed with great force.

¹⁷¹ MISHNA: And furthermore, Rabbi Akiva asked Rabban Gamliel and Rabbi Yehoshua: With regard to one who unwittingly slaughters five offerings outside the Temple during one lapse of awareness, what is the halakha? Is he liable to bring five sin offerings, one for each and every act of slaughter, or is he liable to bring one sin offering for all the acts of slaughter? They said to Rabbi Akiva: We have not heard a ruling from our teachers in that specific case.

¹⁷² Rabbi Yehoshua said: I have heard with regard to one who eats meat from one offering from five different pots in which they were prepared, during one lapse of awareness, that he is liable to bring five guilt offerings, which are for the meat prepared in each and every pot, due to misuse of consecrated property. And I consider that these matters can be derived from an a fortiori inference: If one is liable to bring five guilt offerings for one offering prepared in five pots, all the more so is he liable to bring five sin offerings for slaughtering five offerings outside the Temple.

¹⁷³ Rabbi Shimon said: It was not that question that Rabbi Akiva asked them. Rather, it was with regard to one who eats notar from five offerings during one lapse of awareness. What is the halakha? Is he liable to bring one sin offering for all the offerings from which he ate notar, or is he liable to bring five sin offerings, one for each and every one of the offerings from which he ate notar? They said to Rabbi Akiva: We have not heard a ruling from our teachers in that specific case.

¹⁷⁴ Rabbi Yehoshua said: I have heard with regard to one who eats meat from one offering that was prepared in five different pots, during one lapse of awareness, that he is liable to bring separate guilt offerings for the meat prepared in each and every pot, due to misuse of consecrated property. And I consider that these matters can be derived from an a fortiori inference: If one is liable to bring five guilt offerings for one offering prepared in five pots, all the more so is he liable to bring five sin offerings for eating the notar of five separate offerings.

¹⁷⁵ Rabbi Akiva said to Rabbi Yehoshua: If you are reporting a halakha that you received from your teachers with regard to one who eats notar from five offerings, we will accept it, but if it is based merely on the a fortiori inference from misuse of consecrated property, there is a response that refutes the inference. Rabbi Yehoshua said to Rabbi Akiva: Respond.

¹⁷⁶ Rabbi Akiva said: And no; one cannot derive the halakha of notar through an a fortiori inference from misuse of consecrated property: If you said with regard to misuse of consecrated property that one is liable to bring five guilt offerings, perhaps that is because there are additional stringent elements unique to misuse. As, with regard to misuse, the Torah established that the status of one who feeds another person sacrificial meat is like that of one who eats sacrificial meat, and the status

of one who gives benefit to another from consecrated property that is not food is like that of one who derives benefit himself, in that each is liable to bring a guilt offering for misuse.

¹⁷⁷ In addition, the Torah joined the misuse of consecrated property that was performed over an extended period, i.e., if one derived benefit worth half a peruta one day and half a peruta the next, he is liable to bring a guilt offering for misuse. Would you say the same with regard to notar, which has none of these halakhot?

¹⁷⁸ GEMARA: The Gemara asks: What is difficult for Rabbi Shimon with the first version of Rabbi Akiva's question, that he insists that Rabbi Akiva had asked about one who eats notar from five offerings? The Gemara answers that this is what is difficult for him: If Rabbi Akiva asked about one who unwittingly sins by slaughtering, why is the answer derived from an unwitting sin involving eating? After all, what proof can be cited for a case of one who slaughters from a case of one who eats? What is notable about one who eats? It is notable in that he derives benefit from the act of eating, whereas one who slaughters does not derive physical benefit.

¹⁷⁹ Rather, he must have asked him this: In the case of one who eats notar from five offerings during one lapse of awareness, what is the halakha? Is he liable to bring a separate sin offering for each and every one of the offerings, or only one sin offering for all of them? They said to Rabbi Akiva: We have not heard a ruling from our teachers in that specific case.

¹⁸⁰ Rabbi Yehoshua said: I have heard with regard to one who eats meat from one offering from five different pots, during one lapse of awareness, that he is liable to bring a separate guilt offering for the meat prepared in each and every pot, due to misuse of consecrated property. And I consider that these matters may be derived from an a fortiori inference: Just as one who eats from one offering prepared in five pots, in which case the different parts of the offering do not come from differentiated physical entities, is liable to bring a separate guilt offering for the food prepared in each and every pot because he ate from differentiated pots, with regard to one who eats notar from five separate offerings, which are differentiated physical entities, is it not all the more so logical that he is liable to bring a separate sin offering for each and every offering?

¹⁸¹ § The mishna teaches that Rabbi Shimon said: It was not that question that Rabbi Akiva asked them. Rather, it was with regard to one who eats notar from five offerings during one lapse of awareness. What is the halakha? Is he liable to bring one sin offering for all the offerings from which he ate notar, or is he liable to bring five sin offerings, one for each and every one of the offerings from which he ate notar? They said to Rabbi Akiva: We have not heard a ruling from our teachers in that specific case.

¹⁸² Rabbi Yehoshua said: I have heard with regard to one who eats meat from one offering from five different pots in which it was prepared, that he is liable to bring a separate guilt offering for the meat prepared in each and every pot, due to misuse of consecrated property. And I consider that these matters may be derived from an a fortiori inference. Rabbi Akiva said to Rabbi Yehoshua: If you are reporting a halakha that you received from your teachers with regard to one who eats notar from five offerings we will accept it, but if it is based on the a fortiori logical inference from misuse of consecrated property there is a response that refutes the inference.

¹⁸³ The Gemara asks: Did Rabbi Yehoshua accept that refutation from Rabbi Akiva or not? The Gemara answers: Come and hear a proof in this regard, as it is taught in a baraita: If one ate five pieces of notar from one offering during one lapse of awareness, and the pieces were cooked in five

different pots, he brings only one sin offering. And in a situation where it is not known to him with certainty whether he unwittingly ate from them, he brings only one provisional guilt offering, which is sacrificed by one who is uncertain whether he committed a sin that renders him liable to bring a sin offering.

¹⁸⁴ By contrast, if one ate notar from a single offering from five different pots during five separate lapses of awareness he brings a sin offering for each and every one, and in a situation where it is not known to him with certainty whether he unwittingly ate from them he brings a provisional guilt offering for each and every one. If he ate notar from five separate offerings during one lapse of awareness he is liable to bring a separate sin offering for each one, as he ate from differentiated physical entities.

¹⁸⁵ Rabbi Yosei, son of Rabbi Yehuda, says: Even if he ate five pieces of notar from five separate offerings during one lapse of awareness he brings only one sin offering, as he transgressed one prohibition repeatedly during a single lapse of awareness. And if he is uncertain whether he unwittingly ate from them he brings only a single provisional guilt offering. The principle of the matter is that in any situation where one's transgressions are differentiated with regard to sin offerings, i.e., when he is liable to bring multiple sin offerings if he knows that he unwittingly transgressed, they are differentiated with regard to provisional guilt offerings if he is unsure whether he unwittingly transgressed.

¹⁸⁶ If one ate five pieces of meat prepared in five separate pots from a single offering before the meat became permitted for consumption through the sprinkling of the blood on the altar, even if this occurred during a single lapse of awareness, he is liable to bring a separate guilt offering for the meat from each and every pot, due to misuse of consecrated property.

¹⁸⁷ The Gemara notes: And yet in the final case in the baraita, it does not teach that in a situation where he is uncertain whether he ate from it he brings a provisional guilt offering. Whose opinion is this? If we say it is the opinion of Rabbi Akiva, let him also teach in the last clause: For a case where he is uncertain whether he ate from them he brings a provisional guilt offering, as we learned in the mishna (22b) that Rabbi Akiva deems one liable to bring a provisional guilt offering for uncertainty about misuse of consecrated property.

¹⁸⁸ Rather, isn't the baraita in accordance with the opinion of Rabbi Yehoshua, who disagrees with the opinion of Rabbi Akiva and holds that one is not liable to bring a provisional guilt offering for uncertainty about misuse of consecrated property? And it teaches that one who eats notar from one offering cooked in five pots during five separate lapses of awareness brings five sin offerings, which indicates that if he did so during a single lapse of awareness he would be liable to bring only one sin offering, in accordance with the opinion stated by Rabbi Akiva in the mishna. And one can conclude from here that Rabbi Yehoshua accepted the refutation from Rabbi Akiva.

¹⁸⁹ The Gemara responds: But on the contrary, one can infer otherwise from the latter clause of the baraita, which teaches: If he ate from five separate offerings, even during one lapse of awareness, he is liable to bring a separate sin offering for each and every one. One can conclude from this statement that Rabbi Yehoshua did not accept the refutation from Rabbi Akiva.

¹⁹⁰ Rather, what is there to say about this baraita? It must be said that it is a dispute between tanna'im, that there is a tanna who maintains that Rabbi Yehoshua accepted Rabbi Akiva's refutation, and there is a tanna who maintains that Rabbi Yehoshua did not accept it.

¹⁹¹ But once the baraita is interpreted in accordance with two different tanna'im, you may even say that the earlier clause of the baraita is in accordance with the opinion of Rabbi Akiva and not Rabbi Yehoshua. And this tanna of the baraita holds in accordance with the opinion of Rabbi Akiva in one matter and disagrees with his opinion in one matter: He holds in accordance with the opinion of Rabbi Akiva with regard to a lapse of awareness, that if one eats from five offerings during a single lapse of awareness he is liable to bring only one sin offering. But he disagrees with his opinion with regard to misuse of consecrated property, as he does not deem one liable to bring a provisional guilt offering for uncertainty about whether he misused consecrated property.

¹⁹² § The mishna teaches that if one eats five pieces from a single offering, each of which was cooked in a separate pot, he is liable to bring five guilt offerings for misuse of consecrated property. The Gemara asks: What are the circumstances which require five guilt offerings for misuse of consecrated property? Shmuel says: The five pieces must be from separate parts of the offering, like that which we learned in a mishna (Me'ila 15b) with regard to a different topic: Five items from a burnt offering combine to form an olive-bulk that renders one liable for sacrificing an offering outside the Temple: The meat, and the forbidden fat, and the wine from the libations of the burnt offering, and the fine flour from the meal offering brought with the libations, and the oil for mixing with the meal offering.

¹⁹³ Hizkiyya says: The obligation to bring five guilt offerings applies in a case where he ate from five different limbs of one offering. Reish Lakish says: You may even say that he ate from one limb, and you find this in a case where he ate from the shoulder of an offering, which has several different sections. Rabbi Yitzhak Nappaḥa says: It applies in a case where he ate pieces of meat prepared as five different types of cooked dishes. Rabbi Yoḥanan says: It applies in a case where he ate five pieces of meat that had five different flavors, as they were prepared with different types of seasonings.

¹⁹⁴ MISHNA: Rabbi Akiva said: I asked Rabbi Eliezer with regard to one who performs multiple prohibited labors on several Shabbatot, and all those labors were subsumed as subcategories of one primary category of prohibited labor, and he performed them during one lapse of awareness. What is the halakha? Is he liable to bring one sin offering for unwitting performance of all these labors or is he liable to bring a sin offering for violation of each and every one of the labors?

¹⁹⁵ Rabbi Eliezer said to Rabbi Akiva: He is liable to bring a sin offering for violation of each and every one of the labors, and this is derived from an a fortiori inference: Just as in the case of a menstruating woman, with regard to whom there are not multiple actions that result in transgression and that result in multiple sin offerings, but rather only the prohibition against engaging in intercourse with her, and nevertheless one is liable to bring a separate sin offering for each and every one of his acts of unwitting intercourse; in the case of Shabbat, with regard to which there are multiple primary categories and subcategories of labor that result in transgression and that result in multiple death penalties or sin offerings, is it not right that he will be liable to bring a sin offering for performance of each and every one of the prohibited labors?

¹⁹⁶ Rabbi Akiva continues: I said to Rabbi Eliezer that the inference is not valid: If you said one is liable to bring multiple sin offerings in the case of a menstruating woman, with regard to whom there are two prohibitions, as the man is prohibited from engaging in intercourse with the menstruating

woman and the menstruating woman is prohibited from engaging in intercourse with him, would you say the same in the case of Shabbat, with regard to which there is only one prohibition?

¹⁹⁷ Rabbi Eliezer said to me: The halakha of one who engages in intercourse with minor menstruating girls will prove this refutation is not valid, as in that case there is only one prohibition, because the minor is exempt from the mitzvot, and nevertheless the man is liable to bring a separate sin offering for intercourse for each and every one of the acts of intercourse.

¹⁹⁸ Rabbi Akiva said: I said to Rabbi Eliezer that the cases of Shabbat and minor menstruating girls are not comparable. If you said in the case of minor girls that although it is not prohibited for them at present it is prohibited for them after the passage of time, when they reach majority, would you say the same in the case of Shabbat, with regard to which there are neither two prohibitions at present, nor will there be after the passage of time?

¹⁹⁹ Rabbi Eliezer said to me: The halakha of one who copulates with an animal will prove this refutation is not valid, as there are never two prohibitions in that case, and nevertheless the person is liable to bring a sin offering for each and every act. Rabbi Akiva said: I said to Rabbi Eliezer that no proof can be cited from the case of an animal, as in my opinion the case of the animal is like that of Shabbat; there is uncertainty with regard to both cases.

²⁰⁰ GEMARA: The Gemara asks: What precise dilemma did Rabbi Akiva raise before Rabbi Eliezer? If he raised a dilemma about whether different Shabbatot are comparable to separate entities or not, i.e., if performing one labor on several Shabbatot during one lapse of awareness is similar to engaging in intercourse with multiple menstruating women during one lapse of awareness, let him raise the dilemma as follows: If one performs one prohibited labor on each of several Shabbatot during a single lapse of awareness, what is the halakha?

²⁰¹ Rather, perhaps he raised a dilemma about whether different subcategories of a single prohibited labor are comparable to different primary categories, which would mean one is liable separately for each, or not. But if so, let him ask raise the dilemma in the following manner: In the case of one who performs multiple prohibited labors, all subsumed as subcategories of one primary category of labor, on a single Shabbat, during a single lapse of awareness, what is the halakha? Why did Rabbi Akiva specify a case of one who performed multiple prohibited labors on multiple Shabbatot?

²⁰² Rava said: They say in the school of Rav [bei Rav] that Rabbi Akiva raised two dilemmas before him: He raised a dilemma about whether Shabbatot are comparable to separate entities or whether they are not comparable to separate entities, and he also raised a dilemma about whether different subcategories of a single prohibited labor are comparable to different primary categories of labor, or whether they are not. Rabbi Eliezer answered that multiple Shabbatot are comparable to separate entities, and that one who performs different subcategories of a single category of prohibited labor is like one who performs multiple primary categories of labor.

²⁰³ The Gemara raises another question with regard to the mishna: And in connection to the performance of the same category of prohibited labor on each of several Shabbatot during a single lapse of awareness, what is the precise case about which Rabbi Akiva raises his dilemma? If the individual was unwitting in that he was unaware that it was Shabbat but acted intentionally with regard to the prohibited labors, i.e., he knew that these labors are prohibited on Shabbat, perhaps it is obvious to Rabbi Akiva that the intervening days constitute an awareness of his sin, which serves to

differentiate between the Shabbatot and render the individual liable to bring separate sin offerings for each Shabbat.

²⁰⁴ And if so, it is in reference to a case where the individual acts intentionally with regard to Shabbat, i.e., he knows that it is Shabbat, but he acts unwittingly in that he does not know that the prohibited labors he is performing are prohibited on Shabbat, that Rabbi Akiva raises his dilemma. His dilemma is whether the Shabbatot are comparable to separate entities, which would mean that he is liable to bring a separate sin offering for each Shabbat, or whether they are not comparable to separate entities and therefore he is liable to bring only one sin offering.

²⁰⁵ Or perhaps in the case where he acts intentionally with regard to Shabbat and unwittingly with regard to prohibited labors, it is obvious to Rabbi Akiva that the Shabbatot are comparable to separate entities and he is liable to bring a separate sin offering for each Shabbat. And it is in reference to a case where he acts unwittingly in that he does not know it is Shabbat, but he acts intentionally in that he knows that the labors he is performing are prohibited on Shabbat, that Rabbi Akiva raises his dilemma. His dilemma is whether the intervening days between the Shabbatot are considered awareness of his sin, which would serve to differentiate between one sin and the next, or not.

²⁰⁶ Rabba said:

²⁰⁷ It stands to reason, based on a proof from a mishna, to say that in a case where he acts unwittingly in that he does not know that it is Shabbat, and intentionally in that he knows that the labors he is performing are prohibited on Shabbat, it is obvious to Rabbi Akiva that the intervening days between the Shabbatot are considered awareness of his sin, which would serve to differentiate between one sin and the next. And it is in reference to a case where he acts intentionally with regard to Shabbat and unwittingly with regard to prohibited labors that Rabbi Akiva raises his dilemma, which is about whether the Shabbatot are comparable to separate entities or not.

²⁰⁸ And Rabbi Eliezer resolved his dilemma for him by stating that in a case where he acts intentionally with regard to Shabbat and unwittingly with regard to prohibited labors, the Shabbatot are comparable to separate entities. But Rabbi Akiva did not accept this resolution from him. And with regard to Rabbi Akiva's other dilemma, Rabbi Eliezer resolved it for him by stating that subcategories of labors are comparable to primary categories of labor, and one is liable to bring a separate sin offering for each act. But Rabbi Akiva did not accept this resolution from him either.

²⁰⁹ Rabba said: From where do I say this? As we learned in a mishna (Shabbat 67b): The Sages stated a significant principle with regard to the halakhot of Shabbat: With regard to anyone who forgets the essence of Shabbat, i.e., one who is entirely ignorant that labor is prohibited on Shabbat, and he performed multiple prohibited labors on multiple Shabbatot, he is liable to bring only one sin offering, as there is only a single, comprehensive lapse of awareness.

²¹⁰ With regard to one who knows the essence of the prohibition against labor on Shabbat, and he performed multiple prohibited labors on multiple Shabbatot because he was unaware that those days were Shabbat, he is liable to bring a sin offering for each and every Shabbat, as the intervening days are considered awareness which differentiates between the Shabbatot. One who is aware that the day is Shabbat and performed multiple prohibited labors, which he did not know were prohibited, on multiple Shabbatot, is liable to bring a sin offering for each and every primary category of labor that he performed.

²¹¹ Rabba comments: But in the latter case, the mishna does not teach that he is liable to bring a sin offering for each act of a primary category of labor that he performed on each and every Shabbat. He is liable to bring one sin offering for each primary category of labor, despite the fact that he performed the act on multiple Shabbatot. This indicates that the different Shabbatot are not considered separate entities.

²¹² Whose opinion is this? If we say it is the opinion of Rabbi Eliezer, say the last clause of that mishna: One who performs multiple prohibited labors subsumed, as subcategories, under one primary category of prohibited labor is liable to bring only one sin offering. And if this were the opinion of Rabbi Eliezer it should state: He is liable to bring a separate sin offering for each of the different subcategories of labors as though they were separate primary categories of labor.

²¹³ Rather, it is obvious that this mishna is in accordance with the opinion of Rabbi Akiva. And you can learn from the mishna that when one acts unwittingly in that he did not know it was Shabbat and he acts intentionally in that he knows that these labors are prohibited on Shabbat, it is obvious to Rabbi Akiva that the intervening days are considered awareness of his sin, which serves to differentiate between the Shabbatot and render the individual liable to bring separate sin offerings for each Shabbat. It is for this reason that the mishna states that if one performs multiple labors on multiple Shabbatot because he was unaware that it was Shabbat, he is liable to bring a sin offering for each Shabbat.

²¹⁴ Consequently, it is clear that it is in a case where one acted intentionally in that he knew it was Shabbat and unwittingly in that he did not know that the acts he was performing were prohibited labor, that Rabbi Akiva raises his dilemma, as he is uncertain about whether the Shabbatot are comparable to separate entities. And Rabbi Eliezer resolved the dilemma for him by stating that the different Shabbatot are comparable to separate entities, and different subcategories of labors are comparable to primary categories of labor, and therefore one is liable for each act. And Rabbi Akiva did not accept either of these resolutions from Rabbi Eliezer.

²¹⁵ Abaye said to Rabba: You cannot prove your claim from the mishna. Actually, I could say to you that in a case where one acts intentionally in that he knows it is Shabbat and unwittingly in that he does not know that his actions are prohibited labors, it is obvious to Rabbi Akiva that Shabbatot are not comparable to separate entities, as it can be inferred from the latter clause of this mishna that one is not liable to bring a separate sin offering for each primary category of labor performed on each individual Shabbat. And it is in reference to a case where one acted unwittingly in that he did not know it was Shabbat and intentionally in that he knew his actions are prohibited labors, that Rabbi Akiva raises his dilemma to Rabbi Eliezer. The dilemma is whether the intervening days are considered awareness to differentiate between the Shabbatot or not.

²¹⁶ And Rabbi Eliezer resolved the dilemma for him by stating that the intervening days are considered awareness to differentiate between the Shabbatot. And Rabbi Akiva accepted this resolution from him, due the ruling of the mishna that one who knows the essence of the prohibition against labor on Shabbat and performs multiple prohibited labors on multiple Shabbatot is liable to bring a sin offering for each and every Shabbat. And Rabbi Eliezer also resolved his other dilemma for him by stating that subcategories of labors are comparable to primary categories of labor and one is liable for each act, but Rabbi Akiva did not accept this resolution from him.

²¹⁷ Rav Ḥisda says: In a case where one acts intentionally in that he knows it is Shabbat and unwittingly in that he does not know that his actions are prohibited labors, even Rabbi Akiva holds that the Shabbatot are comparable to separate entities; and when he raises the dilemma to Rabbi Eliezer, it is in reference to a case where one acted unwittingly with regard to Shabbat and intentionally with regard to prohibited labor. And he raises the dilemma in order to clarify whether or not the intervening days are considered awareness to differentiate.

²¹⁸ And Rabbi Eliezer resolved the dilemma for him by stating that the intervening days are considered awareness to differentiate the transgressions, and Rabbi Akiva accepted this resolution from him. This is in accordance with the mishna in tractate Shabbat (67b) cited earlier, that one who knows the essence of the prohibition against labor on Shabbat and performed multiple prohibited labors on multiple Shabbatot is liable to bring a sin offering for each and every Shabbat.

²¹⁹ And Rabbi Eliezer also resolved Rabbi Akiva's other dilemma for him by stating that different subcategories of prohibited labors are comparable to primary categories of labor and one is liable for each one separately. But Rabbi Akiva did not accept this resolution from him, due to the final clause of that mishna, which states that one who performs multiple prohibited labors that are subsumed as subcategories under one primary category of prohibited labor is liable to bring only one sin offering.

²²⁰ Rav Ḥisda said: From where do I say that according to Rabbi Akiva each Shabbat is considered a separate entity? This is as it is taught in a baraita: One who writes two letters on Shabbat during one lapse of awareness is liable, as writing two letters renders one liable for performing the prohibited labor of writing. If he does so in two separate lapses of awareness, e.g., he wrote one letter without realizing it was Shabbat, then became aware that it was Shabbat, and then again became unaware it was Shabbat and wrote a second letter, Rabban Gamliel deems him liable to bring a sin offering and the Rabbis deem him exempt. And Rabban Gamliel concedes that if he wrote one letter on this Shabbat and one letter on another Shabbat he is exempt.

²²¹ And it is taught in a different baraita: In the case of one who writes two letters on two Shabbatot, one on this Shabbat and one on that Shabbat, Rabban Gamliel deems him liable and the Rabbis deem him exempt. Rav Ḥisda explains: It enters your mind that Rabban Gamliel holds in accordance with the opinion of Rabbi Akiva.

²²² Granted, according to my opinion, as I say that in a case where one acts intentionally in that he knows it is Shabbat and unwittingly in that he does not know his actions constitute prohibited labors, even Rabbi Akiva says that the Shabbatot are comparable to separate entities. Consequently, that which is taught in the first baraita, that Rabban Gamliel concedes that if one wrote one letter on Shabbat and another letter the following Shabbat he is exempt, can be interpreted as referring to a case where one acts intentionally in that he knows it is Shabbat but unwittingly in that he does not know his actions constitute prohibited labors. Since separate Shabbatot are comparable to separate entities, the two acts do not combine to form the minimal act of writing that would render one liable to bring a sin offering.

²²³ And that which is taught in the second baraita, that Rabban Gamliel deems a person liable if he wrote two letters over two Shabbatot, can also be explained: It is referring to a case where he acts unwittingly in that he does not know it is Shabbat, and intentionally in that he knows his actions constitute prohibited labors. In such a situation he deems an individual liable despite the fact that different Shabbatot are comparable to separate entities, as he holds that although the intervening days

are generally considered awareness of his transgression, there is no awareness for a half-measure. Since he performed only half the prohibited labor on the first Shabbat, he is not considered to have become aware of his transgression on the intervening days.

²²⁴ But according to Rava, who says that Rabbi Akiva, and presumably also Rabban Gamliel, holds that separate Shabbatot are considered as one single entity, how can both baraitot be explained?

²²⁵ The Gemara elaborates: Granted, that which is taught in the second baraita, that Rabban Gamliel deems one who writes a letter on each of two Shabbatot to be liable, is understandable. You can find both a case where one acted intentionally in that he knew it was Shabbat and unwittingly in that he did not know his actions constituted prohibited labors, as he holds that Shabbatot are considered as one single entity, and a case where he acted unwittingly in that he does not know it is Shabbat and intentionally in that he knows his actions constitute prohibited labors. The reason in the second case is that he holds there is no awareness for a half-measure, and therefore the actions on the two Shabbatot are considered to have taken place during one lapse of awareness.

²²⁶ But with regard to that which is taught in the first baraita, that one who writes a letter on each of two Shabbatot is exempt, in what case can you interpret it, i.e., in what circumstances would this ever apply? This ruling does not apply in this case, where he is aware that it is Shabbat but unaware that his action constitutes a prohibited labor, because Rabbi Akiva, and presumably Rabban Gamliel, maintains that each Shabbat is considered a single entity and therefore it is considered as though he wrote two letters on one Shabbat, and he is liable. And this ruling also does not apply in that case, where one is unaware that it is Shabbat and aware that his action constitutes a prohibited labor, because Rabban Gamliel maintains there is no awareness for a half-measure. Consequently, the two letters are considered to have been written in one lapse of awareness.

²²⁷ The Gemara explains that Rava could say to you that Rabban Gamliel holds in accordance with the opinion of Rabbi Eliezer, who says: Shabbatot are comparable to separate entities, and therefore an individual who wrote one letter on one Shabbat and another letter on a different Shabbat is exempt.

²²⁸ The Gemara raises an objection: But from the fact that the baraita teaches: And Rabban Gamliel concedes to the Rabbis that if he wrote one letter on one Shabbat and one more letter on a different Shabbat he is exempt, it can be derived by inference that they disagree about another halakha. Granted, if you say Rabban Gamliel holds in accordance with the opinion of Rabbi Akiva, and the opinion of the Rabbis is that of Rabbi Akiva, this is referring to the fact that they disagree in the other baraita with regard to the case where one acts unwittingly in that he does not know it is Shabbat and intentionally in that he knows his actions constitute prohibited labors, as Rabban Gamliel holds that although the intervening days are considered awareness to differentiate between the Shabbatot, there is no awareness for a half-measure, and therefore he is liable.

²²⁹ And Rabban Gamliel concedes to Rabbi Akiva in a case where one acts intentionally in that he knows it is Shabbat and unwittingly in that he does not know his actions constitute prohibited labors, that he is exempt. Evidently, Rabbi Akiva holds that Shabbatot are comparable to separate entities, and therefore the letters written on different Shabbatot do not combine, which is why he is exempt. But if you say Rabban Gamliel holds in accordance with the opinion of Rabbi Eliezer, and from the fact that one baraita states that Rabban Gamliel concedes that he is exempt it can be derived by

inference that they disagree about another similar halakha, this raises the question: About what case do they disagree?

²³⁰ If you suggest that they disagree with regard to a case where one acts unwittingly in that he does not know it is Shabbat and intentionally in that he knows his actions constitute prohibited labors, then that cannot be correct. After all, even Rabbi Eliezer holds in accordance with the opinion of Rabban Gamliel that there is no awareness for a half-measure, as it is taught in a baraita: With regard to one who writes two letters on two separate Shabbatot, one letter on this Shabbat and one letter on that Shabbat, Rabbi Eliezer deems him liable.

²³¹ But rather, you might suggest that Rabban Gamliel's concession that he is exempt is referring to a disagreement with regard to adding one thread to a preexisting woven fabric. If one weaves three threads together he has violated the prohibited labor of weaving on Shabbat. It might be suggested that if one adds a single thread to a preexisting woven fabric, Rabban Gamliel would deem him liable whereas Rabbi Eliezer would deem him exempt. And yet Rabban Gamliel concedes that if one writes one letter next to a letter written on the previous Shabbat he is exempt. This suggestion is also difficult, as Rabbi Eliezer deems one liable in the case of adding a single thread, as we learned in a mishna (Shabbat 105a) that Rabbi Eliezer says: One who weaves three threads at the beginning of a new fabric, or adds one thread to a preexisting woven fabric, is liable.

²³² Rava said: When it was derived by inference that Rabban Gamliel disagrees about one other halakha, that disagreement is referring to the following case, as it is taught in a baraita: One who carried out half of a dried fig into the public domain on Shabbat and then carried out another half of a dried fig, in one lapse of awareness, is liable; if he carried them out in two lapses of awareness he is exempt. Rabbi Yosei says: Even in a case where this occurred in one lapse of awareness, if they were both carried to one public domain he is liable; but if they were carried to two public domains that are separated from each other he is exempt.

²³³ As in such a case, Rabban Gamliel holds in accordance with the opinion of the first tanna, who says that the separate domains do not cause the two acts to be considered separate; therefore, as he carried out a full dried fig, which is the minimum measure for the prohibited labor of carrying from one domain to another, he is liable. And Rabbi Eliezer holds in accordance with the opinion of Rabbi Yosei, who says the separate domains cause the acts to be considered separate, and he is exempt. Another baraita then states that although Rabban Gamliel maintains that the separate domains do not cause the two acts to be considered separate, he concedes that individual Shabbatot are considered separate entities, and therefore writing two letters on two different Shabbatot is considered two separate acts and the individual is exempt.

²³⁴ The Gemara suggests: Come and hear a proof for Rav Ḥisda's opinion from the mishna: Rabbi Eliezer said to Rabbi Akiva: He is liable to bring a sin offering for violation of each and every one of the labors, and this is derived from an a fortiori inference. Just as in the case of a menstruating woman, with regard to whom there are not multiple actions that result in multiple sin offerings, one is liable to bring a separate sin offering for each act of unwitting intercourse; in the case of Shabbat, with regard to which there are multiple primary categories and subcategories of labor, is it not right that one will be liable to bring a sin offering for each prohibited labor?

²³⁵ Granted, according to Rav Ḥisda, who says that Rabbi Akiva raises his dilemma in reference to a case where one acted unwittingly in that he did not know it was Shabbat and intentionally in that he

knew his actions constitute prohibited labors, and the basis of the dilemma was whether the intervening days are considered awareness to differentiate between the Shabbatot or not, that is the reason that Rabbi Eliezer said to him: Just as in the case of a menstruating woman, in the singular; in order to indicate that just as in the case of a menstruating woman one is liable for each act of intercourse due to the intervening days, so too with regard to Shabbat.

²³⁶ But according to Rava, who says it was in reference to a case where one acted intentionally in that he knew it was Shabbat and unwittingly in that he did not know his actions constituted prohibited labors that Rabbi Akiva raises his dilemma, and the basis of the dilemma was whether Shabbatot are comparable to separate entities or not, let Rabbi Eliezer teach this halakha with the plural phrase: Menstruating women. This would indicate that just as a man who engages in intercourse with five different menstruating women is liable to bring a sin offering for his transgression with each woman, as they are separate entities, the same applies to Shabbatot, which are also separate entities.

