

The Soncino Babylonian Talmud

Folios 2a-28b



KRISOS

**TRANSLATED INTO ENGLISH
WITH NOTES**

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- (30) Ibid. VII, 20 dealing with the prohibition for an unclean person to eat sacred food.
- (31) Ibid. XXII, 3.
- (32) To which the statement in Lev. XXII, 3 is meant to apply.
- (33) And here likewise all cases of incestuous relationships ought to be derived from 'his sister'.
- (34) I.e., she always remains forbidden to the brother.
- (35) For the purpose of liability to a separate offering.
- (36) I.e., she may remarry on divorce even in the lifetime of him who had hitherto rendered her forbidden, i.e., her husband. One might thus argue that one should not be liable to a separate offering for having relations with a married woman, if the transgression was committed together with other transgressions relating to forbidden relations, in one spell of unawareness.
- (37) Lev. XVIII, 29.
- (38) V. Mak. 13b, 23b. R. Isaac employs the previously mentioned analogy for a different purpose.
- (39) Referring to forbidden marriages.
- (40) Lev. *ibid*.
- (41) I.e., his sin is not expiated by the infliction of lashes upon him.
- (42) I.e., a menstruant woman.
- (43) Lev. XVIII, 19.
- (44) The word 'woman' is considered superfluous; it should read, 'not approach a Niddah'.
- (45) I.e., the opponents of R. Isaac, who hold that lashes effect expiation where Kareth is predicated. The law referring to separate offerings seems according to them to be derived from 'his sister'.
- (46) To teach that each must be atoned for separately.
- (47) V. *infra* 25a.
- (48) Ibid. XX, 17. The word 'sister' is considered superfluous. It should read 'her nakedness'.

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

Said R. Eleazar in the name of R. Hoshaia: Wherever two negative commands are

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

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place [in a Mishnah] that they have been stated,¹⁵ that you could reply in the same manner?

R. Jeremiah put the following query before R. Zera: What is the ruling when two separate pronouncements of Kareth are attended by only one negative command?¹⁶ — He replied: You refer, I suppose, to ‘slaughtering’ and ‘offering up’ [outside the Temple precincts],¹⁷ but are there not in this case two negative commands?¹⁸ For according to him who derives ‘slaughtering’ from a Gezarah shawah¹⁹ based upon the common term haba’ah²⁰ mentioned [in connection with ‘slaughtering’ and ‘offering up’], just as in the latter [the text] did not pronounce punishment without having expressed a warning,²¹ so also in the former it has not pronounced punishment without an attended [implicit] warning; and according to him who derives it from a hekkesh,¹⁹ the verse says: There thou shalt offer [thy burnt-offerings] and there thou shalt do [all that I command thee];²² Scripture has thus compared ‘slaughtering’ and ‘offering up’, just as in the case of ‘offering up’ it has not pronounced punishment without having expressed a warning, so also with ‘slaughtering’ it did not pronounce punishment without an attended [implicit] warning. Your query is, perhaps, in regard to two separate pronouncements of the death penalty attended by only one negative command, as is the case with the ob and yidde’oni.²³ —

He replied: On this there is a dispute between R. Johanan and Resh Lakish. For among the transgressions punishable by stoning we find enumerated²⁴ both the Ba’al ob and Yidde’oni, and the question was raised: Why was Yidde’oni mentioned in connection with ‘stoning’ but omitted in connection with Kareth? Whereupon R. Johanan replied: Because they were both under one negative command,²⁵ and the reason why Ba’al ob and not Yidde’oni was chosen, is that in Scripture

Ba’al ob is mentioned first; while Resh Lakish said that it is because [the offence of] Yidde’oni involves no action.²⁶ Why did not Resh Lakish say as R. Johanan —

Said R. Papa: Because he holds these two laws are after all stated separately in respect of the pronouncement of the death penalty,²⁷ while R. Johanan maintains that only where there are separate negative commands are there separate offerings, but separate pronouncements in respect of the death penalty do not involve separate offerings. And why does not R. Johanan say as Resh Lakish? —

Because he holds that the Mishnah relating to Kareth is according to R. Akiba,²⁸ who holds that action is not essential [for the liability to a sin-offering]. And Resh Lakish? [He maintains that] although R. Akiba does not require a weighty action, he still considers it essential that some slight action be performed. What action is there in connection with ob? — The clapping of the arms²⁹ is regarded as an action. What action is performed by the blasphemer? — The curving of the lips³⁰ is considered an action. On the assumption that the clapping of the arms is considered a slight action even according to the Rabbis,³¹ the following objection was raised: It was taught: In the case of idolatry one is liable only for an action such as sacrificing, the offering of incense or libation, or prostration;³² and when the difficulty was pointed out that prostration was not an action, Resh Lakish replied that this ruling was in accordance with R. Akiba who held that [weighty] action was not essential; while R. Johanan said: The ruling might conform even to the view of the Rabbis, for the bending of stature³³ was to be considered as an action.

It thus appears that in the opinion of Resh Lakish³⁴ the Rabbis do not consider the ‘bending of stature’ an action. How then can the clapping of the arms³⁵ be regarded as an

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Rather, the reason of R. Ishmael is indeed as has been said at the outset: [viz.,] that if it were so [Scripture] should have written: '[Ye shall eat] no Heleb', and no more; and as to your objection that the mention of 'ox', 'sheep' and 'goat' was necessary to teach that the Heleb of the beast of chase was permitted, surely the text [in question] occurs in connection with a similar text which relates to consecrated animals,²¹ and a law is always illuminated by its context.²² This implies [does it not] that the Rabbis do not hold that a law is illuminated by its context?²³ —

No, all agree that a law is illuminated by its context but here they differ in the following: R. Ishmael holds that such [a law which is the subject of] a mere negative command is illuminated [by its context] whether [the latter is likewise the subject] of a mere negative command or of one involving kareth;²⁴ while the Rabbis hold that [a law which is the subject of] a mere negative command is illuminated [by its context] which is [the subject of a mere] negative command, but a law which is [the subject of] a mere negative command is not illuminated by [a context which is] the subject of [a negative command involving] kareth.²⁵ Or, if you wish, I can say that the reason of the Rabbis is [that the enumeration of the various kinds of fat was necessary to teach] that which is intimated in a question of R. Mari to R. Zebid: 'If so, why should not the fat-tail of non-consecrated animals be altogether forbidden?'²⁶

He replied: 'It is to provide against an argument such as yours that Scripture specifies, All Heleb of ox, sheep or goat, to teach us that only those portions of fat which these three animals have in common are forbidden, to the exclusion [of the fat-tail].'²⁷ The enumeration of 'ox', 'sheep' and 'goat' is thus for the purpose of permitting for use the fat-tail of unconsecrated animals. R. Ishmael, on the other hand, will argue: If for this reason, Scripture should have said: 'No

Heleb of ox and sheep'. Therefore when 'goat' was added, it was for the purpose of establishing a separate prohibition for each of them.

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

Our Sages have taught: [It is written:] And [he] shall do any one [sin], and also, And shall do these;²⁹ this is to render one liable for each transgression separately, so that if one ate [e.g.,] two portions of Heleb of the same designation under two separate spells of unawareness, he is liable to two offerings; [similarly] if the portions were of two different designations,³⁰ though they were consumed under one spell of unawareness, one is liable to two offerings.

Said Rami son of Hama to R. Hisda: It is right that where the portions were of one designation but consumed under two spells of unawareness one should be liable to two offerings, because [the break in] the spell of unawareness effected a division [between the two meals], but why should one be liable to two offerings in the case where the portions were of different designations and consumed under one spell of unawareness? Surely we need a break in the spell of unawareness to effect a division, which is not the case here? —

He replied: Here we deal with the case where he ate Heleb of nothar,³¹ when he is liable on account of Nothar and on account of Heleb. Said he to him: If so, he should be liable also on account of the consecrated flesh?³² —

Rather, said R. Shesheth: It refers to one who ate the Heleb of a consecrated animal and it is in accordance with R. Judah.³³ For it has been taught: If one eats Heleb of nebelah,³⁴

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but if one eats them all, one is still liable only once to flagellation? —

If this were so, Scripture should read in this order: ‘Bread!, ‘fresh ears’ and ‘parched corn’, or ‘parched corn’, ‘bread’ and ‘fresh ears’; why is ‘parched corn’ placed between the other two, apparently that we may understand it thus: For ‘bread’ just as for parched corn’ one is liable [to a separate flagellation], and for ‘fresh ears just as for ‘parched corn’ one is liable [to a separate flagellation].

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

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

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

penalty of burning from the similarity of the expression zimmah.¹⁸

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

WHEN ONE COMPOUNDS OIL [OF ANOINTING]... Our Rabbis have taught: If one compounds oil [of anointing] for experimenting or with the intention to hand it over to the community, he is not culpable; if for anointment he is culpable, though the person that anoints himself therewith is exempt, because the transgression concerning the use of the oil is limited to the oil of anointment which Moses himself compounded.²³

The Master said: ‘If for experimenting or with the intention to hand it over to the community, he is not culpable’. Whence do we know this? — It is derived by means of the common expression mathkunto²⁴ mentioned here and in connection with incense. And with reference to incense it is written, Ye shall not make unto yourselves,²⁵ which implies that one is culpable only if compounded for oneself, but not with the intention to hand it over to the community; similarly with regard to the oil, if it is compounded with the intention to hand it over to the community, one is exempted. But why not then again derive incense from the oil: Just as in the case of the oil one is exempted if one compounded half the prescribed quantity, so also with incense, he should be exempted if he compounded half the prescribed quantity; why then did Raba say:²⁶ If one compounds incense in half the

specification may be derived. Just as the [items of the] specification are things whose smoke ascends upwards and whose fragrance spreads, so include all things whose smoke ascends upwards and whose fragrance spreads. And should you say in this case only one [item of] specification should have been mentioned, [I would answer] No, all are necessary; for if 'stacte' alone was written, I might have said: Only things from the tree [are to be taken], but not things growing on the ground. It was thus necessary to state 'onycha'. And if 'onycha' alone was written, I might have said: Only things from the ground, but not from the tree. It was thus necessary to state 'stacte'. As to 'galbanum', its mention is necessary for its own sake, for its odor is unpleasant¹⁵ if so,¹⁶ it could have been derived from: Take unto thee.¹⁷ But perhaps say: 'The sweet spices' in the latter part [of the verse] mean two, as 'the sweet spices' in the former part?¹⁸ Then it should have written the two expressions 'sweet spices' next to one another, and then write 'stacte, and onycha, and galbanum'.

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

The Master said: 'Perhaps this is not so, but take the generalization with the first generalization and the specification with the

first specification? — Say: This cannot be, hence you cannot expound... 'What is the question? —

This is his difficulty: Let the 'sweet spices' in the latter part [of the verse] mean two like 'sweet spices' in the former.²¹ Whereupon he replied as was answered before: Then it should have written, 'Sweet spices, sweet spices, stacte, onycha and galbanum'. What is the meaning of 'and the specification with the first specification'? —

This is his difficulty: Things of the tree are derived from 'stacte', and things of the ground from 'onycha'; why not then derive from 'pure frankincense' all things which have one quality in common with it [viz.,] that their fragrance spreads, though their smoke does not ascend upwards?²² Whereupon he replied: If this was so, 'pure frankincense' should have been written among the others,²³ so that you could derive therefrom. But if 'pure frankincense' was written among the others, we would have twelve spices.²⁴ — 'Pure frankincense' should have been written among the others and 'galbanum' at the end. Resh Lakish says: From the word itself it can be inferred; for ketoreth²⁵ [frankincense] means something whose smoke ascends upwards.

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

OR USES OIL OF ANOINTING. Our Rabbis have taught: He who pours the oil of anointing over cattle or vessels is not guilty; if over heathens or the dead, he is not guilty. The law relating to cattle and vessels is right, for it is written: Upon the flesh of man [Adam] shall it not be poured;²⁸ and cattle

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day. His meals on holy days were accompanied by wine, and Rab therefore refused to give any legal decision. R. Aha appeared before R. Ashi on a festival.

(16) Who holds only pure wine is prohibited.

(17) Lev. X, 10. This passage follows immediately upon the prohibition for the priest to drink wine. It is therefore assumed to imply that to give a decision in a state of intoxication is forbidden.

(18) V. 'Ar. 2a.

(19) Lit., excommunicated'; i.e., a form of renouncing one's rights upon property and assigning it for the use of the Temple or the priests.

(20) I.e., all the valuations in connection therewith must not be undertaken in a state of intoxication.

(21) *Ibid.* 11.

(22) Or, that ye may decide. As the Mishnah does not always contain the last word of the law, decisions are based upon the discussions in the Gemara rather than the Mishnah.

(23) *Viz.*, the study of the Talmud. Only the actual giving of judgment in a state of intoxication is punishable, but not the mere preoccupation with the law.

(24) These decisions are so obvious, being explicitly mentioned in the Torah, that an error is not feared.

(25) I.e., even youngsters who study only the Pentateuch should know it; v. Sanh. 33b.

(26) *Viz.*, that to study in a state of intoxication is permitted.

(27) This proves that even to lecture on the law is forbidden.

(28) Rab was an authority recognized everywhere, and questions came before him at all times.

(29) He is liable to a sin-offering each for eating sacred food in a state of uncleanness, for eating keleb, for eating Nothar and for partaking of food on the Day of Atonement. The guilt-offering is to atone for the sacrilegious use of Temple property. Nothar is the portion of a sacrifice left over beyond the prescribed time, which has to be burnt.

(30) *Viz.*, in his mouth.

(31) To carry on the Sabbath from private property to the public thoroughfare or vice versa is subject to an offering.

(32) The transgression is not caused by eating.

cannot take hold where another prohibition exists, he holds that a prohibition that is more comprehensive² or more extensive³ can take hold [of an already existing prohibition]. To a clean person only Heleb is prohibited; when he becomes unclean, since the other parts [of the animal] become forbidden to him, this more comprehensive prohibition embraces also Heleb. Then Heleb is forbidden for consumption only; when consecrated, since it becomes prohibited for all use, this more extensive prohibition takes hold of Heleb. It is still, then, forbidden to laymen only but not for the altar;⁴ when it becomes Nothar, since it becomes forbidden also for the altar, this more extensive prohibition applies also in respect of laymen. Again, if it occurred on the Day of Atonement, since there is added an injunction which is more comprehensive in that it applies also to common food, it applies also to the things dedicated to the altar. But then why not instance five sin-offerings, namely when he ate an olive-size of piggul?⁵ —

He speaks of one animal and not of two, and the meat of one and the same animal cannot be Nothar and Piggul at the same time.⁶ But why not? Is it not possible where, e.g., a limb of Piggul was [wrongly] offered upon the altar, in which case its disqualification of Piggul is lifted,⁷ and it can thus become Nothar, as 'Ulla said: If the fistful of an offering, rendered Piggul, has been offered upon the altar its Piggul disqualification ceases, and it may then become nothar?⁸ —

He speaks of one limb and not of two limbs, and one and the same limb cannot be Nothar and Piggul at the same time. But why not? Is it not possible where, e.g., a limb of Piggul was offered upon the altar, partly resting upon the altar and partly protruding,⁹ so that the portion [which rested] upon the altar loses its Piggul disqualification and may become Nothar, in accordance with 'Ulla, who said: 'If the fistful of an offering,

K'rithoth 14a

GEMARA. May we infer that R. Meir holds that a prohibition may take hold of something already prohibited?¹ — [No,] although he may hold that a prohibition

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rendered Piggul, has been offered upon the altar its disqualification ceases, and it may become Nothar?' —

He replied: It is not possible, for if the major portion rests upon the altar, the whole is reckoned as being on the altar; if the major portion is protruding, the whole is reckoned as being outside. But then you could decide therefrom¹⁰ the query of Rami son of Hama as to whether one goes by the majority in regard to sacrificial limbs or not!¹¹ —

He speaks of one olive-size and not of two.¹² But is this indeed so? Does he not deal with the Day of Atonement, where the requisite standard quantity is the size of a date, and a date corresponds to two olive-sizes? —

Said R. Zera: He ate of a kidney together with the Heleb attached thereto.¹³ R. Papa said: He supplemented the Heleb with dates.¹⁴ R. Adda son of Aha indeed reads [in the Mishnah] 'five sin-offerings' and explains it [as dealing with the case] where he ate an olive-size of piggul,¹⁵ rejecting the other explanations given. But then why not state six sin-offerings', and explain it [as dealing with the case] where he ate in addition an olive-size of blood? — [The Mishnah] speaks of one act of eating and not of two, and the Rabbis have calculated that the gullet cannot hold more than two olive-sizes at a time.

R. MEIR SAYS, etc. Why did he not simply state, 'If he carried it out [of private possession], he is liable¹⁶...'; wherefore does he state, IF IT WAS THE SABBATH? —

Said Rafram: This proves that the laws concerning 'erub¹⁷ and transport¹⁸ apply to the Sabbath and do not apply to the Day of Atonement.¹⁹ How is this proved? Maybe the laws concerning 'Erub and transport apply also to the Day of Atonement, and the Mishnah text is to be understood thus: If it was the Sabbath and he carried it out [of private possession], he is liable by reason of

the Sabbath as well as the Day of Atonement!²⁰ —

Rather say, If the statement of Rafram was made, it was with reference to the following: It has been taught, And he shall send him away by the hand of an appointed man;²¹ 'man' implies that also a non-priest is qualified; 'appointed' implies even if he is unclean and even on the Sabbath;²² 'appointed' means designated for it. Now it is here stated: "Appointed" implies even on the Sabbath', whereupon Rafram remarked, This proves that the laws concerning 'Erub and transport apply to the Sabbath and do not apply to the Day of Atonement. How is this proved? Maybe the scapegoat is an exception, for its whole validity is bound up with the Day of Atonement!²³ — The dictum of Rafram is indeed void.²⁴

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

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

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

(3) I.e., the additional prohibition is more stringent than the original one; e.g., if according to the original law only the eating of the prohibited food is punishable while the superadded prohibition law forbids also any benefit to be derived therefrom. The new prohibition is thus at all events effective where use

is made of the food other than eating it; it is therefore regarded of avail also in case of eating, and evokes an additional offering. The following discussion expounds the instance of the Mishnah proving that each additional prohibition thereof is either more comprehensive or more extensive than those already existing.