²³⁷ The Gemara responds that Rava could say to you: Indeed, teach the mishna with the plural term menstruating women. The Gemara notes that Shmuel teaches the mishna with the singular term menstruating woman, and Rav Adda bar Ahava teaches the mishna with the term menstruating woman; but Rav Natan bar Oshaya says: Teach the mishna with the plural term menstruating women.

²³⁸ The Gemara asks: And according to Rav H̥isda, who says: It was in reference to a case where he was unwitting with regard to Shabbat and intentional with regard to prohibited labors that Rabbi Akiva raises his dilemma, and the question was whether the intervening days are considered awareness to differentiate between the Shabbatot or not, how could Rabbi Eliezer attempt to resolve the dilemma by a comparison to a menstruating woman? In the case of a menstruating woman, what intervening days apply to her that can be considered awareness of his sin, which serves to differentiate the acts of intercourse into distinct transgressions?

²³⁹ Rava said: This is possible in a case where he unwittingly engaged in intercourse with her while she was menstruating, and then she immersed in a ritual bath and became pure, and then she saw menstrual blood and he engaged in intercourse with her again, and then she immersed and then saw menstrual blood and he engaged in intercourse with her again. As here the immersions which purify her are considered like intervening days.

²⁴⁰ The Gemara suggests: Come and hear a proof for the opinion of Rava from the continuation of the mishna: Rabbi Eliezer said to Rabbi Akiva: The case of one who engages in intercourse with minor menstruating girls will prove this refutation is not valid. Granted, according to Rava, who says that Rabbi Akiva's dilemma was about whether Shabbatot are considered separate entities, this is the reason that Rabbi Eliezer teaches his resolution by using the plural term minor girls, to indicate that just as one is liable to bring a separate sin offering for each girl, as she is a separate entity, the same applies to prohibited labor performed on different Shabbatot.

²⁴¹ But according to Rav H̥isda, who said Rabbi Akiva's dilemma referred to whether the intervening days are considered awareness to differentiate between the Shabbatot, what is the reason Rabbi Eliezer employed the plural term minor girls? The Gemara answers that the plural term is referring to minor girls in general, i.e., to men who engage in intercourse with minor girls, but it should not be taken to mean that one man engages in intercourse with multiple minor women.

²⁴² § The Gemara notes that the mishna, which states that Rabbi Akiva raised a dilemma with regard to the halakhot of Shabbat and Rabbi Eliezer offered a resolution based on the halakhot of a menstruating woman, is not in accordance with the opinion of this following tanna, as it is taught in a baraita that Rabbi Shimon ben Elazar says: That is not what Rabbi Akiva asked Rabbi Eliezer. Rather, this is what he asked him: In the case of one who unwittingly engaged in intercourse with his wife while she was menstruating, and then again engaged in intercourse with his wife while she was menstruating, during a single lapse of awareness, what is the halakha? Is he liable to bring only one sin offering for all of the acts of intercourse, or is he liable to bring a separate sin offering for each and every one?

²⁴³ Rabbi Eliezer said to him: He is liable for each and every one, and this is derived from an a fortiori inference: And just as in the case of Shabbat, with regard to which there is only one prohibition because he is prohibited to perform labor on Shabbat but Shabbat is not prohibited with regard to him, he is liable to bring a separate sin offering for each and every prohibited labor; in the case of a menstruating woman, with regard to whom there are two prohibitions, as the man is prohibited to engage in intercourse with the menstruating woman and the menstruating woman is prohibited to engage in intercourse with him, is it not right that he should be liable to bring a separate sin offering for each and every act of intercourse?

²⁴⁴ Rabbi Akiva said to him: No, if you said that one is liable to bring multiple sin offerings in the case of Shabbat, with regard to which there are multiple categories of labor that result in liability to bring multiple sin offerings, shall you also say the same in the case of a menstruating woman, with regard to whom there are not multiple actions that result in multiple transgressions and multiple sin offerings, as there is only the prohibition against engaging in intercourse with her?

²⁴⁵ Rabbi Eliezer said to him: The case of one who engages in intercourse with five minor menstruating girls will prove it, as with regard to it there are not multiple actions that result in multiple sin offerings, and yet one is liable to bring a separate sin offering for having engaged in intercourse with each and every one of the girls.

²⁴⁶ Rabbi Akiva said to him: No, if you said that one is liable for each one with regard to minors, who are separate entities, shall you also say that he should be liable for each act with regard to one who engages in intercourse five times with his wife while she is menstruating? Rabbi Eliezer said to him: The case of one who copulates with an animal multiple times during a single lapse of awareness will prove that one should be held separately liable for each act, as there are no separate entities, and yet one is liable for each and every act. Rabbi Akiva said to him: The case of the animal is like the case of the menstruating woman, and one is liable to bring only one sin offering.

Chapter 4

¹ MISHNA: If there is uncertainty whether one ate forbidden fat and uncertainty whether one did not eat forbidden fat, or even if one ate forbidden fat and there is uncertainty whether there is the measure that determines liability in the piece he ate and uncertainty

² whether there is not the measure that determines liability in the piece he ate, he must bring a provisional guilt offering.

³ If one has a piece of permitted fat and a piece of forbidden fat before him and he ate one of them and he does not know which of them he ate; or if his wife and his sister were with him in the house and he unwittingly engaged in intercourse with one of them and he does not know with which of them he unwittingly engaged in intercourse; or if he confused Shabbat and a weekday and he performed labor prohibited on Shabbat on one of the days and he does not know on which of them he performed the labor, in all of those cases he is liable to bring a provisional guilt offering.

⁴ Just as in a case where one unknowingly ate a piece of forbidden fat and then another piece of forbidden fat in a single lapse of awareness he is liable to bring only one sin offering, so too, in a case where their status is unknown to him and he ate them both unwittingly during a single lapse in awareness, he is liable to bring only one provisional guilt offering.

⁵ But if he had gained knowledge between the first and second instance of eating that there is a possibility the fat might be prohibited, then the halakha is different: Just as he would be liable to bring a sin offering for each and every piece when he gained knowledge of their prohibited status in between each act of consumption, so too, he must bring a provisional guilt offering for each and every instance in which he consumed food that might be forbidden after learning of their uncertain status in between each unwitting act of consumption.

⁶ Just as in a case where one ate forbidden fat, and blood, and piggul, and notar in one lapse of awareness he is liable to bring a sin offering for each and every one, so too, with regard to a case where their status is unknown to him and he ate them unwittingly during one lapse of awareness, he must bring a provisional guilt offering for each and every item.

⁷ GEMARA: With regard to the mishna's mention of one who ate a piece of fat whose status was uncertain, it was stated that Rav Asi says: We learned that one is liable to bring a provisional guilt offering in the case of one single piece that is uncertain if it is of forbidden fat and uncertain if it is of permitted fat. Ḥiyya bar Rav disagreed and said: We learned this halakha in the case of an uncertainty involving one piece out of two pieces, one of which is forbidden fat and the other permitted fat, but in the case of a single piece, one who consumes it is not liable to bring an offering.

⁸ The Gemara inquires: With regard to what matter do Rav Asi and Ḥiyya bar Rav disagree? The Gemara answers: It is stated in a verse discussing the obligation to bring a provisional guilt offering: "And if anyone sin, and do any of the commandments [mitzvot] of the Lord that are not to be done, though does not know it; yet is he guilty, and shall bear his iniquity" (Leviticus 5:17). Rav Asi holds: The tradition of the manner in which the verses in the Torah are written is authoritative, and one derives halakhot based on the spelling of the words. Therefore, the obligation to bring a provisional guilt offering applies only when there is uncertainty with regard to a single piece, because the word is written as "mitzvat," in the singular form.

⁹ And Ḥiyya bar Rav says: The vocalization of the Torah is authoritative, meaning that one derives halakhot based on the pronunciation of the words, even if it diverges from the spelling. Therefore, since we read the word in the plural, as mitzvot, the obligation to bring a provisional guilt offering applies only when two pieces are present.

¹⁰ Rav Huna raised an objection to Rav Asi, and some say it was Ḥiyya bar Rav who raised the objection to Rav Asi: The latter clause in the mishna states: If one has a piece of permitted fat and a piece of forbidden fat before him and he ate one of them. What, is it not correct to infer from the fact

that the latter clause of the mishna is referring to two pieces that the first clause, which introduces the topic, is also referring to two pieces?

¹¹ Rav said to them: Do not go after the opposite, i.e., do not cite a proof from a source that could be understood in the reverse manner, as Rav Asi can answer you by claiming that whereas the latter clause is referring to two pieces, the first clause is referring to one piece. The Gemara questions this claim: If so, one can say that once the mishna has taught that the consumption of one piece of fat that might be forbidden renders him obligated to bring a provisional guilt offering, does it need to be said that the same applies in a case involving two pieces, where one of them is definitely forbidden? The Gemara answers that the mishna is employing the style: This, and it is unnecessary to say that, i.e., it first teaches the more difficult and novel case, then teaches the easier, more straightforward one.

¹² The Gemara asks: And according to the opinion of Ḥiyya bar Rav, who says that from the fact that the latter clause of the mishna is referring to two pieces, the first clause is also referring to two pieces, why do I need two clauses to teach the same halakha? The Gemara answers that the mishna is explaining itself, as follows: If there is uncertainty whether one ate forbidden fat and uncertainty whether one did not eat forbidden fat, he must bring a provisional guilt offering. How so? For example, in a case where there was forbidden fat and permitted fat before him, and he ate one of them.

¹³ § The Gemara cites a series of virtually identical statements attributed to Rav, followed by different rationales for his opinion, after each of which it raises several objections from a baraita or a mishna. Rav Yehuda says that Rav says: In a case where one had two pieces of fat before him, one of permitted fat and one of forbidden fat, if he ate one of them and he does not know which of them he ate, he is obligated to bring a provisional guilt offering. But if there was only one piece before him and there was uncertainty whether it was of forbidden fat and uncertainty whether it was of permitted fat, and he ate it, he is exempt.

¹⁴ Rava said: What is the reason for the opinion of Rav? He derives it from that which the verse states: “And if anyone sin, and do any of the commandments [mitzvot] of the Lord that are not to be done, though he does not know it; yet is he guilty, and shall bear his iniquity” (Leviticus 4:22). Rav derives from the plural mitzvot that one is not liable to bring a provisional guilt offering until he is unwitting with regard to one of two items, which in this case is two pieces of fat. The Gemara asks: But isn’t it written “mitzvat,” in the singular form? The Gemara answers: We read it as mitzvot, in the plural. In other words, according to Rava, Rav maintains that the vocalization of the Torah is authoritative.

¹⁵ Abaye raised an objection to Rava from a baraita. Rabbi Eliezer says: With regard to a koy, a kosher animal with characteristics of both a domesticated animal and a non-domesticated animal, one is obligated to bring a provisional guilt offering for eating its fat. The prohibition of forbidden fats applies only to those of a domesticated animal; the corresponding fats are permitted in the case of a non-domesticated animal. Since a koy is of uncertain status, one must bring a provisional guilt offering for eating its fat. Evidently, one is liable to bring a provisional guilt offering even in a case where there was uncertainty involving a single item.

¹⁶ Rava said to Abaye: Rabbi Eliezer holds that the tradition of the manner in which the verses in the Torah are written is authoritative. Consequently, as the singular form “mitzvat” is written, he

maintains that a provisional guilt offering must be brought in a case of uncertainty involving a single item, such as the fat of a koy.

¹⁷ The Gemara raised an objection to Rav from a baraita: If one consummates levirate marriage with his yevama and seven months later she gives birth, there is uncertainty whether the child is nine months old, i.e., counting from conception, and is the offspring of the first husband, which would mean the levirate bond did not take effect, or whether the child is only seven months old and is the offspring of the latter husband, i.e., the yavam, not the deceased, in which case the levirate bond did take effect. In such a situation, due to the possibility that she is forbidden to him as his brother's wife, he must divorce her. But the offspring is of unflawed lineage, as whether it was born from the first or the second husband, its conception involved no transgression.

¹⁸ The baraita concludes: And to atone for the possibility that they engaged in forbidden intercourse they are each obligated to bring a provisional guilt offering. This indicates that one is obligated to bring a provisional guilt offering even when the uncertainty involves a single item. The Gemara answers: In accordance with whose opinion is this baraita? It is in accordance with the opinion of Rabbi Eliezer, who, as stated above, maintains that one is obligated to bring a provisional guilt offering for uncertainty involving a single item.

¹⁹ The Gemara raised another objection to Rav from a mishna (Nidda 14a): It is the custom of Jewish women to engage in intercourse with their husbands with two cloths, one for her husband to wipe himself with to see if any of her blood is on him after intercourse, and one for her to check herself to ascertain after intercourse whether her menstrual flow has begun. If after intercourse blood was found on his cloth, the woman and her husband are both ritually impure for seven days, in accordance with the halakha of a menstruating woman and a man who engages in intercourse with her, and they are each liable to bring a sin offering for unwittingly performing an action punishable by karet.

²⁰ The mishna continues: If blood was found on her cloth immediately [otyom] after intercourse, the woman and her husband are likewise ritually impure for seven days and are each liable to bring a sin offering. If blood was found on her cloth after time passed, they are both impure due to uncertainty, as it is possible the blood appeared only after intercourse, and they are exempt from bringing the sin offering. And it is taught with regard to this last case in the mishna: They are each nevertheless liable to bring a provisional guilt offering. The Gemara again answers: In accordance with whose opinion is this mishna? It is in accordance with the opinion of Rabbi Eliezer.

²¹ § Rabbi Ḥiyya says that Rav says: In a case where one had two pieces of fat before him, one of permitted fat and one of forbidden fat, and he ate one of them and he does not know which of them he ate, he is obligated to bring a provisional guilt offering. But if there was only one piece before him and there was uncertainty whether it was of permitted fat and uncertainty whether it was of forbidden fat, and he ate it, he is exempt.

²² Rabbi Zeira said: What is the reason for the ruling of Rav? He holds one is liable to bring a provisional guilt offering only in a case involving two pieces, as it is possible to identify its prohibition. As, an expert might later examine the remaining piece and determine whether or not one ate the prohibited piece. By contrast, in a case of uncertainty involving only one piece, it is impossible to identify its prohibition and ascertain whether one ate a forbidden or permitted piece of fat.

²³ The Gemara asks: What difference is there between the reason given earlier by Rava for Rav's ruling and the reason stated here by Rabbi Zeira? The Gemara answers: The difference between them is a case where there were two pieces before a person, one measuring an olive-bulk and the other measuring one-half of an olive-bulk. Since according to halakha a measure of less than an olive-bulk is of no relevance in such a case, it is considered as though only one piece is present before him.

²⁴ The Gemara elaborates: According to Rava, who contends that Rav maintains that the plural vocalization of the Torah is authoritative, this is not a case of uncertainty involving two items, as required by the plural form mitzvot, and therefore he is exempt. By contrast, according to Rabbi Zeira, this is a case where it is possible to identify its prohibition by examining the remaining piece, and he is therefore obligated to bring a provisional guilt offering.

²⁵ Rabbi Yirmeya raised an objection to Rabbi Zeira from a baraita. Rabbi Eliezer says: With regard to a koy, one is obligated to bring a provisional guilt offering for eating its fat. Evidently, one must bring a provisional guilt offering even in a case where the uncertainty involves only a single item. Rabbi Zeira said to Rabbi Yirmeya: Rabbi Eliezer holds we do not require a case where it is possible to identify its prohibition in order for one to be obligated to bring a provisional guilt offering.

²⁶ The Gemara raised an objection to Rabbi Zeira from a baraita: If one consummates a levirate marriage with his yevama and seven months later she gives birth, there is uncertainty whether the child is nine months old and is the offspring of the first husband, or whether the child is only seven months old and is the offspring of the latter husband, i.e., the yavam. In such a case he must divorce her, but the offspring is of unflawed lineage. And to atone for the possibility that they engaged in forbidden intercourse, they are each obligated to bring a provisional guilt offering. The Gemara answers: In accordance with whose opinion is this baraita? It is in accordance with the opinion of Rabbi Eliezer.

²⁷ The Gemara raised another objection to Rabbi Zeira from a mishna (Nidda 14a): If blood was found on her cloth immediately after intercourse, the woman and her husband are impure for seven days and are each liable to bring a sin offering. If blood was found on her cloth after time passed, they are both impure due to uncertainty and they are exempt from bringing the sin offering. And it is taught with regard to this last case that they are each liable to bring a provisional guilt offering. The Gemara again answers: In accordance with whose opinion is this mishna? It is in accordance with the opinion of Rabbi Eliezer.

²⁸ § Rav Naḥman says that Rabba bar Avuh says that Rav says: In a case where one had two pieces of fat before him, one of permitted fat and one of forbidden fat, and he ate one of them and he does not know which of them he ate, he is obligated to bring a provisional guilt offering. But if there was only one piece before him and it was uncertain if it is of forbidden fat and uncertain if it is of permitted fat, and he ate it, he is exempt.

²⁹ Rav Naḥman said: What is the reason for the opinion of Rav? He holds that one is liable in the case of two pieces because the prohibition was established, i.e., there was definitely a prohibited piece before him, and nevertheless he proceeded to eat one of them. By contrast, he is exempt in the case of one uncertain piece, as the prohibition was not established.

³⁰ The Gemara asks: What difference is there between the reasoning for Rav's opinion given by Rav Naḥman, that one is liable in the case of two pieces because the prohibition was established, and the reasoning given by Rabbi Zeira, that if there is one piece it is impossible to identify its prohibition?

³¹ The Gemara answers: The difference between them is in a case where someone had two pieces of fat before him, one of forbidden fat and one of permitted fat. And a gentile came and ate the first piece, and then a Jew came and ate the second piece. According to Rava he is exempt, because at the time when the Jew ate the uncertain piece there was only one piece present, which does not fulfill the requirement of two items, as derived from the word *mitzvot* in the verse. According to Rabbi Zeira he is exempt because it is impossible to identify its prohibition, as both pieces are gone. But according to Rav Nahman he is liable to bring a provisional guilt offering, as the presence of a prohibition was established, i.e., there was definitely a forbidden piece there at one point.

³² Rava raised an objection to Rav Nahman from a baraita. Rabbi Eliezer says: With regard to a koy, one is obligated to bring a provisional guilt offering for eating its fat. Rav Nahman answered: Rabbi Eliezer does not require the prohibition to be established in order for one to be obligated to bring a provisional guilt offering.

³³ Rava raised another objection to Rav Nahman from a baraita: If one consummates a levirate marriage with his yevama and seven months later she gives birth, there is uncertainty whether the child is nine months old and is the offspring of the first husband, or whether the child is only seven months old and is the offspring of the latter husband, and therefore he must divorce her; but the offspring is of unflawed lineage. And they are each obligated to bring a provisional guilt offering. Once again, the Gemara responds: In accordance with whose opinion is this baraita? It is in accordance with the opinion of Rabbi Eliezer.

³⁴ Rava raised a final objection to Rav Nahman from a mishna: If blood was found on his cloth, the woman and her husband are both ritually impure for seven days and they are each liable to bring a sin offering. If blood was found on her cloth immediately after intercourse, they are impure for seven days and are each liable to bring a sin offering. If it was found on her cloth after time passed, they are both impure due to uncertainty and they are exempt from bringing the sin offering. And it is taught with regard to this last case that they each is liable to bring a provisional guilt offering.

³⁵ When presented with this last objection, Rav Nahman was silent and did not reply. After Rava left he said: What is the reason I did not say to him, i.e., I should have said to him, that in accordance with whose opinion is this mishna? It is in accordance with the opinion of Rabbi Meir, who does not require the prohibition to be established in order for one to be obligated to bring a provisional guilt offering.

³⁶ As it is taught in a baraita: If one slaughters an animal designated as a provisional guilt offering outside the Temple, Rabbi Meir deems him obligated to bring a provisional guilt offering and the Rabbis deem him exempt. Rabbi Meir deems him obligated to bring a provisional guilt offering despite the fact that it is possible the owner of the first provisional guilt offering never violated any transgression and therefore was never obligated to bring his provisional guilt offering. This demonstrates that according to Rabbi Meir it is not necessary for the prohibition to be established for one to be obligated to bring a provisional guilt offering.

³⁷ The Gemara asks: But why did Rav Nahman say that he could have responded to Rava's contradiction by claiming the mishna is in accordance with the opinion of Rabbi Meir? Let him say to him that the mishna is in accordance with the opinion of Rabbi Eliezer, as was the response to the previous objections. The Gemara explains that this is what Rav Nahman is teaching us: That the reason for the ruling of Rabbi Meir is that he holds in accordance with the opinion of Rabbi Eliezer,

who says an established prohibition is not required for one to be obligated in a provisional guilt offering.

³⁸ § Rabba bar Avuh says that Rav says: If there was a piece of fat before someone and it was uncertain if it is of forbidden fat and uncertain if it is of permitted fat, and he ate it, we have arrived at the dispute between Rabbi Eliezer and the Rabbis. In a mishna on 25a, Rabbi Eliezer states that one may bring a voluntary provisional guilt offering whenever he pleases. The Rabbis disagree and maintain that a provisional guilt offering may be brought only in a case of actual uncertainty whether one performed a sin for which he would be liable to bring a sin offering.

³⁹ The Gemara asks: Why did Rav specifically choose a case where one ate the item of uncertain status in order to exemplify the opinion of Rabbi Eliezer? Even if he had not eaten anything, Rabbi Eliezer would also permit him to bring a provisional guilt offering, as we learned in the mishna that Rabbi Eliezer says: A person may volunteer to bring a provisional guilt offering every day.

⁴⁰ Rav Ashi said: Rav mentioned a case involving the consumption of an item whose status is uncertain in order to teach the ruling of Rabbi Eliezer in accordance with the opinion of Bava ben Buta, as we learned in the mishna: They said about Bava ben Buta that he would volunteer to bring a provisional guilt offering every day except for the day after Yom Kippur, as Yom Kippur atones for all uncertain sins. He said: If they would have allowed me to do so I would have brought a provisional guilt offering even on that day. But they say to him: Wait until you enter into a situation of potential uncertainty. For this reason Rav presents a scenario where an item whose status is uncertain was consumed, in order to allow for the potential uncertainty that would justify bringing a provisional guilt offering.

⁴¹ § The Sages taught in a baraita: In a case where one had before him two pieces of fat, one of permitted fat and one of forbidden fat, if a Jew came and ate the first piece and then a gentile came and ate the second, the Jew is liable to bring a provisional guilt offering. And the same applies if a dog ate the second piece and the same is true if a raven ate it. But if a gentile came and ate the first piece and then a Jew came and ate the second piece, the Jew is exempt, because at the time that he ate the uncertain piece there was only one item of uncertainty. And Rabbi Yehuda HaNasi deems him obligated to bring a provisional guilt offering, as he does not maintain that two items are required for one to be obligated to bring a provisional guilt offering.

⁴² The baraita continues: If the Jew ate the first piece unwittingly and the second intentionally, he is liable to bring a provisional guilt offering for the first piece. But if he ate the first piece intentionally and the second piece unwittingly, he is exempt, because at the time that he ate the second piece, only one piece was present. Rabbi Yehuda HaNasi deems him obligated to bring an offering. If he ate both of them intentionally, he is exempt from bringing anything.

⁴³ The baraita concludes: If two Jews each ate one of two items, each of them unwittingly, each of them is liable to bring a provisional guilt offering, albeit for different reasons. The first is liable to bring a provisional guilt offering in case he ate the forbidden piece. By contrast, the second one is not strictly obligated by law, as he unwittingly ate the uncertain piece when there was no other piece present. Rather, the reason he is obligated is that if you say he is exempt, you have in effect established that the first individual is obligated to bring a sin offering. One might think that the second individual is exempt because he definitely ate the permitted piece, which would mean the first one ate the forbidden piece and he must therefore bring a sin offering.

⁴⁴ The Gemara asks: And in accordance with whose opinion is this ruling? If it is in accordance with the opinion of Rabbi Yehuda HaNasi, why does the baraita say the second individual is obligated to bring a provisional guilt offering merely as a precaution and not by law? It is certainly by law that the second is obligated to bring a provisional guilt offering, as Rabbi Yehuda HaNasi maintains that one is obligated even for an uncertainty involving a single item. If it is in accordance with the Rabbis, can it be correct that merely in order to prevent a misunderstanding and ensure that we do not establish the first one as obligated to bring a sin offering, that we would say to the second individual: Bring and slaughter a non-sacred animal in the Temple courtyard? After all, he is not obligated to bring a provisional guilt offering. Rav Ashi said in response:

⁴⁵ It is in accordance with the opinion of Rabbi Eliezer, who says a person may volunteer to bring a provisional guilt offering every day. Therefore, we say to the second person: Volunteer and bring a provisional guilt offering, to prevent the first individual from bringing an unwarranted sin offering. And he should stipulate: If the first person ate the piece of permitted fat, that means that he himself ate the forbidden fat and consequently the offering should be an atonement for his own transgression. And if not, i.e., if the first person ate the forbidden fat and he himself committed no transgression, let it be a gift offering.

⁴⁶ The Sages taught in a baraita: A person unwittingly ate a piece of fat about which it was uncertain whether it was forbidden fat or permitted fat, and he was subsequently informed of its questionable status. He then unwittingly ate another piece of fat about which it was uncertain whether it was forbidden fat or permitted fat, and he was again informed of its questionable status. Rabbi Yehuda HaNasi says: I say that just as he would be liable to bring a sin offering for each and every one if he was later informed that they were all pieces of forbidden fat, so too, in these cases of uncertainty he must bring a provisional guilt offering for each and every one.

⁴⁷ Rabbi Yosei, son of Rabbi Yehuda; Rabbi Elazar; and Rabbi Shimon all say: He is obligated to bring only one provisional guilt offering, as it is stated: “And the priest shall make atonement for him concerning the unwitting error which he committed unwittingly and he shall be forgiven” (Leviticus 5:18). It is derived from the verse’s double mention of his unwitting status, for which he is liable to bring one offering, that a person is obligated to bring only one offering even for many unwitting sins, despite the fact that he was informed of the uncertainty in between each instance of consumption.

⁴⁸ With regard to Rabbi Yehuda HaNasi’s statement in the baraita, Rabbi Zeira says: Here Rabbi Yehuda HaNasi taught a principle with regard to the obligation to bring sin offerings for several unwitting transgressions: Knowledge of the questionable status of an uncertain case prior to each subsequent transgression divides them into obligations to bring multiple sin offerings when one later learns that he definitely committed unwitting transgressions. In the case of the baraita, as he was informed prior to each instance of consumption of the uncertain status of the fat he ate before his subsequent consumption of uncertain fat, he is obligated to bring a sin offering for each instance of consumption if he later discovers he actually sinned.

⁴⁹ Rava says: Knowledge of uncertainty prior to each possible transgression does not divide them into obligations to bring multiple sin offerings. Rather, this is what Rabbi Yehuda HaNasi is teaching in the baraita: Just as if he had had definite knowledge prior to each instance of consumption that the piece he ate was prohibited before eating each subsequent piece he would have been liable to bring a sin offering for each and every one, so too, if he had knowledge of the uncertain status of the piece

he ate before eating each subsequent piece, he is obligated to bring a provisional guilt offering for each and every one. According to Rava, uncertain knowledge does not divide the unwitting transgressions to the extent that one is obligated to bring multiple sin offerings. Only definite knowledge renders one liable to bring multiple sin offerings.

⁵⁰ Abaye said to Rava: And you? Do you not hold that knowledge of uncertainty prior to committing each transgression divides them with regard to the obligation to bring sin offerings for each one? As, if it enters your mind to say that knowledge of uncertainty prior to committing each transgression does not divide them with regard to multiple sin offerings, and therefore one brings only one sin offering, why does Rabbi Yehuda HaNasi rule that he brings a provisional guilt offering for each and every one, when he had knowledge of uncertainty prior to each instance of consumption?

⁵¹ After all, isn't it taught in a baraita: The principle with regard to the matter is as follows: In any case where separate transgressions are divided for the purpose of determining liability to bring multiple sin offerings, they are also considered divided for the purpose of determining liability to bring multiple provisional guilt offerings in cases of uncertainty. If one does not bring several sin offerings in a case of definite transgression, he is not obligated to bring several provisional guilt offerings in a case of uncertainty either.

⁵² Rava bar Ḥanan said to Abaye: And according to you, that you said knowledge of uncertainty prior to each transgression divides them into obligations to bring separate sin offerings, if that is so, what would you say about the following case: Someone ate an olive-bulk of forbidden fat before Yom Kippur and another olive-bulk of forbidden fat after Yom Kippur. Since Yom Kippur itself stands in place of a provisional guilt offering, i.e., it atones for any prior uncertain transgression, if he later learned that both pieces were in fact forbidden fat, would you say that so too, Yom Kippur divides the two actions and that he is obligated to bring two sin offerings?

⁵³ But this cannot be correct, as he ate both of them in a single lapse of awareness and there was no knowledge of sin to divide them. Rather, it stands to reason that like Yom Kippur, knowledge of uncertainty does not divide transgressions into multiple sin offering obligations. Abaye said to Rava bar Ḥanan: That case in which Yom Kippur occurred in between transgressions is not comparable to having knowledge of uncertainty between each transgression. Who shall say to us that Yom Kippur atones for sins that were unknown to him? Perhaps it atones only for sins that were known to him. Rava said to him in reply: We learned this explicitly in a mishna (Shevuot 2b): Yom Kippur atones for sins whether one became aware of them before Yom Kippur or did not become aware of them.

⁵⁴ The Gemara cites another version of the difficulty raised against Abaye's opinion: Some say that Rava bar Ḥanan said to Abaye: Since Yom Kippur serves to divide the two acts of consumption into two obligations, similar to knowledge of the questionable status of fat according to Abaye, what is the halakha in the following case: If one ate an olive-bulk of forbidden fat on the morning of Yom Kippur and an olive-bulk of forbidden fat in the afternoon of Yom Kippur, so too would he be obligated to bring two sin offerings? This cannot be correct, as both olive-bulks were consumed in a single lapse of awareness.

⁵⁵ Abaye said to Rava bar Ḥanan: Who shall say to us that Yom Kippur provides atonement at every hour of the day? Perhaps the entire day as a single unit serves to provide atonement only when it begins, in the evening? Rabba bar bar Ḥana said to him: Fool [terada]! It is taught in a mishna (25a): With regard to one who encountered uncertainty concerning whether he performed a sin on Yom

Kippur, even if it was at nightfall at the end of the day, he is exempt, as the entire day atones for uncertain sins.

⁵⁶ Rav Idi bar Avin raises another objection to Abaye's opinion from a mishna (Yoma 81a): If one ate and drank unwittingly on Yom Kippur in one lapse of awareness, e.g., he forgot it was Yom Kippur, he is liable to bring only one sin offering. But according to Abaye he should be liable to bring two sin offerings, as between the eating and the drinking it is impossible that there was no interval of even a minimal amount of time during the day. That interval of time would allow him to gain knowledge of the possible transgression, and therefore it should serve to atone for him, as Yom Kippur stands in place of a provisional guilt offering. And yet it is taught in the mishna: He is liable to bring only one sin offering.

⁵⁷ Rav Idi bar Avin concludes his objection: And if it enters your mind that knowledge of uncertainty prior to each possible transgression divides them into obligations to bring separate sin offerings for each one, this lapse of time on Yom Kippur should serve to divide his two transgressions and therefore he should be liable to bring two sin offerings. The Sages say in response: When Rabbi Zeira said that knowledge of uncertainty prior to each unwitting transgression divides them into obligations to bring separate sin offerings, he was clarifying the opinion of Rabbi Yehuda HaNasi. By contrast, this mishna, which indicates that the passage of time on Yom Kippur does not divide transgressions into obligations for separate sin offerings, is in accordance with the opinion of the Rabbis.

⁵⁸ The Gemara objects: But from the fact that the latter clause of that mishna is in accordance with the opinion of Rabbi Yehuda HaNasi, it follows that the first clause is also in accordance with his opinion. This is significant, as that same mishna later teaches (Yoma 81a): If on Yom Kippur one drank the salty liquid in which fish are pickled, or fish brine [morayes], he is exempt. One can infer: But if he drank vinegar he is liable.

⁵⁹ And who is the tanna of the mishna? It is Rabbi Yehuda HaNasi, as it is taught in a baraita: Vinegar does not revive the spirit, i.e., it does not have the status of a beverage, and therefore one who drinks it on Yom Kippur is exempt. Rabbi Yehuda HaNasi says: I say that vinegar does revive the spirit and is therefore considered like a beverage. And from the fact that the latter clause is in accordance with the opinion of Rabbi Yehuda HaNasi, the first clause must also be in accordance with the opinion of Rabbi Yehuda HaNasi. The Sages say in response: That is not necessarily so, as one can say the latter clause is in accordance with the opinion of Rabbi Yehuda HaNasi whereas the first clause is in accordance with the opinion of the Rabbis.

⁶⁰ Rava raised another objection to Abaye from a baraita: One is obligated to bring a guilt offering for misuse of consecrated property only if he derived benefit of at least the value of one peruta from the property. If one unwittingly ate from consecrated property today and ate again tomorrow, or if he derived benefit from consecrated property today and again derived benefit tomorrow, or if he ate from the property today and derived benefit from it tomorrow, or if he derived benefit from it today and ate from it tomorrow, even if the time between them was as long as from now until three years later, from where is it derived that they combine with each other to amount to one peruta-worth of benefit and thereby render him obligated to bring a guilt offering?

⁶¹ The baraita answers that the verse states: "If anyone commits a misuse [tim'ol ma'al]" (Leviticus 5:15). The double verb [tim'ol ma'al] extended the obligation to bring a guilt offering for misuse of consecrated property to a case where the value of individual instances of misuse at different times

amount to a total of one peruta. Rava concludes his objection: But why should that be the halakha according to Abaye, who maintains that knowledge of uncertainty, and similarly the day of Yom Kippur, which has the same effect as a provisional guilt offering, divides his actions into separate entities? When the second misuse occurs after Yom Kippur, isn't his sin atoned for by Yom Kippur? Since his acts of possible transgression are divided, how can they combine to the value of one peruta?

⁶² The Sages say in response: When does Yom Kippur atone for sins? Only with regard to ritual prohibitions. But it does not atone with regard to monetary matters. Misuse of consecrated property entails a monetary obligation to restore the value of the principal with the addition of one-fifth. Since Yom Kippur does not exempt one from the monetary obligation entailed by a sin, the two acts of misuse combine to render one obligated to bring a guilt offering.

⁶³ The Gemara suggests another answer. If you wish, say instead: When does Yom Kippur atone for sins? It atones for sins only if they were committed in their full measure, but it does not atone for sins that one transgressed only by half of their full measure. Consequently, Yom Kippur does not atone for misuse of consecrated property of the value of less than one peruta, which is why the two acts of misuse combine.

⁶⁴ § The Gemara cites the opinions of other amora'im with regard to this matter. Similarly, like Rabbi Zeira, Reish Lakish says: Here, in his statement in the baraita above, Rabbi Yehuda HaNasi taught that knowledge of uncertain status prior to each possible transgression divides them into separate obligations to bring sin offerings for each one. And like Rava, Rabbi Yoḥanan disagrees and says: Knowledge of uncertainty does not divide them into obligations to bring separate sin offerings.

⁶⁵ Rather, this is what Rabbi Yehuda HaNasi is teaching in the baraita: Just as if he had had definite knowledge prior to each instance of unwitting consumption he would bring a sin offering for each and every one, so too, if he had had knowledge of the uncertainty of each piece prior to his subsequent instance of unwitting consumption he would be obligated to bring a provisional guilt offering for each and every one. But knowledge of uncertainty prior to each instance of consumption does not render him obligated to bring multiple sin offerings if he later finds out they were all definitely prohibited.

⁶⁶ The Gemara asks: Granted, according to Rabbi Yoḥanan, this is why the baraita is formulated in a manner that indicates the halakha of a provisional guilt offering is dependent upon the halakhot governing the sin offering. Just as knowledge of an unwitting transgression renders one liable to bring a sin offering, so too, knowledge of uncertainty renders one liable to bring a provisional guilt offering. But according to Reish Lakish, the baraita should have taught that the halakha of a sin offering is dependent upon the knowledge of uncertainty necessary to render one liable to bring a provisional guilt offering, rather than the other way around. The Gemara concludes: Indeed, this is difficult.

⁶⁷ And the Gemara raises a contradiction from one statement of Rabbi Yoḥanan to another statement of Rabbi Yoḥanan, and it likewise raises a contradiction from one statement of Reish Lakish to another statement of Reish Lakish. As it is taught in a baraita: There are two paths: one is ritually impure due to a corpse that is buried there and the other one is ritually pure, and it is unknown which path is which. If an individual walked on the first path and did not yet enter the Temple, and then he walked on the second path and afterward unwittingly entered the Temple, being that he certainly

contracted ritual impurity after walking down both paths he is liable to bring a sliding-scale offering for entering the Temple in a state of ritual impurity.

⁶⁸ The baraita continues: If he walked on the first path and entered the Temple he is exempt from bringing an offering. But if he then walked on the second path and afterward entered the Temple he is obligated to bring a sin offering, as he was definitely impure on one of the occasions that he entered the Temple. If he walked on the first path and entered the Temple, and subsequently went through the process of ritual purification, i.e., he received the sprinkling of the ashes of the red heifer on the third day and again on the seventh day, and immersed, and then walked on the second path and entered the Temple, he is liable to bring a sin offering, as he definitely entered the Temple while ritually impure, either on the first occasion or on the second.

⁶⁹ The baraita continues by citing a dispute concerning Rabbi Shimon's opinion. Rabbi Shimon exempts him from the obligation to bring an offering in this particular case. Since he became pure in between, at no point did he have definite knowledge that he was impure. For one to be liable to bring an offering for entering the Temple in a state of ritual impurity he must have knowledge of the impurity at the beginning and the end, and a lack of knowledge in the middle. Rabbi Shimon ben Yehuda deems him exempt from the obligation to bring an offering in all of those cases, and he reports this opinion in the name of Rabbi Shimon.

⁷⁰ Before explaining the contradictions between the opinions of Rabbi Yoḥanan and Reish Lakish, the Gemara asks a question about Rabbi Shimon ben Yehuda's statement: Can it be that Rabbi Shimon holds that one is exempt even in the first case? Since he walked down both paths prior to entering the Temple, he had definite knowledge of his impure status. Rava said: What are we dealing with here? We are dealing with a case where he walked on the first path, and at the time of his walking on the second path he forgot that he had previously walked on the first path. Consequently, the knowledge that would render him liable to bring a sin offering is incomplete. And it is with regard to this point that they disagree: The first tanna holds that partial knowledge is considered like full knowledge, and Rabbi Shimon holds that partial knowledge is not considered like full knowledge.

⁷¹ The Gemara returns to discuss the contradictions for which it cited this baraita. The Master said: If he walked on the first path and entered the Temple, and then he received the sprinkling of the ashes of the red heifer on the third and seventh days, and immersed, and subsequently walked on the second path and entered the Temple, he is liable to bring a sin offering. The Gemara asks: Why is he liable? After all, he did not have definite knowledge of his ritual impurity each time he entered the Temple. Although it is certain that after walking on the second path he had contracted ritual impurity at some point, as he had been purified in between, there was no specific point at which he had knowledge of definite impurity.

⁷² Reish Lakish said: In accordance with whose opinion is this baraita? It is in accordance with the opinion of Rabbi Yishmael, who does not require knowledge at the outset, before an unwitting transgression, in order to render one liable to bring a sin offering. Rabbi Yoḥanan said: You may even say that it is in accordance with the opinion of the Rabbis, who maintain that definite knowledge is necessary to render one liable to bring a sin offering, as here they rendered uncertain knowledge like full knowledge.

⁷³ The Gemara explains the contradiction: It enters your mind to say that Rabbi Yoḥanan meant that here they rendered uncertain knowledge like full knowledge, and the same is true for the entire Torah. Therefore, it is difficult, as there is an apparent contradiction between the statement of Rabbi Yoḥanan above and this statement of Rabbi Yoḥanan. Here, Rabbi Yoḥanan says that uncertain knowledge is considered like full knowledge, whereas earlier he stated that uncertain knowledge, unlike full knowledge, does not divide separate unwitting transgressions to render one obligated to bring multiple sin offerings.

⁷⁴ And likewise it is difficult with regard to the apparent contradiction between the statement of Reish Lakish earlier and the statement of Reish Lakish here. Reish Lakish previously stated that Rabbi Yehuda HaNasi maintains that uncertain knowledge divides unwitting transgressions to render one obligated to bring separate sin offerings, whereas here he explains that the baraita is in accordance with the opinion of Rabbi Yishmael, not Rabbi Yehuda HaNasi.

⁷⁵ The Gemara comments: Granted, the apparent contradiction between one statement of Rabbi Yoḥanan and the other statement of Rabbi Yoḥanan is not difficult. One can answer that when he said: Here they rendered uncertain knowledge like full knowledge, he meant specifically here, but with regard to the entire Torah it is not considered like full knowledge.

⁷⁶ The Gemara asks: What is the reason that this particular case is an exception? Here, with regard to ritual impurity, it is written: “Or if anyone touch any impure thing...and it was concealed from him that he is impure” (Leviticus 5:2). This indicates that even when one has knowledge that has an uncertainty to it, the verse renders him obligated to bring an offering. But with regard to the rest of the entire Torah it is written: “If his sin, which he has sinned, be known to him” (Leviticus 4:28). This teaches that it is only if he has full knowledge that he is obligated to bring an offering.

⁷⁷ But the contradiction between one statement of Reish Lakish and the other statement of Reish Lakish is difficult: Instead of interpreting the baraita in accordance with the opinion of Rabbi Yishmael, he should interpret it in accordance with the opinion of Rabbi Yehuda HaNasi. The Gemara answers: This is what Reish Lakish is teaching us by establishing the baraita in accordance with Rabbi Yishmael: That Rabbi Yishmael also does not require knowledge at the outset, before an unwitting transgression, in order to render one liable to bring a sin offering.

⁷⁸ The Gemara objects: But that is already taught explicitly in a mishna, as we learned (Shevuot 14b) that Rabbi Yishmael says: The verse states: “It was concealed from him” (Leviticus 5:2–3), twice. One mention of the phrase serves to render one obligated to bring a sin offering for a lapse of awareness of his state of ritual impurity when he entered the Temple, and the other mention of the phrase teaches that he is obligated to bring a sin offering for a lapse of awareness during which he forgot that the building he was entering while impure was the Temple. Since this is the same verse that is the source for the requirement of knowledge at the outset, evidently Rabbi Yishmael disagrees with this opinion, as he derives a different halakha from the verse.

⁷⁹ The Gemara explains: It was necessary for Reish Lakish to state that Rabbi Yishmael does not require knowledge at the outset, as it might enter your mind to say: Although Rabbi Yishmael has no verse from which he could derive this requirement, perhaps he has a tradition with regard to the requirement of prior knowledge. By establishing that the baraita is in accordance with the opinion of Rabbi Yishmael, Reish Lakish teaches us conclusively that Rabbi Yishmael does not require knowledge at the outset.

⁸⁰ MISHNA: If one has pieces of forbidden fat and notar before him and he ate one of them and he does not know which of them he ate; or if his menstruating wife and his sister were with him in the house and he unwittingly engaged in intercourse with one of them and he does not know with which of them he unwittingly engaged in intercourse; or if Shabbat and Yom Kippur occurred adjacent to one another and he performed prohibited labor during the intervening twilight period and he does not know on which of the days he performed the labor, in all of these cases, Rabbi Eliezer deems the transgressor liable to bring a sin offering, as he certainly sinned, and Rabbi Yehoshua deems the transgressor exempt, as he does not know the nature of his sin.

⁸¹ Rabbi Yosei said: Rabbi Eliezer and Rabbi Yehoshua did not disagree with regard to one who performs prohibited labor during the intervening twilight period because they concur that he is exempt, as I say: He performed part of the labor today, and he performed part of the labor the following day.

⁸² With regard to what case did they disagree? With regard to the case of one who performs prohibited labor in the midst of the day, and he does not know whether it was on Shabbat that he performed the labor or whether it was on Yom Kippur that he performed the labor; or with regard to one who performs a prohibited labor and he does not know which labor he performed. As, in those cases Rabbi Eliezer deems him liable to bring a sin offering and Rabbi Yehoshua deems him exempt. Rabbi Yehuda said: Rabbi Yehoshua would deem him exempt even from bringing a provisional guilt offering.

⁸³ Rabbi Shimon and Rabbi Shimon Shezuri say: Rabbi Eliezer and Rabbi Yehoshua did not disagree with regard to a case involving a matter where his lack of knowledge involves items from one category, e.g., he picked a grape from a vine on Shabbat and does not know which vine it was, as in that case they both agree that he is liable, since he knows the nature of his sin. With regard to what case did they disagree? With regard to a case involving a matter where his lack of knowledge involves items from two categories, e.g., he picked fruit from a tree on Shabbat and does not know whether it was from a vine or from a fig tree. As, in that case Rabbi Eliezer deems him liable to bring a sin offering, since he certainly sinned, and Rabbi Yehoshua deems him exempt, as he does not know the nature of his sin.

⁸⁴ Rabbi Yehuda said: Even if one intended to pick figs and he picked grapes, or to pick grapes and he picked figs, or to pick black figs and he picked white figs, or to pick white figs and he picked black figs, Rabbi Eliezer deems him liable to bring a sin offering and Rabbi Yehoshua deems him exempt. Rabbi Yehuda added: I wonder if Rabbi Yehoshua deemed him exempt in that case, as even in his opinion the person intended to perform a prohibited labor. The mishna asks: If it is so, that he is not exempt according to Rabbi Yehuda, why is it stated: "If his sin, wherein he has sinned" (Leviticus 4:23), from which it is derived that one is liable only if the object of the sin was the one that he intended? The mishna answers: This serves to exclude one who acts unawares and does not intend to perform a prohibited action at all.

⁸⁵ GEMARA: With regard to the first clause of the mishna and the dispute between Rabbi Eliezer and Rabbi Yehoshua, it is taught in a baraita that Rabbi Eliezer says: Whichever way you look at it he is liable to bring a sin offering. If it was forbidden fat that he ate, he is liable; and if it was notar that he ate, he is also liable. If it was with his menstruating wife that he engaged in intercourse, he is liable; and if it was with his sister that he engaged in intercourse, he is also liable. If it was on

Shabbat that he performed the forbidden labor, he is liable; and if it was on Yom Kippur that he performed the labor, he is also liable. The result of any one of these scenarios is that he is liable to bring a sin offering.

⁸⁶ Rabbi Yehoshua said to him in response: The verse states: “If his sin, which he has sinned, be known to him, he shall bring for his offering a goat, a male without blemish” (Leviticus 4:23). It is derived from the phrase: “Wherein he has sinned,” that he is not liable until it becomes known to him specifically with which item he sinned. The Gemara asks: And as for Rabbi Eliezer, what does he do with this phrase: “Which he has sinned”? The Gemara answers: He requires it for the halakha that only one who is aware of his action is liable, as this phrase excludes one who acts unawares and inadvertently commits a transgression.

⁸⁷ The Gemara asks: The halakha that one who acts unawares is exempt is stated in which case? If you say it applies to the cases of forbidden fats and those with whom intercourse is forbidden this cannot be correct, as in those cases one who acts unawares is liable to bring a sin offering. As Rav Nahman says that Shmuel says: With regard to one who acts unawares and transgresses the prohibitions of eating forbidden fats or engaging in intercourse with those with whom intercourse is forbidden, he is liable to bring a sin offering because he derived pleasure.

⁸⁸ And if you say it is referring a case of one who acts unawares on Shabbat this cannot be correct either, as it is already established that one who acts unawares on Shabbat is exempt. What is the reason? The Torah prohibited only planned, constructive labor on Shabbat. Acts of labor that are not intended, or whose result is unintended, or whose consequence is destructive, are not included in this category. Therefore, it is already a known halakha that one who performs labor unawares on Shabbat is exempt.

⁸⁹ The Gemara answers: According to Rava, you find it is necessary to teach that one is exempt from bringing a sin offering for performing labor unawares on Shabbat in a case where one intended to cut a detached plant and he mistakenly cut a plant still attached. According to Abaye, who maintains he is liable in such a case, you find it necessary to teach that one who acts unawares is exempt in a case where he intended to lift a plant detached from the ground and mistakenly cut a plant still attached to the ground.

⁹⁰ As it was stated: With regard to one who intended to lift a plant detached from the ground and mistakenly cut a plant still attached to the ground, all agree he is exempt from bringing a sin offering. What is the reason? It is due to the fact that he did not intend to act for the sake of cutting, i.e., he merely intended to lift the plant. By contrast, if one intended to cut a detached plant and he mistakenly cut a plant that is still attached, Abaye said he is liable, due to the fact that he intended to act for the sake of cutting. Although his intention was not to perform a prohibited cutting, nevertheless he had intent to cut, and therefore he is liable for the prohibited cutting he performed in practice. Rava said: He is exempt, due to the fact that he did not intend to perform a prohibited cutting.

⁹¹ § The mishna teaches that Rabbi Yosei says: Rabbi Eliezer and Rabbi Yehoshua did not disagree with regard to one who performs prohibited labor during the intervening twilight period; rather, they both agree that he is exempt, as I say: He performed part of the labor today and he performed part of the labor the following day. It is taught in a baraita that Rabbi Yosei said to the other Sages: You were diligent to examine my opinion, and you found a refutation of my statement.

⁹² The Gemara asks: What did they say to him that led Rabbi Yosei to say to them: You were diligent to examine my opinion? The Gemara explains that this is what they said to him: What is the halakha in a case where one lifted an item at twilight between Shabbat and Yom Kippur and carried it from one domain to another? If the domains are adjacent, this act can be performed so quickly that even at twilight it does not span two days. For this reason, Rabbi Yosei said to them: You were diligent to examine my opinion.

⁹³ Since according to Rabbi Yosei the period of twilight is instantaneous, the Gemara objects: But let him say to them: In this case as well, part of the lifting was performed today and part of it was performed tomorrow. The Gemara explains: That is also what he is saying to them: You were diligent to examine my opinion, and yet you have not accomplished anything, as I remain steadfast in my opinion.

⁹⁴ The Gemara objects: And according to Rabbi Yosei, had the start of the labor been on Shabbat and the completion of the labor on Yom Kippur, Rabbi Eliezer and Rabbi Yehoshua would agree that he is exempt. But according to Rabbi Eliezer, would he really be exempt? Didn't we hear that Rabbi Eliezer deems one liable for the final stage of a prohibited labor? As we learned in a mishna (Shabbat 105a) that Rabbi Eliezer says: One who weaves on Shabbat is liable to bring a sin offering if he weaves three threads at the beginning of work on a new item, or if he adds one thread to a preexisting woven fabric. Although the minimum number of threads required for the prohibited labor of weaving is generally three, Rabbi Eliezer deems one liable for a single thread that he adds to a woven fabric.

⁹⁵ Rav Yosef said in response: Rabbi Yosei, in accordance with the opinion of Rabbi Eliezer, would explain that this is what the mishna teaches: Rabbi Eliezer says: One who weaves on Shabbat is liable if he weaves three threads at the beginning of work on a new item, or if he adds two threads to a preexisting woven fabric.

⁹⁶ § The mishna teaches that Rabbi Yehuda said: Rabbi Yehoshua would deem exempt one who does not know the nature of his sin even from bringing a provisional guilt offering. It is taught in a baraita that Rabbi Yehuda said: Rabbi Yehoshua would deem exempt one who does not know the nature of his sin even from bringing a provisional guilt offering, as it is stated: "And if anyone sin, and do any of the commandments of the Lord that are not to be done, though he does not know it; yet is he guilty, and shall bear his iniquity" (Leviticus 5:17). The verse excludes this case, where he knew that he sinned. Rabbi Shimon said to Rabbi Yehuda: It can be inferred from this same verse that he does in fact bring a provisional guilt offering. The phrase "and do...though he does not know it" indicates that one brings an offering in a case such as this, when he did not know with which item he sinned.

⁹⁷ The baraita continues: But in a case where there is uncertainty whether one ate forbidden fat and uncertainty whether one did not eat forbidden fat, which is a situation where he did not know if he sinned at all, it is unclear whether Rabbi Shimon maintains he is liable to bring a provisional guilt offering. Therefore, go and ask about it, to determine whether one brings a provisional guilt offering in such a case or not. The Gemara asks: What conclusion was reached about it?

⁹⁸ The Gemara suggests: Come and hear a proof from a baraita: If one sinned and did not know with what item he sinned, or if there is uncertainty whether he sinned and uncertainty whether he did not sin, he brings a provisional guilt offering. The Gemara infers: Whom did you hear who says that if one sinned and did not know with what item he sinned he must bring a provisional guilt offering? It is Rabbi Shimon. Consequently, this baraita must be in accordance with his opinion, and it teaches: If

there is uncertainty whether one sinned and uncertainty whether one did not sin, he brings a provisional guilt offering. Conclude from the baraita that Rabbi Shimon holds: If there is uncertainty if one sinned and uncertainty if one did not sin, he brings a provisional guilt offering.

⁹⁹ § The mishna teaches that Rabbi Shimon and Rabbi Shimon Shezuri say: Rabbi Eliezer and Rabbi Yehoshua did not disagree with regard to a case where his lack of knowledge involves items from one category. And the last clause in the mishna concludes: If it is so, what is the meaning when the verse states: “If his sin, wherein he has sinned” (Leviticus 4:23), from which it is derived that one is liable only if the object of the sin was the one he intended? It serves to exclude one who acts unawares and does not intend to perform a prohibited action at all.

¹⁰⁰ In connection to this halakha about one who acts unawares, Rav Nahman says that Shmuel says: With regard to one who acts unawares and transgresses the prohibitions of eating forbidden fats or engaging in intercourse with those with whom intercourse is forbidden, he is liable to bring a sin offering because he derived pleasure from his actions. By contrast, one who acts unawares and performs a prohibited labor on Shabbat is exempt, as the Torah prohibited only planned, constructive labor on Shabbat, which does not include an act of labor that is not intended, or whose result is unintended.

¹⁰¹ Rava said to Rav Nahman: But isn't the case of the two babies considered like a case where one acts unawares, and yet we learned in a mishna (Shabbat 137a): In the case of one who had two babies to circumcise, one of whom he was required to circumcise on Shabbat and one whom he was required to circumcise the day after Shabbat, and he forgot and circumcised the one that should have been circumcised after Shabbat on Shabbat, Rabbi Eliezer deems him liable to bring a sin offering, as circumcision before its appointed time does not override Shabbat. And Rabbi Yehoshua deems him exempt from bringing a sin offering.

¹⁰² Rava explains his objection: Rabbi Yehoshua deemed him exempt only here, in that particular case, because he holds that if one erred with regard to a mitzva and did not perform the mitzva but committed a transgression instead, he is exempt. But in a case where one acts unawares in a matter that does not involve a mitzva, even Rabbi Yehoshua deems him liable. This indicates that according to both opinions, in general one who commits a transgression on Shabbat while acting unawares is liable.

¹⁰³ Rav Nahman said to Rava: Leave aside the case of the babies. No proof can be derived from there, as the transgression in that case is the act of inflicting a wound on Shabbat. This is an exceptional case, since one who inflicts a destructive wound is liable despite the fact that one is usually exempt from liability if he performs perform non-constructive acts on Shabbat. Consequently, the standard requirement of constructive labor on Shabbat does not apply, which is why one who acts unawares and inflicts a wound is also liable.

¹⁰⁴ The Gemara cites another difficulty with regard to the claim that one who acts unawares when he performs a labor on Shabbat is exempt. Rav Yehuda raised an objection to Shmuel from the mishna. Rabbi Yehuda says: Even if one intended to pick figs and he picked grapes, or to pick grapes and he picked figs, or to pick black figs and he picked white figs, or to pick white figs and he picked black figs, Rabbi Eliezer deems him liable to bring a sin offering and Rabbi Yehoshua deems him exempt.

¹⁰⁵ Rav Yehuda explained his objection: And this case here is concerning one who acts unawares, and yet not only does Rabbi Eliezer deem him liable, but Rabbi Yehoshua too deemed him exempt

from bringing a sin offering only if he unwittingly switched one type for another type, e.g., grapes for figs, or white figs for black figs. But in a case where he unwittingly switches one for another within one type, even Rabbi Yehoshua deems him liable.

¹⁰⁶ Shmuel said to Rav Yehuda in response: Large-toothed one [shinnana], leave the mishna and follow after me, i.e., it should not be understood as you think. What are we dealing with here? We are dealing with a case where the picker lost his train of thought. He had initially intended to pick grapes and then he forgot his initial intention and thought: It is figs that I want. But his hand unwittingly went among the grapes and he picked the grapes he had initially intended. In that case Rabbi Eliezer holds he is liable, as his initial intention was fulfilled. And Rabbi Yehoshua holds if his current intention and thought are not fulfilled, and therefore he is exempt. By contrast, in a standard case where one acts unawares, both agree that he is exempt.

¹⁰⁷ Rav Oshaya raises an objection from the mishna to Shmuel's opinion that all agree that one who acts unawares on Shabbat is exempt: Rabbi Shimon Shezuri and Rabbi Shimon say: Rabbi Eliezer and Rabbi Yehoshua did not disagree with regard to a case involving a matter where his lack of knowledge involves items from one category, as in that case they both agree he is liable. Rather, they disagree with regard to a case involving a matter where his lack of knowledge involves items from two categories, as in that case Rabbi Eliezer deems him liable to bring a sin offering, and Rabbi Yehoshua deems him exempt.

¹⁰⁸ Rav Oshaya continues: And with regard to Rabbi Yehuda, about what matter is he saying that they disagree? If you say he maintains that they disagree in a case where one intended to pick grapes and he picked figs, or to pick black ones and he picked white ones, that is problematic. Rav Oshaya explains: Grapes and figs, black ones and white ones, what are they? Aren't they two categories? If so, this is identical to the opinion of Rabbi Shimon and Rabbi Shimon Shezuri, who say that Rabbi Eliezer and Rabbi Yehoshua disagree specifically with regard to a mistake involving two categories. If so, what is Rabbi Yehuda coming to teach us?

¹⁰⁹ Rav Oshaya concludes: Rather, is it not correct to say that that the difference between them is the halakha concerning one who performs a transgression while acting unawares? As Rabbi Yehuda holds that one who acts unawares when committing a transgression is liable, and Rabbi Shimon and Rabbi Shimon Shezuri hold that one who acts unawares when committing a transgression is exempt. If so, the opinion of Rabbi Yehuda refutes Shmuel's statement that all agree that one who acts unawares while performing a prohibited labor on Shabbat is exempt.

¹¹⁰ The Gemara answers: No, this is not a refutation. In fact, everyone agrees that one who acts unawares is exempt. The difference between the opinions involves a case where the picker lost his train of thought. He initially intended to pick one item, then he forgot and thought that he wanted a different item, and subsequently he unwittingly picked the item he had initially intended to pick. And here it is with regard to this matter that they disagree: As Rabbi Shimon Shezuri holds that when the picker forgot his initial train of thought and instead thought he wanted a different fruit, and both fruits are of one category, all agree he is liable if he ends up unwittingly picking the fruit he initially intended to pick.

¹¹¹ When do Rabbi Eliezer and Rabbi Yehoshua disagree? They disagree with regard to a case involving two categories, i.e., when the picker forgot his initial thought and instead thought he required a fruit of a different category. By contrast, Rabbi Yehuda holds that there is no difference

between a case of one category and a case of two categories: In both cases they disagree, as Rabbi Yehoshua rules he is exempt because his action did not follow his current intention. But in a case where one acts fully unawares, all agree he is exempt.

¹¹² The Gemara cites another answer: Rava said that the difference between them is with regard to a case where one intended to perform two transgressions in a specific order and he mistakenly performed the second transgression first. According to Rabbi Shimon and Rabbi Shimon Shezuri, Rabbi Eliezer and Rabbi Yehoshua disagree with regard to a situation where one intended to pick two fruits of two different categories and he unwittingly picked them in the reverse order. In such a case Rabbi Yehoshua holds he is exempt. But when he intended to pick two pieces of fruit of the same category and he unwittingly reversed the order, Rabbi Yehoshua agrees he is liable. According to Rabbi Yehuda, whether the case involves one category or two categories, in both instances Rabbi Yehoshua holds that he is exempt.

¹¹³ With regard to Rava's explanation, the Gemara cites a baraita that supports the claim that if one intended to perform two prohibited labors in one order and mistakenly reversed the order, he is exempt. And it is taught: If someone had before him two long candles that were lit, and he intended to extinguish this one and instead he extinguished that one, or if he intended to light this one and instead he lit that one, he is exempt. But in a case where he intended to light one and then extinguish the other, and instead he drew a breath and blew the flame from one candle to the other, as he accomplished his intention and extinguished one and lit the other, albeit with one breath, he is liable. This indicates that if he had not performed the two acts simultaneously, but in the reverse order, he is exempt.

¹¹⁴ With regard to the last ruling, the Gemara asks: Isn't this obvious? Since he accomplished his act as he had intended, he is clearly liable. The Gemara answers that the ruling is necessary, lest you say: He did not actually perform the labors in accordance with his thought, as he wanted to light one initially and ultimately to extinguish the other, but when he performed the action, it might be considered as though he first extinguished one and ultimately lit the other. And therefore one might say he is exempt. Consequently, the baraita teaches us that although he did not perform the lighting first, as he had intended, nevertheless he also did not perform the lighting after the extinguishing, as they occurred simultaneously. Since his action did not entirely contradict his intention, he is liable.

¹¹⁵ § The Sages taught in a baraita: One who stokes coals on Shabbat is liable to bring a sin offering. Rabbi Shimon ben Elazar says in the name of Rabbi Eliezer, son of Rabbi Tzadok: He is liable to bring two sin offerings, because he extinguishes the upper coals that are moved to the bottom, due to lack of oxygen, and he ignites the bottom coals as he moves them to the top. The Gemara asks: What are we dealing with here? If it is a case where he intends to extinguish and kindle, what is the reason of the one who exempts him? Rather, it must be that he does not intend to kindle, but only to extinguish. If so, what is the reason of the one who deems him liable to bring two sin offerings?

¹¹⁶ Rabbi Elazar and Rabbi Ḥanina both say in explanation: The baraita is referring to a case where a blacksmith needed the coals on top and he therefore intended to extinguish the upper coals, and in order to do that he knew he would ignite the bottom ones. The tanna'im disagree with regard to an undesired act of kindling on Shabbat, which is tantamount to a destructive act. As, the first tanna holds that one who produces an undesired or destructive outcome when he performs the labor of kindling is exempt, and Rabbi Eliezer, son of Rabbi Tzadok, says he is liable. And similarly, Rabbi

Yohanan says: That disagreement was taught with regard to the case of a blacksmith. And Rabbi Yohanan says: Until it was taught that the case involves a blacksmith, the reason for this halakha was not revealed.

¹¹⁷ Ami bar Avin and Rav Hananya bar Avin both say another explanation:

¹¹⁸ This is referring to a case where he intended both to extinguish and to kindle. The Torah singles out the labor of kindling on Shabbat, as it is written: “You shall not kindle fire in all your dwelling places on the day of Shabbat” (Exodus 35:3). The Sages disagree with regard to the interpretation of this verse. As the first tanna holds in accordance with the opinion of Rabbi Yosei, who says: Kindling was singled out from the general category of prohibited labors in order to teach that it is unlike other labors, teaching that it is a regular prohibition, i.e., it is punishable only with lashes and does not entail karet or stoning for an intentional transgression, or a sin offering for an unwitting transgression. Consequently, he is not liable to bring a sin offering for the kindling.