- (4) Or, for that matter, the priests.
 (5) V. Glos. I.e., where the meat was, in addition, Piggul which, too' is subject to a sin-offering.
 (6) The sacrifice is rendered Piggul at the beginning of the service, namely during the preparation and performance of the sprinkling of the blood. Once Piggul it is disqualified for altar and priest alike and cannot come within the range of Nothar.
 (7) Even if the limb is removed from the altar, before it is completely burnt, it retains the sanctity re-gained through contact with the altar and may become Nothar. If one eats therefore a piece of the limb that has become Nothar, under the conditions enumerated in the Mishnah and in addition thereto an olive-size of meat of the rest of the same sacrifice, which has remained Piggul, one is liable to five sin-offerings.
 (8) V. Zeb. 43a.
 (9) And he ate from both portions of the limb.
 (10) Viz., from the fact that the instance of five sin-offerings has not been stated for the reasons mentioned.
 (11) V. Hul. 70a where this query is put forward by Raba and left unanswered.
 (12) And with one olive-size one cannot evoke more than four sin-offerings, as enumerated in the Mishnah.
 (13) I.e., he ate one olive-size of the kidney and another olive-size of the Heleb. For the latter he is, under the conditions mentioned in the Mishnah, liable to three sin-offerings and a guilt-offering; when followed by an olive-size of the kidney he complements the date-size required for the transgression of the Day of Atonement, which provokes the fourth sin-offering. R. Zera's view is that the Tanna of the Mishnah wishes to confine himself to the eating of one olive-size of Heleb, while in the combination of Piggul and Nothar it would be necessary to assume that two olive-sizes of Heleb have been consumed (Rashi).
 (14) I.e., his meal consisted of one olive-size of Heleb and small dates to make up the requisite standard of a date. There was at any rate but one olive-size of meat.
 (15) From a different sacrifice in addition to the olive-size of Heleb as instanced in the Mishnah.
 (16) For carrying it out on the Day of Atonement.
 (17) V. Glos.
 (18) I.e., the transport from private property to a public thoroughfare and vice versa.

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

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

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

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

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

(24) V. Yoma 66b.

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

K'rithoth 14b

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

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operative also with regard to himself. Finally as a menstruant woman, since she becomes forbidden even to her own husband, this comprehensive prohibition become operative also with reference to himself.

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

GEMARA. It is stated: HE MAY THEREBY BECOME GUILTY FOR OFFENDING WITH HIS FATHER'S WIFE. Was she then permitted to him?⁶ — Replied R. Johanan: The case is met if she fell unto him in levirate marriage.⁷ If so, what means: HAD COMMITTED TRANSGRESSION? — He committed transgression In that she was his son's daughter-in-law, which is a forbidden relation in the second degree,⁸ as has been taught:⁹ A daughter-in-law is an incestuous relation [by law of the Torah], the daughter-in-law of a son is forbidden [as a relation] in the second degree. The same distinction is made between the daughter of a son and the daughter of a son's son, etc. to the end of all generations.¹⁰ But does R. Jose indeed hold that a prohibition can take hold of something already forbidden, have we not learnt:¹¹ If one has committed a sin which involves two death penalties,¹² he is condemned to the more stringent [of the two forms of execution].

R. Jose, however, maintains he is sentenced for the sin that took hold first. And it was taught: How is R. Jose's ruling, that he is sentenced for the sin that took hold first, to be understood? If, e.g., she was forbidden to him first as his mother-in-law and then as a married woman,¹³ he is sentenced for intercourse with a mother-in-law; if she was forbidden to him first as a married woman and then as a mother-in-law, he is sentenced for connection with a married woman! —

Answered R. Abbahu: R. Jose admits [an exception to the rule] when the new prohibition is more comprehensive.¹⁴ Also when Rabin came¹⁵ he said in the name of R. Johanan: R. Jose admitted when the new prohibition was more comprehensive. But in which respect is it more comprehensive here?¹⁶ — When the grandfather had another son;¹⁷ as the new prohibition comprises also the other son, it becomes operative with regard to [the offender] himself.

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

GEMARA. Said R. Eleazar in the name of R. Hoshai: R. Johanan b. Nuri and

Symmachus adhere to the same rule.²¹ R. Johanan b. Nuri as stated above.²² As to Symmachus, we have learnt:²³

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

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

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

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

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

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

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

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

(9) Yeb. 21b.

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

(11) Sanh. 81a.

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

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

(14) V. p. 104, nn. 6 and 7. If the new prohibition is more comprehensive it supersedes the first one. The reason why R. Jose, in the quoted Mishnah, nevertheless holds that only the prohibition which

is first established is of avail, (although in the first of the examples the second prohibition, viz., the one concerning a married woman, which applied to all men, is more comprehensive than the first) is because the penalty of the first transgression is more stringent than that of the second (Rashi).

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

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

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

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

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

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

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

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

(23) Hul. 82b.

K'rithoth 15a

If one slaughtered an animal together with its young's calf, and then the young itself,¹ he is liable to forty lashes. Symmachus said in the name of R. Meir: To eighty.² Said Raba: There is, perhaps, no comparison. Maybe R. Johanan b. Nuri maintains his view only in the instance of our Mishnah, because the prohibitions are at least of different designations; for she may be described as his mother-in-law and also as the mother of his

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mother-in-law and the mother of his father-in-law. In the instance, however, concerning the killing of a mother-animal and its young, where there is only one designation, and all such cases are known by the one name, maybe his ruling will not hold good. R. Nahman b. Isaac raised his doubt [in the opposite direction]. Maybe Symmachus maintains his view only in the case of the law concerning the killing of mother and young, because the objects are different;³ in the instance of our Mishnah, however, where there is only one object,⁴ I might perhaps argue that he [Symmachus] held with the ruling of R. Abbahu delivered in the name of R. Johanan. For R. Abbahu said in the name of R. Johanan: In the expression, They are near kinswomen; it is wickedness,⁵ Scripture indicates that they are all one kind of wickedness.

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

GEMARA. How is the query to be understood? If as is stated,⁸ what question is

there, seeing that the prohibitions as well as the persons involved are distinct!⁹ — This is rather what it means to state: What [is the law] if one had intercourse with a sister who is at the same time his father's sister and his mother's sister; is he liable to one sacrifice for all the trespasses, or to one [separate] sacrifice for each of them? Do we argue that here are diverse prohibitions,¹⁰ or do we argue [from the fact] that the persons are not diverse?¹¹

They replied: We have heard nothing about this, but we have heard that if one had intercourse together¹² with his five wives, while they were menstruant, whereby only one prohibition has been transgressed, he is liable to a sacrifice for each act of transgressing the law concerning menstruant women; and it seems to us that the case [you state] may be derived therefrom by an a fortiori conclusion [thus]: If one is liable to separate offerings in the case of intercourse together with his five menstruant wives, whereby only one prohibition has been transgressed, how much more should one be liable to separate offerings in the case of the sister who is at the same time his father's sister and his mother's sister, whereby three different prohibitions have been transgressed! But [against this conclusion] one may object: the case of the five menstruant women [is rightly more stringent] because several persons [are involved]? [The ruling¹³ must] rather be derived from the Scriptural verse which says, He has uncovered the nakedness of his sister,¹⁴ indicating that one is liable [to separate offerings] in the case of a sister who is at the same time his father's sister and his mother's sister.

Said R. Adda b. Ahaba: This¹⁵ can arise in the case of a wicked man the son of a wicked man;¹⁶ [viz.] if a man had connection with his mother who bore him two daughters, and then had connection with one of these [daughters] who bore him a son; this son¹⁷

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then had connection with his mother's sister who is at the same time his sister and his father's sister. He is indeed a wicked man the son of a wicked man.

Our Rabbis taught: If one had intercourse [inadvertently with one of the incestuous relations] and then again and then again,¹⁸ he is liable [to an offering] for each act. These are the words of R. Eliezer. But the Sages say, He is liable only once. The Sages, however, agree with R. Eliezer that if a man had intercourse at the same time¹⁹ with his five menstruant wives, that he is liable for each act, since he caused them liability to separate offerings.²⁰

Raba said to R. Nahman: Do we say [as an argument] since he caused them [liability to separate offerings]; surely it has been taught: 'If the man [committed several acts]²¹ in one spell of unawareness, and she in five separate spells of unawareness,²² he is liable to one offering only and she to one for each act'²³—

Say rather: Since the persons²⁴ were different. The query was raised: If one cut plants²⁵ [on the Sabbath] and then cut again, what would be the law according to R. Eliezer?²⁶ Is R. Eliezer's reason in the previous case because two acts were committed, and that was why he ruled that he was liable for each act, so here also since he committed two acts [he is liable for each act]; or perhaps R. Eliezer's reason in the previous case is because the acts could not be united,²⁷ and therefore R. Eliezer said that he was liable for each act; in the instance, however, of a man cutting a plant of the size of a dried fig²⁸ and then cutting again a plant of the size of a dried fig, both in one spell of unawareness, since the two dried fig-sizes could have been united in one act of cutting, he should be liable to one sacrifice only? How is it? —

Rabbah answered: R. Eliezer's reason is because two acts were performed, and here also two acts were performed. R. Joseph said: R. Eliezer's reason is because the acts could not be united, but whenever the acts could have been united one is liable to one offering only.

Abaye raised an objection against Rabbah: [It has been taught:] R. Eliezer declares one culpable for derivatives²⁹ even when performed together with their respective principal acts [of work]. [From this we infer that if,] however, the same principal act was performed twice in one spell of unawareness, he is exempt.³⁰ Now, should you be right in saying that R. Eliezer's reason is because two acts were performed, why should he be exempt here! —

Said Mar the son of Rabana: I and Rab Nihumi b. Zechariah have explained this: Here³¹ we deal with a branch of a vine which was overhanging a fig-tree, and he cut off both [branches] at one time.³² R. Eliezer therefore declares him culpable, since both the denominations³³ and the objects³⁴ were different. In what circumstances, then, would a man be exempt [according to R. Eliezer] when cutting a plant twice? — Only if he cut off two plants of a dried fig's size in one stroke. But if he cut off one plant of a dried fig's size and then another of a dried fig's size, he is indeed liable [to two offerings].³⁵

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

(1) This refers to the law concerning the killing on the same day of a young together with its mother, Lev. XXII, 28. By killing a beast after its mother as well as its own young had previously been slaughtered on the same day, an act not yet

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punishable, he committed a double sin, or rather he transgressed the prohibition twice in one act.

(2) Forty lashes means actually one set of thirty-nine strokes. 'Forty' is a term adopted from the text (Deut. XXV, 3).

Eighty lashes means twofold flagellation.

(3) The twofold flagellation was caused by the mother of the last-killed animal as well as by its young.

(4) There is only one person who happens to be inter-related with him in several ways.

(5) Lev. XVIII, 17. שאררה is in the singular, to indicate that even if several inter-relations are combined in one woman she is still a kinswoman singly, and subject to one sacrifice only.

(6) Here in some versions is added: 'in one spell of unawareness', suggesting that the query referred to three different women; v. Gemara.

(7) Since in the latter instance the sin is each time the same.

(8) Viz., that it referred to three different women, each falling under a different prohibition, though the three sins were committed in one spell of unawareness.

(9) Lit. 'the names are distinct and the bodies are distinct'.

(10) Consequently three offerings are to be brought.

(11) And therefore only one offering must be brought.

(12) I.e. in one spell of unawareness.

(13) On R. Akiba's query.

(14) Lev. XX, 17. The phrase is regarded as superfluous. V. also supra 2b.

(15) Viz., that a sister should be at the same time the father's sister and the mother's sister.

(16) I.e. this case can be construed only if the father of the offender had committed incest on two occasions, from which connections this woman as well as the man resulted.

(17) Sc. the offender referred to in the Mishnah.

(18) Without being conscious in the meantime of his sin.

(19) I.e. under one spell of unawareness. Rashi omits: 'at the same time'.

(20) I.e. the women who have also transgressed the same prohibition, have each to bring a separate sacrifice. A division has thus been established between the acts.

(21) Viz., with the same incestuous relation. Rashi mentions also the version that it refers to five different women.

(22) I.e. after each connection the woman became aware of her transgression.

(23) We thus see that although the woman is liable to separate offerings, this is no reason why the man should be similarly liable.

(24) I.e. in the case relating to the menstruant women different persons were involved and for this reason he is liable to five separate offerings.

(25) Lit. 'reaps'.

(26) Viz., in one spell of unawareness. Cutting plants or reaping corn is one of the principal acts of work prohibited on the Sabbath; Shab. VII, 2.

(27) The various sexual connections are of necessity separate performances.

(28) The legal minimum involving the desecration of the Sabbath is the size of a dried fig.

(29) There are altogether thirty-nine principal acts of work prohibited on the Sabbath. Each of them is the head of a series of acts of work similar to it and derived from it — the derivatives. If a principal act has been performed together with some of its derivatives in one spell of unawareness, he is liable, according to R. Eliezer, for each act. From the fact that R. Eliezer did not go a step further in stating that even if the same principal act had been performed several times he is liable for each act, we derive that in the latter case he is only liable to one sacrifice.

(30) He is liable to bring only one offering and is exempt from the second.

(31) Viz., the statement of R. Eliezer that one is guilty for a derivative when performed with its principal act.

(32) With one movement he cut off the vine branch, which he needed for fuel, as well as a twig of the fig-tree, which he wanted for its fruit. The first act is a derivative, since it was not done for the sake of its fruit; the second is a principal act. R. Eliezer holds that he is liable to two offerings even though one action only was performed. The inference made above, that R. Eliezer would not declare him guilty twice if the same principal act of work was performed twice on separate occasions but under one spell of unawareness, is no longer logical, for in this instance two different actions were done.

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

(34) I.e. the trees.

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

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

K'rithoth 15b

THOSE THAT WERE AFFLICTED WITH BOILS USED TO DO IN JERUSALEM:¹ THE

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

GEMARA. We have learnt elsewhere:⁵ If one scrapes liquid from off a leek, or wrings his hair [with a cloth],⁶ the liquid which remained within does not render foodstuffs susceptible to uncleanness; that which came forth does render them susceptible.⁷ Remarkd Samuel: The leek itself is now susceptible to uncleanness,⁸ because when its liquid emerged the leek became susceptible.

But surely we have learnt: THE AFFLICTED PERSON WOULD GO ON THE EVE OF PASSOVER, etc. Now, if you are to assert that ‘when its liquid emerged the leek became susceptible’, why should not the same apply to the loosened limb; at the moment of severance it should render the man unclean? — [It is] as Rab Joseph stated elsewhere that ‘it was removed with great force’, so say also here that the afflicted person tore himself away with great force.⁹ And where was that statement of Rab Joseph made? —

In connection with the following: ‘If a zab¹⁰ or one rendered unclean through contact with a dead body was walking while the rain fell upon him, though the water was squeezed by him from the upper towards the lower part [of his clothes], it is regarded as clean, for it is of no consequence so long as it is not wholly removed from the clothes.¹¹ If, however, it is wholly removed from the clothes, it renders foodstuffs susceptible to uncleanness, for it is of consequence only

after its complete removal from the body’,¹² [In connection with this] Rab Joseph said: It had been removed with great force.¹³

MISHNAH. FURTHERMORE R. AKIBA ASKED: IF A MAN SLAUGHTERED IN ONE SPELL OF UNAWARENESS FIVE SACRIFICES OUTSIDE [THE TEMPLE PRECINCTS], WHAT IS THE LAW? IS HE LIABLE TO A SEPARATE OFFERING FOR EACH ACT OR ONLY TO ONE FOR THEM ALL? THEY REPLIED: WE HAVE HEARD NOTHING ABOUT THIS. SAID R. JOSHUA: I HAVE HEARD THAT IF ONE EATS OF AN OFFERING¹⁴ FROM FIVE DIFFERENT DISHES IN ONE SPELL OF UNAWARENESS, HE IS GUILTY OF THE TRANSGRESSION OF THE LAW OF SACRILEGE FOR EACH OF THEM; AND IT SEEMS TO ME THAT THE CASE IN QUESTION MAY BE INFERRED FROM THIS BY AN A FORTIORI CONCLUSION.¹⁵

SAID R. SIMEON, NOT OF SUCH A CASE DID R. AKIBA ASK, BUT OF ONE WHO ATE OF THE NOTHAR¹⁶ OF FIVE SACRIFICES IN ONE SPELL OF UNAWARENESS — WHAT IS THE LAW? IS HE LIABLE ONLY TO ONE [OFFERING] FOR ALL OF THEM, OR IS HE LIABLE TO A SEPARATE ONE FOR EACH OF THEM? THEY REPLIED: WE HAVE HEARD NOTHING ABOUT THIS.

SAID R. JOSHUA: I HAVE HEARD THAT IF ONE ATE, IN ONE SPELL OF UNAWARENESS, OF ONE SACRIFICE FROM FIVE DIFFERENT DISHES, HE IS GUILTY OF THE TRANSGRESSION OF THE LAW OF SACRILEGE FOR EACH OF THEM; AND IT SEEMS TO ME THAT THE CASE IN QUESTION MAY BE DERIVED THEREFROM BY AN A FORTIORI CONCLUSION.¹⁷ RETORTED TO HIM R. AKIBA: IF THIS¹⁸ IS AN AUTHENTIC TRADITION WE SHALL ACCEPT IT; BUT IF IT IS ONLY A LOGICAL DEDUCTION, THERE IS A REBUTTAL.