¹¹⁹ And Rabbi Eliezer, son of Rabbi Tzadok, holds in accordance with the opinion of Rabbi Natan, who says: Kindling was singled out in the Torah to divide the various primary categories of labor and to establish liability for the performance of each of them. According to this opinion, the prescribed punishments for kindling are the same as for the rest of the prohibited labors.

¹²⁰ Rava said yet another explanation of the disagreement in the baraita: The difference between them involves a case where one intended to ignite the lower coals and subsequently extinguish the upper coals, and instead he extinguished the upper ones and ignited the lower ones simultaneously. Since he performed the extinguishing first and did not perform it after he ignited as he had intended, the first tanna rules he is liable to bring only one sin offering. By contrast, Rabbi Eliezer, son of Rabbi Tzadok, maintains there is no exemption for performing the prohibited labors in a different sequence than intended.

¹²¹ Rav Ashi said another explanation: The baraita is referring to a case where he intended to extinguish a flame and he was not aware that the bottom coals would be kindled. Rather, they ignited by themselves, as he moved aside and extinguished the upper coals. And the first tanna holds in accordance with the opinion of Rabbi Shimon, who says: If one commits an unintentional act, an action from which an unintended prohibited result ensues on Shabbat, as he did not intend to perform a prohibited labor, he is exempt. And Rabbi Eliezer, son of Rabbi Tzadok, holds in accordance with the opinion of Rabbi Yehuda, who says: One who commits an unintentional act from which a prohibited labor inadvertently results is liable.

¹²² The Sages taught in a baraita: Concerning one who stokes coals on Shabbat with the intention to move them in order to be warmed by them, and they ignited by themselves; it is taught in one baraita that he is liable and it is taught in another baraita that he is exempt. The Gemara explains: The reason for that which is taught in the first baraita, i.e., that he is liable, is that this tanna holds that one who performs a labor on Shabbat that is not necessary for its own sake, i.e., he performs the labor for a purpose other than the direct result of the action, is held liable for it. And the reason for that which is taught in the second baraita, i.e., that he is exempt, is that he holds that one who performs a labor that is not necessary for its own sake is exempt from liability for it.

Chapter 5

¹ MISHNA: If one consumed an olive-bulk of blood that spurted during the slaughter of a domesticated animal, an undomesticated animal, or a bird, whether it is a kosher or non-kosher species; or if one consumed blood that flowed after stabbing an animal or killing it in a manner other than by ritual slaughter, or blood that spurted after ripping the animal's windpipe or gullet, or blood that spurted during bloodletting with which the soul departs, one is liable to receive karet for consuming it intentionally or to bring a sin offering for consuming it unwittingly.

² But with regard to blood of the spleen, blood of the heart, blood of eggs, blood of grasshoppers, or blood of exudate [tamtzit], i.e., that oozes from the neck of the animal after the initial spurt of its slaughter concludes, one is not liable for consuming it. Rabbi Yehuda deems one liable in the case of blood of exudate.

³ GEMARA: The Sages taught in a baraita: The verse states: "And you shall consume no manner of blood" (Leviticus 7:26). I would derive from here that even with regard to the blood of bipeds, i.e., human beings, and the blood of eggs, the blood of grasshoppers, and the blood of fish, all these are included in the prohibition against consuming blood. Therefore, the verse states: "Whether it is of bird or of animal" (Leviticus 7:26).

⁴ The baraita explains the derivation from the verse: Just as birds and animals are unique in that they have the capacity for both a light form of ritual impurity, if they become impure after they are slaughtered, in which case they are considered impure food, and a severe form of impurity, if they die without valid ritual slaughter, and they have the possibility of being forbidden or permitted, and they are a type of meat, so too, everything that has the capacity for both a light form of impurity and a severe form of ritual impurity, and has the possibility of being forbidden or permitted, and is a type of meat, is included in the prohibition.

⁵ I will therefore exclude the blood of bipeds, as they have the capacity for a severe form of ritual impurity, i.e., the impurity of a corpse, but they do not have the capacity for a light form of ritual impurity, since the halakhot of the impurity of food do not apply to the human body.

⁶ I will likewise exclude the blood of creeping animals, which do not have a severe form of ritual impurity. Impurity transmitted to a person by the carcass of a creeping animal does not render clothing impure, whereas impurity transmitted by the carcass of an animal or bird does render one's clothing impure. I will also exclude the blood of eggs, as they are not a type of meat, and finally I will exclude the blood of fish and the blood of grasshoppers, as they are entirely permitted, as explained on 21b.

⁷ The baraita continues: The verse states: "And you shall consume no manner of blood, whether it is of bird or of animal, in any of your dwellings" (Leviticus 7:26). The verse mentions both "bird" and "animal," because if the verse had stated only "bird," one might have said that just as a bird is a creature concerning which the prohibition of diverse kinds does not apply, as will be explained, so too, the prohibition against consuming blood applies only to an animal concerning which the prohibition of diverse kinds does not apply, whereas the blood of other animals is not forbidden. Therefore, the verse states: "Or of animal."

⁸ And if the verse had mentioned only "animal," one might have said that just as an animal is not included in the prohibition against taking the mother bird with her young (see Deuteronomy 22:6–7),

so too, a bird whose blood is forbidden is that which is not included in the prohibition against taking the mother bird with the young, i.e., non-kosher birds, whereas the blood of kosher birds is permitted. Therefore, the verse states: “Whether it is of bird or of animal.”

⁹ The Gemara raises a difficulty: But say that the verse should be interpreted as follows: The phrase “no manner of blood” is a generalization, and the mention of “bird or animal” is a detail. This is a generalization and a detail, and the hermeneutical principle in such cases is that the generalization includes only what is mentioned in the detail. Consequently, with regard to a bird and an animal, yes, it is prohibited to consume their blood, but with regard to anything else, the prohibition does not apply.

¹⁰ The Gemara explains that when the next verse states: “Whoever consumes any blood, that soul shall be cut off from his people” (Leviticus 7:27), it then generalized again. Therefore, this is a case of a generalization, and a detail, and a generalization, in which case the relevant hermeneutical principle dictates that you may deduce that the verse is referring only to items similar to the detail. Accordingly, the verse includes everything that has the following three components, as stated above: The capacity for both a light form of ritual impurity and a severe form of ritual impurity; the possibility of being forbidden or permitted; and categorization as a type of meat.

¹¹ The Gemara objects: But the last generalization is not similar to the first generalization. The first generalization, where it states: “You shall consume no manner of blood,” indicates a regular prohibition, punishable by lashes, whereas the last generalization, where it states: “That soul shall be cut off from his people,” indicates that the prohibition is punishable by karet. Consequently, the hermeneutical principle for cases of a generalization, a detail, and a generalization should not apply.

¹² The Gemara responds: This tanna, whose opinion is recorded in this baraita, is of the school of Rabbi Yishmael, who maintains that we expound generalizations and details even in a case like this, even though the last generalization is not similar to the first generalization.

¹³ The Gemara further analyzes the baraita. The Master said that there is a generalization, and a detail, and a generalization, and therefore you may deduce that the verse is referring only to items similar to the detail. Just as the detail is explicit in that it is referring to an item that has the capacity for both a light form of impurity and a severe form of impurity, and it has the possibility of being forbidden or permitted, and it is a type of meat, so too, every item that has the capacity for both a light form of ritual impurity and a severe form of ritual impurity, and has the possibility of being forbidden or permitted, and is a type of meat, is included in the prohibition against consuming blood.

¹⁴ The Gemara asks: What does this phrase: So too every item, which the baraita teaches, serve to include beyond birds and animals, which are mentioned explicitly in the verse? After all, the blood of human beings, creeping animals, fish, and grasshoppers have already been excluded from the prohibition.

¹⁵ Rav Adda bar Avin said: It serves to include the blood of a koy, an animal that is not definitively categorized as either a domesticated animal or an undomesticated animal. The Gemara asks: What does Rav Adda bar Avin maintain in this regard? If he maintains that a koy is an uncertain case, is a verse necessary to teach the halakha in a case of uncertainty? Rather, Rav Adda bar Avin maintains that the koy is a distinct entity, i.e., it is not in the category of domesticated animals or undomesticated animals, and therefore its halakha must be taught.

¹⁶ The Gemara asks: We found a source for the prohibition against consuming the blood of a koy. From where do we derive that its fat is also forbidden? The Gemara answers that this is derived from the verse: “You shall not eat any [kol] fat” (Leviticus 7:23). The additional word “kol” serves to include the fat of a koy as being forbidden. The Gemara inquires further: From where do we derive that its carcass is prohibited? The Gemara answers that this is derived from the verse: “You shall not eat any [kol] animal carcass” (Deuteronomy 14:21). Here too, the additional word “kol” serves to include the carcass of a koy as being prohibited.

¹⁷ The Gemara asks: From where do we derive that the sciatic nerve of a koy is prohibited? The Gemara answers that the Merciful One rendered the prohibition of the sciatic nerve dependent on the presence of the spoon of the thigh, as it is stated: “Therefore the children of Israel shall not eat the sciatic nerve which is upon the spoon of the thigh” (Genesis 32:33), and this koy has a spoon [kaf] of the thigh, i.e., a round protrusion of flesh in its thigh that is shaped like a spoon.

¹⁸ The Gemara further asks: From where do we derive the impurity status of the carcass of a koy, and that ritual slaughter renders its meat permitted for consumption? The Gemara answers that these halakhot are derived by logical reasoning: From the fact that in all the matters mentioned above the Merciful One included the koy and rendered it like a domesticated animal, it is logical that the halakhot concerning its impurity and its slaughter are also like those concerning a domesticated animal.

¹⁹ § The Gemara continues to analyze the baraita. The Master said in the baraita: I will therefore exclude the blood of bipeds, as they have the capacity for a severe form of impurity, the impurity of a corpse, but they do not have the capacity for a light form of impurity, since the halakhot of the impurity of food do not apply to human flesh. But one can raise a contradiction from a mishna (Okatzin 3:2): With regard to one who cuts flesh from a living person for food, there are two conditions under which it becomes impure with the impurity of food: First, the flesh requires intent to eat it or feed it to others, and second, it must be rendered susceptible to impurity by coming into contact with water or one of the other six liquids that render food items susceptible to impurity.

²⁰ Before explaining the contradiction between this mishna and the baraita cited above, the Gemara seeks to clarify the mishna itself: And the following was difficult for us: Why do I need intent? Let his act of cutting serve as intent to eat the flesh. And Reish Lakish said: This is referring to one who cuts the flesh in order to feed it to a dog, and intent to feed it to a dog is not considered intent to use the flesh as food.

²¹ The Gemara asks: And is intent to feed a dog not considered intent to use the flesh as food? But didn't we learn in a mishna (Teharot 8:6): The Sages stated a principle with regard to ritual impurity: With regard to any food that is assumed to be food designated for a person, once it becomes impure with the impurity of food, it remains impure until it is rendered unfit to be consumed by a dog?

²² The Gemara answers: That mishna is referring to removing impurity from it. Since the food was initially fit to be eaten by a person, its status of impurity cannot be removed from it until it is rendered unfit to be consumed by a dog. By contrast, here, with regard to one who cuts flesh, the mishna is referring to granting it susceptibility to impurity. In this case, if it is fit for a person then it is fit for a dog, i.e., it is susceptible to the impurity of food; if it is not fit for a person, it is not fit for a dog, i.e., it is not susceptible to ritual impurity.

²³ The Gemara addresses the contradiction between the mishna in Teharot and the baraita cited above: In any case, that mishna teaches that human flesh requires intent, and intent is for a light form of ritual impurity, i.e., this requirement of intent is necessary only for the flesh to become susceptible to ritual impurity as a food item. This apparently contradicts the claim of the baraita that the impurity of food items does not apply to human flesh. The Gemara answers: This statement of the mishna that human flesh is susceptible to impurity as a food item applies while the person is alive. But after death his corpse is impure by a severe form of impurity and is no longer susceptible to impurity as a food item, and that is the meaning of the baraita.

²⁴ The Gemara objects: The baraita contrasts animals, which are susceptible to both light and more severe forms of impurity, and people, who are susceptible only to severe ritual impurity, and the Gemara has explained the baraita as referring to a human being after death. But in the corresponding situation with regard to an animal after death, if one is referring to its meat, then it transmits impurity by a severe form of impurity, the impurity of a carcass, and if one is referring to its blood, it likewise transmits impurity by a severe form of ritual impurity, and not a light form of ritual impurity.

²⁵ As we learned in a mishna (Eduyyot 5:1): With regard to the blood of animal carcasses, Beit Shammai deem it pure, and Beit Hillel deem it impure just like the carcass itself, which transmits severe ritual impurity. Why, then, does the baraita differentiate between people and animals and indicate that dead animals are susceptible to a light form of ritual impurity?

²⁶ The Gemara answers: The statement of the baraita that animals are susceptible to a light form of impurity after death while people are not is necessary only for that which we learned in a mishna with regard to the impurity of food (Okatzin 3:3): A carcass of a non-kosher animal, e.g., a horse or donkey, found in any location, and likewise an unslaughtered carcass of a kosher bird found in villages, where there are not many people and it is unlikely to be eaten, require express intent to be eaten in order for them to be considered food and susceptible to impurity of food. But they are not required to come into contact with a liquid in order to be rendered susceptible to impurity.

²⁷ By contrast, the carcass of a kosher animal anywhere, and the unslaughtered carcass of a kosher bird or forbidden fat found in marketplaces, will presumably be eaten, and therefore they require neither intent to be eaten nor contact with liquid in order to be rendered susceptible to impurity.

²⁸ And Rav said to Rabbi Ḥiyya: Why do I need intent for a carcass to be eaten so that it will be considered food and therefore susceptible to the impurity of food, which is a light form of ritual impurity? After all, the carcass itself is already impure with a severe form of impurity. Rabbi Ḥiyya said to Rav: It is necessary for a case where there is less than an olive-bulk of the carcass, which is not susceptible to the impurity of a carcass, and one combined it with less than an egg-bulk of food, so that this and that together are an egg-bulk, which is the minimum amount of food that is susceptible to food impurity.

²⁹ Rav raised a difficulty to Rabbi Ḥiyya: If so, that less than an olive-bulk of an animal carcass does not transmit impurity, it should also require contact with a liquid in order to be rendered susceptible to impurity as a food. As the school of Rabbi Yishmael taught that with regard to the impurity of foods, the verse states: “Upon any sowing seed which is to be sown” (Leviticus 11:37), which teaches: Just as seeds are unique in that they will not ultimately become impure with a severe form of ritual impurity and they require contact with liquid in order to be rendered susceptible to impurity, so

too, anything that will not ultimately become impure with a severe form of ritual impurity requires contact with liquid in order to be rendered susceptible to impurity.

³⁰ Rabbi Ḥiyya said to Rav: This statement applies to foods in general, which do not contain less than an olive-bulk of an animal carcass. But here, where the food does contain less than an olive-bulk of an animal carcass, the halakha is different: Since it would be impure with a severe form of ritual impurity if one were to add to the amount of animal carcass so that there would be a full olive-bulk, it does not require contact with a liquid in order to be rendered susceptible to impurity. In any case, this halakha that less than an olive-bulk of a carcass combines with less than an egg-bulk of food to equal a full egg-bulk that is susceptible to food impurity, applies only to the flesh of an animal,

³¹ to the exclusion of less than an olive-bulk of a human corpse. With regard to a human corpse, even if one completes its amount to an egg-bulk, it does not become impure by the impurity of food, because his intention is rendered irrelevant by the opinions of all other people, since people do not eat human corpses. This explains why the baraita stated that animals are susceptible to light and severe forms of ritual impurity whereas people are susceptible only to severe ritual impurity.

³² Rav Ḥanania said: With regard to the assertion that the carcass of a non-kosher animal becomes susceptible to the impurity of food only if one intends to eat it, you may even say that the piece of the carcass is an olive-bulk. What are we dealing with here? We are dealing with a case where one covered it with less than an egg-bulk of dough. Since it is covered with dough the carcass cannot come into contact with anything else in order to transmit impurity to it, and since there is less than an egg-bulk of dough, the dough itself is not susceptible to the impurity of food. But if the carcass and the dough combined are a full egg-bulk, they are susceptible to the impurity of food and can transmit that impurity to other food items.

³³ The Gemara objects: If so, let it also require contact with a liquid in order to be rendered susceptible to the impurity of food. The Gemara responds: That statement applies with regard to other kinds of food, which do not transmit impurity at all, neither through direct contact nor through carrying. But here, granted that the piece of animal carcass does not transmit impurity through contact, as it is covered with dough, it should at least transmit impurity through carrying, as it is laden upon him, despite the fact that he does not touch it.

³⁴ According to Rav Ḥanania, it is in this regard that a light form of impurity, the impurity of food, applies to an animal after death. This is to the exclusion of a human corpse, as even if one covered it with dough it transmits a severe form of ritual impurity, as the impurity of a corpse breaks through and ascends, and breaks through and descends, even when it is covered.

³⁵ § The Gemara continues to analyze the baraita cited above (20b–21a). The Master said: The blood of creeping animals has been excluded, as they do not have a severe form of impurity. The Gemara asks: And do creeping animals not have a severe form of impurity? After all, by Torah law the carcass of a creeping animal transmits impurity through contact. The Gemara answers that even so, it does not transmit impurity through carrying, in the manner of an animal carcass.

³⁶ The Master said in the baraita: The blood of fish and the blood of grasshoppers have been excluded, as they are entirely permitted. The Gemara asks: What is the meaning of the clause: They are entirely permitted? If we say it is referring to the fact that all the fat of fish and grasshoppers is permitted, one may respond that all the fat of an undomesticated animal is also permitted, and yet its blood is forbidden. And if you say: Rather, fish and grasshoppers are referred to as entirely permitted

because the prohibition of the sciatic nerve does not apply to them, this is also untenable; but in the case of a bird there is no prohibition against eating the sciatic nerve and even so, its blood is forbidden.

³⁷ Rather, what is the meaning of the statement that fish and grasshoppers are entirely permitted? This is referring to the halakha that fish and grasshoppers do not require ritual slaughter to permit their consumption.

³⁸ The Master said in the baraita: If the verse had stated only “bird,” one might have said that just as a bird is a creature with regard to which the prohibition of diverse kinds does not apply, so too, the prohibition of consuming blood applies only to an animal that is not subject to the prohibition of diverse kinds, whereas the blood of other animals is not forbidden. Therefore, the verse states: “Of animal.”

³⁹ The Gemara asks: To which form of diverse kinds is this referring? If we say that it is the prohibition against mating diverse kinds together, or the prohibition against plowing diverse kinds together, that is difficult: But didn’t we learn in a mishna (Bava Kamma 54b): Similarly, undomesticated animals and birds are subject to the same halakhot as them, i.e., just as it is prohibited to plow with or to mate two species of domesticated animals together, the same applies to undomesticated animals and birds. Consequently, these prohibitions apply to all animals.

⁴⁰ Rather, Abaye said that the baraita is referring to its wool, i.e., its feathers, and indicating that one is not liable for mixing it with linen due to the prohibition of diverse kinds. The prohibition of diverse kinds in clothing applies only to mixing sheep wool with linen, but not to the hair or feathers of other animals and birds.

⁴¹ § Rav Yehuda says that Rav says: With regard to the blood of creeping animals, one is flogged for consuming it in the amount of an olive-bulk. The Gemara raises an objection from a baraita: With regard to blood of the spleen, blood of the heart, blood of the kidneys, and blood of limbs, all these are forbidden for consumption by a regular prohibition, punishable by lashes, but their consumption is not punishable by karet. By contrast, the blood of bipeds, i.e., human beings, and the blood of creeping animals and crawling things are forbidden but one is not liable for their consumption. This indicates that one is not even flogged for consuming the blood of creeping animals.

⁴² The Gemara answers: What is the meaning of the clause: One is not liable for its consumption? It means that one is not liable to receive karet for consuming it, but one is liable for violating a prohibition.

⁴³ The Gemara challenges this answer: One reason this is not a good explanation is that this is the same as the first clause. The first clause of the baraita lists types of blood whose consumption is a violation of a regular prohibition and is not punishable by karet. Clearly, the latter clause cannot also be referring to types of blood in the same category. And furthermore, a tanna excludes consumption of this blood from a regular prohibition as well, as the baraita cited earlier teaches: The blood of creeping animals has been excluded, as it does not have a severe form of ritual impurity.

⁴⁴ Rabbi Zeira said: When Rav said that one is flogged for consuming the blood of creeping animals, he meant that if witnesses forewarned him that if he consumes the blood he will be liable due to the prohibition of eating a creeping animal, then he is flogged. The reason is that the prohibition against

eating a creeping animal includes its blood. But if they forewarned him that he will be liable due to the prohibition of consuming blood, he is not flogged.

⁴⁵ § Rav says: Fish blood that one collected in a receptacle is prohibited for consumption because it would look as though one is consuming the blood of an animal or bird. The Gemara raises an objection from the latter clause of the baraita cited above: The blood of fish and the blood of grasshoppers are permitted, and this indicates that they are permitted even ab initio. The Gemara answers: That baraita is referring to a case where he did not collect the blood in a receptacle; when Rav said that it is prohibited, he was referring to a situation where he did collect the blood in a receptacle.

⁴⁶ The Gemara challenges this answer: In the corresponding situation with regard to the blood of bipeds, which the baraita states is forbidden, the case must also be one where one did not collect the blood in a receptacle. In such a case, is the blood really forbidden? But isn't it taught in a baraita: If some human blood was on a loaf of bread, one scrapes off the blood and then he may eat the bread. But with regard to blood that is between one's teeth, he may suck it and swallow it without concern, as the blood is permitted if it has not been removed from the body. This indicates that even human blood that has not been collected in a receptacle is permitted.

⁴⁷ Rather, the baraita rules that fish blood is permitted even when it has been collected in a receptacle, and when that baraita is taught, it is referring to a case where there are scales in it and therefore it is clearly fish blood. By contrast, when Rav said that it is prohibited, he was referring to a case where there are no scales in the blood, and therefore it is not evident that it is fish blood.

⁴⁸ Rav Sheshet says: With regard to the blood of bipeds, there is not even a command to abstain from consuming it ab initio. The Gemara raises an objection from the baraita: Blood of the spleen, blood of the heart, blood of the kidneys, and blood of limbs, all these are forbidden for consumption by a regular prohibition. By contrast, the blood of bipeds, i.e., human beings, and the blood of creeping animals and crawling things are forbidden but one is not liable for their consumption. The Gemara answers: When it is taught in that baraita that human blood is forbidden, that is referring to a case

⁴⁹ where the blood was separated from a person. By contrast, when Rav Sheshet said that one need not abstain from human blood even ab initio, he was referring to a case where it was not separated from a person. As it is taught in a baraita: If blood was on a loaf of bread, one may scrape off the blood and then consume the bread. If blood was between the teeth, he may suck it and swallow it without concern.

⁵⁰ Some teach this statement of Rav Sheshet with regard to this baraita, as it is taught: One might have thought that one who consumes the milk of bipeds would violate a prohibition. And this conclusion could be derived based upon a logical inference: Just as with regard to a non-kosher animal, where you were lenient with regard to its contact, i.e., it cannot render people or items impure through contact when it is alive, you were stringent with regard to its milk, which is prohibited, so too in the case of bipeds, where you were stringent with regard to their contact, as living people can render other people and objects impure, isn't it logical that you should be stringent with regard to their milk?

⁵¹ Therefore, the verse states: "And these are they which are impure to you" (Leviticus 11:29), which indicates that these animals enumerated in that chapter are non-kosher and their milk is forbidden for consumption, but the milk of bipeds is not impure but rather pure, i.e., kosher.

⁵² Furthermore, one might have thought that I should exclude only the milk of women from forbidden status, as the forbidden status of milk does not apply equally to all creatures, since the milk of kosher animals is permitted, but I should not exclude human blood from the prohibition against consuming blood, which does apply equally to all creatures, since even the blood of kosher animals is forbidden. Consequently, the verse states: “And these are they which are impure to you,” which indicates that this is impure, but the blood of bipeds is not impure but rather pure, i.e., kosher. It was in this context that Rav Sheshet said: With regard to the blood of bipeds, there is not even a command to abstain from consuming it *ab initio*.

⁵³ § We learned in a mishna there (Hullin 109a): One who wants to eat the heart of a slaughtered animal tears it and removes its blood, and only then may he cook it and eat it. If he did not tear the heart before cooking it and he ate it, he does not violate the prohibition and is not liable to receive *karet* for consuming blood. The Gemara comments: Rabbi Zeira says that Rav says: They taught this only with regard to the heart of a bird, since it does not contain an olive-bulk of blood. But the heart of an animal, which does contain an olive-bulk of blood, is forbidden and one is liable to receive *karet* for its consumption.

⁵⁴ The Gemara raises an objection from a baraita cited above: With regard to blood of the spleen, blood of the heart, blood of the kidneys, and blood of limbs, all these are forbidden for consumption by a regular prohibition, punishable by lashes, but their consumption is not punishable by *karet*. By contrast, the blood of bipeds, i.e., human beings, and the blood of repugnant creatures and crawling things are forbidden but one is not liable for their consumption. This proves that one is not liable to receive *karet* for consuming the blood of the heart.

⁵⁵ The Gemara answers that when the baraita teaches that one is not liable for consuming the blood of the heart, it is referring to its own blood, i.e., the blood absorbed in the walls of the heart. By contrast, when Rav said that one is liable to receive *karet*, he was referring to blood that comes from the outside, i.e., from elsewhere in the body, and which is found in the cavity of the heart.

⁵⁶ The Gemara challenges: Its own blood is the same as the blood of limbs, which is already included in the list. What is the difference between the blood absorbed in the walls of the heart and blood absorbed in any other limb? The Gemara responds: And according to your reasoning, doesn't the baraita teach the halakha with regard to the blood of the kidneys, and yet it also teaches the halakha with regard to the blood of limbs? Rather, the baraita teaches the halakha with regard to the blood of the kidneys, and then teaches the principle with regard to the blood of limbs. Here too, the baraita teaches the halakha with regard to the blood of the heart, and then teaches the principle with regard to the blood of limbs.

⁵⁷ The Gemara asks: From where does blood come to the heart from outside? Rabbi Zeira said: At the time when the soul departs, i.e., when the animal is dying, the heart draws [sharif] blood from elsewhere, and one is liable to receive *karet* for consuming this blood.

⁵⁸ § The mishna teaches: With regard to blood that spurted during bloodletting with which the soul departs, one is liable to receive *karet* for consuming it intentionally or to bring a sin offering for consuming it unwittingly. It was stated: What is defined as the blood that spurts during bloodletting upon which the soul depends, whose consumption entails *karet*? Rabbi Yoḥanan says: As long as it is spurting forcefully, it is included in this category of blood. Reish Lakish says: From the last black drop and onward, i.e., even before the blood spurts out forcefully, it is included in this category. The

first drops of blood are black, and once these have ended and the first red drops have begun to emerge, it is the blood upon which the soul depends.

⁵⁹ The Gemara raises an objection from a baraita: What is defined as blood that spurts during bloodletting with which the soul departs? As long as it is spurting forcefully, it is considered this type of blood. This excludes blood of exudate, i.e., that oozes from the animal after the spurt concludes, because at this stage the blood merely flows rather than spurting forcefully. The Gemara infers: What, is it not correct to say that even with regard to the first and last appearances of blood to emerge, if it flows it is considered as blood of exudate? This is apparently a conclusive refutation of the opinion of Reish Lakish.

⁶⁰ The Gemara answers: No, the baraita serves to exclude only black blood; but with regard to the first and last appearances of red blood, which emerge, respectively, after the black blood but before the blood spurts and after the blood is no longer spurting forcefully, even though it flows, this is considered blood with which the soul departs.

⁶¹ The Gemara raises an objection from a different baraita: What is defined as the first appearance of blood? As long as it is spurting forcefully, it is considered the first appearance of blood. This excludes the first and last appearances of blood, because that blood flows. This is apparently a conclusive refutation of the opinion of Reish Lakish. The Gemara answers: Reish Lakish could say to you that this matter is a dispute between tanna'im, as it is taught in a baraita: What is the blood with which the soul departs? As long as it is spurting out, it is considered this type of blood; this is the statement of Rabbi Elazar. Rabbi Shimon says: From the last black drop and onward it is considered blood with which the soul departs.

⁶² The Gemara mentions a related halakha involving blood. The school of Rabbi Yishmael taught: "And drinks the blood of the slain" (Numbers 23:24). This teaches that the blood that is considered a halakhically recognized liquid, and therefore renders other items susceptible to ritual impurity, is only blood that is exuded after death. This serves to exclude blood that spurts out forcefully at the time of the slaughter, before the animal is actually dead. Consequently, this type of blood does not render seeds susceptible to ritual impurity.

⁶³ § The Gemara returns to the prohibition against consuming blood. Rabbi Yirmeya raised a dilemma before Rabbi Zeira: If one performed bloodletting upon an animal and received its blood in two cups, from which he drank, what is the halakha? With regard to the first cup, everyone agrees that he is liable, as it contains blood that spurted forcefully. With regard to the last cup, which does not contain blood that spurted forcefully from the animal, is he liable or not?

⁶⁴ Rabbi Zeira said to him: This is a dispute between Rabbi Yoḥanan and Reish Lakish, as it was stated: If one performed bloodletting upon an animal and received its blood in two cups, Reish Lakish says that he is liable to bring two sin offerings if he drank the contents of the cups in two lapses of awareness, as one is liable to receive karet even for blood that emerges after spurting; and Rabbi Yoḥanan says he is liable to bring only one sin offering, for the blood in the first cup.

⁶⁵ § The mishna teaches that one is not liable for consuming blood of exudate, i.e., that oozes from the neck of the animal after the initial spurt of blood concludes. Rabbi Yehuda deems one liable in the case of blood of exudate. The Gemara adds that Rabbi Elazar says: Rabbi Yehuda concedes with regard to atonement that if one sacrifices an offering and the priest sprinkles the blood of exudate on the corners of the altar, the blood does not atone. This is as it is stated: "For it is the blood that makes

atonement by reason of the soul” (Leviticus 17:11), which teaches that blood with which the soul departs, i.e., the blood that spurts immediately upon slaughter, atones, but blood with which the soul does not depart, i.e., the blood that drains out after the initial spurt, does not atone.

⁶⁶ Rav Nahman bar Yitzhak said: We learn this in a baraita, as well, as it is taught in a baraita that the verse states: “And any man from the house of Israel, or from the stranger who resides among them, who consumes any blood, I will set My face against that soul that consumes blood, and will cut him off from among his people” (Leviticus 17:10). The verse could simply have stated “blood”; what is the meaning when the verse states “any blood”?

⁶⁷ The baraita explains: Since it is stated: “For it is the blood that makes atonement by reason of the soul,” I have derived nothing other than the fact that consuming the blood of sacrificial animals with which the soul departs renders one liable to receive karet, as this blood atones. From where is it derived that the same applies to blood of non-sacred animals and blood of exudate? The verse states: “Any blood.” Who is presumed to be the author of any unattributed baraita found in the Sifra, a collection of halakhic midrash on Leviticus, which is the source of this baraita? It is Rabbi Yehuda. This proves that according to Rabbi Yehuda, blood of exudate does not effect atonement.

⁶⁸ MISHNA: This mishna resumes discussion of the provisional guilt offering addressed in the previous chapter. Rabbi Akiva deems one liable to bring a provisional guilt offering for a case where he is uncertain whether he is guilty of misuse of consecrated property, a transgression that renders one liable to bring a definite guilt offering (see Leviticus 5:15). And the Rabbis deem him exempt, as one brings a provisional guilt offering only in a case of uncertainty as to whether he is liable to bring a sin offering, not a guilt offering. And Rabbi Akiva concedes that one does not bring payment for his misuse until it becomes definitely known to him that he is guilty of misuse, as then he will bring a definite guilt offering with his payment.

⁶⁹ Rabbi Tarfon said: For what purpose does that person bring two guilt offerings, one provisional and one definite? Rather, at the outset one brings the payment for misuse of consecrated property and its additional payment of one-fifth, as mandated by Torah law, and he will then bring a guilt offering worth two sela and say: If it is certain that I misused consecrated property, this is payment for my misuse and this is my definite guilt offering. And if it is uncertain whether I misused consecrated property, the money is a contribution to the Temple fund for the purchase of communal offerings and the guilt offering is provisional, as from the same type of animal that one brings a guilt offering for a case where it is known to him that he is guilty of misuse, he likewise brings a guilt offering for a case where it is unknown to him.

⁷⁰ Rabbi Akiva says: The statement of Rabbi Tarfon appears correct in the case of minimal misuse, but in a case where he is confronted with a case of uncertainty with regard to misuse valued at ten thousand dinars, would it not be preferable for him that he will now bring a provisional guilt offering valued at two sela and he will not bring payment now for uncertain misuse valued at ten thousand dinars? The mishna concludes: Apparently, Rabbi Akiva concedes to Rabbi Tarfon in the case of minimal misuse. He agrees that at the outset one brings payment for misuse and its additional payment of one-fifth, and conditionally brings a guilt offering.

⁷¹ GEMARA: With regard to the issue of whether one brings a provisional guilt offering for an uncertain misuse of consecrated property, the Sages taught in a baraita: Immediately following the passage in the Torah discussing a guilt offering for misuse of consecrated property the Torah

introduces the halakhot of a provisional guilt offering by stating: “And if anyone sin” (Leviticus 5:17). The term “and” serves to render one liable to bring a provisional guilt offering for uncertain misuse of consecrated property; this is the statement of Rabbi Akiva. And the Rabbis deem him exempt in such a case.

⁷² The Gemara suggests: Let us say that they disagree about this following method of halakhic derivation: That Rabbi Akiva holds that when the Torah connects two topics with the term “and” one learns the halakhot of the earlier passage from those in the later passage. Consequently, it can be derived that one who is uncertain about whether he misused consecrated property must bring a provisional guilt offering. And the Rabbis hold that one does not learn the halakhot in the earlier passage from those of the later passage.

⁷³ Rav Pappa said: In fact, everyone agrees that one learns the halakhot of the earlier passage from those of the later passage, as if one does not say so, you will not find a source for the requirement that a young bull brought as a burnt offering must be slaughtered in the north section of the Temple courtyard. This is derived from the fact that the Torah states the halakhot of a young bull brought as a burnt offering (Leviticus 1:3–9) and then states: “And if his offering is of the flock, from the sheep or from the goats, as a burnt offering, an unblemished male he shall present it, and he shall slaughter it on the side of the altar northward” (Leviticus 1:10–11).

⁷⁴ Rather, here, in the case of one who is uncertain whether he misused consecrated property, this is the reason that the Rabbis deem him exempt from bringing a provisional guilt offering: It is because they derive the details of the halakha with regard to the provisional guilt offering written in the verse: “And if anyone sin, and perform one of all the commandments of the Lord that are not to be performed” (Leviticus 5:17), by means of a verbal analogy from the verse stated with regard to a sin offering: “And if any one of the common people sin through error, in his performance of any of the commandments of the Lord that may not be performed” (Leviticus 4:27).

⁷⁵ The verbal analogy indicates that just as there, the sin offering is brought only for an act that renders one liable to be punished with karet for its intentional violation and liable to bring a sin offering for its unwitting violation, and to bring a provisional guilt offering for its uncertain violation, so too, for every transgression for which one is liable to be punished with karet for its intentional violation and one is liable to bring a sin offering for its unwitting violation, one is also liable to bring a provisional guilt offering for its uncertain violation.

⁷⁶ This verbal analogy serves to exclude misuse of consecrated property from the transgressions for which one would bring a provisional guilt offering in a case of uncertainty, as one is not liable to receive karet for its intentional violation. As it is taught in a baraita: With regard to one who intentionally misused a consecrated item, Rabbi Yehuda HaNasi says that he is liable to the punishment of death at the hand of Heaven. And the Rabbis say: He has violated a standard prohibition, and is flogged. Everyone agrees that he is not liable to receive karet.

⁷⁷ The Gemara comments: And with regard to the verbal analogy cited above as the source of the opinion of the Rabbis, Rabbi Akiva holds the following: When we derive the halakhot of provisional guilt offerings based upon the term “the commandments of” used in that context (Leviticus 5:17) and the identical expression “the commandments of” stated with regard to a sin offering brought for the consumption of forbidden fat (Leviticus 4:27), i.e., a standard sin offering, it is for this purpose that we derive it: Just as there, the verse is referring to a fixed sin offering, so too here, with regard to the

provisional guilt offering, one brings it only for the uncertain transgression of a sin for which one would be liable to bring a fixed offering.

⁷⁸ This serves to exclude transgressions for which one brings a sliding-scale sin offering, i.e., the defiling of the Temple or its sacrificial foods, taking a false oath of testimony, and violating an oath (see Leviticus 5:1–13). Since one who unwittingly violated these prohibitions brings an animal, bird, or meal offering depending on his financial status, if he is uncertain whether he violated one of these prohibitions he does not bring a provisional guilt offering.

⁷⁹ And the Rabbis disagree with Rabbi Akiva and hold that there is no verbal analogy for half of a matter. Once a verbal analogy is accepted, the two cases are treated as entirely similar, which in this case means that the provisional guilt offering is brought only for a sin punishable by karet for its intentional violation. The Gemara asks: Should one conclude by inference that Rabbi Akiva holds that there is a verbal analogy for half of a matter? There is no record of any tanna maintaining this opinion. Rather, everyone agrees that there is no verbal analogy for half of a matter.

⁸⁰ Rather, this is the reason for the opinion of Rabbi Akiva, as the verse states with regard to the provisional guilt offering: “And if anyone sin” (Leviticus 5:17). The term “and” in the form of the letter vav, adds to the previous matter. When a sentence begins with the conjunction vav, it is a continuation of the previous discussion, and therefore the halakhot of the earlier passage, in this case misuse of consecrated property, are learned from the later passage. Consequently, one brings a provisional guilt offering even for uncertain misuse of consecrated property.

⁸¹ And the Rabbis maintain that it is the halakhot of the later passage that are derived from the earlier passage. Consequently, the ram brought for a provisional guilt offering must be worth at least two silver shekels, just like the ram brought as a guilt offering in a case where one is certain that he misused consecrated property (see Leviticus 5:15).

⁸² And how would Rabbi Akiva respond to this opinion? He holds that there is no juxtaposition for half of a matter. Consequently, one must also derive the halakhot of the earlier passage from the later passage, and one is liable to bring a provisional guilt offering for uncertain misuse of consecrated property. The Gemara raises a difficulty: Should one conclude by inference that the Rabbis hold that there is a juxtaposition for half of a matter? But this is difficult, because we maintain as a principle that there is no juxtaposition for half of a matter.

⁸³ Rather, everyone agrees that there is no juxtaposition for half of a matter. And here, this is the reason for the opinion of the Rabbis, as they derive from the verbal analogy of the expression “the commandments of the Lord” (Leviticus 5:17) stated with regard to the provisional guilt offering and the identical expression “the commandments of the Lord” (Leviticus 4:27) stated with regard to the sin offering that one is not liable to bring a provisional guilt offering for uncertain misuse of consecrated property. One does not derive the halakhot of the earlier passage based upon the later passage, as this aspect of the comparison has been explicitly excluded from the comparison of these two passages based upon their juxtaposition.

⁸⁴ And Rabbi Akiva derives the halakha that the provisional guilt offering must be worth at least two silver shekels from the verse: “This is the law of the guilt offering” (Leviticus 7:1). This teaches that there is one law for all of the guilt offerings, and therefore each guilt offering must be worth at least two silver shekels. Since it is not necessary for him to derive this halakha from the juxtaposition of the passages concerning misuse of consecrated property and the provisional guilt offering, and the

verbal analogy cannot entirely negate the comparison indicated by this juxtaposition, Rabbi Akiva derives from the juxtaposition that one is liable to bring a provisional guilt offering for uncertain misuse of consecrated property.

⁸⁵ And the Rabbis would reply that even though it is written: “This is the law of the guilt offering,” nevertheless it was necessary for the verse to write: “And if anyone sin,” in which the letter vav adds to the previous matter and indicates that the halakhot of the later passage are learned from the earlier passage. This teaches that a provisional guilt offering must be worth at least two silver shekels.

⁸⁶ And if you would say that this could be derived from the verse: “This is the law of the guilt offering,” that is impossible, as I would say: When I say that there is one law for all of the guilt offerings, that statement applies only to other definite guilt offerings. In other words, just as the guilt offering for definite misuse of consecrated property must be worth at least two silver shekels, the same applies to all definite guilt offerings.

⁸⁷ But with regard to the provisional guilt offering, since it comes for an uncertain violation, e.g., in a case where one is uncertain whether he ate forbidden fat, one might say that the offering one brings for its uncertain violation should not be more stringent than the offering one brings for its definite violation: Just as for its definite violation one may bring a sin offering worth even one-sixth [danka] of a dinar, so too, for its uncertain violation one may bring a guilt offering worth even one-sixth of a dinar. It is for this reason that the Merciful One wrote: “And if anyone sin,” in which the letter vav adds to the previous matter. By contrast, since Rabbi Akiva does not derive the requirement for a provisional guilt offering to be worth at least two silver shekels from this verse, he derives from it that one brings a provisional guilt offering in a case of uncertain misuse of consecrated property.

⁸⁸ The Gemara asks: This works out well according to the one who expounds the verse: “This is the law of the guilt offering,” as Rabbi Akiva derives from here that a provisional guilt offering must be worth at least two silver shekels. But according to the one who does not expound the verse: “This is the law of the guilt offering,” what is there to say? From where does he derive that all guilt offerings must have the same minimum value? The Gemara answers that he derives it from a verbal analogy between the term “your valuation” stated with regard to other guilt offerings (see Leviticus 5:18, 5:25), and the identical term “your valuation” (Leviticus 5:15) from the case of a guilt offering for misuse of consecrated property, which the verse indicates must be worth at least two silver shekels.

⁸⁹ The Gemara asks: What is the source of this halakha with regard to the guilt offering for engaging in intercourse with an espoused maidservant, about which the term “your valuation” is not written in the Torah? The Gemara answers: We derive it from a verbal analogy between the word “ram” (Leviticus 5:15) in the verse about a guilt offering for misuse of consecrated property and the word “ram” (Leviticus 19:21) in a verse concerning the espoused maidservant.

⁹⁰ § The mishna teaches that Rabbi Akiva concedes that one does not bring payment for his misuse of consecrated property until it becomes known to him that he is guilty of misuse, as then he brings a definite guilt offering with his payment. Rabbi Tarfon said: One brings payment for misuse and its additional payment of one-fifth, and a guilt offering worth two sela, and says: If it is certain that I misused consecrated property, this is payment for my misuse and this is my definite guilt offering. And if it is uncertain whether I misused consecrated property, the money is a contribution to the Temple fund for the purchase of communal offerings and the guilt offering is provisional.

⁹¹ The Gemara asks: According to Rabbi Tarfon, what is this individual saying? How can he say: If it is uncertain, when he clearly is uncertain about whether he misused consecrated property? Rava said that one should teach the mishna as follows: If its uncertainty persists forever, this offering should be a provisional guilt offering, whereas if it becomes known that I misused consecrated property, this should be a regular guilt offering. This is an effective stipulation, as the offering one brings in a case where it is known to him that he misused consecrated property is from the same species as the offering he brings in a case where it is unknown to him whether he misused consecrated property.

⁹² The Gemara objects: Ultimately, even according to Rabbi Tarfon one cannot necessarily avoid bringing two guilt offerings. Since at the time when he brought his first offering he was uncertain whether he had misused consecrated property, when it becomes known to him that he misused consecrated property he is required to bring a definite guilt offering.

⁹³ In response to this question Rava said: From the statement of both of the tanna'im, i.e., Rabbi Tarfon and Rabbi Akiva, it can be learned that a definite guilt offering does not require knowledge that the individual definitely sinned ab initio. Consequently, as long as it eventually becomes known that he sinned, he has fulfilled his obligation to bring a definite guilt offering.

⁹⁴ MISHNA: Apropos the previous case in which one brings the same type of animal when liability is certain as when liability is uncertain, this mishna teaches: With regard to a woman who brought a bird sin offering in a case of uncertainty whether she miscarried a fetus that would have rendered her liable to bring a sin offering or whether what she expelled would not render her liable to bring an offering, in which case this sin offering may not be eaten by priests, the halakha is as follows: If before the nape of the neck of the bird was pinched it became known to her that she certainly gave birth, i.e., miscarried, in a manner that obligates her to bring a sin offering, she should render the offering a definite sin offering, as from the same type of animal that she brings a sin offering for a case where it is known to her that she miscarried, she brings a sin offering for a case where it is unknown to her.

⁹⁵ The mishna resumes discussion of the provisional guilt offering. If one had a piece of non-sacred meat and a piece of sacrificial meat, and he ate one of them and does not know which of them he ate, he is exempt from the obligation to bring a guilt offering for misuse of consecrated property. Rabbi Akiva deems him liable to bring a provisional guilt offering, in accordance with his opinion in the previous mishna that one brings a provisional guilt offering even in a case of uncertainty with regard to misuse. If he then ate the second piece, he brings a definite guilt offering, as it is certain that he ate the sacrificial meat.

⁹⁶ If one person ate the first piece and another person came and ate the second piece, this first person brings a provisional guilt offering and that second person brings a provisional guilt offering; this is the statement of Rabbi Akiva. Rabbi Shimon says: Both of them bring one definite guilt offering as partners, and they stipulate that the one who ate the non-sacred meat grants his share of the animal to the one who ate the sacrificial meat, and the guilt offering is sacrificed on his behalf. Rabbi Yosei says:

⁹⁷ Two people do not bring one guilt offering, as one may not sacrifice atonement offerings conditionally.

⁹⁸ If one had a piece of forbidden fat and a piece of non-sacred meat, and he ate one of them and does not know which of them he ate, he brings a provisional guilt offering, as perhaps he ate the

forbidden fat. If he then ate the second piece, he brings a sin offering, as it is certain that he ate the fat. If one person ate the first piece and another person came and ate the second piece, this person brings a provisional guilt offering and that person brings a provisional guilt offering; this is the statement of Rabbi Akiva. Rabbi Shimon says: Both of them bring one sin offering as partners, and they stipulate that the sin offering should be credited to the one who ate the fat. Rabbi Yosei says: Two people do not bring one sin offering.

⁹⁹ If one had a piece of forbidden fat and a piece of sacrificial permitted fat and he ate one of them and does not know which of them he ate, he brings a provisional guilt offering, as perhaps he ate the forbidden fat. If he then ate the second piece, he brings a sin offering, as he certainly ate the fat, and a definite guilt offering for misuse of consecrated property. If one person ate the first piece and another person came and ate the second piece, this person brings a provisional guilt offering and that person brings a provisional guilt offering. Rabbi Shimon says: Both of them bring a sin offering and a guilt offering as partners, and they stipulate that each offering should be credited to the one who is liable to bring it. Rabbi Yosei says: Two people do not bring one sin offering and one guilt offering.

¹⁰⁰ If one had a piece of forbidden fat and a piece of sacrificial forbidden fat and he ate one of them and does not know which of them he ate, he brings a sin offering as he certainly ate forbidden fat. Rabbi Akiva says: He also brings a provisional guilt offering, as perhaps he ate the sacrificial fat, in accordance with his opinion that one brings a provisional guilt offering even in the case of uncertainty with regard to misuse of consecrated property. If he then ate the second piece, he brings two sin offerings, as he ate two pieces of forbidden fat, and a definite guilt offering for misuse of consecrated property.

¹⁰¹ If one person ate the first piece and another person came and ate the second piece, this person brings a sin offering and that person brings a sin offering. Rabbi Akiva says: This person and that person each bring a provisional guilt offering as well, due to the uncertainty as to which of them ate the sacrificial fat. Rabbi Shimon says: This person brings a sin offering and that person brings a sin offering and both of them bring one guilt offering as partners, and they stipulate that the offering should be credited to the one who ate the sacrificial fat. Rabbi Yosei says: The two of them do not bring one guilt offering.

¹⁰² If one had a piece of forbidden fat and a piece of forbidden fat that is notar, an offering whose designated time has passed for which one is liable to receive karet if he ate it intentionally and liable to bring a sin offering if he ate it unwittingly, and he ate one of them and does not know which of them he ate, he brings a sin offering, as he certainly ate forbidden fat, and a provisional guilt offering, due to the possibility that he ate the notar. If he then ate the second piece, he brings three sin offerings, two for the forbidden fat and one for the prohibition against eating notar.

¹⁰³ If one person ate the first piece and another person came and ate the second piece, this person brings a sin offering and a provisional guilt offering, as he certainly ate forbidden fat and it is uncertain whether he ate the notar, and that person brings a sin offering and a provisional guilt offering. Rabbi Shimon says: This person brings a sin offering and that person brings a sin offering and both of them bring one additional sin offering as partners, and they stipulate that the offering should be credited to the one who ate the notar. Rabbi Yosei says: Two people do not bring any sin offering that comes as atonement for a sin.

¹⁰⁴ GEMARA: The mishna teaches that in a case where there was a piece of forbidden fat and a piece of non-sacred meat and each piece was eaten by a different person, Rabbi Shimon maintains that both of them bring one sin offering by stipulating that the sin offering is credited to the one who ate the fat, whereas Rabbi Yosei says that two people do not bring one sin offering. Rava said to Rav Naḥman: According to Rabbi Yosei, it is apparently a sin offering that they both do not bring, whereas they do both bring a provisional guilt offering. If so, his opinion is the same as that of the first tanna, who explicitly stated that each of them brings a provisional guilt offering.

¹⁰⁵ And if you would say that there is a difference between the opinions of Rabbi Yosei and the first tanna with regard to the requirement of one piece from two pieces, i.e., according to Rabbi Yosei only the first individual is liable to bring a provisional guilt offering, as he had two pieces before him, whereas the second is exempt, since there was only one piece before him when he ate it, this cannot be correct: But isn't it taught in a baraita that Rabbi Yosei says: This person brings a provisional guilt offering and that person brings a provisional guilt offering. Rav Naḥman said to Rava in response: This is what the mishna teaches us, that who is the first tanna? It is Rabbi Yosei.

¹⁰⁶ § The mishna discusses the case of a piece of forbidden fat and a piece of sacrificial permitted fat, the case of a piece of forbidden fat and a piece of sacrificial forbidden fat, and the case of a piece of forbidden fat and a piece of forbidden fat that is notar. In the final case, if someone ate one of the pieces and then ate the second piece, he brings three sin offerings, two for the forbidden fat and one for the prohibition against eating notar. Rava said to Rav Naḥman: And let him also bring a definite guilt offering for misuse of consecrated property, as notar is sacrificial food. Rav Naḥman said to Rava: This is referring to a case where the piece does not have the value of one peruta, and one is not liable for misusing consecrated property of such little value.

¹⁰⁷ Rava raised a difficulty to Rav Naḥman: But at the outset of the mishna we are dealing with a piece that does have the value of one peruta, as it teaches that if one ate both a piece of forbidden fat and a piece of sacrificial permitted fat, he brings a definite guilt offering for misuse of consecrated property. Rav Naḥman said to Rava: That clause of the mishna is referring to a piece that is not notar, and that piece is worth one peruta. The case of the piece of notar is different. Since it has been left over for a while, most people would not eat it, and it is no longer worth one peruta.

¹⁰⁸ Rava raised another difficulty to Rav Naḥman: But the mishna (13b) states: There is a case where one performs one act of eating and is liable for having violated five transgressions, and that mishna teaches that the case is where a ritually impure person ate forbidden fat that was notar from sacrificial meat on Yom Kippur, and it teaches that he brings four sin offerings and one guilt offering. Since the guilt offering is for misusing consecrated property, the piece of meat, which is notar, is evidently worth at least one peruta.

¹⁰⁹ Rav Naḥman said to Rava: That mishna is referring to an act of excessive eating, i.e., to a large piece of meat that is notar, which is worth one peruta, and this mishna here is referring to an act of light eating, i.e., a small piece of meat that is notar, which is not worth one peruta, and therefore it is not difficult. Alternatively, that mishna is referring to notar in the rainy season, when the meat does not spoil so quickly and therefore it is still worth one peruta, and this mishna here is referring to notar in the summer, when it spoils quickly.

¹¹⁰ § The mishna further teaches with regard to the case of a piece of forbidden fat and a piece of forbidden fat that is notar, that if one person ate the first piece and another ate the second piece,

Rabbi Shimon says: Each brings a sin offering for having eaten forbidden fat, and they bring an additional sin offering for the transgression of eating notar, with the stipulation that the offering is credited to the one who ate the notar. Rava said to Rav Nahman: This indicates that the prohibition of notar takes effect despite the fact that the prohibition of forbidden fat already applied to this piece. And did Rabbi Shimon say that a prohibition takes effect where another prohibition already exists?

¹¹¹ But isn't it taught in a baraita that Rabbi Shimon says: One who unwittingly eats an unslaughtered animal carcass on Yom Kippur is exempt from bringing a sin offering for the sin of eating on Yom Kippur because the prohibition against eating on Yom Kippur does not take effect upon the meat of an animal carcass, which is already prohibited?

¹¹² Rav Sheshet, son of Rav Idi, said: The mishna is referring to a case where he ate a kidney with its forbidden fat. Since the kidney is not forbidden fat, the prohibition against eating notar applies with regard to the kidney. The Gemara asks: But even with regard to a kidney with its forbidden fat, the prohibition of items that are supposed to ascend upon the altar applies to it, i.e., it is already forbidden for consumption because it is supposed to be burned on the altar. Consequently, how does the prohibition of notar come and apply to it?

¹¹³ And if you would say that Rabbi Shimon maintains that notar is a severe prohibition, and therefore it applies where the relatively lenient prohibition of items that are supposed to ascend upon the altar has already taken effect, this cannot be correct. The Gemara explains: But the prohibition of eating an animal carcass is a lenient prohibition, as it is punishable merely by lashes, and eating on Yom Kippur is a severe prohibition, as its violation is punishable by karet; and yet according to Rabbi Shimon the prohibition against eating on Yom Kippur, which is severe, does not come and apply where the prohibition of an animal carcass, which is lenient, has already taken effect.

¹¹⁴ Rather, one must say that specifically with regard to sacrificial food the Merciful One revealed that a prohibition takes effect where another prohibition already exists.

¹¹⁵ As it is taught in a baraita with regard to the prohibition against eating sacrificial meat in a state of ritual impurity: "But the soul that eats from the meat of the sacrifice of peace offerings, which belong to the Lord, having his impurity upon him, that soul shall be cut off from his people" (Leviticus 7:20). The phrase "which belong to the Lord" serves to include in the prohibition of an impure person consuming sacrificial food the sacrificial portions, which are meant to be sacrificed upon the altar and not eaten by other people. One who eats this meat while he is impure is liable to receive karet.

¹¹⁶ The Gemara explains the proof from this baraita: In the case of sacrificial portions, the prohibition of items that are supposed to ascend upon the altar applies to it, and with regard to the parts of the sacrificial portions that are forbidden fat, the prohibition against eating forbidden fat, which is punishable by karet, applies to it. And nevertheless the prohibition of eating sacrificial food in a state of impurity comes and applies in addition to that prohibition. This indicates that with regard to sacrificial meat specifically, a prohibition takes effect where another prohibition already exists.

¹¹⁷ The Gemara adds: Know that it is so, as Rabbi Yehuda HaNasi maintains in general that a prohibition takes effect where another prohibition already exists, but this statement applies only with regard to a relatively severe prohibition taking effect where a relatively lenient prohibition already exists. But in the case of a lenient prohibition taking effect where there is already an existing prohibition, and that original prohibition is more severe than the second one, no, Rabbi Yehuda

HaNasi does not hold that the second prohibition takes effect. And yet with regard to sacrificial meat, we have heard that Rabbi Yehuda HaNasi says that even a lenient prohibition takes effect where a severe prohibition already exists.

¹¹⁸ The Gemara cites the source for this claim: As the prohibition of misuse of consecrated property is a relatively lenient prohibition, since according to Rabbi Yehuda HaNasi it is punishable by death at the hand of Heaven, and the prohibition against eating sacrificial meat is a severe prohibition, since it is punishable by karet, and yet the prohibition punishable by death comes and takes effect where there is already an existing prohibition punishable by karet.

¹¹⁹ As it is taught in a baraita that Rabbi Yehuda HaNasi says: It is stated with regard to peace offerings, which are offerings of lesser sanctity: “And the priest shall make them smoke upon the altar; it is the food of the offering made by fire, for a pleasing aroma; all the fat is the Lord’s” (Leviticus 3:16). This verse serves to include the sacrificial portions of offerings of lesser sanctity in the halakha of misuse of consecrated property.

¹²⁰ The Gemara comments: And misuse of consecrated property, according to Rabbi Yehuda HaNasi, is a prohibition punishable by death at the hand of Heaven, and yet it takes effect where there is already an existing prohibition of forbidden fat, which is a prohibition punishable by karet. Conclude from this baraita that with regard to sacrificial food, the Merciful One revealed that a prohibition takes effect where another prohibition already exists. As stated above, it is for this reason that Rabbi Shimon states in the mishna that one is liable to bring two sin offerings for eating forbidden fat that is notar.

¹²¹ The Gemara objects: But isn’t it taught in a baraita that Rabbi Shimon says: The prohibition against eating an offering that was sacrificed with the intent to consume it after its designated time [piggul] does not apply to items that are supposed to ascend onto the altar, and similarly, the prohibition against eating notar does not apply to items that are supposed to ascend onto the altar? This indicates that even with regard to sacrificial meat, a prohibition does not take effect where another prohibition already exists.

¹²² The Gemara suggests: Rather, this matter is a dispute between tanna’im with regard to the opinion of Rabbi Shimon, as some say that Rabbi Shimon maintains that with regard to sacrificial meat a prohibition takes effect where another prohibition already exists, as indicated in the mishna. And some say that even with regard to sacrificial meat, Rabbi Shimon holds that a prohibition does not take effect where another prohibition already exists.

¹²³ The Gemara challenges: And according to the one who says that even with regard to sacrificial meat a prohibition does not take effect where another prohibition already exists, what does he do with the verse: “All the fat is the Lord’s” (Leviticus 3:16), from which it was derived above that the sacrificial parts of offerings of lesser sanctity are included in the prohibition of misuse of consecrated property?

¹²⁴ The Gemara answers that he interprets it as referring to the offspring of sacrificial animals, as he holds that the offspring of sacrificial animals become sanctified when they begin to exist, i.e., when they are born. Since the prohibition of forbidden fat also takes effect at that time, both of them, i.e., the prohibitions of forbidden fat and misuse of consecrated property, come into effect simultaneously.

Chapter 6

¹ MISHNA: In the case of one who brings a provisional guilt offering due to uncertainty as to whether he sinned, and it became known to him that he did not sin, if he made that discovery before the ram was slaughtered, it shall emerge and graze with the flock as a non-sacred animal, since its consecration was in error. This is the statement of Rabbi Meir.

² And the Rabbis say: Its status is not that of a non-sacred animal; rather it is that of a guilt offering that was disqualified for sacrifice. Therefore, it shall graze until it becomes blemished; and then it shall be sold, and the money received for it shall be allocated for the purchase of communal gift offerings by the Temple treasury. Rabbi Eliezer says: It shall be sacrificed as a provisional guilt offering, as if it does not come to atone for this sin that he initially thought, it comes to atone for another sin of which he is unaware.

³ If it became known to him that he did not sin after the ram was slaughtered and its blood collected in a container, the blood shall be poured into the canal that flows through the Temple courtyard, and the flesh shall go out to the place of burning, like any disqualified offering. If the blood was sprinkled before he discovered that he did not sin, and the meat is intact, the meat may be eaten by the priests like any other sin offering, as from the moment that its blood was sprinkled the meat is permitted to the priests. Rabbi Yosei says: Even if the blood was still in the cup when he discovered that he did not sin, the blood shall be sprinkled and the meat may be eaten.

⁴ In the case of a definite guilt offering, it is not so, i.e., the halakha is different than with regard to a provisional guilt offering. If he made the discovery that he did not sin before the ram was slaughtered, it shall go out and graze among the flock, as it is not consecrated. If it became known to him that he did not sin after the ram was slaughtered, it shall be buried like a non-sacred animal that was slaughtered in the Temple courtyard, and its blood is poured. If he discovered that he did not sin after the blood was sprinkled, the flesh shall go out to the place of burning, like any disqualified offering.

⁵ In the case of an ox that is sentenced to be stoned (see Exodus 21:28–32), e.g., for killing a person, it is not so, i.e., it also does not have the same halakhic status as a provisional guilt offering. If it is discovered that the testimony with regard to the ox was false before it was stoned, it shall go out and graze among the flock as it never had the status of an ox sentenced to be stoned. If this was discovered after the ox was stoned, its halakhic status is as though it had not been sentenced, and therefore deriving benefit from its carcass is permitted.

⁶ In the case of a heifer whose neck is broken, when a corpse is found between two cities and the identity of the murderer is unknown (see Deuteronomy 21:1–9), it is not so i.e., the halakha is different than with regard to a provisional guilt offering. If the identity of the murderer is discovered before the heifer's neck was broken, it shall go out and graze among the flock, as it is not consecrated. But if the identity of the murderer was discovered after the heifer's neck was broken, it shall be buried in its place, like any other heifer whose neck is broken. The reason is that from the outset the heifer whose neck is broken comes to atone for a situation of uncertainty. Once its neck was broken before the identity of the murderer was revealed, its mitzva was fulfilled, as it atoned for its uncertainty and that uncertainty is gone.

⁷ GEMARA: The mishna teaches with regard to one who brings a provisional guilt offering and it became known to him before the ram was slaughtered that he did not sin that Rabbi Meir says the animal is non-sacred and the Rabbis say its status is that of a guilt offering that was disqualified. The Gemara asks: With regard to what do Rabbi Meir and the Rabbis disagree? The Gemara answers that Rabbi Meir holds: He initially consecrated the animal with the intention to sacrifice it. Since later it became clear to him that he does not require the animal, the sanctity is nullified and it is as though he did not consecrate it. And the Rabbis hold: Since initially his heart struck him [nokfo] with pangs of conscience over sins that he might have committed, he wholeheartedly resolved to consecrate the animal, and that sanctity is not nullified.

⁸ A Sage taught in a baraita: Rabbi Meir and the Rabbis disagree whether it became known to him that he sinned, or whether it became known to him that he did not sin. The Gemara elaborates: Their dispute is stated by the baraita in a case where it became known to him that he sinned, in order to convey to you the far-reaching nature of the opinion of Rabbi Meir. As Rabbi Meir maintains that even though he now knows that he sinned and therefore he must bring a sin offering and is no longer obligated to sacrifice the provisional guilt offering, nevertheless, since at the time that he designated the animal as a provisional guilt offering he did not know for certain that he sinned, that animal shall go out and graze among the flock, as it is unconsecrated.

⁹ And similarly, their dispute is stated in a case where it became known to him that he did not sin, in order to convey to you the far-reaching nature of the opinion of the Rabbis. As the Rabbis maintain that even though he now knows that he did not sin, since at the time that he designated the animal as a provisional guilt offering he did not know, his heart struck him with pangs of conscience. Therefore, he wholeheartedly resolved to consecrate the animal.

¹⁰ Rav Sheshet said: Rabbi Meir concedes to the Rabbis

¹¹ in a case where one designates two provisional guilt offerings from the outset as a guarantee, so that if one is lost he may achieve atonement with the other, and he achieved atonement with one of them. He concedes that the second animal retains its sanctity and shall graze until it becomes blemished and that then it shall be sold and the money received for it shall be allocated for communal gift offerings.