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SAID [R. ELIEZER]: REBUT IT. HE REPLIED: IT CANNOT BE. YOU MAY HOLD THE [STRICT] VIEW IN THE LAW OF SACRILEGE,¹⁹ SINCE IN CONNECTION WITH IT THE PERSON WHO GIVES OTHERS TO EAT [OF HOLY THINGS] IS AS GUILTY AS THE CONSUMER HIMSELF,²⁰ AND THE PERSON WHO CAUSES OTHERS TO DERIVE A BENEFIT FROM THEM IS AS GUILTY AS THE PERSON WHO HIMSELF MADE USE OF THEM; FURTHERMORE, [SMALL QUANTITIES ARE] RECKONED TOGETHER IN THE CASE OF SACRILEGE EVEN AFTER THE LAPSE OF A LONG PERIOD.²¹ WHILST NOT ONE OF THESE RULINGS APPLIES TO THE CASE OF NOTHAR.

GEMARA. What objection had R. Simeon?²² — This was his objection: How can you prove the case of slaughtering from that of eating?²³ Maybe the ruling holds good only in the case of eating, since the offender derived enjoyment! Therefore, what he asked them was this: If one ate of the Nothar of five sacrifices in one spell of unawareness, what is the law? Is he liable [to a separate offering] for each of them, or only to one [offering] for all of them? They replied: We have heard nothing about this.

Said R. Joshua: I have heard that if one ate, in one spell of unawareness, of a sacrifice from five different dishes, he is guilty of the transgression of the law of sacrilege for each of them; and it seems to me that the case in question may be derived therefrom by an a fortiori conclusion. Thus, if [when one eats five different dishes] from one sacrifice, where there are not distinct bodies, he is liable for each [dish] because there were separate dishes, how much more would one be liable for each [eating] in the case of the five sacrifices where there are distinct bodies!

(SAID R. SIMEON: NOT OF SUCH A CASE DID R. AKIBA ASK, BUT OF ONE WHO ATE OF THE NOTHAR OF FIVE SACRIFICES IN ONE SPELL OF UNAWARENESS; WHAT IS THE

LAW? IS HE LIABLE ONLY TO ONE [OFFERING] FOR ALL OF THEM, OR IS HE LIABLE TO A SEPARATE [OFFERING] FOR EACH OF THEM? THEY REPLIED: WE HAVE HEARD NOTHING ABOUT THIS. SAID R. JOSHUA: I HAVE HEARD THAT IF ONE ATE, IN ONE SPELL OF UNAWARENESS, OF ONE SACRIFICE FROM FIVE DIFFERENT DISHES, HE IS GUILTY OF THE TRANSGRESSION OF THE LAW OF SACRILEGE FOR EACH OF THEM; AND IT SEEMS TO ME THAT THE CASE IN QUESTION MAY BE DERIVED THEREFROM BY AN A FORTIORI CONCLUSION.)²⁴

RETORTED TO HIM R. AKIBA: IF THIS IS AN AUTHENTIC TRADITION WE SHALL ACCEPT IT, etc. Did R. Joshua give way to R. Akiba's objection, or not?²⁵ —

Come and hear: It has been taught, 'If one ate five portions of the Nothar of one sacrifice from five dishes but in one spell of unawareness, he is liable to but one sin-offering, and in case of doubt,²⁶ to but one suspensive guilt-offering; if from five dishes and in five different spells of unawareness,²⁷ he is liable to a sin-offering for each portion, and in case of doubt, to a suspensive guilt-offering for each portion; if the portions were from five sacrifices, though consumed in one spell of unawareness, he is liable for each of them.

R. Jose son of R. Judah holds: Even if he ate, in one spell of unawareness, five portions from five different sacrifices, he brings but one sin-offering, and in case of doubt, but one suspensive guilt-offering. The general rule is: whenever there is a plurality of sin-offerings,²⁸ there is also correspondingly a plurality of suspensive guilt-offerings. If he ate five portions, from five dishes, of the meat of one sacrifice prior to the sprinkling of its blood,²⁹ even if [he did it] in one spell of unawareness, he is guilty of the trespass of the law of sacrilege for each of them'.

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- (1) An unclean person cannot participate in the Passover Feast. If the afflicted person had to have one of his limbs amputated on the eve of Passover and wished that both he and the physician should not become unclean by handling the amputated limb which is unclean, he adopted the method described in the Mishnah.
- (2) So long as the limb is not completely detached from the body it is clean.
- (3) None came thus into contact with the unclean limb.
- (4) Viz., since the limb is considered clean in the case of a man who is susceptible to uncleanness even while still alive, then surely it is so in the case of an animal which is not subject to uncleanness while alive.
- (5) Maksh. I, 5. V. ad loc.
- (6) Thus the version in the Mishnah and in Rashi and Maim. Cur. edd. read here: 'wings his hair or his cloth'.
- (7) Lit. 'behold if water be put on (v. Lev. XI, 38) applies'. Foodstuffs are susceptible to uncleanness only after contact with liquid, but this contact must be with the desire, explicit or assumed, of the owner. The juice left in the leek which afterwards emerges of its own and comes into contact with foodstuffs does not, therefore, render them susceptible to uncleanness.
- (8) Even though there was no new contact after the separation of the juice from the leek.
- (9) So that there was no contact between the man and the limb for one moment, either during or after the severance of the limb. In the case of the leek, however, the juice emerges slowly.
- (10) V. Glos.
- (11) The water running down the clothes gathers in the hem and evaporates. It is therefore regarded as unsubstantial to be the carrier of defilement, unless it had been purposely removed from the clothes.
- (12) Thus in Tosef. Maksh. I, 3. Rashi strikes out the last clause. We learn, in any case, that though the liquid, is able to qualify foodstuffs for defilement, it is not unclean itself though it touched the unclean clothes.
- (13) Sc. that there was no contact with the clothes.
- (14) Before the sprinkling of the blood of the offering.
- (15) V. Gemara.
- (16) V. Glos.
- (17) V. Gemara.
- (18) Viz., the ruling that he is liable to five offerings in the instance relating to Nothar.
- (19) But one cannot derive other cases from it.
- (20) By giving of holy things to others he alienates them from Temple property. Similarly it is forbidden to cause other people to derive a benefit from sacred objects.

- (21) Viz., in order to make up the requisite value of a Perutah (see Glos.).
- (22) Viz., to the first version of R. Akiba's query.
- (23) Viz., the dictum of R. Joshua.
- (24) The text in brackets is simply a superfluous repetition of the previous. Its inclusion seems to be a copyist's error. It is omitted in MSS.
- (25) I.e., does R. Joshua still maintain that different dishes involve separate sacrifices not only in the case of sacrilege but also in the case of Nothar?
- (26) A sin-offering is brought for the expiation of a transgression of the sinfulness of which the perpetrator was not conscious at the time of action, but which is definitely established. If there is doubt as to the transgression, then a suspensive guilt-offering is brought.
- (27) I.e., between the various meals he became each time conscious of the transgression perpetrated.
- (28) Lit. 'wherever they are divided in regard to sin-offerings'. I.e. that separate sin-offerings are required for each act.
- (29) Sacrificial meat is subject to the law of sacrilege only until the sprinkling of the blood, v. Men. 47b.

K'rithoth 16a

Now [in the last instance] it does not continue, 'And in case of doubt, he is liable to a suspensive guilt-offering'! Now whose view does this statement¹ follow? Shall I say R. Akiba's? Then it should have stated in the latter clause, 'And in case of doubt, he is liable to a suspensive guilt-offering'; for we have learnt: 'R. Akiba prescribes a suspensive guilt-offering in the case of doubtful sacrilege'.² It must therefore follow R. Joshua's view, and yet we read, 'If... in five different spells of unawareness, he is liable to five sin-offerings'.³

We thus learn that R. Joshua gave way to his [R. Akiba's] objection. But cannot the opposite also be proved from one of the latter clauses which reads, 'If the portions were from five offerings,⁴ though consumed in one spell of unawareness, he is liable for each of them'; thus proving that he did not accept his objection? Hence you are compelled [to assume] that we have [here the views of two different] Tannaim:⁵ according to one Tanna,

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he [R. Joshua] gave way; according to another he did not give way [to R. Akiba's objection]; then you might also answer that R. Akiba's view is followed,⁶ but that the [anonymous] Tanna accepts his one opinion and rejects the other; thus, he agrees with him [R. Akiba] in the rules relating to unawareness of sin, but disagrees with regard to sacrilege. How is one guilty fivefold of the law of sacrilege?⁷ —

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

MISHNAH. SAID R. AKIBA: I ASKED R. ELIEZER, IF ONE PERFORMED MANY ACTS OF WORK OF THE SAME CATEGORY¹⁴ ON DIFFERENT SABBATHS¹⁵ BUT IN ONE SPELL OF UNAWARENESS, WHAT IS THE LAW? IS HE LIABLE TO ONE [OFFERING] ONLY FOR ALL OF THEM, OR TO A SEPARATE ONE FOR EACH OF THEM? HE REPLIED TO ME: HE IS LIABLE FOR EACH OF THEM; AND THIS CAN BE DERIVED BY AN A FORTIORI CONCLUSION: IF FOR INTERCOURSE WITH MENSTRUANT WOMEN,¹⁶ IN WHICH PROHIBITION THERE ARE NEITHER MANY CATEGORIES NOR MANY WAYS OF SINNING,¹⁷ ONE IS LIABLE FOR EACH ACT, HOW MUCH MORE MUST ONE BE LIABLE TO SEPARATE OFFERINGS IN THE CASE OF THE SABBATH, IN CONNECTION WITH WHICH THERE ARE MANY CATEGORIES [OF WORK] AND MANY WAYS OF SINNING!¹⁸

I RETORTED TO HIM: NO, YOU MAY HOLD THIS VIEW¹⁹ IN THE CASE OF THE MENSTRUANT WOMEN, SINCE THEREIN

THERE IS A TWOFOLD PROHIBITION: THE MAN IS CAUTIONED AGAINST CONNECTION WITH A MENSTRUANT WOMAN, AND THE MENSTRUANT WOMAN IS CAUTIONED AGAINST CONNECTION WITH A MAN;²⁰ BUT CAN YOU HOLD THE SAME IN THE CASE OF THE SABBATH WHERE THERE IS ONLY ONE PROHIBITION? HE SAID TO ME: LET THEN THE CASE OF INTERCOURSE WITH [MENSTRUANT] MINORS SERVE AS YOUR PREMISE, WHERE THERE IS BUT ONE PROHIBITION,²¹ AND YET ONE IS LIABLE FOR EACH ACT.

I RETORTED TO HIM: YOU MAY HOLD THIS VIEW IN THE CASE OF MINORS BECAUSE, ALTHOUGH NO PROHIBITION NOW APPLIES, IT WILL APPLY AFTER A TIME;²² BUT CAN YOU HOLD THE SAME OF THE SABBATH WHERE NEITHER NOW NOR AFTER A TIME [IS THE PROHIBITION WAIVED]? HE SAID TO ME: THEN LET THE LAW CONCERNING COPULATION WITH A BEAST SERVE AS YOUR PREMISE.²³ I REPLIED TO HIM: THE LAW CONCERNING COPULATION WITH A BEAST IS INDEED COMPARABLE TO [THAT CONCERNING] SABBATH.²⁴

GEMARA. What was his²⁵ query? If his query was whether separate Sabbaths were comparable to separate objects,²⁶ then he should have put the question thus: [What is the law] if one performed the same act of work on different Sabbaths?²⁷ And if his query was whether secondary acts of work were on a par with principal acts of work,²⁸ then he should have put the question thus: [What is the law] if one performed on one Sabbath several [secondary] acts of the same [principal] class? —

Replied Raba: In the school of Rab they explained that the two questions were put. He asked whether [different] Sabbaths were comparable to different objects, and he also asked whether secondary acts of work were

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

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

Said Rabbah:

- (1) I.e., the group of rules quoted anonymously in the Baraitha.
- (2) *Infra* 22a.
- (3) Lit., 'he is liable to a sin-offering for each portion'. From this we infer that only awareness in between the acts involves separate offerings. We thus learn that R. Joshua, whose view is represented and accepted in the Baraitha, agrees that the multiplicity of dishes does not involve separate sacrifices in the instance of Nothar.
- (4) It is assumed that the law would be the same if the meat was taken from five dishes, thus intimating that R. Joshua maintains his view regarding Nothar.
- (5) I.e., the statement is not uniform; the second and the third clauses of the above statement, from which contradictory conclusions have just been derived, follow different teachers.
- (6) The only difficulty that presents itself then is the omission in the last clause of the reference to

suspensive guilt-offerings for doubtful sins, which, according to an utterance from R. Akiba elsewhere, should have been added.

(7) When eating five separate dishes.

(8) *Me'il.* 15b.

(9) To make up an olive's bulk so that the prohibition of offering outside the Temple might apply; or to make up the requisite value of a *Perutah* in the case of sacrilege.

(10) The last three ingredients are of the meal-offering accompanying the burnt-offering.

(11) Which has several distinct sections.

(12) E.g. he ate the meal once with cabbage, again with onions and then with leeks, etc. (Rashi).

(13) Lit. 'tastes'. E.g. roasted, cooked, grilled, etc. So Rashi but see *Tosaf.*

(14) I.e., several secondary acts forbidden on the Sabbath, all being the derivatives of one principal work.

(15) I.e., the same labors were performed on various Sabbaths.

(16) *V. R. Eliezer's* statement *supra* 15a.

(17) I.e., there is no variety of transgression in connection therewith, such as principal acts and derivatives, and the sin-offering is brought always for the same act, viz., sexual intercourse.

(18) Thus the version in the *Mishnah* edd. and in *MSS*; cur. edd. read instead, 'death penalties'.

(19) That one is liable for each act.

(20) *V. Lev. XX, 18*, where for the woman too *Kareth* is the penalty. In the instance of Sabbath, however, there is but one transgressor.

(21) The minor herself is not subject to any penalty, for she does not come within the prohibition.

(22) I.e., when she grows up.

(23) Though the beast is killed (*v. ibid.* 15) no prohibition can, of course, be said to apply to it. Its stoning is due to the fact that it was the cause of a man's downfall and would be pointed at by people. cf. *Sanh.* 54a.

(24) What applies to the one applies to the other. This answer still leaves the matter in doubt.

(25) *R. Akiba's*.

(26) Lit. 'bodies'. I.e., if the same act of work was committed several times on different Sabbaths, is he liable to several offerings, just as though he had committed different acts on the Sabbath or not?

(27) This would be a simple case expressing unmistakably the point of his query. The expression in the *Mishnah* 'MANY ACTS OF WORK', involving principal and secondary acts is thus an unnecessary complication.

(28) I.e., whether one is liable to several offerings for performing several secondary labors of one and the same category.

(29) I.e., under what conditions was the Sabbath law unwittingly transgressed on the various

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Sabbath days. The question whether separate Sabbaths render one liable to separate offerings may, as it were, be conceived in two ways: firstly with reference to the error that caused the transgression and secondly with regard to the forbidden act: i.e., the question may be whether the fact that the error was made on different Sabbaths causes us to regard it as if several errors were made, or whether the fact that the work was done on separate Sabbaths causes us to consider it as if different kinds of work were performed. In the first instance the error must necessarily lie in unawareness of the Sabbath, though the fact that the labors were forbidden was known to the transgressor; in the second instance the mistake lies in his ignorance that the works he did were forbidden on the Sabbath, but knowing that that day was Sabbath.

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

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

K'rithoth 16b

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

Said Rabbah: Whence do I derive this?² From that which we have learnt:³ 'A great general rule has been laid down with regard to Sabbath: He who was altogether oblivious of the principle of Sabbath and performed many acts of work on many Sabbaths, is liable to one offering only. If he knew the principle of Sabbath⁴ and did many acts of work on many Sabbaths, he is liable for each Sabbath. If he knew each time that the day was Sabbath,⁵ and did many acts of work on many Sabbaths, he is liable for each principal act of work'. Now, it does not say,⁶ 'he is liable for each principal act of work and for each Sabbath'.⁷

Whom does [the Mishnah] follow? Shall I say R. Eliezer? Read then the latter clause:⁸ 'If he did many [secondary] acts of work of the same [principal] class, he is liable only to one offering'; but according to R. Eliezer he should be liable for each of the secondary acts of work as if they were principal acts of work! Hence it is clear [that this Mishnah, then, represents] R. Akiba's view, and it is hereby proved that he had no doubt at all that in the case of an act being done in ignorance of the Sabbath and with knowledge of its prohibition the intervening week-days effected separateness, and that his question was only when the act was performed with knowledge of the Sabbath but in ignorance of its prohibition, the point being whether different Sabbaths are like different objects or not. The other's solution⁹ was that they were like different objects, and that secondary acts were on a par with principal acts of work; but both answers were rejected by him.

Said Abaye to him:¹⁰ Indeed I maintain that R. Akiba had no doubt that different Sabbaths were not comparable to different objects in the case where an act was done with knowledge of the Sabbath but in ignorance of its prohibition;¹¹ and his question was only in the case where an act was done in ignorance of the Sabbath but

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with knowledge of its prohibition, [the query being] whether the intervening week-days effected separateness or not. The solution offered was that the intervening week-days effected separateness, and this was accepted by him;¹² he also ruled that secondary acts of work were on a par with principal acts of work, but this was rejected by him.