¹² What is the reason that Rabbi Meir agrees in such a case? Rabbi Meir disagrees with the Rabbis in a case where one brings a provisional guilt offering and later discovers with certainty that he did not sin, only because Rabbi Meir holds that the one consecrating the animal did not initially reveal that his heart was striking him with pangs of conscience. But here, in a case where he set aside two animals as provisional guilt offerings, since he was required to designate only one animal, what is the reason that he designated two? Evidently, the reason is that he thought: If one of the animals is lost, I will achieve atonement with the other one. And as he revealed by this scrupulous behavior that his heart was striking him with pangs of conscience, since that was so, he wholeheartedly resolved to consecrate the animal.

¹³ § Rav Yehuda says that Rav says: The Rabbis concede to Rabbi Meir in a case of a provisional guilt offering where two witnesses testified that someone may have committed a sin, e.g., that he ate a piece of fat with regard to which there was uncertainty if it was permitted or forbidden fat, and later those witnesses were rendered conspiring witnesses, that the animal shall go out and graze among the flock as a non-sacred animal.

¹⁴ What is the reason? It is that the Rabbis disagree with Rabbi Meir only in a case where the person designated the animal as a provisional guilt offering of his own volition, and therefore we say that his heart was striking him with pangs of conscience and he wholeheartedly resolved to consecrate the animal. But in a case where he designated the animal as a provisional guilt offering due to the testimony of witnesses, he was not relying on the witnesses. Rather, he thought: Perhaps other witnesses will come and render these witnesses conspiring witnesses.

¹⁵ Rava raises an objection from the mishna: The case of an ox that is sentenced to be stoned is not similar to the case of a provisional guilt offering, as even the Rabbis agree that if it is discovered that the testimony with regard to the ox was false before it was stoned, it shall go out and graze among the flock. Rava explains his objection: What are the circumstances? If we say that initially two people came and said that the ox killed someone and the animal was therefore sentenced to be stoned, and two people later say that the ox did not kill, what did you see that you listen to the latter pair? You could just as well listen to the former pair.

¹⁶ Rather, isn't the mishna referring to conspiring witnesses, i.e., the second pair of witnesses testified that the first pair were not in the vicinity at the time of the incident and therefore the testimony of the second pair of witnesses is accepted? And if so, in the corresponding situation in the mishna with regard to a provisional guilt offering, it is likewise referring to conspiring witnesses, i.e., one designated an animal as a provisional guilt offering due to the testimony of witnesses, and they were subsequently proven to be conspiring witnesses. And yet the Rabbis disagree with Rabbi Meir in that case and rule that this provisional guilt offering is not rendered non-sacred.

¹⁷ Abaye said to Rava: This proof is inconclusive. Perhaps one can say that in the case of an ox that is sentenced to be stoned, which goes out and grazes among the flock, what are the circumstances? It is not referring to conspiring witnesses, but rather to a case where the supposedly killed individual comes to the court on his feet, thereby conclusively disproving the testimony.

¹⁸ And in the corresponding situation in the mishna of a provisional guilt offering, it is referring to a case where one designated the animal as a provisional guilt offering of his own volition, and, for example, it later became known that the uncertain piece of fat that he ate was permitted fat. But in a case where he designated an animal as a provisional guilt offering due to the testimony of witnesses, he did not wholeheartedly resolve to consecrate the animal, and therefore it shall go out and graze among the flock.

¹⁹ The Gemara notes that Rav Yehuda and Rava, who discuss the case of conspiring witness above, disagree with regard to the issue that is the subject of the dispute between Rabbi Elazar and Rabbi Yoḥanan: If one designated an animal as a provisional guilt offering due to the testimony of witnesses and then those witnesses were rendered conspiring witnesses, Rabbi Elazar says: This case is similar to a meal offering of jealousy, sacrificed as part of the trial undergone by a sota, i.e., a suspected adulteress (see Numbers 5:25–26). As it is taught in a baraita: If the witnesses who testified about her were later found to be conspiring, her meal offering is transferred to non-sacred status. Likewise, a provisional guilt offering whose witnesses were proven to be conspiring witnesses becomes non-sacred.

²⁰ Rabbi Yoḥanan says: That provisional guilt offering shall graze until it becomes blemished; and then it shall be sold, and the money received for it shall be allocated for communal gift offerings. The Gemara raises a difficulty: But according to Rabbi Yoḥanan, let us compare that case to a meal

offering of jealousy, as claimed by Rabbi Elazar. The Gemara explains that Rabbi Yoḥanan would claim that the cases are not similar: A meal offering of jealousy does not come for atonement, but rather to clarify the sin of the sota. Since it has been clarified that she did not sin, the meal offering becomes non-sacred. But with regard to a provisional guilt offering, which comes for atonement, one must explain as follows: Since his heart strikes him with pangs of conscience, he wholeheartedly resolves to consecrate the animal, and therefore it remains sacred.

²¹ § Rabbi Keruspedai says that Rabbi Yoḥanan says: With regard to an ox that is stoned whose witnesses were rendered conspiring, anyone who takes possession of the ox acquires it, as the owner of the ox relinquished his possession upon hearing that the animal is sentenced to die.

²² Rava said: The explanation of Rabbi Yoḥanan stands to reason in a case where the witnesses said to him that his ox was the object of bestiality; since he assumes that the witnesses are telling the truth, he relinquishes his ownership of the animal. But if the witnesses said that the owner himself engaged in bestiality with his ox, he knows about himself that he did not engage in bestiality with the ox, and therefore he will not relinquish his ownership of the ox. But rather, he will make an effort and bring other witnesses to prove that those witnesses are conspiring.

²³ The Gemara asks: And what is different between this case and that which Rava bar Ittai says that Reish Lakish says: In a case of an idolatrous city, where witnesses testified that the majority of inhabitants committed idolatry, and the halakha is that all of the city's property must be burned, if its witnesses were rendered conspiring witnesses, anyone who takes possession of the city's property acquires it? In this case, the residents of the city know about themselves that they did not commit idolatry.

²⁴ The Gemara responds: With regard to an idolatrous city, which involves many people, each person says to himself: Although I did not sin, others sinned, and consequently the city will be entirely burned; and he therefore relinquished ownership of his property. But here, with regard to the ox sentenced to be stoned, where the matter is dependent solely upon the owner himself, he knows about himself that he did not engage in bestiality with the ox, and therefore he does not relinquish his ownership of the ox. But rather, he will make an effort and bring other witnesses to prove that these are conspiring witnesses. Therefore, if they are in fact found to be conspiring witnesses, the ox remains in his possession.

²⁵ § The Gemara cites another example of a case where anyone who takes possession acquires an item. Reish Lakish says: In the case of one who gives a gift to another and that person receiving the gift says: I do not want [ee efshi] it, anyone who takes possession of the item acquires it, as ownership of the item has been relinquished.

²⁶ The Gemara raises a difficulty: And what is different between this case and that statement which Rabba bar Avuh says that Rav Sheshet says, and some say that Rabbi Abbahu says that Rav Sheshet says: With regard to one who receives a gift who, after the gift entered his possession, said: Let this gift become void, or said: This gift is rendered void, or said: I do not want it, his statement is effective. But if he said: It is void, or: It is not a gift, it is as though he said nothing.

²⁷ What, is it not that when the baraita states: His statement is effective, this means that the gift returns to its previous owner? This ruling contradicts the opinion of Reish Lakish, who holds that in such a case anyone who takes possession of the item acquires it. The Gemara answers: No, the phrase: His statement is effective, means that the previous owner also does not acquire the item; and

as the item is not in the possession of either the giver or receiver of the gift, anyone who takes possession of it acquires it.

²⁸ The Gemara raises an objection to the statement of Reish Lakish from a baraita: With regard to one who says to another person with whom he shares property: I have no legal dealings or involvement with this field, or: I have no business with it, or: My hand is removed from it, he has not said anything of consequence, i.e., he does not relinquish his ownership of the property. But the phrase: My hand is removed from it, is like the phrase: I do not want it, and yet it is taught in the baraita that he has not said anything. This ruling apparently contradicts the opinion of Reish Lakish, who holds that in such a case anyone who takes possession of the item acquires it.

²⁹ The Gemara responds: That case in the baraita there is different, as when he says that he is removing himself, he is referring to removal from legal dealings or involvement. He is not removing himself from the field itself.

³⁰ The Gemara raises another objection to the opinion of Reish Lakish from a baraita: In the case of a person on his deathbed who wrote a document granting his property as a gift to another, and there were slaves among his property, and the other person said: I do not want them, his objection is disregarded. Consequently, if their second master, the recipient, was a priest, his slaves may partake of teruma, as they are now slaves of a priest. Rabban Shimon ben Gamliel says: Once the other person said: I do not want them, the previous owner's heirs have already acquired them.

³¹ Granted there is no difficulty according to Rabban Shimon ben Gamliel, as he holds that when a person gives a gift, it is with the intention that the other person will accept the gift from him. Therefore, when the other individual does not accept it from him, the gift returns to its previous owner.

³² But according to the opinion of the first tanna, if Reish Lakish is correct that when one says: I do not want it, anyone who takes possession of the item acquires it, as the item becomes ownerless, then here, where the second master said: I do not want them, the slaves are non-priests, and this would mean that non-priests are partaking of teruma. The Gemara answers: The first tanna holds that with regard to one who renounces ownership of his slave, the slave is emancipated but nevertheless requires a bill of manumission from his master. And he further holds that a slave detained in his master's possession only due to not having received a bill of manumission may partake of teruma if he is the slave of a priest.

³³ § The mishna teaches: In the case of one who brings a provisional guilt offering and it became known to him that he did not sin, if he made that discovery before the ram was slaughtered, Rabbi Eliezer says: It shall be sacrificed as a provisional guilt offering, as if it does not come to atone for that sin that he thought, it comes to atone for another sin. The Gemara asks: According to the opinion of Rabbi Eliezer, why do I need another sin? Doesn't Rabbi Eliezer say that a provisional guilt offering may come as a gift offering? As we learned in a mishna (25a) that Rabbi Eliezer says: A person may volunteer to bring a provisional guilt offering every day.

³⁴ Rav Ashi said: The opinion of Rabbi Eliezer that is taught in the mishna here is in accordance with the opinion of those who spoke to Bava ben Buta in the mishna below, as we learned in the continuation of that mishna (25a): Rabbi Eliezer said that Bava ben Buta would bring a provisional guilt offering every day, and he wanted to bring one even immediately after Yom Kippur. But they

said to him: Wait until you enter into a situation of potential uncertainty, so that the provisional guilt offering is brought for some sort of uncertain sin, and do not sacrifice it purely as a gift offering.

³⁵ § With regard to one who brought a provisional guilt offering and after the ram was slaughtered it became known to him that he did not sin, the mishna teaches: The flesh shall go out to the place of burning. Evidently, according to the opinion of the tanna of the mishna, non-sacred animals that were slaughtered in the Temple courtyard, such as this provisional guilt offering that was mistakenly consecrated, are to be burned.

³⁶ But one may raise a contradiction from a ruling later in the mishna: In the case of a definite guilt offering, that is not so; if he made that discovery before the ram was slaughtered, it shall go out and graze among the flock. If it became known to him after the ram was slaughtered that he did not sin, it shall be buried. This indicates that non-sacred animals slaughtered in the Temple courtyard are buried. Rabbi Elazar said: This mishna is disjointed, i.e., it cites the opinions of two different Sages. He who taught this halakha did not teach that halakha.

³⁷ Rabba said: Are you raising a contradiction from the halakha of a definite guilt offering with regard to the halakha of a provisional guilt offering? In the case of a definite guilt offering, he consecrated it under the assumption that he was obligated to sacrifice it. Since it later became clear to him that he does not need to sacrifice the animal, it is considered as though he did not consecrate it, and the animal is non-sacred. But with regard to a provisional guilt offering, since initially his heart struck him with pangs of conscience over a sin that he might have committed, he wholeheartedly resolves to consecrate the animal. Therefore, the animal remains consecrated, and its status is that of a guilt offering disqualified for sacrifice.

³⁸ Rather, if the mishna poses a difficulty, then the apparent contradiction between this halakha of a definite guilt offering and another halakha of a definite guilt offering is difficult. As it is taught in the mishna: If after the ram was slaughtered it became known to him that he did not sin, it shall be buried. Now say the latter clause of that section of the mishna: If after the blood was sprinkled he discovered that he did not sin, the flesh shall go out to the place of burning. Accordingly, this mishna is certainly disjointed, and he who taught this halakha did not teach that halakha.

³⁹ Rav Ashi said: The first clause, which teaches with regard to a provisional guilt offering: The flesh shall go out to the place of burning, is not difficult. Its flesh is not treated like that of a non-sacred animal that was slaughtered in the courtyard, which must be buried. It is burned because it has the appearance of a disqualified offering, which must be burned. This reason applies equally in the case of a definite guilt offering where it became known to him that he did not sin only after the blood was sprinkled, which is why it too must be burned. But if he discovered that he was not obligated to bring the definite guilt offering after the ram was slaughtered but before its blood was sprinkled, it shall be buried, as this does not appear like a disqualified offering, since it is no longer a definite guilt offering and its blood was not sprinkled.

⁴⁰ The mishna teaches: With regard to one who brought a provisional guilt offering, if the blood was sprinkled and then he discovered that he did not sin and the meat is intact, the meat may be eaten by the priests. The Gemara asks: But why is the meat eaten? After all, he now has certain knowledge of his sin, and a provisional guilt offering is brought only by one who is uncertain about his sin. Rava said that the verse states: “And he knew it not, and he shall be forgiven” (Leviticus 5:18), and this

person did not have knowledge of his sin at the time of forgiveness, i.e., when he achieved atonement, which is the moment of the sprinkling of the blood.

⁴¹ § The mishna further teaches that Rabbi Yosei says: Even if the blood of the provisional guilt offering was still in the cup but had not yet been sprinkled when he discovered that he did not sin, the blood shall be sprinkled and the meat may be eaten. The Gemara asks: According to Rabbi Yosei, why is the blood sprinkled? This person had knowledge of his sin at the moment of forgiveness. Rava said that Rabbi Yosei holds in accordance with the opinion of Rabbi Shimon, who says: The halakhic status of any blood that is received in a vessel and is ready to be sprinkled is like that of blood that has already been sprinkled.

⁴² The Gemara raises a difficulty: Say that Rabbi Shimon said this principle only with regard to an item that is ready to be sprinkled with certainty, but not with regard to the blood of this provisional guilt offering, with regard to which it will be discovered before the sprinkling that he did not sin. In this case, from the outset it was not ready to be sprinkled. They say in the West, Eretz Yisrael, that Rabbi Yosei holds: The service vessel consecrates disqualified offerings to be sacrificed on the altar *ab initio*.

⁴³ § The mishna teaches: In the case of a definite guilt offering, that is not so, and likewise in the case of a heifer whose neck is broken that is not so. If the identity of the murderer is discovered before the heifer's neck was broken, it shall go out and graze among the flock as a non-sacred animal. But if the identity of the murderer was discovered after the heifer's neck was broken, it shall be buried in its place. It was stated that there is a related dispute between amora'im: From when is it prohibited to derive benefit from a heifer whose neck is broken? Rav Hamnuna says: The prohibition takes effect from when the animal is still alive. Rava says: The prohibition goes into effect after the breaking of the neck of the animal.

⁴⁴ The Gemara raises a difficulty: Granted, according to Rava the prohibition takes effect from the moment that an action, i.e., breaking of the neck, was performed on the heifer. But according to Rav Hamnuna, from when exactly does the prohibition take effect?

⁴⁵ Rabbi Yannai says: I heard an answer with regard to the boundary, i.e., the stage, beyond which it is prohibited, but I have forgotten what it is; and the members of the group of Sages were inclined to say that its descent to the rough, dried-up stream, where its neck is broken, is the action that renders it prohibited.

⁴⁶ Rav Hamnuna said: From where do I say that the prohibition takes effect when the animal is alive? I say it from that which we learned in a mishna (*Hullin* 81b): With regard to one who slaughters the red heifer of purification, or an ox that was sentenced to be stoned, or a heifer whose neck is broken, all of which are animals from which deriving benefit is prohibited, Rabbi Shimon exempts one who slaughters them from receiving lashes for violating the prohibition of the slaughter of a mother and its offspring, if the mother was slaughtered on that same day; and the Rabbis deem him liable.

⁴⁷ Rav Hamnuna explains his proof: Granted, according to my opinion, that I say the prohibition takes effect from the time when the animal is alive, Rabbi Shimon and the Rabbis disagree with regard to this matter, as Rabbi Shimon holds: Slaughter that does not render the animal fit for consumption is not considered slaughter. The slaughter of the heifer does not render it fit for

consumption, as it was already prohibited to derive benefit from the animal while it is alive. Therefore, he does not violate the prohibition against slaughtering a mother and its offspring.

⁴⁸ Rav Hamnuna continues: And the Rabbis say: Slaughter that does not render the animal fit for consumption is considered slaughter, and therefore he is liable for the slaughter of a mother and its offspring. But if you say that the prohibition does not take effect until after the breaking of the neck of the heifer, why does Rabbi Shimon exempt him; it is a slaughter that renders the animal fit for consumption?

⁴⁹ And if you would say the reason is that Rabbi Shimon holds that one who performs the breaking of the neck of the heifer by slaughter has performed the mitzva in a fit manner, and consequently that slaughter rendered the heifer prohibited with regard to deriving benefit from it and it is therefore unfit for consumption, that suggestion cannot be correct. Didn't we learn in a mishna (Hullin 23b): That which is fit in a red heifer is unfit in a heifer whose neck is broken; that which is fit in a heifer whose neck is broken is unfit in a red heifer. How so? With regard to the red heifer, it is fit with slaughter; it is unfit with breaking the neck. With regard to the heifer whose neck is to be broken, it is fit with breaking the neck; it is unfit with slaughter.

⁵⁰ Rava, who holds that the prohibition takes effect only from when the heifer's neck is broken, was silent, as he had no immediate answer. After Rav Hamnuna left the study hall, Rava said: What is the reason I did not say to him that Rabbi Shimon disagrees with the ruling of that mishna and holds that a heifer whose neck is to be broken is fit even if it is killed by slaughtering?

⁵¹ The Gemara notes: But if Rava had given that answer, Rav Hamnuna could have said to you in response to that claim: The mishna would not have left out the opinion of the tanna who teaches us that a heifer whose neck is to be broken is fit if it is killed by slaughtering. In other words, there should be some source for this opinion, and in the absence of a source, there is no basis for saying that this is the opinion of Rabbi Shimon.

⁵² Rava said: From where do I say that the prohibition takes effect when the animal's neck is broken? I say it from that which we learned in the mishna: In the case of a heifer whose neck is broken, that is not so; if the identity of the murderer is discovered before the heifer's neck was broken, it shall go out and graze among the flock, as it is not consecrated, like all other animals. And if you say that the prohibition takes effect from the time when the animal is alive, why does it go out and graze among the flock? Wasn't the animal prohibited already from when it was alive?

⁵³ The Gemara rejects this proof: One should teach the mishna as follows: If the identity of the murderer is discovered before the heifer was fit for having its neck broken, i.e., before it descended to a rough, dried-up stream, it shall go out and graze among the flock, but after that time it is prohibited to derive benefit from the animal. Rava raises a further difficulty: Say the latter clause of the mishna: But if the identity of the murderer was discovered after the heifer's neck was broken, it shall be buried in its place. This indicates that the prohibition takes effect only after the heifer's neck is broken. The Gemara rejects this proof in a similar manner: Teach that the mishna says: If the identity of the murderer was discovered after the heifer was fit for having its neck broken it shall be buried.

⁵⁴ Rava continues to ask: If so, say the latter clause of the mishna: The reason for this halakha is that from the outset, the heifer whose neck is broken comes to atone for a situation of uncertainty. If its neck was broken before the identity of the murderer was revealed, its mitzva was fulfilled, as it

atoned for its uncertainty and that uncertainty is gone. And if the mishna is discussing a case where the animal is alive, the heifer has still not atoned for its uncertainty. Rather, it is clear from the last clause of the mishna that the prohibition takes effect when the heifer's neck is broken.

⁵⁵ The Gemara explains: Although it is evident that the mishna rules that the prohibition takes effect when the heifer's neck is broken, this matter is a dispute between tanna'im, as it is taught in a baraita in accordance with the opinion of Rav Hamnuna: It is stated in the Torah that there are offerings that enable one to partake of sacrificial foods, e.g., the guilt offering of a leper, and there are offerings that atone, e.g., a sin offering or guilt offering, all of which are brought inside the Temple. And it is also stated in the Torah that there are offerings that enable one to partake of sacrificial foods, e.g., the birds of a leper's purification ritual, and offerings that atone, e.g., the heifer whose neck is broken, that are brought outside the Temple.

⁵⁶ The baraita continues: Therefore, the offerings brought outside the Temple are compared to those offered inside: Just as with regard to the offerings that enable or atone which are stated in the Torah that are sacrificed inside the Temple, the Torah made the offering that enables like the offering that atones, as even the former has portions of it that are burned on the altar, so too, with regard to offerings that enable or atone which are stated in the Torah that are sacrificed outside the Temple, the Torah made the offering that enables, e.g., the birds of a leper, like the offering that atones, e.g., the heifer whose neck is broken, in that one is prohibited from deriving benefit from either while they are still alive. According to this baraita, the heifer whose neck is broken is prohibited while it is still alive.

⁵⁷ MISHNA: Rabbi Eliezer says: A person may volunteer to bring a provisional guilt offering every day and at any time that he chooses, even if there is no uncertainty as to whether he sinned, and this type of offering was called the guilt offering of the pious, as they brought it due to their constant concern that they might have sinned. They said about Bava ben Buta that he would volunteer to bring a provisional guilt offering every day except for one day after Yom Kippur, when he would not bring the offering.

⁵⁸ Bava ben Buta said: I take an oath by this abode of the Divine Presence that if they would have allowed me, I would have brought a guilt offering even on that day. But they would say to me: Wait until you enter into a situation of potential uncertainty. And the Rabbis say: One brings a provisional guilt offering only in a case where there is uncertainty as to whether he performed a sin for whose intentional performance one is liable to receive karet and for whose unwitting performance one is liable to bring a sin offering.

⁵⁹ Those liable to bring sin offerings and definite guilt offerings for whom Yom Kippur has passed are liable to bring them after Yom Kippur. By contrast, those liable to bring provisional guilt offerings are exempt from bringing them after Yom Kippur. With regard to one who encountered uncertainty as to whether he performed a sin on Yom Kippur, even if it was at nightfall at the end of the day, he is exempt, as the entire day atones for uncertain sins.

⁶⁰ A woman upon whom it is incumbent to bring a bird sin offering due to uncertainty, e.g., uncertainty with regard to whether or not her miscarriage obligated her to bring the sin offering of a woman who gave birth, for whom Yom Kippur has passed, is liable to bring it after Yom Kippur. This is because the offering does not come as atonement for a sin; rather, it renders her eligible to partake of the meat of offerings. With regard to this bird sin offering that is brought due to uncertainty, if it

became known to her that she was exempt from bringing the offering after the nape of the neck of the bird was pinched, the bird must be buried.

⁶¹ GEMARA: What is the reason that Rabbi Eliezer holds that one may volunteer to bring a provisional guilt offering every day and at any time that he chooses? If it enters your mind that a provisional guilt offering is obligatory, then why does he bring a sin offering when it becomes known to him that he sinned? In that case, he has already fulfilled his obligation by sacrificing a provisional guilt offering. Rather, conclude from this inference that a provisional guilt offering is a gift offering.

⁶² And the Rabbis would respond: It is a burnt offering and a peace offering that come as a vow and gift offering, but a sin offering and a guilt offering, including a provisional guilt offering, are obligatory. And as for a provisional guilt offering, this is the reason that he brings it before his sin is known to him: It is not to achieve atonement, but to protect him from suffering until his sin is known to him, as the Torah spared the bodies of the Jewish people by commanding them to bring this offering.

⁶³ Rav Aḥa, son of Rava, said to Rav Ashi: According to the opinion of the Rabbis, one can suggest that perhaps a provisional guilt offering is like a burnt offering and a peace offering: Just as a burnt offering and a peace offering sometimes come as obligatory offerings, e.g., the Festival peace offering and the burnt offering of appearance brought on the pilgrimage Festivals, and they sometimes come as gift offerings, likewise, a provisional guilt offering also sometimes comes as an obligatory offering and sometimes comes as a gift offering as well.

⁶⁴ Rav Ashi said to Rav Aḥa, son of Rava: A burnt offering and a peace offering are primarily written, i.e., discussed, in the context of a gift offering, and they are brought as obligatory offerings only in specific cases mentioned explicitly in the Torah. By contrast, a provisional guilt offering is primarily written in the context of an obligatory offering, similar to a sin offering and a guilt offering.

⁶⁵ Rabbi Ḥiyya teaches before Rava:

⁶⁶ A provisional guilt offering comes for the uncertain consumption of a non-kosher animal carcass. Rava said to him: But didn't we learn in the mishna: And the Rabbis say that one brings a provisional guilt offering only for uncertain performance of a matter for whose intentional performance one is liable to receive karet and for whose unwitting performance one is liable to bring a sin offering? But here the consumption of an animal carcass is a violation of a prohibition that does not entail karet or a sin offering. And if you are referring to the opinion of Rabbi Eliezer, he maintains that a provisional guilt offering comes also as a gift offering, without any uncertain sin.

⁶⁷ Rabbi Ḥiyya said to Rava: What is the reason that you did not learn from Rabba? Many times I taught this baraita before the Master. And who is the Master? It is Rabba. And he said to me: In accordance with whose opinion is this baraita? It is in accordance with the opinion of Rabbi Eliezer; nevertheless, it is not in accordance with Rabbi Eliezer's own opinion that a provisional guilt offering is brought as a gift offering, but rather it is in accordance with the opinion of those who spoke to Bava ben Buta. As we learned in the mishna: But they say to him: Wait until you enter into a situation of potential uncertainty. According to this opinion, one brings a provisional guilt offering for any manner of uncertain sin.

⁶⁸ Rava said: What is the reason for the opinion of those who spoke to Bava ben Buta and said that one may bring a provisional guilt offering for any uncertain sin, not only those stated by the Rabbis?

With regard to a provisional guilt offering, the verse states: “And if anyone sins, and does any of the mitzvot of the Lord which may not be done, and he did not know, and he is guilty” (Leviticus 5:17). This indicates that one brings a provisional guilt offering for any form of sin.

⁶⁹ Rava said: What is the reason for the opinion of the Rabbis, who say: One brings a provisional guilt offering only for the uncertain performance of a matter for whose intentional performance one is liable to receive karet and for whose unwitting performance one is liable to bring a sin offering? They derive this halakha by a verbal analogy between the word “mitzvot” with regard to a provisional guilt offering and the word “mitzvot” from a sin offering of forbidden fat, i.e., a standard sin offering, where it is written: “Any of the mitzvot of the Lord” (Leviticus 4:27).

⁷⁰ The Gemara explains the verbal analogy: Just as there, it is referring to a sin for whose intentional performance one is liable to receive karet and for whose unwitting performance one is liable to bring a sin offering, so too here, a provisional guilt offering is brought for a matter for whose intentional performance one is liable to receive karet and for whose unwitting performance one is liable to bring a sin offering.

⁷¹ § The Sages taught in a baraita: Five guilt offerings atone, whereas a provisional guilt offering does not atone with a complete atonement. The Gemara asks: What is the tanna of this baraita saying? Rav Yosef said that this is what the baraita is saying: Five guilt offerings atone with a complete atonement to the extent that no further atonement is necessary, but a provisional guilt offering does not atone with a complete atonement, since if it later became known to him that he sinned, he must bring a sin offering to achieve atonement.

⁷² And this statement of the baraita is not in accordance with the opinion of Rabbi Eliezer, i.e., the opinion of those who spoke to Bava ben Buta, as they say: A provisional guilt offering may come for an uncertain eating of a non-kosher animal carcass. In the case of one who brought a provisional guilt offering for a sin such as the uncertain eating of an animal carcass and later found out that he sinned, he does not bring a sin offering and does not require any additional atonement.

⁷³ Ravina said that this is what the baraita is teaching: With regard to five guilt offerings, nothing else achieves the atonement that they achieve, as one brings these offerings when it becomes known to him that he sinned. By contrast, with regard to a provisional guilt offering, another item achieves the atonement that it achieves, as one does not bring this offering when his uncertain sin becomes known to him. As we learned in the mishna: Those liable to bring sin offerings and definite guilt offerings for whom Yom Kippur has passed are liable to bring them after Yom Kippur, whereas those liable to bring provisional guilt offerings are exempt from bringing them after Yom Kippur.

⁷⁴ § With regard to those liable to bring sin offerings and definite guilt offerings, the mishna teaches: Those liable to bring sin offerings and definite guilt offerings for whom Yom Kippur has passed are liable to bring them after Yom Kippur. By contrast, those liable to bring provisional guilt offerings are exempt from bringing them after Yom Kippur. The Gemara asks: From where is this matter derived, that Yom Kippur does not atone for those liable to bring sin offerings and definite guilt offerings?

⁷⁵ When Rav Dimi came from Eretz Yisrael, he said that Rabbi Ami says that Rabbi Ḥanina says that the verse states with regard to Yom Kippur: “And he shall make atonement for the holy place, from the impurity of the children of Israel, and from their transgressions, for all their sins” (Leviticus 16:16). This indicates that sins, i.e., violations committed unwittingly, are similar to transgressions,

violations committed intentionally: Just as Yom Kippur atones for transgressions, which are not subject to atonement through an offering, as personal sin offerings are brought only for unwitting sins, so too with regard to sins, Yom Kippur atones only for sins that are not subject to atonement through an offering, but Yom Kippur does not atone for sins that are subject to atonement through an offering.

⁷⁶ Abaye said to Rav Dimi: But how can one derive this matter from the verse? When that verse is written, it is written with regard to the goat whose blood presentation is performed inside the Sanctuary on Yom Kippur, which does not atone for a known violation of a mitzva, but only for a violation that is unknown. Perhaps only that offering does not atone for sins that are subject to atonement through an offering, but with regard to the scapegoat that is dispatched to Azazel, which atones for a known violation of a mitzva, I could say to you that it atones even for those sins that are subject to atonement through an offering.

⁷⁷ Rather, Abaye said that the matter is derived from here, a verse that deals with the scapegoat: “And he shall confess over it all the iniquities of the children of Israel, and all their transgressions, for all their sins” (Leviticus 16:21). This indicates that sins are similar to transgressions: Just as the scapegoat atones for transgressions, which are not subject to atonement through an offering, so too with regard to sins, the scapegoat atones only for sins that are not subject to atonement through an offering, but it does not atone for sins that are subject to atonement through an offering. And the verse limited the scope of atonement specifically with regard to the scapegoat, in order to say that despite the scapegoat’s greater capacity to achieve atonement, it does not atone for sins that are subject to atonement through an offering.

⁷⁸ Rav Dimi said to Abaye: From where is it known that those transgressions mentioned in that verse are not subject to atonement through an offering? Perhaps those transgressions are subject to atonement through an offering, as we learned in a mishna (9a): There are four who bring an offering for an intentional transgression as they do for an unwitting sin: One who engages in intercourse with an espoused maidservant, a nazirite who became ritually impure, one who falsely takes the oath of testimony that he does not know testimony on behalf of another, and one who falsely takes the oath on a deposit that the item belonging to another is not in his possession. The Gemara does not provide Abaye’s answer to this question at this point.

⁷⁹ It was also stated with regard to this matter that when Ravin came from Eretz Yisrael he related a statement that Rabbi Yosei says that Reish Lakish says: The verse states: “And he shall confess over it all the iniquities of the children of Israel, and all their transgressions, for all their sins” (Leviticus 16:21). This indicates that sins are similar to transgressions: Just as the scapegoat atones for transgressions, which are not subject to atonement through an offering, so too with regard to sins, the scapegoat atones only for sins that are not subject to atonement through an offering, but it does not atone for sins that are subject to atonement through an offering.

⁸⁰ Abaye said: I also said that this halakha was derived from that verse, and Rav Dimi raised the following difficulty before me: From where is it known that those transgressions mentioned in the verse are not subject to atonement through an offering? Perhaps those transgressions are subject to atonement through an offering, as we learned in a mishna that there are four who bring an offering for an intentional transgression as they do for an unwitting sin. Ravin said to Abaye: The majority of

transgressions are not subject to atonement through an offering. Abaye said to him: Is the term majority written in that verse?

⁸¹ Rather, Abaye said that an answer to Rav Dimi's question can be inferred from the beginning of the verse: "And he shall confess over it all the iniquities of the children of Israel" (Leviticus 16:21), and it is taught in a baraita: The term "iniquities" is referring to those sins that were performed intentionally. And similarly, the verse states: "Because he despised the word of the Lord, and has broken His commandment; that soul shall utterly be cut off, his iniquity shall be upon him" (Numbers 15:31).

⁸² Abaye continues: If so, when it states: "And all their transgressions, for all their sins," why do I need the verse to mention "all their transgressions," which is also referring to sins that were intentionally performed? It is written to juxtapose sins to transgressions: Just as the scapegoat atones for transgressions, the majority of which are not subject to atonement through an offering, so too with regard to sins, it atones only for sins that are not subject to atonement through an offering, but it does not atone for sins that are subject to atonement through an offering.

⁸³ § The mishna teaches: Those liable to bring provisional guilt offerings are exempt from bringing them after Yom Kippur. The Gemara asks: From where is this matter derived? Rabbi Elazar said: With regard to Yom Kippur the verse states: "For on this day shall atonement be made for you, to cleanse you; from all your sins you shall be pure before the Lord" (Leviticus 16:30). This indicates that Yom Kippur atones for a sin of which only the Omnipresent is aware, i.e., an uncertain sin that renders one liable to bring a provisional guilt offering.

⁸⁴ Rav Taḥlisa, father of Rav Huna bar Taḥlisa, said in the name of Rava: With regard to the first clause in the mishna as well: Those liable to bring sin offerings and definite guilt offerings for whom Yom Kippur has passed are liable to bring them after Yom Kippur, one cannot bring a convincing proof

⁸⁵ and find a way to explain that halakha, neither from that statement of Rav Dimi, who derived it from the verse: "And from their transgressions, for all their sins" (Leviticus 16:16), nor from that statement of Abaye, who derived it from the verse: "For all their transgressions, for all their sins" (Leviticus 16:21).

⁸⁶ Rather, it is derived from that which Rabbi Elazar said: With regard to Yom Kippur the verse states: "From all your sins before the Lord" (Leviticus 16:30). This indicates that Yom Kippur atones for a sin of which only the Omnipresent is aware, i.e., an uncertain sin for which one brings a provisional guilt offering. And from that statement it is derived that it is only for a sin of which only the Omnipresent is aware that Yom Kippur atones, but it does not atone for a sin about which the sinner is aware.

⁸⁷ And Rav Taḥlisa, father of Rav Huna, further says in the name of Rava: Those liable to receive lashes for whom Yom Kippur has passed are liable to receive those lashes after Yom Kippur. The Gemara asks: Isn't that obvious? What is the difference between this case and the case of those liable to bring sin offerings and definite guilt offerings, who must bring them after Yom Kippur?

⁸⁸ The Gemara answers: It might enter your mind to say: There, where the liability to bring sin offerings and definite guilt offerings is financial in nature, Yom Kippur does not exempt one from

financial obligations. But here, where the liability to incur lashes applies to one's body, one might say that he is not flogged after Yom Kippur. Therefore, Rav Taḥlisa teaches us that this is not so.

⁸⁹ The Gemara asks: How can Rava say that Yom Kippur does not exempt one from the liability to incur lashes? But didn't we learn in a mishna (Shevuot 2b): For other prohibitions that are stated in the Torah, apart from those delineated in that mishna, whether one became aware of them before Yom Kippur or did not become aware of them until after Yom Kippur, whether they are positive mitzvot or prohibitions, Yom Kippur atones for them. This is the halakha despite the fact that one who transgresses a prohibition is liable to incur lashes.

⁹⁰ The Gemara answers: That is not difficult. This statement of Rava is referring to a transgression about which witnesses warned him, and therefore he is liable to incur lashes, and Yom Kippur does not completely atone for him. That mishna is referring to a transgression about which they did not warn him, and he is not liable to incur lashes, and therefore Yom Kippur provides full atonement.

⁹¹ The Gemara now analyzes the above statement: Those liable to bring provisional guilt offerings are exempt from bringing them after Yom Kippur because Yom Kippur atones for a sin of which only the Omnipresent is aware. Before beginning its discussion, which consists of a series of queries starting with the phrase: If that is so, the Gemara provides a mnemonic device for the topics it will address: A woman who gave birth; a leper; a nazirite; a sota; in a heifer.

⁹² The Gemara raises a difficulty: If that is so, that Yom Kippur atones for a sin of which only the Omnipresent is aware, a woman who gave birth who is uncertain whether her miscarriage obligated her to bring a sin offering should not bring her sin offering after Yom Kippur has passed, due to the fact that Yom Kippur atoned for her. As this is a case of a sin of which only the Omnipresent is aware, since God alone knows the nature of her miscarriage. Rav Hoshaya said: With regard to Yom Kippur the verse states: "For all their sins" (Leviticus 16:21), indicating that Yom Kippur atones for all their sins but not for all their impurity. A woman who gives birth does not bring a sin offering for atonement, but rather in order to purify her and thereby enable her to consume sacrificial meat.

⁹³ The Gemara asks: But according to the opinion of Rabbi Shimon ben Yoḥai, who says: A woman who gave birth is a sinner, what is there to say? The Gemara answers: Even according to the opinion of Rabbi Shimon, when a woman who gave birth brings an offering, she brings it in order to permit her to eat sacrificial food, which is the final stage in her process of purification; but she does not bring the offering for atonement. Therefore, she must bring her offering after Yom Kippur, as Yom Kippur effects atonement but not purification.

⁹⁴ Rav Ashi said that we learn in the mishna (25a) as well: A woman upon whom it is incumbent to bring a bird sin offering due to uncertainty, e.g., uncertainty as to whether her miscarriage obligated her to bring the sin offering of a woman who gave birth, for whom Yom Kippur has passed, is liable to bring it after Yom Kippur. This is because the offering does not come as atonement for a sin. Rather, it renders her eligible to partake of the meat of offerings.

⁹⁵ The Gemara objects: If that is so, then an uncertain leper who is obligated to bring an offering for purification for whom Yom Kippur has passed should not bring his offering, due to the fact that Yom Kippur has passed for him, as this is a case of a sin of which only the Omnipresent is aware, since God knows if he is impure. Rabbi Oshaya said that the verse states: "For all their sins" (Leviticus 16:21), but not for all their impurity, and this offering is also brought for purification.

⁹⁶ The Gemara objects: But doesn't Rabbi Shmuel bar Nahmani say that Rabbi Yoḥanan says: Leprous marks come due to seven matters, i.e., there are seven sins that are the possible causes of leprosy. The Gemara cites a mnemonic for these seven sins: Gimmel, gimmel, gimmel, shin, shin, lamed, tzadi. This stands for *gilui arayot*, forbidden sexual intercourse; *gasut haruah*, arrogance; *gezel*, robbery; *shefikhut dammim*, bloodshed; *shevuat shav*, an oath taken in vain; *lashon hara*, slander; and *tzarut ha'ayin*, stinginess (see Arakhin 16a). Since leprosy develops because of some sin, this means that the leper's offerings are also brought because of sin. The Gemara explains: Even so, when a leper brings an offering, he does not bring the offering for atonement. Rather, it is brought in order to permit him to eat sacrificial food. Therefore, he must bring his offering after Yom Kippur.

⁹⁷ The Gemara objects: If that is so, that Yom Kippur atones for a sin of which only the Omnipresent is aware, then in a case of an uncertain nazirite, i.e., when it is uncertain if the nazirite became impure through contact with the dead, which would obligate him to bring an offering for purification, for whom Yom Kippur has passed, he should not bring an offering, due to the fact that Yom Kippur atoned for him, as this too is a sin of which only the Omnipresent is aware. Once again, Rabbi Oshaya said that the verse states that Yom Kippur atones "for all their sins," but not for all their impurity.

⁹⁸ The Gemara asks: But according to the opinion of Rabbi Elazar ben HaKappar, who says: A nazirite is a sinner, as he has caused himself to suffer by abstaining from wine, what is there to say? The Gemara answers similarly: Even so, when a nazirite brings an offering, he does not bring the offering for atonement. Rather, he brings it in order to permit him to eat sacrificial food. Consequently, he must bring his offering after Yom Kippur.

⁹⁹ The Gemara continues to object: If that is so, an uncertain sota, i.e., a woman suspected by her husband of having been unfaithful who then secludes herself with another man, for whom Yom Kippur has passed, should not bring an offering, due to the fact that Yom Kippur has atoned for her, as this is a sin of which only the Omnipresent is aware. Rabbi Oshaya said that the verse states: "For all their sins," but not for all their impurity, and the actions of a sota are referred to as rendering her impure (see Numbers 5:13).

¹⁰⁰ Abaye said a different answer: This is not a case of a sin of which only the Omnipresent is aware, because the paramour, i.e., the man suspected of having had intercourse with her, knows about her sin. Rava said that the case of a sota is not difficult: When a sota brings an offering, she brings it in order to clarify the existence of iniquity, but not for atonement.

¹⁰¹ The Gemara raises another difficulty in the same format as above: If that is so, in the case of a heifer whose neck is broken, with regard to which Yom Kippur has passed, the heifer should not be brought, as this is a sin of which only the Omnipresent is aware, since the identity of the murderer is unknown. Abaye said: The murderer himself knows that he is the guilty party. Rava said that the verse states: "And no atonement can be made for the land for the blood that is shed therein, but by the blood of him who shed it" (Numbers 35:33). This indicates that atonement for murder can be achieved only by means of the heifer whose neck is broken or capital punishment for the murderer, not by Yom Kippur.

¹⁰² Rav Pappa said another answer: The verse states that the priests at the ceremony of the heifer whose neck is broken should recite the following sentence: "Forgive, Lord, Your people Israel, whom You have redeemed" (Deuteronomy 21:8). The verse indicates that this atonement, which is

achieved through the heifer whose neck is broken, is also fit to atone retroactively for those who left Egypt, i.e., every case of unknown murder that occurred since the Jews left Egypt. It can be inferred from here that Yom Kippur of previous years have not atoned for those past murders.

¹⁰³ § The Gemara raises a difficulty: Now that you said that Yom Kippur atones for a sin of which only the Omnipresent is aware, one can say that when his sin becomes known to him after Yom Kippur as well, he should not bring a sin offering. Rabbi Zeira said that you cannot say this, as a term of knowing is written in a verse three times (see Leviticus 4:14, 23, 28): With regard to an individual's sin offering and with regard to the sin offering of a Nasi, and with regard to a communal sin offering. Since it was not necessary to repeat an expression of knowing in all three instances, this teaches that anyone who knows about his sin must bring a sin offering, even if he became aware after Yom Kippur.

¹⁰⁴ The Gemara rejects this derivation: All three instances of a term of knowing are necessary to teach that each sin offering is brought only for a known sin and not for an uncertain sin, and therefore no instance of the term is superfluous. The Gemara elaborates: As, if the verse had stated a term of knowing with regard to the sin offering of an individual, I would say that the halakhot of all sin offerings, i.e., of a Nasi and the community, cannot be derived from the sin offering of an individual, as this suggestion can be refuted: What is unique about the sin offering of an individual? It is unique in that all of his sin offerings are female, either a ewe or a female goat, whereas a Nasi brings a male goat, and the sin offering of the community is a bull.

¹⁰⁵ The Gemara continues: And if you would say: Let the verse write a term of knowing with regard to the sin offering of a Nasi, and let these, the sin offerings of an individual and the community, be derived from that of a Nasi, this derivation can likewise be rejected.

¹⁰⁶ The Gemara elaborates: The sin offering of an individual cannot be derived from that of a Nasi, as this suggestion can be refuted: What is unique about the sin offering of a Nasi? It is unique and more lenient than the sin offering of an individual in that a Nasi, i.e., a king, is not included in the obligation of a sin offering for hearing a voice, i.e., taking a false oath that one did not witness an event (see Leviticus 5:1), as a king may not testify. Can you say the same with regard to an individual, who is included in the obligation of a sin offering for hearing a voice?

¹⁰⁷ And furthermore, the halakha of a communal sin offering cannot be derived from that of a Nasi, as this suggestion can likewise be refuted: What is unique about the sin offering of a Nasi? It is unique in that there is in his types of offering a case of a female offering, for an unintentional sin of idol worship, whereas a communal sin offering is always male.

¹⁰⁸ The Gemara continues: And if you would say: Let the verse write a term of knowing with regard to the sin offering of the community, and let the sin offerings of an individual and a Nasi be derived from it, this derivation can likewise be refuted, as follows: What is unique about the sin offering of the community? It is unique and more lenient in that there is a sin offering only for an unwitting communal sin due to a mistaken ruling of the Sanhedrin accompanied by unwitting action of the community following their ruling, which is not the case with regard to the sin offerings of an individual and a Nasi.

¹⁰⁹ The Gemara suggests: Granted that two instances of a term of knowing cannot be derived from one instance of a term of knowing. Nevertheless, let one instance of a term of knowing be derived from the other two, as follows: Let the Torah not write a term of knowing with regard to the sin

offering of an individual, and let it be derived from the sin offering of a Nasi and that of the community.

¹¹⁰ The Gemara explains that this suggestion can be refuted: What is unique about the sin offerings of a Nasi and the community, in which both share a leniency? They are unique in that they are not included in the obligation of a sin offering for hearing a voice. Can you say the same with regard to an individual, who is included in the obligation of a sin offering for hearing a voice?

¹¹¹ The Gemara further suggests: Let the verse not write a term of knowing with regard to the sin offering of the community, and let it be derived from the instances of a term of knowing that are written with regard to the sin offerings of an individual and a Nasi. The Gemara again explains that this suggestion can be refuted: What is unique about the sin offerings of an individual and a Nasi? They are unique in that there is a case of a female offering brought by them. Can you say the same with regard to the sin offering of the community, where there is no case of a female offering brought by a community?

¹¹² The Gemara continues to suggest: Let the Torah not write a term of knowing with regard to the sin offering of a Nasi, and let it be derived from the instances of a term of knowing that are written with regard to the sin offerings of an individual and the community. What can you say to refute this suggestion? If you refute this due to the fact that a communal sin offering is more lenient, as it is not included in the obligation of a sin offering for hearing a voice, the sin offering of an individual, which is included in the obligation of a sin offering for hearing a voice, proves that this is not the decisive consideration.

¹¹³ And if you refute this suggestion due to the fact that an individual sin offering is more lenient because all his sin offerings are female, the sin offering of the community, where there is no case of a female offering, proves that this is not the key factor. Since for both of these categories of sin offering there is no obligation to bring a sin offering until there is knowledge of the sin, why do I need a term of knowing that is written with regard to the sin offering of a Nasi?

¹¹⁴ The Gemara concludes: If this term of knowing is not necessary for the matter of the sin offering of a Nasi itself, as it is already derived from the cases of an individual and the community, apply it to the matter of a case where his sin becomes known to him only after Yom Kippur, i.e., that in such an instance he brings a sin offering.

¹¹⁵ Abaye said: If the Torah had not stated a term of knowing with regard to a Nasi, it could not have been derived from the cases of an individual and the community, because this suggestion can be refuted: What is unique about the sin offerings of an individual and the community? They are unique in that both are set offerings that are not apt to change. Can you say

¹¹⁶ the same with regard to a Nasi, whose offering is apt to change if he leaves his position, e.g., when he becomes impure as a leper (see Horayot 10a), as in such a case he brings the sin offering of an individual?

¹¹⁷ Rather, Abaye said: The halakha that Yom Kippur does not atone for one who is liable to bring a sin offering can be derived from here: Since there is a verbal analogy between the word “mitzvot” mentioned with regard to the sin offerings of an individual and the word “mitzvot” mentioned with regard to a Nasi and with regard to the community, the halakhot of these three cases are derived from one another.

¹¹⁸ And since the halakhot of these cases are derived from one another, why do I need a term of knowing to be written three separate times, with regard to an individual, and with regard to a Nasi, and with regard to the community? If this term of knowing is not necessary for the matters of these sin offerings themselves, to teach that one brings a sin offering only for a known sin, as this is already derived from the verbal analogy of “mitzvot” and “mitzvot,” apply it to the matter of a case where his sin becomes known to him only after Yom Kippur. The halakha in that case would therefore be that he brings a sin offering.

¹¹⁹ The Gemara raises a difficulty: But say that it is only when his sin becomes known to him after Yom Kippur that he brings a sin offering, because Yom Kippur did not come to atone for that specific sin. But with regard to a provisional guilt offering, which comes to atone for that specific sin, say indeed that he has achieved atonement. Therefore, if his sin becomes known to him after he brought a provisional guilt offering he should not bring a sin offering.

¹²⁰ Rava said in explanation that the verse states: “If his sin that he has sinned be known to him” (Leviticus 4:28), indicating that one is obligated to bring a sin offering in any case where his sin becomes known to him. The Gemara asks: Now that you say that when one’s sin becomes known to him he brings a sin offering, why does a provisional guilt offering come? Rabbi Zeira said: The reason is that if one dies before his sin becomes known to him, he dies without iniquity. Rava objects to this claim: If he dies, death itself absolves him, and therefore there is no need for a provisional guilt offering. Rather, Rava said: The reason that a provisional guilt offering is brought is in order to protect him from suffering until he brings his sin offering.

¹²¹ § The mishna teaches: With regard to a bird sin offering that is brought due to uncertainty, e.g., it is uncertain if she gave birth to a non-viable newborn, which results in an obligation to bring an offering, or if it was an amorphous mass, which does not, if it became known to her after the nape of the neck of the bird was pinched, the bird must be buried. It is assumed at this point that the phrase: It became known to her, is referring to a case where it became known to her that she certainly gave birth in a manner for which she is obligated to bring the sin offering of a woman after childbirth. In this context, Rav says: And the bird atoned for her after its blood was sprinkled and squeezed out on the wall of the altar. The Gemara asks: If so, that the bird atones, then it should be eaten by the priests, in accordance with the halakha of a bird sacrificed as a sin offering. Why, then, does the mishna state that it must be buried?

¹²² The Gemara answers: Since a bird brought due to uncertainty is unfit to be eaten, the priest diverted his attention from the bird, and it was left unguarded. Therefore, there is a concern that the meat became impure. The Gemara asks: When was it left unguarded? If this means it was unguarded at the outset, before the pinching of the nape, the bird was still alive, and a living animal is not susceptible to ritual impurity. If this means later, after the pinching of the nape, the priest guards it at that stage.

¹²³ Rather, the mishna is referring to a case where it became known to her that she did not give birth to a non-viable newborn and therefore she did not need to bring an offering. And by right it should have been permitted to derive benefit from the bird, as it is non-sacred. And if so, what is the reason for the mishna’s statement that it must be buried? This obligation applies by rabbinic law, to prevent people from mistakenly thinking that it is permitted to derive benefit from a bird brought as a sin offering due to uncertainty.

¹²⁴ And that statement of Rav, that she receives atonement, was stated with regard to the ruling of a previous mishna (22b): In the case of a woman who brought a bird sin offering in a situation of uncertainty as to whether her miscarriage obligated her to bring a sin offering, in which case the sin offering may not be eaten by priests, the halakha is as follows: If before the nape of the neck of the bird was pinched it became known to her that she certainly gave birth to a non-viable newborn, she should render the offering a definite sin offering, as from the same type of animal that she brings a sin offering in a case where it is unknown to her that she gave birth, she likewise brings a sin offering in a case where it is known to her.

¹²⁵ If after the nape of the bird was pinched it became known to her that she certainly gave birth, in such a case Rav says: The priest sprinkles its blood and squeezes out its blood on the wall of the altar, and she has achieved atonement and fulfilled her obligation; and the bird is permitted in consumption by the priests. Rabbi Yoḥanan says: In such a case, even if the blood was sprinkled and squeezed out on the wall of the altar, the bird is prohibited in consumption, due to a rabbinic decree, lest people say: A bird that is brought as a sin offering due to uncertainty is consumed.

¹²⁶ Levi teaches a baraita in accordance with the opinion of Rav: With regard to a bird sin offering that is brought due to uncertainty, if after the nape of the neck of the bird was pinched it became known that she certainly gave birth, the priest sprinkles its blood and squeezes out its blood, and she has achieved atonement; and the bird is permitted in consumption.

¹²⁷ It is taught in a baraita in accordance with the opinion of Rabbi Yoḥanan: With regard to a bird sin offering that is brought due to uncertainty, if before the nape of the bird was pinched it became known to her that she did not give birth, the bird is transferred to non-sacred status or is sold to another woman who is obligated to bring a bird sin offering. If before the nape of the bird was pinched it became known to her that she certainly gave birth, she should render the offering a definite sin offering, as from the type of animal that she brings a sin offering in a case where it is unknown to her that she gave birth, she brings a sin offering in a case where it is known to her.

¹²⁸ If after the nape of the bird was pinched it became known that she gave birth, the priest sprinkles its blood and squeezes out its blood, and she has received atonement; but consumption of the bird is prohibited. And if the blood was already squeezed out, then it is even prohibited to derive benefit from the bird, in accordance with the halakha of any bird brought as a sin offering due to uncertainty. The reason is that this sin offering was initially brought due to uncertainty; and it atoned for its uncertainty, and that uncertainty is gone.

¹²⁹ MISHNA: With regard to one who designates two sela, which is the minimal value of a guilt offering, to purchase a ram for a guilt offering, and he purchased two rams for a guilt offering with the two sela, if one of them is now worth two sela, he shall sacrifice it for his guilt offering. And the second ram that he purchased with the money he designated does not become non-sacred. Rather, it shall graze until it becomes blemished; and then it shall be sold, and the money received for it shall be allocated for communal gift offerings.

¹³⁰ If he purchased two rams for non-sacred use with those two sela designated for a guilt offering, he has misused consecrated property. He is therefore liable to bring a guilt offering and to compensate the Temple treasury for those two sela and add one-fifth to the sum for a total of ten dinars, as there are four dinars in a sela. If one of the rams is now worth two sela, and the other one is now worth ten dinars, i.e., two and a half sela, the one that is worth two sela shall be sacrificed as his

guilt offering for misuse of the two sela, and the second one shall be sacrificed for his initial misuse, as it is worth two sela plus one-fifth.

¹³¹ In a case where he purchased two rams with those two sela designated for a guilt offering, one for a guilt offering and one for non-sacred use, if the ram for the guilt offering is now worth two sela, it shall be sacrificed for his initial guilt offering. And with regard to the second ram that he purchased for non-sacred use, if it is now worth two sela, it shall be sacrificed as a guilt offering for his present misuse, and he brings with it the sum of one sela and one-fifth to the Temple treasury as payment for his misuse.

¹³² GEMARA: What is the term: His misuse, referring to, with regard to the halakha that is taught in the first clause of the mishna: If he purchased two rams for non-sacred use with those two sela designated for a guilt offering, if one of the rams is now worth two sela and the other one is worth ten dinars, the one that is worth two sela shall be sacrificed as his guilt offering and the second one shall be sacrificed for his misuse?

¹³³ If we say that the term: His misuse, is referring to the ram that one is obligated to bring as a guilt offering for misuse of consecrated property, is this to say that the additional one-fifth for misuse of consecrated property is brought together with the ram that he brings as a guilt offering for that sin? If so, then this would explain why if that ram offering is valued as more than two sela, the additional value fulfills the obligation of giving an additional one-fifth. But isn't it written: "And he shall make restitution for that which he has done amiss with consecrated property, and he shall add to it one-fifth" (Leviticus 5:16)? The verse apparently indicates that he brings the additional one-fifth together with his repayment for that which he stole from consecrated property.

¹³⁴ And furthermore, it is taught in the latter clause of the mishna: In a case where he purchased two rams with those two sela designated for a guilt offering, one for a guilt offering and one for non-sacred use, if the ram for the guilt offering is now worth two sela, it shall be sacrificed for his guilt offering. And with regard to the second ram that he purchased for non-sacred use, if it is now worth two sela, it shall be sacrificed for his misuse, and he brings with it payment of one sela and one-fifth to the Temple treasury as payment for his misuse. Evidently, he brings the one-fifth together with his repayment for that which he stole from consecrated property.

¹³⁵ Rather, when the mishna states: The ram worth ten dinars shall be sacrificed for his misuse, it means as repayment for that which he derived benefit from consecrated property. And those are the two sela that he initially designated for a guilt offering and with which he bought two rams as non-sacred animals. The Gemara explains: The reason for this is that the ram worth two sela he sacrifices for his ram of the guilt offering for his trespass, and the ram worth ten dinars he gives for that which he derived benefit from consecrated property, as he used two sela of consecrated property, which are for that which he stole, equal to eight dinars plus an additional one-fifth, the extra two dinars. And if so, to what is the term: His misuse, referring? It is not referring to the ram brought as a guilt offering for his misuse of consecrated property, but rather to the repayment for that which he stole from consecrated property.

¹³⁶ The Gemara asks: With reference to what case did you interpret the term: His misuse, in the first clause of the mishna? It was interpreted as referring to the repayment for that which he stole from consecrated property. If so, say the latter clause of the mishna: In a case where he purchased two rams with those two sela designated for a guilt offering, one for a guilt offering and one for non-

sacred use, if the ram for the guilt offering is now worth two sela, it shall be sacrificed for his initial guilt offering. And with regard to the second ram that he purchased for non-sacred use, if it is now worth two sela, it shall be sacrificed for his misuse of consecrated property, and he brings with it payment of one sela and one-fifth to the Temple treasury as payment for his misuse.

¹³⁷ Since the mishna teaches that he gives one sela and one-fifth as repayment for that which he stole, evidently the term: His misuse, is referring to the ram that he brings as a guilt offering. The Gemara questions this inconsistency: The first clause uses the term: His misuse, in reference to the repayment for that which he stole,

¹³⁸ whereas the latter clause uses the term: His misuse, in reference to the ram he brings as a guilt offering.

¹³⁹ The Gemara answers: In the first clause, where he purchased two non-sacred rams with two dinars of consecrated money, the value of the bigger ram is equal to the principal plus its one-fifth that he is obligated to repay for that which he stole. Therefore, the mishna uses the term: His misuse, in reference to repayment for that which he stole. In the latter clause, where he purchased one non-sacred ram with one dinar of consecrated money, the value of the bigger ram is not equal to the principal plus one-fifth. Consequently, the mishna uses the term: His misuse, in reference to the ram he brings as a guilt offering, and he brings together with it payment of one sela and its one-fifth.

¹⁴⁰ § Rav Menashya bar Gadda raises a dilemma: What is the halakha with regard to one who misused consecrated property several times until the accumulation of one-fifths that he owes totals two sela: May he bring a guilt offering with that money and thereby achieve atonement?

¹⁴¹ The Gemara explains the sides of the dilemma. Do we say: If you say that a person can achieve atonement with an enhancement of consecrated property, e.g., if one initially purchased a ram worth one sela and then its market value increased to two sela while the animal was in his possession, this is because he exerted himself with regard to the animal by caring for it while it was in his possession. But here, where he did not exert himself, but the value accumulated on its own, he cannot achieve atonement.

¹⁴² Or perhaps we say the opposite: If you say that a person cannot achieve atonement with an enhancement of consecrated property, this is because he did not designate the ram as an offering when it was worth two sela, and its value appreciated on its own. But here, with regard to the accumulation of one-fifths, where he designated the total value as consecrated property, it is possible to say that he can receive atonement by bringing a guilt offering with that money. The Gemara notes that this dilemma itself was raised before the Sages: Can one achieve atonement with an enhancement of consecrated property that occurred while the animal was in his possession, or not?

¹⁴³ The Gemara suggests: Come and hear a proof from the mishna: With regard to one who designates two sela to purchase a ram for a guilt offering and he purchased two rams for a guilt offering with the two sela, if one of them was now worth two sela, he shall sacrifice it for his guilt offering. And the second ram that he purchased with the money that he designated does not become non-sacred. Rather, it shall graze until it becomes blemished; and then it shall be sold, and the money received for it shall be allocated for communal gift offerings.

¹⁴⁴ The Gemara explains the proof: What, is it not that the mishna is referring to a case where he bought the ram for four dinars, which is equal to one sela, and its value appreciated while in his

possession until it was worth eight dinars, or two sela, and the mishna rules he may bring this ram as a guilt offering? And if so, conclude from this mishna that a person can achieve atonement with an enhancement of consecrated property. The Gemara rejects this proof: No; what are we dealing with here? It is with a ram that was worth two sela at the time of purchase, but the shepherd who sold it reduced the price for him.

¹⁴⁵ The Gemara suggests: Come and hear a proof from a baraita (Tosefta 4:9): With regard to one who purchased a ram for one sela and he fattened the ram and thereby established its value at two sela, it is valid for sacrifice as a guilt offering. Conclude from this baraita that a person can achieve atonement with an enhancement of consecrated property. The Gemara rejects this proof: No; the case of one who fattened an animal is different, as he lost eight dinars, which is two sela, in expenses for the animal, including the price he paid. But he cannot achieve atonement if the animal's value appreciated on its own while in his possession.

¹⁴⁶ The Gemara further suggests: Come and hear a proof from the continuation of the same baraita: If one purchased a ram for one sela and now it has appreciated to the value of two sela, it is valid for sacrifice as a guilt offering. The Gemara explains: Here too, it is referring to a case where one fattened the ram.

¹⁴⁷ The Gemara raises a difficulty: If so, this is the same case as in the first clause of that baraita and is therefore unnecessary. The Gemara answers: The first clause is dealing with one who purchased a ram for four dinars and he increased its value by spending another four dinars to fatten the animal, which means that he lost eight dinars, which equal two sela, in total expenses on the ram. The latter clause is discussing a case of one who purchased a ram for four dinars and he increased its value by spending another three dinars to fatten it, and then the ram appreciated one more dinar on its own, and is now worth eight dinars.

¹⁴⁸ The Gemara objects: If so, say the latter clause of that baraita: And in addition he shall pay one sela to the Temple treasury. Why is this the halakha? Didn't he lose seven dinars in total expenses on the ram, four dinars for its purchase and three for fattening it, and therefore the ram added only one dinar of value on its own? The Gemara answers: What is the meaning of the statement: He shall pay? The baraita is teaching that he must complete the payment of the sela, i.e., by giving one additional dinar.

¹⁴⁹ The Gemara asks: But if one maintains that a person cannot achieve atonement with an enhancement of consecrated property, what is the significance of the fact that he gives one dinar that is the completion of the payment of the sela? We require him to bring a ram that cost him two sela, and there is no such animal here. The Gemara answers: Actually, the tanna of this baraita in the Tosefta holds that a person can achieve atonement with an enhancement of consecrated property.

¹⁵⁰ The Gemara objects: If so, he should not give the one dinar that is the completion of the payment of one sela, as the ram is now worth two sela. The Gemara explains: This is the reason that he must give the one dinar that is the completion of the payment of one sela: It is a rabbinic decree, lest people say that a ram worth less than two sela atones as a guilt offering.

¹⁵¹ The Gemara asks: What halakhic conclusion was reached about the question of whether a person can achieve atonement with an enhancement of consecrated property? The Gemara suggests: Come and hear a proof from a baraita: With regard to a ram that was worth one sela at the time that it was designated as a guilt offering, and then its value appreciated until it was worth two sela at the time of

atonement, one who sacrificed it has not fulfilled his obligation with that ram. This demonstrates that one cannot achieve atonement with an enhancement of consecrated property.

¹⁵² Rabbi Elazar, who was apparently unaware of the previously cited baraita, raised the same dilemma: Can a person achieve atonement with an enhancement of consecrated property that occurred while the animal was in his possession, or not? Rabbi Yoḥanan said, in puzzlement: How many years has this Rabbi Elazar grown among us and learned Torah from me, and yet he did not hear this halakha from me.