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

Said Rab Hisda: Whence do I derive this? From that which has been taught:¹⁴ 'If one wrote [on Sabbath] two letters¹⁵ in one spell of unawareness, he is liable [to an offering]; if in separate spells of unawareness,¹⁶ Rabban Gamaliel says: He is liable; and the Sages say: He is not. Rabban Gamaliel, however, admits that if he wrote one letter on one Sabbath and the other on another, he is exempt'.¹⁷ Whereas in another [Baraita] it has been taught: 'If one wrote two letters on two different Sabbaths, one on one Sabbath and the other on another, Rabban Gamaliel declares him liable, and the Sages declare him not liable'.¹⁸

On the assumption that Rabban Gamaliel followed R. Akiba's opinion, [Rab Hisda argued thus:] According to me, who hold that in the case of an act being performed with knowledge of the Sabbath but in ignorance of its prohibition even R. Akiba agrees that the different Sabbath days are like different objects, there is no contradiction, for that

which taught that he is exempt¹⁹ refers to a case where the letters were written with knowledge of the Sabbath but in ignorance of the prohibition,²⁰ in which case the different Sabbaths are like different objects;²¹

- (1) Viz., R. Eliezer's reply in the Mishnah.
- (2) Viz., that R. Akiba's query is to be understood in the first alternative as Rabbah suggested above.
- (3) Shab. 67b.
- (4) But was unconscious that that day was Sabbath.
- (5) But not that those works were forbidden.
- (6) Viz., in the third instance.
- (7) The fact that he is not declared liable in this instance for each Sabbath separately proves that this Mishnah, which, it is argued, follows R. Akiba's view, maintains either that work repeatedly performed on different Sabbaths in uninterrupted unawareness is not to be regarded as if several acts of work of different classes were performed, and therefore involving several offerings; or at least that there is doubt on this point. The second alternative is assumed by Rabbah to be the case; this being the very point of R. Akiba's query. The second clause of the quoted Mishnah, on the other hand, unmistakably states that if the error has been caused by the ignorance of the Sabbath, he is liable for each Sabbath, presumably because the intervening week-days effect a division. We thus see that Rabbah's interpretation of R. Akiba's query is borne out by that Mishnah.
- (8) This is the very last clause of that Mishnah, not quoted above.
- (9) I.e., R. Eliezer's answer.
- (10) I.e., to Rabbah.
- (11) As is indeed proved by the third clause of the Mishnah, where he is not liable for each Sabbath, which Abaye considers an absolute statement and not one about which there is doubt.
- (12) The second clause of that Mishnah from Sabbath indicates the acceptance by R. Akiba of R. Eliezer's reply.
- (13) Rab Hisda differs from Abaye and Rabbah in that he maintains that in the end R. Akiba decided that different Sabbath days were comparable to different objects. The third clause of the quoted Mishnah, which seemingly contradicts him in that it does not state that the transgressor is also liable for each Sabbath, is indeed interpreted by him as implying that there is liability for each Sabbath.
- (14) This quotation is a combination from two Mishnahs, Shab 104b and 105a.
- (15) The writing of a word of two characters is one of the principal labors.

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

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

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

(19) According to R. Gamaliel.

(20) That writing is forbidden on the Sabbath.

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

K'rithoth 17a

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

Rabbah may retort: Rabban Gamaliel follows R. Eliezer's opinion, who holds different Sabbaths are as different objects.⁴ But since it states 'Rabban Gamaliel, however, admits...' It follows that they disagree in the other cases. Now, if we say that he holds with R. Akiba,⁵ it is well, for then their disputes is [in the case where the letters were written] in ignorance of the Sabbath but with knowledge of their prohibition,⁷ Rabban Gamaliel holding awareness is of no consequence with regard

to half-sizes;⁸ he admits, however, that he is exempt [in the case where the letters were written] with knowledge of the Sabbath but in ignorance of their prohibition, because [in that case he holds the view that] different Sabbaths are regarded as different objects.

But if, as you say that Rabban Gamaliel follows R. Eliezer, [since the phrase 'Rabban Gamaliel, however, admits...'] implies that they⁹ disagree [in some cases], then [it will be asked], which is the case wherein they differ? If it is in [the case where the letters were written] in ignorance of the Sabbath but with knowledge of their prohibition; but [in that case] even R. Eliezer agrees with Rabban Gamaliel that awareness is of no consequence with regard to half-sizes, as has been taught: 'If one wrote two letters on two Sabbaths, one letter on the one Sabbath and the other on the other Sabbath, R. Eliezer holds he is liable'.¹⁰ Neither [can it be in the law] concerning the weaving of one thread on to a web,¹¹ for he declares him liable in that case, as we have learnt:¹² 'R. Eliezer holds, that if one wove [on the Sabbath] three threads at the beginning [of a web] or added one thread on to [an existing] web, he is liable'.

Said Raba: [The phrase 'Rabban Gamaliel, however, admits...'] implying that elsewhere they disagree, is with [reference to the following] one case. For it has been taught:¹³ 'If one carried out [on the Sabbath the bulk of] half a dried fig¹⁴ and then again [the bulk of] half a dried fig, if in one spell of unawareness, he is liable; if in two spells of unawareness, he is exempt. R. Jose said: If in one spell of unawareness and also into the same domain,¹⁵ he is liable; if in different domains, he is exempt'. Rabban Gamaliel thus follows the view of the first Tanna and R. Eliezer that of R. Jose.¹⁶

Come and hear: HE REPLIED TO ME, HE IS LIABLE FOR EACH OF THEM; AND THIS CAN BE DERIVED BY AN A FORTIORI CONCLUSION: IF FOR

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INTERCOURSE WITH MENSTRUANT WOMEN, IN WHICH PROHIBITION THERE ARE NEITHER MANY CATEGORIES, etc. Now, it is well according to R. Hisda who explained that his query [referred to the case where the act was performed] in ignorance of the Sabbath but with knowledge of its prohibition, [and that the question was] whether the intervening week-days effected a division or not, for then it is right why the answer [in the Mishnah] speaks of 'A MENSTRUANT WOMAN',¹⁷ But according to Rabbah who explained that his query [referred to the case where the act was performed] with knowledge of the Sabbath but in ignorance of its prohibition, [and that the question was] whether different Sabbaths were regarded as different objects, the answer should speak of 'menstruant women'.¹⁸ —

Rabbah can tell you: Read indeed 'menstruant women'.¹⁹ Samuel read: 'A menstruant woman'. Rab Adda b. Ahaba also read: 'A menstruant woman'. R. Nathan b. Oshaia read: 'Menstruant women'. But according to Rab Hisda, who explained that his query [referred to the case where the act was performed] in ignorance of the Sabbath but with knowledge of its prohibition, [and that the question was] whether the intervening week-days effected a division or not, how [can such a query as to] whether the intervening days effect a division or not apply to one menstruant woman? —

Raba answered: For instance, he united with her [the menstruant] and she then immersed herself; she again became unclean²⁰ and he united with her once more and she then immersed; and again she became unclean and he united with her once more,²¹ etc.; the immersions thus correspond to the intervening week-days [in the case relating to Sabbath].

Come and hear: LET THEN THE CASE OF INTERCOURSE WITH MENSTRUANT

MINORS SERVE AS YOUR PREMISE. Now according to Rabbah it is well that it speaks of 'minors'; but why does it speak of 'minors' according to Rab Hisda?²² —

It speaks of 'minors' in a general way.²³ Our Mishnah is not in accordance with the following Tanna.²⁴ For it has been taught: R. Simeon son of Eleazar said, Not so was the question of R. Akiba to R. Eliezer, but thus: If one united with his menstruant wife and then united with her again, in one spell of unawareness, what is the law? Is he liable to one [offering] for all the acts, or to [separate offerings] for each act?

He replied, He is liable for each act, and this is derived [from the law of Sabbath] by an a fortiori conclusion: If in the instance of Sabbath, where there is but one prohibition, in that man is cautioned against [profaning] the Sabbath but the Sabbath is not cautioned against him, one is liable for each act, how much more should he be liable for each act in the instance of a menstruant woman, where the prohibition is twofold, in that a man is cautioned against connection with a menstruant woman, and a menstruant woman is cautioned against connection with a man!

He [R. Akiba] retorted: No. You may hold this view in the case of the Sabbath, because there are concerning it many categories [of work] and many ways of sinning; but can you hold the same in the case of the menstruant woman where there are neither many categories nor many ways of sinning?

He [R. Eliezer] replied: Let the case of intercourse with [menstruant] minors serve as your premise, where there are neither many categories nor many ways of sinning, and yet one is liable for each act.

He [R. Akiba] retorted: No. You may hold thus in the case of [menstruant] minors since they are different bodies.

He [R. Eliezer] replied: Let the law concerning copulation with a beast serve as your premise, where there are not different bodies, and one is nevertheless liable for each act.

He [R. Akiba] retorted: [The law concerning copulation²⁵ with] a beast is indeed comparable to [that of] the menstruant woman.

CHAPTER IV

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

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

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

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

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

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

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

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

(8) Whilst R. Akiba differs from him on this point, maintaining that awareness in between incomplete acts is also effective.

(9) I.e. Rabban Gamaliel and R. Eliezer. For it must now be assumed that in the first Baraitha the Sages present R. Eliezer's view.

(10) R. Eliezer conforms thus to Rabban Gamaliel's view in the second Baraitha.

(11) The required minimum of threads with regard to weaving is two. If, however, one increases an already existing web by weaving thereto one more thread, there is a difference of opinion as to whether he is liable or not. This case is somewhat related to that of doing an incomplete act with which R. Gamaliel deals. Furthermore, the Mishnah concerning weaving and that concerning writing are next to one another. There is thus a reasonable assumption that the term 'Rabban Gamaliel admits' refers also to this instance of weaving.

(12) Shab. 105a.

(13) B. B. 55b.

(14) The carrying from private property into a public thoroughfare, or vice versa, of the size of a dried fig, is one of the principal acts of work.

(15) I.e., in both instances he carried the objects into the same kind of domain. The first Tanna does not recognize this restriction.

(16) 'Rabban Gamaliel admits' is to be understood thus: Although he disagrees with R. Eliezer (or R. Jose) in the case of carrying and holds that different domains do not effect a separation between two incomplete acts, he admits that different Sabbaths do effect such a separation in reference to writing.

(17) The cases are similar, for also in the instance of the menstruant woman the reason for the multitude of sacrifices is the fact, as will further on be explained, that the time in between the menstruations brought about a division of the acts.

(18) Thus being a case of different persons or objects and therefore corresponding with the case of different Sabbaths which are held to be on the same footing as different persons.

(19) I.e., the example quoted refers indeed to a person having had intercourse with several menstruant women, a case which is comparable to the one in question, as expounded by Rabbah.

(20) Lit. 'she saw' sc. blood.

(21) I.e., the fact of her cleansing herself in between the various connections brings about a division as if it was with a different woman each time.

(22) It should speak of 'a minor, i.e. one person.

(23) It does not refer to one such case, but in a general way to cases of this kind; but in each case there was indeed but one minor.

KRISOS - 2a-28b

(24) According to this Tanna the discussion in the Mishnah is in the reverse sense. The object of the query becomes the known factor, and the known factor of the Mishnah becomes the theme of the question. The rest of the discussion is *mutatis mutandis* to be explained as in the Mishnah.

(25) no note.

(26) The doubt arises only afterwards, when he is told, or remembers that there was good reason to doubt whether the food he ate was permitted. At the time of eating, however, he felt sure that the food was allowed. In all the instances of the Mishnah it must be laid down that at the time of action the offender was under the impression that the legitimacy of his act was beyond question. It is only afterwards that he learns that there was some doubt as to the permissibility of his act. For if the doubtfulness of the case was known to him from the beginning it would be his duty to refrain from his act; and if he did not do so, he would be considered a willful transgressor, and as such no offering would be acceptable for the expiation of his sin.

(27) Forbidden fat. V. Glos.

(28) Viz., an olive-size.

K'rithoth 17b

OR LESS; OR [IF THERE WERE] BEFORE HIM PERMITTED FAT AS WELL AS HELEB, AND HE ATE OF ONE OF THEM¹ AND DOES NOT KNOW OF WHICH OF THEM HE ATE; OR IF HIS WIFE AND HIS SISTER WERE WITH HIM IN THE ROOM AND HE UNWITTINGLY UNITED WITH ONE OF THEM² AND DOES NOT KNOW WITH WHICH OF THEM HE UNWITTINGLY UNITED; OR IF HE DID FORBIDDEN LABOUR³ AND DOES NOT KNOW WHETHER IT WAS ON THE SABBATH OR ON A WEEK-DAY, HE IS LIABLE TO A SUSPENSIVE GUILT-OFFERING.

JUST AS A PERSON WHO ATE HELEB TWICE IN ONE SPELL OF UNAWARENESS IS LIABLE ONLY TO ONE SIN-OFFERING,⁴ SO, TOO, WHEN THE TRANSGRESSION IS IN DOUBT, HE IS ONLY LIABLE TO ONE SUSPENSIVE GUILT OFFERING. IF IN THE MEANTIME HE BECAME AWARE [OF THE POSSIBLE TRESPASS],⁵ HE IS LIABLE TO A SEPARATE SUSPENSIVE GUILT-OFFERING

FOR EACH ACT, JUST AS HE WOULD [IN SIMILAR CIRCUMSTANCES] BE LIABLE TO A SEPARATE SIN-OFFERING FOR EACH ACT.⁶ JUST AS ONE IS LIABLE TO SEPARATE SIN-OFFERINGS IF HE ATE, IN ONE SPELL OF UNAWARENESS, HELEB AND BLOOD AND PIGGUL⁷ AND NOTHAR,⁷ SO, TOO, WHEN THE TRANSGRESSION IS IN DOUBT, HE IS LIABLE TO A SUSPENSIVE GUILT-OFFERING FOR EACH ACT.

GEMARA. It was stated: Rab Assi said, [The first case of the Mishnah] refers to one piece about which there was a doubt whether it was Heleb or permissible fat; Hiyya b. Rab said: It refers to one of two pieces.⁸ What is the basis of their dispute? Rab Assi holds that the traditional spelling of the text is authoritative, and [in Scripture] it is written: 'A commandment'⁹ ; while Hiyya b. Rab holds that the reading of the text is authoritative, and we read, 'commandments'.⁹

R. Huna raised an objection to Rab Assi, — others say: Hiyya b. Rab raised the objection to Rab Assi: [It reads in the Mishnah] '[IF THERE WERE] BEFORE HIM PERMITTED FAT AS WELL AS HELEB AND HE ATE OF ONE OF THEM...'. May we not infer therefrom that as this latter clause refers to two pieces, so does also the first clause¹⁰ refer to two pieces? —

Replied Rab: Do not draw conclusions from something which may be interpreted in the opposite direction.¹¹ I can answer you that the latter clause deals with two pieces and the former with one piece. But, if so, may we not argue: If one is liable [to an offering] in the case of one piece, how much more so in the case of two pieces!¹² — [The statement of the Mishnah is after the pattern of] 'this and needless to say also this'.¹³ Now according to Hiyya b. Rab who holds: As the latter clause refers to two pieces so does also the former refer to two pieces, why this repetition? — [The latter clause is] an explanation [of the

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former]: IF [A PERSON WAS] IN DOUBT WHETHER HE HAD EATEN HELEB OR NOT... HE IS LIABLE TO A SUSPENSIVE GUILT-OFFERING; and how does such a case arise? [IF THERE WERE] BEFORE HIM PERMITTED FAT AS WELL AS HELEB.

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

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

He raised a further objection: [We have learnt:]²⁵ If [the stain] was found on his [cloth]²⁶, they are both unclean and liable to an offering; if upon hers and immediately [after the coition],²⁷ they are unclean and liable to an offering, but if upon hers some time after, they must regard themselves unclean by reason of the doubt, but are exempt from offerings. And upon this it was

taught: They²⁸ are nevertheless liable to suspensive guilt-offerings.²⁹ —

This, too, follows R. Eliezer's view. Said R. Hiyya³⁰ in the name of Rab: If there were before a person two pieces, one Heleb and the other permitted fat, and he ate of one of them and does not know of which he ate, he is liable; if [there was only] one piece about which there was a doubt whether it was permitted fat or Heleb, and he ate it, he is exempt.

Said R. Zera: What is Rab's reason? He is of the opinion that in the case of two pieces it is possible to determine the transgression,³¹ in the case of one piece it is not possible to determine the transgression. What is the difference between the reason [offered above] by Raba and that of R. Zera? — [If there were] one and a half olive-sizes.³² According to Raba [he is exempt, for] there are not two pieces;³³ according to R. Zera, however, there is the possibility of determining the transgression.

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

(1) The offender did not know that Heleb was also before him on the table.

(2) I.e., under the impression that it was his wife.

(3) I.e., labor forbidden on the Sabbath. At the time of action he was sure that it was a weekday.

(4) A sin-offering is brought for inadvertent but certain transgression; viz., when it is afterwards established that the deed performed was definitely forbidden though the offender was at the time unaware of it.

(5) I.e., he learnt that a doubt arose as to the permissibility of the act he had committed.

(6) I.e., if he transgressed different prohibitions.

(7) v. Glos.

(8) I.e., he ate one of two pieces that lay before him, one of which was certainly permissible and

the other certainly Heleb, which were mixed up one with the other.

(9) Many words of the Hebrew text of the Bible, which was originally written down vowelless, permit of various readings according to the vowels which are attached to them. In particular we find sometimes that by the omission of a letter, which in accordance with grammatical rule is expected there, the reading becomes equivocal. One School regards the fact of such spelling as indicative of a special intimation besides the one conveyed by the traditional reading of the word. They regard, in Talmudical terminology, 'the traditional spelling as authoritative' for the interpretation of the text. The other School takes only the reading version of the word into account when interpreting the text; v. Sanh. Sonc. ed. p. 4a and notes. Now in Lev. V, 17-19, which is the source of the law concerning the suspensive guilt-offering, it reads, And will do one of all the commandments of the Lord. The Hebrew for commandments is in this text מִצְוֹת instead of the regular מִצְוֹת; it may, therefore, be read also as מִצְוֹת the construct form of מִצְוֹה in the singular. This is to indicate, according to Rab Assi, that also when the doubt is produced by one object, e.g., when it is doubtful whether a piece of fat is permissible or is Heleb, one is liable to such a guilt-offering. Whilst Hiyya gives consideration only to the reading version מִצְוֹת in the plural, and insists therefore that one is liable to a suspensive guilt-offering only in the case where the doubtfulness is produced by the mixing up of two objects, one of which is certainly permitted and the other certainly forbidden. But in the case of one object where the presence of anything forbidden is altogether questioned, he holds that no suspensive guilt-offering is required.

(10) IF (A PERSON WAS) IN DOUBT WHETHER HE HAD EATEN HELEB, etc.

(11) Thus Rashi, Keth. 48b.

(12) The second clause of our Mishnah is then superfluous.

(13) I.e., one is liable to a suspensive guilt-offering in the instance of one piece and needless to say, the Mishnah adds, in the case of two pieces.

(14) Lev. V, 17. 'In error' is not part of the text which, however, continues 'though he know it not'.

(15) V. p. 134, n. 5.

(16) A Koy is a cross between a goat and a gazelle, and the Sages were in doubt whether it belongs to the genus of cattle and its Heleb is forbidden, or to the genus of beasts of chase whose Heleb is permitted. We learn, at all events, that one is liable to a guilt-offering even where the doubt arises in connection with one object.

(17) Tosef. Bik. II, 1.

(18) Kid. 18b.

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

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

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

(22) The woman as well as the man.

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

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

(25) Nid. 14a.

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

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

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

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

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

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

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

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

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

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K'rithoth 18a

He raised [another] objection: [We have learnt:] 'If it is doubtful whether [what is born] is a nine-months' child of the first husband or a seven-months' child of the second, he must put her away and the child is [deemed] legitimate, but each is liable to a suspensive guilt-offering!'¹ — This, too, is according to R. Eliezer.

He raised a [further] objection: [We have learnt:] 'If [the stain] was found upon her cloth and immediately [after the coition], they are unclean and liable to sin-offerings; if upon hers some time after, they must regard themselves unclean by reason of the doubt, but are exempt from offerings. And upon this it was taught: They are nevertheless liable to suspensive guilt-offerings!'¹ — This, too, is according to R. Eliezer.

Rab Nahman said in the name of Rabbah b. Abbuha, who delivered it in the name of Rab: If there were before a person two pieces, one Heleb and the other permitted fat, and he ate of one of them and does not know of which he ate, he is liable; if there was only one piece about which there was a doubt whether it was Heleb or permitted fat, and he ate it, he is exempt.

Said Rab Nahman: Rab's reason is that in the case of two pieces [the presence of] the forbidden substance is established, in the case of one piece [the presence of] the forbidden substance is not established. What is the practical difference between this reason that the forbidden substance is established and the one stated above that it is possible to determine the transgression? — A difference will arise in the case of two pieces, one Heleb and the other permitted fat, and a gentile first ate one piece and then an Israelite the other.

According to Raba [he is exempt, for] there were not two pieces at the time when the Israelite ate his.

According to R. Zera, too, [he is exempt, for] it is not possible to determine the transgression.

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

Raba raised an objection to Rab Nahman: 'R. Eliezer says, [If one eats of the Heleb of] a Koy, he is liable to a suspensive guilt-offering!'² — R. Eliezer does not hold that [the presence of] the forbidden substance must be established.

He raised [another] objection: [We have learnt:] 'If it is doubtful whether [what is born] is a nine-months' child of the first husband or a seven-months' child of the second, he must put her away and the child is [deemed] legitimate, but each is liable to a suspensive guilt-offering!'³ — This, too, is according to R. Eliezer.

He raised a [further] objection: [We have learnt:] 'If [the stain] was found on his cloth, they are both unclean and liable to offerings; if upon hers and immediately [after the coition], they are unclean and liable to offerings, but if upon hers some time after, they must regard themselves as unclean by reason of the doubt, but are exempt from offerings'. And upon this it was taught: They are nevertheless liable to suspensive guilt-offerings!'³ [To this objection] he remained silent. When the former⁴ had left, he said to himself: Why did I not reply that this law represents the view of R. Meir, who holds that the presence of the forbidden substance need not be established? As has been taught: If one slaughtered a suspensive guilt-offering outside [the Temple precincts], R. Meir holds him liable [to a sin-offering]. The Sages declare him exempt!⁵ But why did he not say:

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I might have retorted that that teaching represented R. Eliezer's view? — To indicate at the same time that R. Meir follows R. Eliezer regarding this law.

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

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

merely on the ground that otherwise a sin-offering would be established for the first?²⁰

Said Rab Ashi:

- (1) V. supra p. 136.
- (2) Although the presence of a prohibited thing is not certain.
- (3) V. p. 136.
- (4) Viz., Raba.
- (5) The Sages differentiate between this class of guilt-offerings and all other sacrifices. For it may be that this sacrifice was offered unnecessarily, i.e., that no law had in fact been transgressed, and the animal therefore bore a secular character, so that its slaughtering outside the Temple precincts would involve no guilt. R. Meir, on the other hand, holds that in order to be liable to an offering it is not necessary to establish with certainty the trespass of a law, or even the certain presence of a prohibited thing. This guilt-offering is therefore at all events sacred, and he who slaughters it outside the Temple precincts is liable to a sin-offering.
- (6) For R. Eliezer, in agreement with R. Meir, holds that one brings a suspensive guilt-offering even when the presence of something forbidden is not established.
- (7) Infra 25a.
- (8) For sins that he might have committed unwittingly, even though he knows of no act of his that might have given rise even to a transgression in doubt.
- (9) Baba b. Buta used to offer a suspensive guilt-offering every day. On the day following the Day of Atonement, however, it was not accepted, because it was thought unlikely that he needed expiation immediately after the atonement of his sins on that Holy Day. We thus see that there must be a probability of trespass before a suspensive guilt-offering may be brought. On account of this view the case stated above assumes that he ate something.
- (10) Infra 25a.
- (11) The Israelite is liable, for at the time of his eating there were two pieces.
- (12) In Rabbi's view there is no need for the presence of two pieces to establish doubt.
- (13) Deliberate transgression is not expiated by a sacrifice. For the first piece, however, he is liable to a suspensive guilt-offering, for at that time there were two pieces before him.
- (14) For the first he is exempt because it was consumed deliberately, and for the second because there was but one piece at the time of eating.
- (15) Because there is no sacrifice for deliberate transgression.

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

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

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

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

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

K'rithoth 18b

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

Our Rabbis taught: If one ate doubtful Heleb and came to know of it,³ then again ate doubtful Heleb and came to know of it, Rabbi says: I hold, just as he would be liable to bring separate sin-offerings,⁴ so is he also liable to bring separate suspensive guilt-offerings.

R. Jose son of R. Judah, R. Eliezer and R. Simeon⁵ hold: He is only liable to one suspensive guilt-offering, for it says, For his error which he erred;⁶ even in the case of many errors, he is liable to only one [offering].

Said R. Zera: Rabbi has here taught that the awareness of the doubt separates [the acts] for sin-offerings.⁷

Raba said: Awareness of the doubt does not separate [the acts] for sin-offerings; but this is what he [Rabbi] meant to teach: Just as he would be liable to separate sin-offerings if he became aware [after each act] that the transgression was certain, so he is also liable

to separate suspensive guilt-offerings, if he became each time aware of the doubt.

Said Abaye to him [Raba]: And are you not of the opinion that awareness of the doubt separates [the acts] for sin-offerings? But surely if you were to assume that awareness of the doubt does not separate [the acts] for sin-offerings, so that he brings only one sin-offering, then why should he bring a [separate] suspensive guilt-offering for each? Has it not been taught:⁸ This is the general rule. Wherever a separation is effected with regard to sin-offerings there also a separation is effected with regard to suspensive guilt-offerings!⁹

Said Raba b. Hanan to Abaye: Also according to you, who hold that the awareness of the doubt separates the acts for sin-offerings, it should follow that if one ate an olive's bulk of Heleb before the Day of Atonement and again an olive's bulk of Heleb after the Day of Atonement — since the Day of Atonement is equivalent to a suspensive guilt-offering — he should have to bring two sin-offerings; but this cannot be, for he ate [at both times] in one spell of unawareness!¹⁰—

Abaye replied: Who says that the Day of Atonement atones even when the sin remained unknown, perhaps only when he is aware of it?¹¹—

Said Raba to him: We have explicitly learnt: [The Day of Atonement atones...] both for known and unknown sins.¹²

According to another version, Raba b. Hanan said thus to Abaye: What if one ate an olive's bulk of Heleb in the morning of the Day of Atonement and another in the afternoon of the Day of Atonement, would he also be liable to two sin-offerings?¹³—

Retorted Abaye: Who says that every moment of the Day of Atonement atones,

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perhaps only the day as a whole atones, from the evening?¹⁴ —

Said to him Raba b. Hanan: Simpleton have we not learnt: If one committed a doubtful sin on the Day of Atonement, even if it was already twilight, he is exempt¹⁵ for the whole day effects atonement?¹⁶

R. Idi son of Abin raised an objection: [We have learnt:] If one ate and drank [on the Day of Atonement] in one spell of unawareness,¹⁷ he is liable to one sin-offering only.¹⁸ Now, it is hardly possible that between the eating and the drinking there was not an interval, during which he might become aware [that it was the Day of Atonement],¹⁹ so that [that interval of the Day of Atonement] effected atonement for him, [in accordance with the rule that] the Day of Atonement has the same effect as a suspensive guilt-offering. Yet it states that he is liable to one sin-offering only. Now, if it is true that the awareness of the doubt separates [the acts] for sin-offerings, he should be liable to two sin-offerings!²⁰ —

Say: R. Zera only interpreted Rabbi's view, whilst this follows that of the Rabbis.²¹ But is not the latter clause [in the cited Mishnah] in pursuance of Rabbi's opinion? For it teaches: If he drank brine or pickle-juice, he is exempt;²² from which it may be inferred that if vinegar he is liable, and this is in accordance with Rabbi, for it has been taught: Vinegar is not a refreshing drink;²³ Rabbi says, It is.²⁴ Now, as the latter clause follows Rabbi, have we not to assume that also the first is in accordance with his view? — Say: the latter clause follows Rabbi, but the former follows the Rabbis.²¹

Raba raised an objection [to R. Zera]: If one²⁵ ate [of holy things] on one day and then again on the following day, or made use thereof on one day and again on the following day, or ate thereof on one day and made use thereof on the following day, or made use

thereof on one day and ate thereof on the following day, or even when a period of three years intervened,²⁶ whence do we know that they combine one with the other?²⁷ The text tells us: If anyone trespasses a trespass,²⁸ to include [every trespass]. Now, why should he be liable? Has not the intervening Day of Atonement atoned for it? —

Say: The Day of Atonement effects atonement for the transgression of a prohibition, but not for [the misappropriation of] money. Or you could say: The Day of Atonement effects atonement for transgressions involving full standard measure, but not for half-measures.

Resh Lakish also said: Rabbi has here taught that the awareness of the doubt separates [the acts] for sin-offerings.

But R. Johanan said: The awareness of the doubt does not separate [the acts] for sin-offerings; and what he [Rabbi] meant to teach is this: Just as he would be liable to separate sin-offerings if he became aware [in between the acts of the transgression] of a definite sin, so he is also liable to separate suspensive guilt-offerings if he became each time aware of the doubtful sin.

Now according to R. Johanan it is right that the guilt-offering is dependent upon the sin-offering,²⁹ but according to Resh Lakish the sin-offering should be made dependent upon the guilt-offering!³⁰ This is indeed a difficulty.

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

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

(1) The offering of the second cannot therefore be said to be needless.

(2) Viz., a suspensive guilt-offering; for a sin-offering can be brought only when the transgression is established.

(3) At the time of eating he assumed it was permitted fat, but later learnt that there was some doubt about it.

(4) I.e. if he learnt ultimately that what he ate was undoubtedly Heleb, he would be liable to sin-offerings for each offence.

(5) In Shebu. 19b this second view is delivered in the name of other Sages.

(6) Lev. V, 18. The text is redundant for 'which he erred' is superfluous. The repetition of אשר שגג serves to indicate that several errors may be covered by one guilt-offering.

(7) R. Zera understands Rabbi's exposition above thus, that the offender would be liable to separate sin-offerings if he learnt ultimately, i.e., after all the meals, that the food was certainly Heleb, although the intervening spells of awareness which separated the acts, acquainted him each time only of the fact that there was reason to doubt the permissibility of the food he had taken. Raba, on the other hand, understands Rabbi's ruling, that the offender is liable to separate sin-offerings, as applying only to the case where the intervening spells of awareness related each time to the certainty of having eaten forbidden food.

(8) Supra 15b. This rule is assumed to work both ways, i.e. that the negative proposition is also true; thus in conflict with Rabbi.

(9) Viz., that sin-offerings and suspensive guilt-offerings follow the same rules with regard to division.

(10) The Day of Atonement atones for doubtful trespasses (v. infra 25a), and one is exempt from a suspensive guilt-offering for transgressions committed before that day. If each olive's bulk in our instance was of doubtful Heleb, he is only liable but once, viz., for the second; yet taking into consideration the intervening Day of Atonement, which has the effect of a suspensive guilt-offering, it is as if he offered two such guilt-offerings. According to the quoted rule he should in the corresponding case of certain Heleb be liable to

two sin-offerings, which is untenable, because both sins were committed in one spell of unawareness. The rule is thus proved to be incorrect. V. Tosaf. s.v. אלא.

(11) In the corresponding case of certain Heleb, he will then rightly be liable to two sin-offerings, because of the interruption in the unawareness of sin.

(12) Shebu. 2b. Abaye's proposition is thus refuted.

(13) For had it been doubtful Heleb, the Day of Atonement would twice have effected atonement, as if two suspensive guilt-offerings were brought. In the corresponding case of certain Heleb it would follow that he would be liable to two sin-offerings, which is, of course, absurd.

(14) A sin committed during the day would accordingly not be atoned for.

(15) From a suspensive guilt-offering.

(16) Infra 25a.

(17) That it was the Day of Atonement.

(18) Yoma 81a.

(19) See Rashi. Since there was an interval in between eating and drinking during which he could become aware of his sin, that length of time of the Day of Atonement would have atoned for his first act before the second was committed.

(20) The interval which atones for the first act in the case of doubtful transgression is, in effect, comparable to an act of awareness of doubtful sins; it should, according to Abaye, separate the acts for sin-offerings, i.e., even in the case of certain Heleb.

(21) R. Jose and R. Eliezer.

(22) Because these liquids are unpalatable beverages; Yoma, *ibid*.

(23) One is therefore exempt when one drinks it on the Day of Atonement.

(24) V. Yoma 81a.

(25) Viz., each time only a portion of the requisite value of a *Perutah*.

(26) The several acts were committed in one spell of unawareness.

(27) Viz., to make up the required value to involve a guilt-offering for sacrilege.

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

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

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

The sin-offering should therefore be dependent upon the guilt-offering.

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

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

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

K'rithoth 19a

R. Simeon holds he is exempt in the latter instance. R. Simeon b. Judah maintains in the name of R. Simeon that he is exempt in all instances.¹ Even in the former?² —

Said Raba: Here we are dealing with the case of one who passed through one road, and when passing through the other he forgot that he had passed through the first. And they differ in this: The first Tanna holds, A partial knowledge is like a complete knowledge;³ while R. Simeon maintains, A partial knowledge is not like a complete knowledge.

The Master said: 'If he passed through one and entered [the Temple precincts], and was sprinkled upon once and also a second time, and immersed himself; and then he passed

through the other and entered [the Temple precincts], he is liable'. Why should he be liable? There had at no time been [definite] knowledge [of uncleanness]! —

Answered Resh Lakish: This statement follows R. Ishmael's view that knowledge at the beginning is not essential. R. Johanan answered: It may conform to the view of the Sages, but here they made doubtful knowledge [of uncleanness] like [definite] knowledge. Now it is assumed that 'here they made', and the same holds good in all the laws of the Torah. There is thus a contradiction between the two expositions of R. Johanan, and also a contradiction between the two expositions of Resh Lakish.⁴ It will be granted that there is no contradiction between the two expositions of R. Johanan, for [we may say that he meant] only here they made [doubtful knowledge like definite knowledge] but not everywhere in the whole Torah did they do so, the reason being that in the case of uncleanness it is written: It being hidden from him that he is unclean,⁵ [indicating that] even [if there is some] uncertainty in connection with his knowledge, Scripture still renders him liable; but regarding the other laws of the Torah, it is written: If his sin be known to him;⁶ that is to say, only if he has definite knowledge is he liable. But with Resh Lakish there is a difficulty; why does he establish [the Baraitha] in accordance with R. Ishmael's view? Let him establish it as being in accordance with Rabbi's view! —

He wished to let us know that R. Ishmael, too, does not require knowledge at the beginning. But is this not already the contents of a Mishnah? As we have learnt: R. Ishmael said, Scripture mentions twice 'and it be hidden',⁷ to teach us that one is liable both for forgetfulness of the uncleanness and for forgetfulness of the Temple.⁸ — It is necessary, for I might have thought that although he [R. Ishmael] does not derive the rule from the text, he yet accepts it as a

tradition. Therefore he [Resh Lakish] informs us [that this is not the case].

MISHNAH. [IF BOTH] HELEB AND NOTHAR LAY BEFORE A PERSON AND HE ATE ONE OF THEM BUT DOES NOT KNOW WHICH, OR IF HIS MENSTRUANT WIFE AND HIS SISTER WERE WITH HIM IN HIS HOUSE AND HE UNITED, IN ERROR,⁹ WITH ONE OF THEM AND DOES NOT KNOW WITH WHICH, OR IF SABBATH AND THE DAY OF ATONEMENT [FOLLOWED EACH OTHER]¹⁰ AND HE DID FORBIDDEN WORK AT TWILIGHT AND DOES NOT KNOW ON WHICH DAY: R. ELIEZER DECLARES HIM LIABLE TO A SIN-OFFERING, BUT R. JOSHUA DECLARES HIM EXEMPT.