¹⁵³ The Gemara asks: Should one conclude by inference from this statement that Rabbi Yoḥanan said the halakha with regard to this matter? The Gemara answers: Yes, and he said that halakha with regard to this ruling, as we learned in a mishna (Menaḥot 79b): In the case of the offspring of an animal designated as a thanks offering or an animal that is its substitute, and likewise if one designated an animal as his thanks offering and it was lost and he designated another in its stead, and the first animal was then found, in all three cases, the second animal, i.e., the offspring, the substitute, or the replacement, is sacrificed, but it does not require the bringing of loaves with it.

¹⁵⁴ And with regard to the offspring of a thanks offering, Rabbi Ḥanina sent a letter from Eretz Yisrael to the Sages in Babylonia containing the following statement in the name of Rabbi Yoḥanan: That mishna taught that the offspring does not require loaves only in a case where they were sacrificed after the owner achieved atonement by sacrificing the mother and sprinkling its blood, since he has thereby fulfilled his obligation, as the offspring does not require the bringing of loaves.

¹⁵⁵ But if one sacrificed the offspring before he achieved atonement through sacrifice of the mother, then the offspring requires the bringing of loaves, as it is the fulfillment of his obligation to bring a thanks offering. Evidently, Rabbi Yoḥanan holds that a person can achieve atonement with an enhancement of consecrated property, as this offspring of a consecrated animal is considered its enhancement.

¹⁵⁶ § Rabbi Elazar raises a dilemma: If consecrated living animals were rendered unfit to be sacrificed, are they permanently disqualified or not? Rabbi Yoḥanan said, in puzzlement: How many years has this Rabbi Elazar grown among us and learned Torah from me, and yet he did not hear this halakha from me.

¹⁵⁷ The Gemara asks: Should one conclude by inference from this statement that Rabbi Yoḥanan said the halakha with regard to this matter? The Gemara answers: Yes, as Rabbi Yoḥanan says: With regard to an animal that belongs to two partners, if one of them consecrated the half of it that belonged to him, and then acquired its other half from his partner and consecrated it, it is consecrated but it may not be sacrificed. And it renders a non-sacred animal for which it is exchanged consecrated as a substitute, and its substitution is like it, i.e., it too is consecrated but it may not be sacrificed.

¹⁵⁸ One can conclude from this ruling of Rabbi Yoḥanan three halakhot. Conclude from it that consecrated living animals can be permanently disqualified. When he consecrated only half of the animal it was not fit for sacrifice, and this meant that the animal was permanently disqualified even after it became fully consecrated. And conclude from it that sanctity that inheres in an animal's value disqualifies another animal, i.e., the substitute. The sanctity is considered inherent in its value because only half of the animal was initially consecrated. And conclude from it that there is

disqualification with regard to monetary value, i.e., even an animal that is consecrated only for its monetary value can be disqualified from sacrifice.

¹⁵⁹ § Rabbi Elazar raises a dilemma: If the price of lambs depreciated in the world and one cannot find a ram valued at two sela, what is the halakha? The Gemara explains the sides of the dilemma: Do we say that we require an offering that fulfills the condition: “Your choice vows” (Deuteronomy 12:11), and that requirement is fulfilled, as he is bringing the best animal available? Or perhaps we require a guilt offering to be purchased in accordance with the verse: “Silver by shekels” (Leviticus 5:15), i.e., two sela, and that requirement is not fulfilled.

¹⁶⁰ Rabbi Yoḥanan said: How many years have we grown in the study hall and we have not heard this halakha. The Gemara asks: And has this halakha not been heard? But doesn’t Rabbi Yoḥanan say that Rabbi Shimon ben Yoḥai says: For what reason did the Torah not provide a fixed value for offerings brought by those lacking atonement, who must bring an offering of purification for them to be permitted to eat consecrated meat, e.g., a zav and a leper? It is because the price of lambs might depreciate below the Torah’s fixed value and they would have no remedy to eat sacrificial food. This statement indicates that one may not bring a ram that is worth less than two sela for a guilt offering, as the Torah fixed its value. The Gemara answers: Say that Rabbi Yoḥanan said: How many years have we not taught this halakha in the study hall.

¹⁶¹ The Gemara raises a difficulty: But didn’t Rabbi Zeira bar Adda review his studies before Rabbi Yoḥanan every thirty days, which indicates that the statements of Rabbi Yoḥanan were repeatedly studied? The Gemara answers: Say that Rabbi Yoḥanan said that this halakha was not asked from us in the study hall.

¹⁶² The Gemara discusses the matter itself: Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yoḥai: For what reason did the Torah not provide a fixed value for offerings brought by those lacking atonement? It is because the price of lambs might depreciate below the Torah’s fixed value and they would have no remedy to eat sacrificial food.

¹⁶³ Abaye objects to this statement: If that is so, let a fixed value be provided for a sin offering brought for eating prohibited fat, i.e., a regular sin offering, as it is brought for atonement and it is not brought to permit consumption of sacrificial food. Similarly, Rava objects to this statement: If that is so, let there be a fixed value in the Torah for a guilt offering brought by an impure nazirite, as it comes for naught, i.e., it does not come to permit consumption of sacrificial food, which is achieved by his purification rite of the sprinkling from the ashes of the red heifer upon him on the third and seventh days. As Rabbi Yoḥanan says in the name of Rabbi Shimon ben Yoḥai: Nothing comes for naught other than the guilt offering of a nazirite alone. The Gemara notes that this matter is indeed difficult.

¹⁶⁴ MISHNA: In the case of one who designates a sin offering for his performance of an unwitting sin and dies, his son shall not bring it in his stead, neither on behalf of his father nor for his own unwitting sin, even if it was the same transgression. Likewise, one may not bring a sin offering by reassigning it from the sin for which it is designated to atone and sacrificing it for atonement of another sin. Even if he designated a sin offering as atonement for forbidden fat that he unwittingly ate yesterday, he may not bring it as atonement for forbidden fat that he unwittingly ate today, as it is stated: “And he shall bring his sin offering, an unblemished female goat, for his sin that he has

sinned” (Leviticus 4:28), indicating that he does not satisfy his obligation until his offering is brought for the sake of the sin for which he designated it.

¹⁶⁵ GEMARA: The Gemara asks: From where is this matter, i.e., that a son may not bring his father’s sin offering, derived? The Gemara answers that it is derived as the Sages taught in a baraita: The Torah states with regard to a sin offering: “And he shall bring for his offering” (Leviticus 4:23). This indicates that one fulfills his obligation with his own offering, but he does not fulfill his obligation with his father’s offering, if his father was obligated to bring a sin offering and died after he designated an animal for this purpose.

¹⁶⁶ One might have thought that one does not fulfill his obligation with his father’s offering by means of an animal that his father designated, only in a case where the son’s transgression is not equal in severity to his father’s sin, e.g., from a lenient transgression committed by the father for a severe sin of the son, or from a severe transgression of the father for a lenient one of the son. But perhaps he does fulfill his obligation with the offering that his father designated, from a lenient sin for a lenient sin of the son, or from a severe transgression committed by the father for a severe one of the son. Therefore, the verse states a second time: “His offering” (Leviticus 4:28), to emphasize that he fulfills his obligation with his own offering, but he does not fulfill his obligation with his father’s offering, even for similar transgressions.

¹⁶⁷ The baraita continues: One might have thought that one does not fulfill his obligation with his father’s offering by means of an animal that the father designated, even from a lenient sin for a lenient one, or from a severe transgression for a severe one, as stated above, as a person cannot shave, i.e., bring the offerings sacrificed, at the end of his term of naziriteship with an animal that his father designated. If the father died, the son cannot bring an animal that the father designated as an offering for the conclusion of his naziriteship.

¹⁶⁸ But one might think that a son can fulfill his obligation with money that his father designated for his offering, even from a lenient sin for a severe one, or from a severe transgression for a lenient one, as a person can shave i.e., bring the offerings sacrificed, at the end of his term of naziriteship with the money his father designated for naziriteship when the money is unallocated but not when it is allocated for a specific nazirite offering. Therefore, the verse states again: “His offering” (Leviticus 4:32), indicating that he fulfills his obligation with his own offering, but he does not fulfill his obligation even with money that was designated for his father’s offering.

¹⁶⁹ The baraita further states: One might have thought that one does not fulfill his obligation even with the money that his father designated, even when father and son committed transgressions of the same severity, i.e., from a lenient sin for a lenient one or from a severe transgression for a severe one; but one may fulfill his obligation with the offering that he designated for himself, even from a severe transgression for a lenient one, or from a lenient one for a severe one. Therefore, the verse states: “His offering for his sin” (Leviticus 4:28), indicating that he does not fulfill his obligation until his offering is sacrificed for the sake of the specific sin for which it was designated.

¹⁷⁰ Furthermore, one might have thought that one has not fulfilled his obligation to bring an offering for himself with an animal that he designated for himself, even with an animal designated for a lenient sin that is then used for a different lenient sin or from a severe one for a different severe one. This is because if he designated an animal as a sin offering for unintentionally eating forbidden fat and he brought that sin offering for unintentionally consuming blood, or if he designated a sin

offering for consuming blood and brought it for the transgression of consuming forbidden fat, it is invalid, as in this case he is not considered to have misused consecrated property and this animal does not atone for him. This statement will be explained below.

¹⁷¹ The baraita continues: But it might have been thought that one fulfills his obligation with money that he designated for himself, with money designated for a lenient sin for a different lenient sin, or with money designated for a severe sin for another severe sin, or from a severe one for a lenient one, or from a lenient one for a severe one.

¹⁷² The reason is that if he designated money for himself for purchasing a sin offering for unintentionally eating forbidden fat and he instead brought a sin offering with that money for consuming blood; or if he designated money for purchasing a sin offering for the transgression of consuming blood and brought the sin offering for the transgression of consuming forbidden fat, in that case he has misused Temple property, and the money atones for him. Therefore, the verse states: “His offering for his sin,” which indicates that he does not fulfill his obligation until his offering, and even the money designated for an offering, is designated for the sake of his particular sin.

¹⁷³ The Gemara asks: What is the meaning of the phrase in the baraita: He is not considered to have misused consecrated property and this animal does not atone for him? Rav Shmuel bar Shimi interpreted this before Rav Pappa: This is what the baraita is saying: Since one cannot misuse this animal, i.e., an animal consecrated for sacrifice upon the altar cannot be desacralized, so too, one cannot achieve atonement for another sin with that animal. Since it is so, it is clear that one is unable to convert the animal for use as an offering for a different sin.

¹⁷⁴ But with regard to money, since if one unwittingly converted the money for a different use he has misused consecrated property, the money is consequently desacralized, and he is liable to bring an offering for misuse of consecrated property, therefore one might say that from the outset too, he may use the money to bring an offering for a different sin. Consequently, the baraita teaches us that one may not do so.

¹⁷⁵ MISHNA: One may bring a female goat from money consecrated for a sin offering of a female lamb, and a female lamb from money consecrated for a sin offering of a female goat. And likewise, one may bring doves and pigeons from money consecrated for a sin offering of a female lamb and a female goat; and one-tenth of an ephah of fine flour from money consecrated for a sin offering of doves and pigeons.

¹⁷⁶ How so? If one unwittingly performed a sin for which he is liable to bring a sliding-scale sin offering, which varies based on economic status (see Leviticus 5:1–13; see also 9a), and he designated money to purchase a female lamb or for a female goat and then became poorer, he may bring a bird, and the remaining money is non-sacred. If he became yet poorer, he may bring one-tenth of an ephah of fine flour. Likewise, if he designated money to purchase one-tenth of an ephah of fine flour and became wealthier, he shall bring a bird. If he became yet wealthier, he shall bring a female lamb or a female goat.

¹⁷⁷ GEMARA: The Gemara asks: From where are these matters that are mentioned in the mishna derived? The Gemara answers that they are derived from a verse, as the Sages taught in a baraita that discusses the sliding-scale offering: It is written with regard to one who brings a lamb for his obligation: “And the priest shall make atonement for him from his sin” (Leviticus 5:6); and it is written with regard to one who brings a bird: “And the priest shall make atonement for him from his

sin” (Leviticus 5:10); and it is written with regard to one who brings one-tenth of an ephah of fine flour: “Over his sin” (Leviticus 5:13). What is the meaning of these phrases that the verse states?

¹⁷⁸ The baraita explains: From where is it derived that you say that one may bring a female goat from money consecrated for a sin offering of a female lamb, and a female lamb from money consecrated for a sin offering of a female goat? And likewise, from where is it derived that one may bring doves and pigeons from money consecrated for a sin offering of a female lamb and a female goat, and one-tenth of an ephah of fine flour from money consecrated for a sin offering of doves and pigeons?

¹⁷⁹ How so? If a person designated money to purchase a female lamb or to purchase a female goat and then became poorer, he shall bring a bird, and the remaining money is non-sacred. If he became yet poorer, he shall bring one-tenth of an ephah of fine flour. Likewise, if he designated money to purchase one-tenth of an ephah of fine flour and became wealthier, he shall bring a bird. If he became yet wealthier, he shall bring a female lamb or a female goat.

¹⁸⁰ If one designated a female lamb or goat as an offering and it developed a blemish, he must redeem the animal and bring another offering with the money. If he became poorer, he may bring a bird with its money. But if one designated a bird as an offering and it developed a blemish, he may not bring one-tenth of an ephah of fine flour with its money, as there is no possibility of redemption for birds.

¹⁸¹ The baraita provides the source for this entire halakha: Therefore, with regard to an offering of a female goat or lamb and a bird offering it is stated: “From his sin,” which indicates that one fulfills his obligation with even part of the money that was designated for his offering. By contrast, with regard to an offering of one-tenth of an ephah of fine flour it is written: “Over his sin,” indicating that if one becomes wealthier he must add to the value of his offering.

¹⁸² And it was necessary for the Torah to write: “From his sin,” with regard to a female lamb or a female goat, and it was necessary to write the same phrase with regard to a bird. The Gemara explains: As, if the verse had written this phrase only with regard to a consecrated female lamb or a female goat, I would say that if one designated money to purchase a female lamb, then when he became poorer he may redeem that money on a bird and bring a bird offering, as a female lamb and a bird are both types of blood offerings.

¹⁸³ But with regard to one-tenth of an ephah of fine flour, which is not a type of blood offering but a meal offering, if the verse had not written: “From his sin,” with regard to a bird, I would say that if one designates money for his nest, i.e., pair of birds, and then becomes poorer, he may not bring one-tenth of an ephah of fine flour with that money, as it is not a type of blood offering. Rather, he brings one-tenth of an ephah of fine flour from his house, i.e., with other money, and that money that he designated for his bird pair is allocated for communal gift offerings. Therefore, the verse repeats and writes: “From his sin,” with regard to a bird, to say that one may also bring one-tenth of an ephah of fine flour from money consecrated for a sin offering of birds.

¹⁸⁴ And with regard to the phrase: “Over his sin,” which is written in connection to the one-tenth of an ephah of fine flour, this is what the verse is saying: When one designates money for an offering of one-tenth of an ephah of fine flour, and before he brought the money to the Temple to purchase the offering he grew wealthier, he must add money to those coins and bring a bird. If he grew even wealthier, he must add money to them and bring a female lamb or a female goat.

¹⁸⁵ And what is the reason that the phrase: “Over his sin,” is written specifically with regard to the one-tenth of an ephah of fine flour? The reason is that if the verse had stated: Over his sin, with regard to a bird, I would say that it is only when one designates money for his nest and then becomes wealthier that one must add money and bring a female lamb or a female goat, as they are both types of blood offerings.

¹⁸⁶ But in a case where one designated money to purchase one-tenth of an ephah of fine flour and became wealthier, perhaps he may not add to the money that he designated earlier. And if he did not become much wealthier he now brings a bird, and if he became much wealthier he now brings a female lamb or a female goat, without using the money he had designated for the one-tenth of the ephah of flour. And that money which he initially designated for one-tenth of an ephah of fine flour is allocated for communal gift offerings. It is for this reason that the verse states: “From his sin,” with regard to that sin offering which one brings when rich and when poor, i.e., a lamb and a bird, and: “Over his sin,” with regard to that which he brings when he is exceedingly poor, i.e., one-tenth of an ephah of fine flour, so that one should interpret the verses as we said, that in either case he adds to the money he had designated to bring the more expensive offering.

¹⁸⁷ Rabbi Elazar says that Rabbi Oshaya says: A wealthy person who defiles the Temple, i.e., he enters the Temple while ritually impure, is obligated to bring a female lamb or goat as his offering in accordance with his wealth. If he designated a nest, i.e., a pair of birds,

¹⁸⁸ instead of a female lamb, and he then became poorer, a bird pair is now the appropriate offering for him. Nevertheless, since his offering was disqualified at the outset because at that time he was obligated to bring a female lamb, it is permanently disqualified.

¹⁸⁹ Rav Huna, son of Rav Yehoshua, said: One can conclude from this ruling three halakhot. Conclude from it that consecrated living animals can be permanently disqualified even if the animal is unblemished, as is the case with regard to this pair of birds. And conclude from it that when there is sanctity that inheres in an animal’s value, where the consecrated item will not be sacrificed as an offering, it can be disqualified. When he was wealthy and designated the bird pair as his offering, the two birds were consecrated only with sanctity that inheres in their value because they were unfit for sacrifice, and yet the birds were permanently disqualified.

¹⁹⁰ And finally, conclude from this that a disqualification at the outset, when the animal is initially consecrated, is considered a permanent disqualification. Not only is an animal that was initially fit to be sacrificed and was later disqualified permanently disqualified, but even in a case such as this, where the birds were unfit for sacrifice from the beginning, the disqualification is permanent.

¹⁹¹ Rav Ukva bar Ḥama raises an objection from a baraita (Tosefta, Temura 2:3): With regard to one who designates a female animal for his Paschal offering before Passover, since the Paschal offering must be a male it is left to graze until it becomes blemished, at which point it is sold and one brings a Paschal offering with the money received from its sale. Similarly, if this animal gave birth to a male animal, the offspring is left to graze until it becomes blemished, at which point it is sold and one brings a Paschal offering with the money received from its sale.

¹⁹² Rabbi Shimon says: It is not necessary to sell the offspring in such a case, as the offspring itself is sacrificed as a Paschal offering. Conclude from this statement of Rabbi Shimon that consecrated living animals are not permanently disqualified, as the mother was unfit to be a Paschal offering and yet the offspring, which is an extension of the mother’s sanctity, is fit for sacrifice.

¹⁹³ The school of Rabbi Oshaya say: When we say that consecrated living animals can be permanently disqualified, this applies according to the opinion of the Rabbis, who maintain that the offspring is not sacrificed. Nevertheless, it is correct that Rabbi Shimon holds that consecrated living animals are not permanently disqualified.

¹⁹⁴ And Rabbi Shimon likewise maintains that the drawing of the lots for the two goats on Yom Kippur to decide which goat is designated as a sacrifice and which is designated as the scapegoat, is not indispensable. As it is taught in a baraita: If one of the goats died following their designation, one brings another goat instead of it, and it is designated without drawing lots. The surviving goat is still used for the purpose for which it was designated by the lot; this is the statement of Rabbi Shimon.

¹⁹⁵ Evidently, Rabbi Shimon holds: Consecrated living animals are not permanently disqualified. Although the surviving goat was disqualified when the other goat died, it is once again fit when a new goat is designated as its partner. And Rabbi Shimon also holds that the drawing of the lots is not indispensable, as the new goat was designated without drawing lots.

¹⁹⁶ § Rav Ḥisda says: Nests, i.e., pairs of birds, are designated, one as a burnt offering and one as a sin offering, only in the following manner: Either by the owner at the time of purchase or, if the owner did not designate the birds at that stage, by the priest at the time of sacrifice.

¹⁹⁷ Rav Shimi bar Ashi said: What is the reason of Rav Ḥisda? As it is written with regard to the offering of a woman after childbirth: “And she shall purchase two doves or two pigeons, one for a burnt offering and the other for a sin offering” (Leviticus 12:8). And with regard to the offering of a leper it is written: “And the priest shall sacrifice the one for a sin offering, and the other for a burnt offering” (Leviticus 15:30). Together, these verses indicate that one bird is designated as a burnt offering and the other as a sin offering either by the owner at the time of purchase or by the priest at the time of sacrifice.

¹⁹⁸ The Gemara raises an objection from a baraita in the Sifra that discusses the drawing of lots for the two goats of Yom Kippur. The verse states: “Aaron shall bring forward the goat upon which the lot came up for the Lord, and he shall sacrifice it for a sin offering” (Leviticus 16:9). This teaches that the drawing of the lot renders it a sin offering, but verbally designating the name of the goat does not render it a sin offering, and likewise the act of the priest, placing the lot on the goat, does not render it a sin offering.

¹⁹⁹ A verse is required to teach this halakha, as one might have come to the opposite conclusion: Could this not be derived through an a fortiori inference, as follows: And if in a case where the drawing of a lot does not sanctify an animal with a specific designation, e.g., a woman after childbirth, who cannot determine by lot the status of the two birds she must bring, one as a sin offering and one as a burnt offering, nevertheless, in such a case a verbal designation of the name does sanctify with a specific designation; is it not logical in a case where the drawing of a lot sanctifies an animal with a specific designation, i.e., the two goats of Yom Kippur, that verbally designating the name should sanctify it with a specific designation?

²⁰⁰ The baraita concludes: Therefore the verse states, with regard to one of the two goats of Yom Kippur: “He shall sacrifice it for a sin offering,” to teach that the drawing of the lot renders it a sin offering, but verbally designating the name of the goat does not render it a sin offering.

²⁰¹ The Gemara explains the objection: The baraita teaches that verbally designating the name of an offering is similar to drawing a lot. If so, one can reason as follows: Just as the drawing of a lot is not performed at the time of purchase nor at the time of sacrifice, so too verbal designation of the name also does not have to be performed at the time of purchase nor at the time of sacrifice. This contradicts the opinion of Rav Ḥisda.

²⁰² Rav said that this is what the baraita is saying: And if in a place where the drawing of a lot, either by the owner at the time of purchase or by the priest at the time of sacrifice, does not sanctify an animal with a specific designation, and nevertheless a verbal designation of the name, either by the owner at the time of purchase or by the priest at the time of sacrifice, does sanctify it with a specific designation; here, with regard to the two goats, where the drawing of a lot that does not take place at the time of purchase nor at the time of sacrifice sanctifies the animal with a specific designation, is it not logical that verbally designating the name, either at the time of purchase or at the time of sacrifice, should sanctify it with a specific designation?

²⁰³ Therefore, the verse states: “He shall sacrifice it for a sin offering,” to teach that drawing the lot renders it a sin offering, but verbally designating the name of the goat does not render it a sin offering.

²⁰⁴ The Gemara raises another objection to the opinion of Rav Ḥisda from a baraita: In the case of a poor person who defiles the Temple, i.e., he entered the Temple while ritually impure, who designated money for his nest, as he is required to bring one bird as a sin offering and another bird as a burnt offering, and he then became wealthier, he is now obligated to bring a female lamb or goat as a sin offering.

²⁰⁵ If he was unaware that he is no longer obligated to bring a pair of birds, and he says: This money is for my sin offering and this money is for my burnt offering, which is an error, as he is not obligated to bring a burnt offering, he adds more money and brings his obligation of a lamb or goat for his sin offering from the money designated for his sin offering. But he may not add more money and bring his obligation of a sin offering from the money designated for his burnt offering, as one may not use money that is designated for a burnt offering for the purchase of a sin offering.

²⁰⁶ The Gemara explains the objection: But here, the baraita is dealing with a case where he said: This money is for my sin offering and that money is for my burnt offering, which means that he designated the money at a stage that was not the time of purchase nor the time of sacrifice; and yet the baraita teaches that the designation is established and therefore he brings his obligation of a sin offering from the money designated for a sin offering but not from the money designated for a burnt offering.

²⁰⁷ Rav Sheshet said: And can you understand that this baraita is properly explained, i.e., the baraita as it stands is difficult, as it teaches: He became wealthier and said: This money is for my sin offering and this money is for my burnt offering. But this is difficult, as doesn't Rabbi Elazar say that Rabbi Oshaya says: A wealthy person who defiles the Temple, i.e., he entered the Temple while ritually impure, who brought the offering of a poor person to atone for his transgression has not fulfilled his obligation. Since he cannot fulfill his obligation with that offering, how can his designation permanently establish the status of the money?

²⁰⁸ Rather, what have you to say? You must say that the baraita is referring to a case where he already said: This money is for my sin offering and this money is for my burnt offering, at the time

when he was poor. So too, it is referring to a case where he already said it even earlier, at the time when he designated the money, and therefore there is no difficulty for Rav H̥isda.

²⁰⁹ The Gemara asks: But according to Rabbi H̥agga, who says that Rabbi Oshaya says that a wealthy person who brings the offering of a poor person has fulfilled his obligation, what can be said? According to this opinion, there is no inherent difficulty in the baraita that necessitates Rav Sheshet's interpretation, and therefore that baraita apparently contradicts Rav H̥isda's ruling. The Gemara answers that one should teach the baraita as follows: And after he became wealthier, he purchased animals and said at the time of purchase: This is designated as my sin offering and this as my burnt offering.

²¹⁰ With regard to the dispute between Rabbi Elazar and Rabbi H̥agga in the case of a wealthy person who brings the offering of a poor person, the Gemara raises an objection from a baraita: A poor leper who brought the offering of a wealthy person has fulfilled his obligation. By contrast, a wealthy leper who brought the offering of a poor person has not fulfilled his obligation. This is apparently a conclusive refutation of the opinion that Rabbi H̥agga says that Rabbi Oshaya says.

²¹¹ The Gemara explains that Rabbi H̥agga could have said to you: The halakha is different with regard to a wealthy leper, as the Merciful One excluded the possibility of a wealthy person bringing the offering of a poor person in the verse: "This shall be the law of the leper" (Leviticus 14:2). The emphasis of "this" teaches that a leper fulfills his obligation only with the appropriate offering.

²¹² The Gemara objects: If so, that this halakha is derived from a verse, then even in the case of a poor leper who brings the offering of a wealthy person as well, he should not fulfill his obligation. The Gemara rejects that suggestion: This is not so, as the verse returned to state: "This shall be the law of the leper," which includes a leper who brings an inappropriate offering. As it is taught in a baraita that the phrase "the law of the leper" serves to include a poor leper who brought the offering of a wealthy person, that he has fulfilled his obligation. One might have thought that even in the case of a wealthy leper who brought the offering of a poor person, he has fulfilled his obligation. Therefore, the verse states: "This shall be the law."

²¹³ The Gemara raises a difficulty: But why not derive a principle from that verse that with regard to any sliding-scale offering, a wealthy person who brings a poor person's offering has not fulfilled his obligation? The Gemara answers: With regard to a leper the verse states: "And if he is poor and cannot afford" (Leviticus 14:21). The emphasis of "he" teaches that it is only with regard to a leper that a wealthy person who brought a poor person's offering has not fulfilled his obligation. But in the case of one who defiles the Temple, i.e., he entered the Temple while ritually impure, a wealthy person who brought a poor person's offering has fulfilled his obligation.

²¹⁴ MISHNA: Rabbi Shimon says: Lambs precede goats almost everywhere in the Torah that they are both mentioned, as in the verse: "You shall take it from the lambs or from the goats" (Exodus 12:5). One might have thought that it is due to the fact that sheep are more select than goats. Therefore, the verse states: "And he shall bring for his offering a goat" (Leviticus 4:28), after which it is written: "And if he bring a lamb as his offering for a sin offering" (Leviticus 4:32), which teaches that both of them are equal.

²¹⁵ Similarly, doves precede pigeons almost everywhere in the Torah, as in the verse: "And he shall bring his guilt offering...two doves, or two pigeons" (Leviticus 5:7). One might have thought that it is due to the fact that doves are more select than pigeons. Therefore, the verse states: "And a pigeon

or a dove for a sin offering” (Leviticus 12:6), with the usual order reversed, which teaches that both of them are equal.

²¹⁶ Likewise, mention of the father precedes that of the mother almost everywhere in the Torah, as in the verse: “Honor your father and your mother” (Exodus 20:12). One might have thought that it is due to the fact that the honor of the father takes precedence over the honor of the mother. Therefore, the verse states: “Every man shall fear his mother and his father” (Leviticus 19:3), with the order reversed, which teaches that both of them are equal. But the Sages said: Honor of the father takes precedence over honor of the mother everywhere, due to the fact that both the son and his mother are obligated in the honor of his father.

²¹⁷ And likewise with regard to Torah study, if the son was privileged to acquire most of his Torah knowledge from studying before the teacher, honor of the teacher takes precedence over honor of the father, due to the fact that both the son and his father are obligated in the honor of his teacher, as everyone is obligated in the honor of Torah scholars.

²¹⁸ GEMARA: With regard to the mishna’s discussion of lambs and goats, the Sages taught in a baraita: The Temple courtyard cried four cries. The first cry was: Remove Ḥofni and Pineḥas the sons of Eli the priest from here, as they have rendered the Sanctuary in Shiloh impure (see I Samuel 4:13–22).

²¹⁹ The second cry was: Open the gates, and let Yoḥanan ben Nedavai, the student of Pinkai, enter and fill his belly with meat of offerings consecrated to Heaven, as he is worthy to eat offerings. They said about ben Nedavai that he would eat four se’a of doves

²²⁰ for dessert. They said: Throughout all the days of Yoḥanan ben Nedavai there was never sacrificial meat left over in the Temple courtyard, as he would ensure that it was eaten.

²²¹ The third cry was: Lift your heads, O gates, and let Elishama ben Pikai, the student of Pineḥas, son of Elazar, son of Aaron the priest, enter and serve as High Priest, as he is worthy.

²²² The fourth cry was: Open the gates and expel Yissakhar from the village of Barkai, as he honors himself and desecrates items consecrated to Heaven. What would he do to deserve such a reputation? He would wrap silk [shira’ei] over his hands and perform the Temple service, as he was unwilling to dirty his hands.

²²³ The Gemara asks: What ultimately happened to Yissakhar from the village of Barkai? Yannai the king, and the queen were sitting and discussing food. The king said that goat meat is better food than lamb meat, and the queen said lamb meat is the better food. They said: Let us ask Yissakhar from the village of Barkai, as he is the High Priest and is very familiar with various dishes.

²²⁴ They asked him, and he said to them: If goat meat were better, it would be sacrificed as the daily offering. The fact that the daily offering is lamb proves that its meat is preferable to that of goat. As he spoke, he signaled contemptuously with his hand. The king said to his attendants: Since he signaled contemptuously with his hand, sever his right hand. Yissakhar gave a bribe, and the official severed his left hand instead. The king heard that Yissakhar had deceived him, and said: Let the official sever his right hand as well. Rav Yosef said: Blessed is the Merciful One, who took retribution [lematrapsei] on Yissakhar of the village of Barkai. His punishment fit his crime; since he would not dirty his hands with sacrificial blood, both his hands were severed.

²²⁵ Rav Ashi said, with regard to this incident: Yissakhar of the village of Barkai did not study that which we learned in the mishna: Lambs precede goats almost everywhere in the Torah that they are both mentioned. One might have thought that it is due to the fact that sheep are more select than goats. Therefore, the verse states: “And he shall bring for his offering a goat” (Leviticus 4:28), after which it is written: “And if he bring a lamb as his offering for a sin offering” (Leviticus 4:32), which teaches that both of them are equal.

²²⁶ Ravina said: Yissakhar did not even read the Torah, as it is written with regard to the peace offering: “If he sacrifices a lamb” (Leviticus 3:7), and it further states: “If a goat is his offering” (Leviticus 3:12). These verses indicate that one is permitted to bring whichever animal he wishes, and there is no preference.

²²⁷ Rabbi Elazar says that Rabbi Ḥanina says: Torah scholars increase peace in the world, as it is stated: “And all your children [banayikh] shall be taught of the Lord, and great shall be the peace of your children [banayikh]” (Isaiah 54:13). The Sages interpreted this verse homiletically: Do not read: Your children [banayikh], but rather: Your builders [bonayikh], referring to the scholars who build the world through their Torah study and performance of mitzvot.