REMARKED R. JOSE: THEY DID NOT DISPUTE ABOUT WHETHER HE THAT DID WORK AT TWILIGHT WAS EXEMPT, FOR I MAY ASSUME THAT PART OF THE WORK WAS DONE ON THE ONE DAY AND PART ON THE FOLLOWING DAY.¹¹

ABOUT WHAT DID THEY DISPUTE? ABOUT ONE WHO DID WORK DURING THE DAY ITSELF BUT HE DID NOT KNOW WHETHER HE DID IT ON THE SABBATH OR ON THE DAY OF ATONEMENT, OR IF HE DID WORK AND DID NOT KNOW WHAT MANNER OF WORK HE DID:¹² R. ELIEZER DECLARES HIM LIABLE TO A SIN-OFFERING, AND R. JOSHUA DECLARES HIM EXEMPT. SAID R. JUDAH: R. JOSHUA EXEMPTS HIM EVEN FROM A SUSPENSIVE GUILT-OFFERING. R. SIMEON AND R. SIMEON SHEZURI SAID: THEY DID NOT DISPUTE REGARDING TRANSGRESSION OF THE SAME DENOMINATION¹³ WHEN [IT IS AGREED THAT] HE IS LIABLE.

ABOUT WHAT DID THEY DISPUTE? ABOUT TRANSGRESSIONS OF DIFFERENT DENOMINATIONS: R. ELIEZER DECLARES HIM LIABLE TO A SIN-OFFERING, AND R. JOSHUA DECLARES HIM EXEMPT. SAID R. JUDAH: EVEN IF HE INTENDED TO PICK

FIGS AND HE PICKED GRAPES, OR GRAPES AND HE PICKED FIGS, WHITE [GRAPES] AND HE PICKED BLACK ONES, OR BLACK AND HE PICKED WHITE ONES, R. ELIEZER DECLARES HIM LIABLE AND R. JOSHUA DECLARES HIM EXEMPT. SAID R. SIMEON: I WONDER WHETHER R. JOSHUA INDEED DECLARED HIM EXEMPT IN SUCH A CASE. BUT THEN¹⁴ WHY IS IT WRITTEN, WHEREIN HE HATH SINNED?¹⁵ TO EXCLUDE UNPURPOSED ACTION.¹⁶

GEMARA. It has been taught: R. Eliezer argued, In any event [he has transgressed]; if it was the Heleb he ate he is liable, if the Nothar he is liable; if it was his menstruant wife with whom he united he is liable, if his sister he is liable; if it was Sabbath when he did the work he is liable, if the Day of Atonement he is liable! Replied to him R. Joshua: It says, ‘wherein he hath sinned’:¹⁷ it must be known to him wherein he sinned. And for what purpose does R. Eliezer employ the word ‘wherein’? — To exclude unpurposed action.

(1) Tosef. Toh. VI, 5.

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

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

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

(5) Lev. V, 2.

(6) Ibid. IV, 28.

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

(8) Shebu. 14b. The term ‘hidden’ is the source of the rule that knowledge at one time of the uncleanness is essential, cf. Shebu. 4a. As R. Ishmael uses this expression to derive another law,

it may be assumed that he disagrees with that rule, and does not require knowledge in the beginning.

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

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

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

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

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

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

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

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

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

K'rithoth 19b

To what kind of unpurposed action does he refer? If concerning Heleb or incestuous intercourse,¹ surely he is liable! For Rab Nahman said in the name of Samuel: Unpurposed eating of Heleb or unpurposed incestuous intercourse is subject [to an offering] because [the offender] has after all derived a benefit thereby! — It rather refers to unpurposed labor on Sabbath, when he is exempt, because the Torah has forbidden [on the Sabbath] only purposive work.

According to Raba the case would arise when one intended, e.g., to cut something detached from the ground and he cut something that was attached;² and according to Abaye, when one intended to lift up something detached from the ground and he cut something that was attached. For it has been stated: If one intended to lift up something detached from the ground and he cut something that was

attached, he is exempt, because no cutting was at all intended. If he intended to cut something detached from the ground and he cut something that was attached, Abaye says: He is liable because the act of cutting was intended; Raba says: He is exempt for it was not his intention to cut what was forbidden [to be cut].

REMARKED R. JOSE: THEY DID NOT DISPUTE, etc. It has been taught: R. Jose said to them, 'You are most particular with me'.³ What did they say to him that he remarked, 'You are most particular with me'? — Thus they said to him: What if one, e.g., lifted up an article at twilight?⁴ Thereupon he said: You are most particular with me. But why did he not retort: part of the lifting up might have been done on the one day and the rest on the following day?⁵—

This is indeed what he meant by saying: 'You are most particular with me', but 'you could not get the best of me'.⁶ But would R. Jose hold that for the conclusion of an act one is, according to R. Eliezer, exempt? Surely we know that he declares him liable! For we have learnt: R. Eliezer says: If a person wove three threads at the start [of the web] or added one thread on to a woven piece, he is liable.⁷—

Said Rab Joseph: R. Jose in his exposition of R. Eliezer's view reads [that Mishnah] as follows: 'R. Eliezer says: If a person wove three threads at the start or added two threads to a woven piece he is liable'.

SAID R. JUDAH: R. JOSHUA EXEMPTS HIM EVEN FROM A SUSPENSIVE GUILT-OFFERING. It has been taught: Said R. Judah: R. Joshua exempts him even from a suspensive guilt-offering, because it says, If [anyone] sin... though he know it not;⁸ excluded is this case, where he knew that he sinned.⁹ Said to him R. Simeon: It is just such a case when a suspensive guilt-offering should be brought, for it reads: And do...

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though he know it not;⁸ and in this instance he in fact did not know wherein he did [the wrong]. As to [the case of one being in] doubt whether he did eat Heleb or not, go forth and enquire¹⁰ whether he is then liable to a suspensive guilt-offering or not. What was the decision? —

Come and hear: [It has been stated:] If one committed a sin and does not know wherein, or if he is in doubt whether he did sin or not, he is liable to a suspensive guilt-offering. Now, who is it that maintains that if one committed a sin and does not know wherein, he is liable to a suspensive guilt-offering? Obviously R. Simeon; and yet it is stated, 'If he is in doubt whether he did sin or not, he is liable to a suspensive guilt-offering'. This proves that R. Simeon holds that if one is in doubt whether he did sin or not, he is liable to a suspensive guilt-offering.

R. SIMEON SHEZURI AND R. SIMEON SAID: THEY DID NOT DISPUTE... BUT THEN WHY IS IT WRITTEN, WHEREIN HE HATH SINNED? TO EXCLUDE UNPURPOSED ACTION. Said Rab Nahman in the name of Samuel: Unpurposed eating of Heleb or [unpurposed] Incestuous intercourse Is subject [to an offering], because the offender has after all derived a benefit thereby; unpurposed labor on the Sabbath is exempt, because the Torah has forbidden only purposive work.

Said Raba to Rab Nahman: Surely the case concerning [the circumcision of] boys is comparable to unpurposed action, and yet we have learnt regarding it: If there were two boys, one who was due to be circumcised on the Sabbath and another who was due to be circumcised after the Sabbath, and a person in error circumcised on the Sabbath the one who was due to be circumcised after the Sabbath,¹¹ R. Eliezer declares him liable to a sin-offering; R. Joshua holds: He is exempt.

Now R. Joshua declares him exempt only because he maintains that for [a transgression committed in] error in the course of the [intended] performance of a commandment, even though the commandment was not in fact performed, one is exempt; if, however, one performed an unpurposed act which was not in the course of the performance of a commandment he would be liable even according to R. Joshua.¹² — He replied to him: Leave the case concerning the [circumcision of] boys alone. Since [it is exceptional in that] one is liable although the wound is an act of damage;¹³ so too, for unpurposed wounding one is also liable.

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

R. Eliezer argues: His purpose was after all achieved. R. Joshua argues: His purpose and design were not realized.¹⁸

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

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

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

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

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

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

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

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

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

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

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

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

(13) The rule regarding Sabbath is that for an act of damage one is not liable except for wounding and burning.

(14) The fruit that he intended to pick was of a different kind from that which he actually picked.

(15) Whilst according to Samuel one is always exempt in the case of unpurposed work on the Sabbath, whatever the circumstances.

(16) Shinena; lit. ‘sharp one’. Alit. (a) ‘long-toothed’, denoting a facial characteristic. (b) ‘translator’, V. B.K. (Sonc. ed.) p. 60. n. 2.

(17) I.e., the case of the Mishnah is not one of unpurposed action where the intention of the doer is in the end unrealized, but is of a different class.

(18) His purpose was indeed realized in that he gathered grapes, but at the time of gathering his design was for figs, and this was not realized.

K'rithoth 20a

R. Oshaia raised an objection: [We have learnt:] R. SIMEON SHEZURI AND R. SIMEON SAID: THEY DID NOT DISPUTE REGARDING TRANSGRESSIONS OF THE SAME DENOMINATION, WHEN [IT IS AGREED THAT] HE IS LIABLE. ABOUT WHAT DID THEY DISPUTE? ABOUT TRANSGRESSIONS OF DIFFERENT DENOMINATIONS: R. ELIEZER DECLARES HIM LIABLE TO A SIN-OFFERING, AND R. JOSHUA DECLARES HIM EXEMPT. And what did R. Judah [in the Mishnah] say?

That their dispute was in the case of a person who intended to pick grapes and he picked figs, or black [grapes] and he gathered white ones. Now, are not figs and grapes, or black grapes and white grapes, of two different denominations? Is this not, then, identical with [the views of] R. Simeon and R. Simeon Shezuri? What then does R. Judah come to teach us? Hence you must say that they differ concerning unpurposed action, R. Judah holding that one is liable for unpurposed action; whereas R. Simeon and R. Simeon Shezuri hold that one is exempt for unpurposed action!¹ —

No; all agree that for unpurposed action one is exempt; they differ rather in this point: R. Simeon Shezuri holds that if the purpose escaped the gatherer's mind [and he erred] in respect of the same denomination, all agree that he is liable, and that their dispute is in the case [where the error related to] two different denominations; whilst R. Judah maintains that they differ both in the instance of one denomination and in that of two denominations.

Raba said, They differ in the matter of sequence.² As it has been taught: If there were before a person [on the Sabbath] two burning [or extinguished]³ candles and he intended to extinguish the one but

extinguished the other, or to kindle the one but kindled the other, he is exempt;⁴ if he intended first to kindle the one and then to extinguish the other, and he first extinguished and then kindled,⁵ if with one breath⁶ he is liable, if with two breaths he is exempt. But is this not obvious? —

I might have thought that since his design was not realized, seeing that he wanted first to kindle and then to extinguish, but in his act [we might regard it as if] the extinguishing was done first and then the kindling, he should accordingly be exempt; therefore we are told [that this is not so]; for although [the kindling] did not precede [the extinguishing], neither did it follow.⁷

Our Rabbis taught: If one removed coals [from a burning pile] on the Sabbath, he is liable to a sin-offering; R. Simeon b. Eleazar says in the name of R. Eliezer son of R. Zadok: He is liable to two [offerings], because he extinguished the upper coals and kindled the lower ones.⁸ How is this case to be understood? If he intended to extinguish as well as to kindle, what is the reason of the one who exempts him [from the second offering]? And if he did not intend to kindle, what is the reason of the one who holds him liable to two? —

R. Eleazar and R. Hanina both explained the case as follows: He intended to extinguish the upper coals knowing that this would set the lower ones ablaze.⁹ The first Tanna holds that one is exempt for any kindling which is to his disadvantage;¹⁰ while R. Eliezer son of R. Zadok holds him liable. R. Johanan also said: It speaks of a blacksmith. Said R. Johanan: Until now the reason for this law has not been found.¹¹

Ammi b. Abin and R. Hanania b. Abin both explained [the case as follows:]

(1) R. Simeon expounded that the dispute in the Mishnah was concerning the case where the original purpose had been forgotten, implying,

however, that for unpurposed action all agree that one was exempt. R. Judah, on the other hand was of the view that the dispute was in the case of unpurposed action concerning different kinds of fruit, but that concerning the same kind all would agree that he is liable. R. Judah is thus in contradiction to Samuel.

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

(3) So Sh. Mek.

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

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

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

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

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

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

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

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

K'rithoth 20b

He intended to extinguish as well as to kindle. The first Tanna follows R. Jose's view, who holds,¹ that kindling was singled out [in Scripture]² in order to establish for it a prohibition;³ while R. Eliezer son of R. Zadok holds with R. Nathan, who maintains that kindling was singled out to establish separate [acts of work].⁴

Raba explained: They differ in the matter of the sequence.⁵ Rab Ashi explained: He intended to extinguish and the kindling followed of its own accord; the first Tanna

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agrees with R. Simeon who maintains that one is exempt for an unintentional act;⁶ whilst R. Eliezer son of R. Zadok follows R. Judah who holds that one is liable for an unintentional act. Our Rabbis taught: If a man removed coals on the Sabbath in order to warm himself therewith, and they flared up of their own accord — one [Baraita] teaches that he is liable, but another teaches that he is exempt. That which teaches that he is liable adopts the view that one is liable for an act of work which is not required for its own sake;⁷ and that which teaches that he is exempt adopts the view that one is not liable for an act of work which is not required for its own sake.

CHAPTER V

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

GEMARA. Our Rabbis taught: [From the text:] Ye shall eat no manner of blood,¹³ I might infer that even the blood of those that walk on two legs,¹⁴ and the blood found in eggs, and the blood of locusts and of fish were included; therefore the text teaches, whether it be of fowl or of beast:¹³ as fowl and beast are characterized in that they are subject both to light¹⁵ and weighty uncleanness, and are [at times] forbidden and permitted,¹⁶ and are of the category of flesh, so all are included that are subject to light and weighty uncleanness; I must therefore exclude the blood of those that walk on two legs, for they

are subject to weighty uncleanness and not to light uncleanness;¹⁷

- (1) V. Shab. 70a.
- (2) Exod. XXXV, 3.
- (3) I.e. that this act of work is subject to a mere prohibition and not to the death penalty in the case of willful transgression. There is therefore no offering incurred in the case of transgression in error.
- (4) I.e. that for each act of work on the Sabbath one is separately liable. Kindling, however, is still subject to the death penalty.
- (5) His intention was e.g. to kindle first the one and then extinguish the other, but in fact both acts were done simultaneously. The first Tanna insists that the work must be performed in the intended sequence and therefore declares him liable only for the kindling which after all was done at the initial stage; whereas R. Eliezer pays no heed to the intended sequence, and consequently declares him liable for both acts. See commentaries.
- (6) Shab. 41b.
- (7) Ibid. 105b. The burning of the coals is not done for its sake i.e. to consume the coal, but in order to obtain heat.
- (8) I.e., the blood that comes forth at the slaughtering of animals in the manner prescribed.
- (9) I.e., the blood that comes forth through the tearing away of the main arteries of the neck, i.e. the windpipe and the gullet.
- (10) I.e., the blood that gushes forth with force immediately after the cutting of the arteries for the purpose of blood-letting; v. Gemara.
- (11) To Kareth. V. Glos.
- (12) Lit. 'that is squeezed'. I.e., blood that oozes out from the arteries after the first splashing blood 'whereby life escapes'.
- (13) Lev. VII, 26.
- (14) I.e., man.
- (15) Light uncleanness is identical with food uncleanness, i.e. the foodstuff has no inherent uncleanness but can contract uncleanness from a source of uncleanness, and if of an egg's bulk in quantity, can transmit its uncleanness to other foodstuffs. Weighty uncleanness is that which is inherently unclean, e.g. a carcass, and can transmit uncleanness by carrying.
- (16) I.e., they are forbidden prior to their slaughtering in the prescribed manner, and permitted for use after that.
- (17) For an unclean person transmits his uncleanness always through contact.

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K'rithoth 21a

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

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

This Tanna agrees with the School of R. Ishmael, who apply the rules relating to generalizations and specifications even though the last generalization is unlike the first.¹²

The Master said: '[Here we have] a generalization followed by a specification and then again by a generalization, [in which case] all things similar to the specification are

to be included; just as the instances of the specification are characterized in that they are subject both to light and to weighty uncleanness, and are [at times] forbidden and [at times] permitted, and are of the category of flesh, so all are included which are subject to light and to weighty uncleanness, etc.' What does the term 'all' serve to include? —

Said Rab Adda b. Abin: It includes the blood of a koy.¹³ What is his opinion [with regard to the Koy]? If he holds that the Koy is a doubtful creature, do we need a special text to forbid [the blood of an animal] about which there is doubt?¹⁴ — He holds that the Koy is a [class of] animal of its own. We have now learnt about its blood, whence do we know that its Heleb [is forbidden]? — From the text, 'all heleb'.¹⁵ Whence that its nebelah¹⁶ [is forbidden]? — From the text, 'all nebelah',¹⁷ Whence that its Gid ha-nasheh¹⁸ [is forbidden]? —

The Divine Law defines it as [the sinew] 'upon the hollow of the thigh', and this, too, has a 'hollow of the thigh',¹⁹ Whence do we know that [its Nebelah] causes uncleanness, and that it requires slaughtering? — This stands to reason; since the Divine Law has placed it on the same footing as cattle in respect of all other laws, it is also like cattle in regard to uncleanness and slaughtering.

The Master said: 'I must therefore exclude the blood of those that walk on two legs, for they are subject to weighty uncleanness and not to light uncleanness'. A contradiction was pointed out. [We have learnt:]²⁰ [The flesh which] one cut from off a man requires both intention and preparation.²¹ Upon this the question was raised: 'Wherefore does it require intention? Let the cutting express his intention!'²²

And Resh Lakish replied: He cut it for the use of a dog, and such a purpose is not a proper intention. Is this indeed so? Surely we have learnt: They laid down this general rule

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concerning uncleanness: Everything that serves as food for man [and became unclean] remains unclean until it becomes unfit to be food for dogs!²³ —

This ruling relates to the annulment of existing uncleanness, [the argument being,] since it was at one time fit for man its uncleanness does not depart unless it has become unfit for a dog; that other instance, however, relates to the state in which it can receive uncleanness; [we therefore say,] if it is fit for man it is fit for a dog; if it is unfit for a man it is unfit for a dog. It states, at all events, that [with flesh of man] intention is required; though intention is essential only for light uncleanness!²⁴ —

This is so [while the man is] alive, but after death there is indeed weighty uncleanness only.²⁵ But, then, the corresponding dictum relating to cattle must, accordingly, also refer to the time after death. Now, if the flesh is meant, it surely conveys weighty uncleanness; if the blood, it too conveys weighty uncleanness,²⁶ as we have learnt: The blood of a dead animal is clean, according to Beth Shammai; Beth Hillel say: It is unclean!²⁷ —

It speaks of an instance similar to that which we have learnt [in a Mishnah:] The carcass of an unclean beast anywhere and the carcass of a clean bird in the villages require intention and not preparation.²⁸ Rab remarked thereupon to R. Hiyya: Wherefore is an intention required to qualify it for light uncleanness, is it not already unclean?²⁹ —

The latter replied: It is a case where there was less than an olive's bulk of nebelah³⁰ joined to another edible, which was less than an egg's bulk, but together they made up an egg's bulk.³¹ But, then, preparation should also be required, for the School of R. Ishmael have taught: The text, [If aught of their carcass fall] upon any sowing seed, which is to be sown,³² implies: as seed is characterized in that it will at no time convey weighty

uncleanness and requires preparation, so everything that will at no time convey weighty uncleanness requires preparation! —

He replied: This holds good in cases where the edibles have not joined to them less than an olive's bulk of Nebelah; in our instance, however, the food has joined to it less than an olive's bulk of Nebelah, and since it would require no preparation if it [the Nebelah] was made up to a full olive's bulk, [so it requires no preparation even now].

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

(2) I.e., they do not require slaughtering.

(3) The question is implied: Why two specifications.

(4) Heb. כּלּאיִם i.e., the prohibition of wearing a material of a mixture of wool and linen. V. Lev. XIX, 19. The fluff of the fowl is not subject to this law.

(5) I.e., cattle and goat, whose hair, too, is not subject to that law. Sheep would be excluded, for its wool is subject to the law of Kil'ayim.

(6) Deut. XXII, 6f. This law applies only to clean fowl.

(7) Viz., unclean fowls.

(8) On the hermeneutical rule of generalization and specification, v. Shabu. (Sonc. ed) p. 12, n. 3.

(9) Lev. VII, 27.

(10) I.e., those possessing the same characteristics as the instances of the specifications, as expounded above in connection with the law of blood.

(11) V. Glos.

(12) V. B.K. 64a and Zeb. 4b.

(13) I.e., a cross between a goat and a gazelle, about which the Sages were in doubt whether it belonged to the category of 'cattle' or of 'beast of chase'; v. Glos.

(14) Surely not. The Divine law is not in doubt as to the status of the Koy.

(15) Lev. VII, 23.

(16) I.e., a carcass of an unslaughtered or non-ritually slaughtered animal. V. Glos.

(17) Deut XIV, 21.

(18) I.e., the nervus ischiadicus, forbidden in accordance with Gen. XXXII, 33.

(19) Thus every animal is included, for this law is to remind us of the incident of the text. For the exclusion of birds, however, v. Hul. 92b.

(20) 'Uk. III, 2.

(21) The flesh is susceptible to uncleanness only if it had been cut off with the express intention of

using it as food, and after it had been 'prepared', i.e. moistened by a liquid which renders it susceptible to uncleanness.

(22) And by that act alone it should be susceptible to uncleanness.

(23) Toh. VIII, 6.

(24) We thus learn that also the flesh of man is capable of light uncleanness, contrary to the above conclusion.

(25) The discussion above relates, therefore, to the flesh of a dead man, when no light uncleanness is possible.

(26) Thus cattle, too, are subject to weighty uncleanness only.

(27) 'Ed. V, 1. The decision is in accordance with Beth Hillel, that the blood of a carcass is, like its flesh, contaminated with weighty uncleanness.

(28) 'Uk. III, 3. Intention to use the flesh as food is required whenever it is normally not eaten by the people. The carcass of unclean cattle is eaten neither in town nor in villages. That of a clean bird is not likely to find a consumer in a village. Some edd. add here the second sentence of the quoted Mishnah: 'The carcass of a clean beast anywhere and that of a clean bird or the Heleb (of cattle) in the markets require neither intention nor preparation.

(29) Since it is Nebelah.

(30) The minimum quantity for Nebelah uncleanness is an olive's bulk.

(31) There was not the requisite quantity of Nebelah. It is, therefore, not in itself unclean, but the portion of Nebelah may combine with the other edible to the requisite size of an egg's bulk, which is the standard for food uncleanness. The intention is therefore essential to render the morsel of Nebelah an edible, and thus capable of combination with the other food.

(32) Lev. XI, 37. This text lays down the law that foodstuffs must first be made wet by a liquid in order to be susceptible to uncleanness. Seed is the specified instance in the Torah, and seed is at no time capable of weighty uncleanness. Moreover, the morsel of Nebelah cannot defile with weighty uncleanness, since it is less than an olive's bulk.

K'rithoth 21b

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

R. Hanania said: You may also say that there was a whole olive's bulk [of Nebelah], but in

this case it was entirely covered with dough.² If so, it should also require preparation!³ — This holds good only with regard to other foodstuffs, which transmit uncleanness neither by contact not by carrying;⁴ in this instance, however, granted that it does not transmit uncleanness by contact, because it is covered with dough;⁵ it may nevertheless transmit uncleanness by carrying, for it is after all carried. An exception, however, is the flesh of a dead man, for even though it is covered with dough it will convey weighty uncleanness, for its uncleanness breaks through and rises and breaks through and descends.⁶

The Master said: 'I must exclude the blood of fish and of locusts, for they are always permitted'. What is the meaning of 'always permitted'?⁷ If that their Heleb is permitted? Behold also the Heleb of a beast of chase is permitted and yet its blood is forbidden! If that the prohibition of the Gid ha-nasheh is not applicable to them? Behold also the fowl is not subject to the law of Gid ha-nasheh, and yet its blood is forbidden! — 'Always permitted' means rather that they do not require slaughtering.

The Master said: 'If "fowl" [alone was mentioned, I might have said], as this is not subject to Kil'ayim, so should be included only those animals [that are not subject to Kil'ayim]; therefore the text teaches "beast".' Which kind of Kil'ayim [is meant]?⁸ If that relating to breeding diverse kinds or to plowing with diverse kinds, have we not learnt: Beasts and fowl are subject to similar laws?⁹

Said Abaye: It refers to its fluff which is not subject to the law of kil'ayim.¹⁰

Said Rab Judah in the name of Rab: For an olive's bulk of the blood of reptiles one incurs the penalty of stripes. An objection was raised: [It has been taught:] The blood of the spleen, or of the heart or of the kidneys, or of

any other limb is subject to a prohibition;¹¹ the blood of those that walk on two legs or that of reptiles and creeping creatures is forbidden, but one is not liable for it.¹² What does ‘but one is not liable for it’ mean?¹³ This cannot mean [that one is not liable for it] to Kareth, but only to a prohibition,¹¹ for in the first place this would be identical with the ruling of the first clause,¹⁴ and secondly the Tanna expressly excludes it even from a prohibition, as we have learnt: I must exclude the blood of reptiles for they are not subject to weighty uncleanness!¹⁵ —

Replied R. Zera: If the warning related to reptiles, he incurs stripes; if to blood, he is exempt.¹⁶

Said Rab: The blood of fish collected [in a vessel] is forbidden.¹⁷ An objection was raised: [It has been taught:] The blood of fish and locust may deliberately be eaten!¹⁸ This is when it is not collected;¹⁹ whilst Rab speaks of collected blood. Then the clause relating to those that walk on two legs would likewise refer to uncollected blood; but is such blood at all forbidden; has it not been taught: The blood found on a loaf of bread must be scraped away and the loaf may be eaten; that between the teeth may be sucked and swallowed without hesitation? — In the instance of that Baraitha [the blood] contained [fish] scales; Rab, on the other hand, who rules that it is forbidden, refers to a case where there were no [fish] scales.²⁰ **Said Rab Shesheth:** In the case of human blood one is not even enjoined to refrain from it.²¹

An objection was raised: [It was taught:] The blood of the spleen, or of the heart or of the kidneys or of any other limb is subject to a prohibition; the blood of those that walk on two legs or that of reptiles and creeping things is forbidden, but one is not liable for it! —

The ruling of the Baraitha that it is forbidden refers to the case

(1) A morsel less than an olive's bulk of Nebelah is potentially liable to weighty uncleanness and therefore not on the same footing as seed. It, therefore, does not require moistening. Moreover, as an edible, it is also subject to light uncleanness if joined together with other food. The flesh of a man, however, is not capable of being regarded as food even if the person concerned expressed that intention, for it is against the natural conception of society to lend to it the character of food.

(2) The dough itself was less than an egg's bulk but together with the olive's bulk of Nebelah the whole amounted to an egg's bulk. This quantity can now convey food uncleanness.

(3) For it will at no time convey weighty uncleanness. It therefore requires preparation, i.e. moistening, according to the rule of the School of R. Ishmael.

(4) Unclean foodstuffs cannot render a person unclean, either by contact or by carrying.

(5) Direct contact with the Nebelah is thus impossible.

(6) Even though the morsel of the corpse is buried or covered up it still transmits uncleanness to whatsoever is above or below it. The fact that it is wrapped in dough is therefore no hindrance in the transmission of its uncleanness. Some edd. add here: ‘The Master said, "I must exclude reptiles for they are not subject to (weighty) uncleanness". But does not a reptile transmit uncleanness by contact? — It does not, however, by carrying’. This addition is struck out by Rashi.

(7) Heb. כולו היתר, which may denote ‘wholly permitted’ as well as ‘always permitted’.

(8) The Torah forbids four types of Kil’ayim or ‘diverse kinds’: (a) sowing a vineyard with diverse kinds or a field with diverse kinds of seed; (b) allowing cattle to gender with diverse kinds; (c) plowing with diverse kinds of beasts; and (d) wearing a garment wherein wool and linen are mingled together. V. Lev. XIX, 19, and Deut. XXII, 9 — 11.

(9) B.K. 54b. Among the laws enumerated as applying equally to cattle, beasts and fowl, is expressly mentioned the law of Kil’ayim.

(10) The fluff of fowl may be woven together with linen.

(11) Lit. ‘thou shalt not do’; involving the penalty of stripes.

(12) Tosef. Ker. II; v. infra 22a.

(13) The Talmudic text is in slight disorder, but the sense is as given.

(14) The text, however, makes it clear that a different ruling is given in the second clause.

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(15) I.e., the blood of reptiles is excluded from the text that contains the prohibition of blood, viz., Lev. VII, 23.

(16) The blood of a reptile is prohibited as being part of the flesh, cf. supra 4b; as blood, however, it is not subject to a special prohibition. It therefore depends on the warning, which has to be precise and comprehensive, that was administered to the transgressor at the time of eating, as to whether he incurs stripes or not.

(17) When alone in a vessel it might be mistaken for the blood of cattle; it is therefore forbidden for appearance sake.

(18) Lit. 'is permitted even in the first instance'.

(19) It is still in the flesh of the fish, so that no misunderstanding is possible.

(20) I.e., the Baraita speaks in fact of collected blood throughout. It is therefore right that the blood of man in these circumstances is forbidden. In the instance relating to the blood of fish it is permitted, because there were still scales in the blood which clearly indicated its origin, and no misunderstanding is possible.

(21) I.e., one may, as we have learnt above, deliberately swallow it.

K'rithoth 22a

where it had been separated,¹ whilst in the instance of Rab it had not been separated; as it has been taught: The blood found on a loaf of bread must be scraped away and the loaf may be eaten; that between the teeth may be sucked and swallowed without hesitation. Some there are who report the statement of Rab Shesheth with reference to that which has been taught: I might have thought that he who drinks human milk transgresses a prohibition, and this might be supported by the following a fortiori conclusion: if the milk of an unclean animal is forbidden, although with regard to uncleanness by contact it follows the lenient ruling,² how much more should the milk of those that walk on two legs, who follow the stringent view regarding uncleanness by contact, be forbidden! The text therefore teaches, This is unclean unto you:³ this is unclean; human milk, however, is not unclean but clean. I might exclude only milk in relation to which the law is not constant,⁴ but not blood in relation to which the law is constant, therefore the text teaches,

'This is unclean unto you': this is unclean; human blood, however, is not unclean but clean.

Upon this remarked Rab Shesheth: 'One is not even enjoined to refrain from it'. We have learnt elsewhere: The heart must be torn and its blood removed; if he had not torn it, he has nevertheless not transgressed.⁵

Said R. Zera in the name of Rab: This holds good only with regard to the heart of a fowl which is not as big as an olive's bulk in all; the heart of a beast, however, which comprises an olive's bulk, is forbidden and [whoso eats it] incurs the penalty of Kareth.

An objection was raised: [It has been taught:] The blood of the spleen or of the heart or of the kidneys, or of any other limb is subject to a prohibition; the blood of those that walk on two legs or that of reptiles and creeping things is forbidden, but one is not liable for it!⁶ — That which is there taught⁷ refers to the blood within;⁸ Rab, however, refers to blood that came from elsewhere.⁹ But is not the blood within identical With the blood of a limb?¹⁰ — And even according to you, is not the blood of the kidneys mentioned in addition to the blood of a limb? You must thus admit that the one is stated and then the other;¹¹ then say here, too, that the one is stated and then the other. [It says:] 'From elsewhere' — From where? — Said R. Zera: It absorbs it with the last breath.¹²

...OF THE BLOOD [OF THE ARTERIES] WHEREBY LIFE ESCAPES, HE IS LIABLE. It has been stated: What is the definition of 'the blood of arteries upon which life depends'?¹³ R. Johanan says: That which gushes forth; Resh Lakish says: From the black drop onward.¹⁴ An objection was raised: Which is the blood of arteries whereby life escapes? That which gushes forth, to the exclusion of secondary blood, because it flows gently.¹⁵ May we not assume that the first as well as the last blood that

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flow gently¹⁶ are regarded as secondary blood; and this is then in contradiction to Resh Lakish? — No, only the blackened blood is excluded, but the first and the last blood, though flowing gently, are regarded as life blood.¹⁷

An objection was raised: Which is regarded as life blood?¹⁸ That which gushes forth, to the exclusion of the first and last blood, which flow gently. This is in contradiction to Resh Lakish! —

He might retort: Tannaim differ on this point, as has been taught: Which is regarded as life blood? That which gushes forth. This is the view of R. Eliezer. R. Simeon holds: From the black drop onward. The School of R. Ishmael taught: The text ‘And drink the blood of the slain’;¹⁹ excludes the gushing blood from rendering plants susceptible to uncleanness.

R. Jeremiah put the following query before R. Zera: What is the law if one drew blood from an animal and received it in two vessels? For [the blood which is] in the first vessel, according to all views one is liable;²⁰ but what of that in the second; is one liable for it or not? — He replied: Therein differ R. Johanan and Resh Lakish, as has been stated: If one drew blood from an animal and received it in two vessels, Resh Lakish says: He is liable to two sin-offerings;²¹ R. Johanan says: He is liable to one sin-offering only.

R. JUDAH HOLDS, HE IS LIABLE FOR SECONDARY BLOOD. Said R. Eleazar: R. Judah admits, however, with reference to atonement, for it is written: For it is the blood that maketh atonement by reason of the life;²² the blood whereby life escapes causes atonement, the blood whereby life does not escape does not cause atonement.

Said Rab Nahman b. Isaac: We have also learnt in confirmation thereof, for it has been taught: [It would have sufficed had the text

stated,] Blood, why does it say, Any manner of blood?²³ Because Scripture reads: ‘For it is the blood that maketh atonement by reason of the life’; from this we only learn that the blood of consecrated animals whereby life escapes and which makes atonement, [is forbidden], whence do we know that blood of unconsecrated animals and secondary blood [are forbidden]? Because it reads: ‘Any manner of blood’. And [it is established that] an anonymous [tradition in the] Sifra²⁴ represents the view of R. Judah.²⁵

MISHNAH. FOR DOUBTFUL MISAPPROPRIATION OF SACRED PROPERTY R. AKIBA DECLARES ONE LIABLE TO A SUSPENSIVE GUILT-OFFERING; WHILE THE SAGES DECLARE HIM EXEMPT.²⁶ R. AKIBA, HOWEVER, ADMITS THAT HE NEED NOT MAKE RESTITUTION²⁷ UNTIL HE BECOMES AWARE [OF HIS TRESPASS], WHEN HE MUST BRING WITH IT AN UNCONDITIONAL GUILT-OFFERING.

SAID R. TARFON: WHEREFORE SHOULD HE BRING TWO GUILT-OFFERINGS?²⁸ LET HIM RATHER RESTORE THE CAPITAL TOGETHER WITH THE FIFTH, OFFER A GUILT-OFFERING OF THE VALUE OF TWO SELA'S²⁹ AND STIPULATE: IF I DID COMMIT SACRILEGE, HERE IS MY RESTITUTION AND THIS MY GUILT-OFFERING; AND IF THE SACRILEGE WAS DOUBTFUL, LET THE MONEY BE A FREEWILL GIFT AND THE [OFFERING A] SUSPENSIVE GUILT-OFFERING; SINCE THAT WHICH IS OFFERED FOR A KNOWN [TRESPASS] IS OF THE SAME KIND AS THAT OFFERED FOR A DOUBTFUL ONE.³⁰

SAID R. AKIBA: HIS³¹ WORDS SEEM PLAUSIBLE IN THE CASE OF A MINOR MISAPPROPRIATION; BUT IF HIS DOUBT RELATED TO THE MISAPPROPRIATION OF A HUNDRED MANEHs, WOULD IT NOT BE MORE ADVANTAGEOUS FOR HIM TO BRING A GUILT-OFFERING³² FOR TWO

SELA'S RATHER THAN RESTORE OUT OF DOUBT THE SUM OF A HUNDRED MANEH'S?

R. AKIBA INDEED AGREES WITH R. TARFON IN THE CASE OF A MINOR MISAPPROPRIATION.

(1) Blood that had parted from the body and was collected in a vessel or was found on a loaf, may not be eaten; that which is still within the body may deliberately be consumed.

(2) A living animal can never cause uncleanness, either itself or by any kind of secretion from it, whilst a woman is unclean through menstruation or gonorrhoea, and transmits the uncleanness to other objects.

(3) Lev. XI, 29. The verse refers to unclean creeping things.

(4) Lit. 'is not alike in all (cases)'. Viz., the milk of a clean animal is permitted, but that of an unclean one is forbidden.

Blood, however, is forbidden in all cases.

(5) I.e., he has not transgressed the law relating to blood by eating the heart whole; Hul. 109a.

(6) V. supra 21b. This is in contradiction to Rab, for it states that the blood of the heart — and it obviously speaks of cattle — is subject to a prohibition, whilst Rab holds it is subject to *Kareth*.

(7) Thus the version of Tosaf.; cur. edd. add here: 'That one is not liable for it'. This version seems incorrect for this expression is used in the second clause and not in relation to the blood of the heart.

(8) I.e., the blood which is contained in the walls of the heart.

(9) And is now collected in the heart chambers.

(10) Its enumeration is thus superfluous.

(11) Even though one is redundant.

(12) The last beat of the heart before the animal's death fills the chambers of the heart with blood from the arteries.

(13) This is identical with the expression 'the blood whereby life escapes' used in our Mishnah.

(14) Thus literally. Rashi explains that when the arteries are cut the escaping blood is at first dark and then red. In its second stage it begins after a while to gush forth with force and when the pressure had ceased the stream weakens and the blood oozes gently. There is thus at the beginning as well as the end a period when the blood escapes in a gentle flow. According to R. Johanan, only the blood that escapes with force is considered the life blood; according to Resh Lakish it is all blood that escapes after the last black drop even when flowing gently.

(15) Tosef. Zeb. VIII.

(16) Even though it escaped after the last black drop. The first and the last blood means that which flows out gently before and after the gushing blood.

(17) 'Life blood' and 'the blood whereby life escapes' are identical expressions.

(18) Thus in MS; cur. edd. read erroneously 'first blood'.

(19) Num. XXIII, 24. The text implies that the blood that issues from persons already slain (dead) may be regarded as a liquid with regard to qualification for uncleanness; 'life blood', however, does not qualify.

(20) For it contains blood which streamed out with force.

(21) One for each vessel, provided it was consumed in two different spells of unawareness of sin.

(22) Lev. XVII, 11. 'By reason of the life' is interpreted as referring to life blood.

(23) Ibid. v. 10 which deals with the prohibition of blood. As the following sentence makes reference to the blood of sacrifices, which causes atonement, I might have thought that the whole prohibition was confined to such blood.

(24) V. Glos.

(25) Cf. 'Er. 96b. We thus find that R. Judah admits that only the blood that gushes forth with force brings about atonement.

(26) The Sages hold that only those transgressions that are subject to a sin-offering in the case of certain offences involve a suspensive guilt-offering in the case of doubt. Sacrilege, however, is subject to an ordinary guilt-offering.

(27) V. Lev. V, 15-16.

(28) I.e., at first a suspensive guilt-offering and then, should the trespass be established, an ordinary guilt-offering.

(29) Two silver shekels is the minimum amount to be spent for the offering, because the text (Lev. V, 15) speaks of silver shekels in the plural.

(30) I.e., in both instances a ram is to be offered.

(31) R. Tarfon's.

(32) Viz., one for doubtful sins; and should it afterwards be established that the trespass was certain, he will bring another ordinary guilt-offering. The risk amounts to two Sela's only, whilst according to R. Tarfon he might lose a hundred muneh.

K'rithoth 22b

GEMARA. It has been taught: The expression And if any one intimates that one is liable to a suspensive guilt-offering in the case of doubtful sacrilege; thus the view of R. Akiba.

The Sages declare him exempt.² May we assume that they differ in the following point: R. Akiba holds, we may derive the law above³ from the law below, while the [other] Rabbis hold, we may not derive the law above from the law below? —

Said R. Papa: All agree that we may derive the law above from the law below, otherwise we should not find [a basis for the law] that a bullock has to be slaughtered on the north side of the altar;⁴ but the reason why the Rabbis here declare him exempt, lies in the textual analogy to a sin-offering based on the common term mitzwoth:⁵ as [that text] there⁶ speaks of an offence for which one is liable to Kareth in the case of willful transgression, to a sin-offering in the case of erroneous transgression, and to a suspensive guilt-offering in the case of doubt, so for all other offences, for which one is liable to Kareth in the case of willful transgression, and to a sin-offering in the case of erroneous transgression, one is liable to a suspensive guilt-offering in the case of doubt; this excludes sacrilege, since for the willful transgression thereof one is not liable to Kareth, as has been taught: If one committed sacrilege willfully, Rabbi says, He is liable to the death penalty;⁷ the Sages say, [He has merely transgressed] a prohibition. And R. Akiba? —

He maintains that the textual analogy regarding the sin-offering for heleb,⁸ based upon the common term Mitzwoth, is to be applied only for the following purpose: as that text relates to a fixed sacrifice, so must all be fixed sacrifices, thus excluding sacrifices of higher or lesser value.⁹ And the Rabbis? —

They hold, a Gezarah shawah cannot be applied partially.¹⁰ Are we, then, to conclude that R. Akiba holds that one may apply a Gezarah shawah partially?¹¹ —

Say, rather, all agree that a Gezarah shawah cannot be applied partially; but this is the reason of R. Akiba. The text says, And if any one: ‘And’ implies an addition to the foregoing, so we therefore derive the law above from the law below.¹² And the Rabbis?—

They hold [that the inference is in the reverse direction], and we must derive the law below from the law above regarding silver shekels for guilt-offerings.¹³ And R. Akiba? —

He holds, a Hekkesh cannot be applied partially.¹⁴ Are we, then, to conclude that the Rabbis hold that a Hekkesh can be applied partially? Is it not definitely established that a Hekkesh cannot be applied partially? —

All agree that a Hekkesh cannot be applied partially, but here the Rabbis maintain that the textual analogy founded upon the common term ‘Mitzwoth’ supersedes the Hekkesh. And R. Akiba? —

The law regarding silver shekels for guilt-offerings he derives from: This is the law of the guilt-offering:¹⁵ there is one law for all guilt-offerings, which includes the silver shekels. And the Rabbis?¹⁶ —

Although it is written, ‘This is the law of the guilt-offering’, there is still need for the phrase, ‘and if any one’, the ‘and’ implying an addition to the foregoing, and thereby deriving the law below from the law above. For as to [the passage], ‘This is the law of the guilt-offering’, from which is derived that one law rules all guilt-offerings, it might be said to apply to unconditional guilt-offerings only [and not to suspensive guilt-offerings]; for since the suspensive guilt-offering is brought [e.g.] for [the eating of] doubtful Heleb, I might have argued that doubtful transgression should not be more stringent than certain transgression; and as in the case of certain transgression a sin-offering of the value of a danka¹⁷ suffices, so also in the case

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of doubtful transgression a guilt-offering of the value of a danka should suffice. It is for this reason that the Divine Law wrote, 'And if any one', the 'and' implying an addition to the foregoing.¹⁸ The above [conclusion of R. Akiba] is valid according to him who holds¹⁹ that an inference may be made from [the text], 'This is the law of the guilt-offering'; but according to him who holds that one cannot make any inference from, 'This is the law of the guilt-offering', what can be said?—

The law²⁰ will then be derived from that relating to the guilt-offering of sacrilege by a textual analogy based upon the common term be'erkeka;²¹ whilst regarding the guilt-offering of the designated bondmaid,²² in connection with which be'erkeka is not mentioned, the law will be derived by an analogy based upon the common term ayil.²³

R. AKIBA, HOWEVER, ADMITS, etc. What is the meaning of AND IF THE SACRILEGE WAS DOUBTFUL?²⁴ — Said Raba: Read, 'And if the doubt remains forever, it shall be a suspensive guilt-offering, since that which is offered for a known [trespass] is of the same kind as that offered for a doubtful one'. But has he not, after all, to bring an unconditional guilt-offering when he becomes aware of the transgression?²⁵ —

Said Raba: From this ruling of both²⁶ we learn that knowledge at the outset is not essential with regard to an unconditional guilt-offering.²⁷

MISHNAH. IF A WOMAN BROUGHT A SIN-OFFERING OF A BIRD BY REASON OF A DOUBT,²⁸ AND PRIOR TO THE PINCHING OF ITS NECK SHE LEARNT THAT THE BIRTH WAS A CERTAINTY, SHE SHALL OFFER IT AS FOR A CERTAINTY,²⁹ FOR THAT WHICH SHE OFFERS IN THE CASE OF CERTAINTY IS OF THE SAME KIND AS THAT WHICH SHE OFFERS IN THE CASE OF DOUBT.³⁰ [IF THERE WAS] A PIECE OF UNCONSECRATED FOOD AND A PIECE OF CONSECRATED

FOOD, AND A PERSON ATE ONE OF THEM AND DOES NOT KNOW WHICH OF THEM HE ATE, HE IS EXEMPT.

R. AKIBA DECLARES HIM LIABLE TO A SUSPENSIVE GUILT-OFFERING.³¹ IF HE THEN ATE THE SECOND [PIECE], HE IS LIABLE TO AN UNCONDITIONAL GUILT-OFFERING.³² IF HE ATE THE ONE [PIECE] AND ANOTHER CAME AND ATE THE OTHER, EACH OF THEM IS LIABLE TO A SUSPENSIVE GUILT-OFFERING; THIS IS THE VIEW OF R. AKIBA.

R. SIMEON SAYS: THEY TOGETHER BRING ONE GUILT-OFFERING.³³

SAID R. JOSE:

(1) Lev. V, 15. The 'and' connects it with the previous paragraph which speaks of the guilt-offering for sacrilege. This is taken to indicate that also this transgression is to be included in the law relating to doubtful sins.

(2) V. Zeb. 48a.

(3) The law above is that relating to sacrilege, the law below that of the suspensive guilt-offering.

(4) Cf. Zeb. 48a where this ruling is derived from the fact that the text relating to bullock-offerings (Lev. I, 3f) precedes that relating to small cattle (ibid. 10f) which explicitly mentions the north side as the place of slaughtering.

(5) I.e., the expression 'commandments', which occurs in connection with the sin-offering (Lev. IV, 27) and also with the suspensive guilt-offering (ibid. V, 27). Such an analogy is known as a Gezarah shawah.

(6) Viz., Lev. IV, 27, which deals with the sin-offering.

(7) I.e. death at the hands of Heaven.

(8) The eating of Heleb is mentioned as the prototype of a transgression which is subject to a sin-offering, because the law relating to it (Lev. III, 27) immediately precedes the chapter containing the laws of the sin-offering.

(9) I.e., sacrifices which vary according to the pecuniary position of the transgressor; cf. Lev. V, 1-13.

(10) The deduction by such an analogy must take into consideration all qualities. R. Akiba, however, considers only the fact of the fixed sacrifice and disregards the fact of the penalty of Kareth.

(11) Which would be in contradiction to a generally accepted rule.

(12) I.e., because of the connection established by the 'and', this inference is to be made in spite of the deduction by Gezarah shawah to the contrary. This analogy based on the inner or logical connection between laws is known as a Hekkesheh.

(13) I.e., that the suspensive guilt-offering contained in the later text has also to be at least two silver shekels in value, just as the sacrifice of the preceding paragraph, where this is expressly indicated in Lev. V, 15. Rashi omits the following four passages and continues here: And whence does It. Akiba derive the law concerning silver shekels for guilt-offerings? — From 'this is the law of the guilt-offering, etc.'

(14) I.e., in one direction only.

(15) Lev. VII, 1.

(16) They, too, could infer the rule relating to the cost of a guilt-offering from the passage in Lev. VII, 1, and therefore the Hekkesheh based upon 'and if any one' would be superfluous.

(17) A small coin, the sixth of a dinar.

(18) This comparison of laws, as explained above, teaches that the value of a guilt-offering for doubtful sins, too, must be two Sela's.

(19) Cf. Men. 3b. The text in question there is 'this is the law of the meal-offering'; but the principle involved is the same as in our text.

(20) Viz., that the minimum cost of the suspensive guilt-offering must be two Sela's.

(21) Tr. 'according to thy valuation', which occurs in Lev. V, 15 and *ibid.* v. 18.

(22) Lev. XIX, 20-21.

(23) Tr. 'ram', occurring in Lev. V, 15 and XIX, 22.

(24) There is no 'if' here, for we are speaking of a doubtful transgression.

(25) For the sacrifice offered at the time when there was still doubt as to the trespass cannot expiate for the sin that afterwards becomes certain.

(26) I.e., R. Akiba and R. Tarfon who agree in the instance of minor misappropriation that the sacrifice is valid even when the sin becomes known.

(27) I.e., it is not necessary for the sinner to be aware of the sin at the time of its commission.

(28) A woman after confinement must offer a lamb as a burnt-offering and a dove as a sin-offering; v. Lev. XII, 6f. If there is doubt whether a normal birth took place (cf. Nid. III) she offers the burnt-offering with the stipulation that it shall be a freewill-offering in case of her being exempt, and the sin-offering she offers out of doubt without any stipulation. For the sin-offering of a bird the form of slaughter is the pinching of its neck, cf. Lev. V, 8.

(29) And the bird may be eaten by the priests.

(30) I.e., in either case birds are offered.

(31) Misappropriation of sacred property is subject to a guilt-offering, and the Sages and R. Akiba differ in the previous Mishnah as to whether a suspensive guilt-offering is brought in case of doubtful sacrilege.

(32) As prescribed in Lev. V, 15. For he ate at all events of sacred food.

(33) With the stipulation that the one who is exempt makes a gift to the other of his portion of the sacrifice.

K'rithoth 23a

TWO PERSONS CANNOT BRING ONE GUILT-OFFERING.¹ IF THERE WAS A PIECE OF HELEB AND A PIECE OF UNCONSECRATED [PERMITTED FAT], AND A PERSON ATE ONE OF THEM AND DOES NOT KNOW WHICH, HE IS LIABLE TO A SUSPENSIVE GUILT-OFFERING; IF HE THEN ATE THE SECOND PIECE, HE IS LIABLE TO A SIN-OFFERING. IF HE ATE THE ONE [PIECE] AND ANOTHER CAME AND ATE THE OTHER, EACH OF THEM IS LIABLE TO A SUSPENSIVE GUILT-OFFERING.

R. SIMEON SAYS: THEY TOGETHER BRING ONE SIN-OFFERING.²

SAID R. JOSE: TWO PERSONS CANNOT BRING ONE SIN-OFFERING. IF THERE WAS A PIECE OF HELEB AND A PIECE OF CONSECRATED [PERMITTED FAT], AND A PERSON ATE ONE OF THEM AND DOES NOT KNOW WHICH, HE IS LIABLE TO A SUSPENSIVE GUILT-OFFERING; IF HE THEN ATE THE SECOND PIECE, HE IS LIABLE TO A SIN-OFFERING AND AN UNCONDITIONAL GUILT-OFFERING.³ IF HE ATE THE ONE PIECE AND ANOTHER CAME AND ATE THE OTHER, EACH OF THEM BRINGS A SUSPENSIVE GUILT-OFFERING.

R. SIMEON HOLDS: THEY TOGETHER BRING A SIN-OFFERING AND A GUILT-OFFERING.²

SAID R. JOSE: TWO PERSONS CANNOT TOGETHER BRING ONE SIN-OFFERING AND ONE GUILT-OFFERING. IF THERE WAS A

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PIECE OF UNCONSECRATED HELEB AND A PIECE OF CONSECRATED HELEB,⁴ AND A PERSON ATE ONE OF THEM AND DOES NOT KNOW WHICH, HE IS LIABLE TO A SIN-OFFERING.

R. AKIBA SAID: ALSO TO A SUSPENSIVE GUILT-OFFERING. IF HE THEN ATE THE SECOND PIECE, HE IS LIABLE TO TWO SIN-OFFERINGS⁵ AND ONE UNCONDITIONAL GUILT-OFFERING. IF HE ATE THE ONE PIECE AND ANOTHER CAME AND ATE THE OTHER, EACH OF THEM IS LIABLE TO A SIN-OFFERING.’

R. AKIBA SAYS: EACH OF THEM BRINGS [IN ADDITION] A SUSPENSIVE GUILT-OFFERING. R. SIMEON HOLDS: EACH OF THEM BRINGS A SIN-OFFERING AND TOGETHER THEY BRING ONE GUILT-OFFERING.

SAID R. JOSE: TWO PERSONS CANNOT BRING ONE GUILT-OFFERING. IF THERE WAS A PIECE OF HELEB AND A PIECE OF HELEB [WHICH WAS AT THE SAME TIME] NOTHAR, AND A PERSON ATE ONE OF THEM AND DOES NOT KNOW WHICH, HE IS LIABLE TO A SIN-OFFERING AND TO A SUSPENSIVE GUILT-OFFERING;⁶ IF HE THEN ATE THE SECOND PIECE, HE IS LIABLE TO THREE SIN-OFFERINGS.⁷ IF HE ATE THE ONE PIECE AND ANOTHER CAME AND ATE THE OTHER, EACH OF THEM BRINGS A SIN-OFFERING AND A SUSPENSIVE GUILT-OFFERING.

R. SIMEON HOLDS: EACH OF THEM BRINGS A SIN-OFFERING AND TOGETHER THEY BRING A SIN-OFFERING.

SAID R. JOSE: NO SIN-OFFERING THAT IS BROUGHT FOR THE EXPIATION OF SIN⁸ CAN BE OFFERED BY TWO PERSONS.

GEMARA. Said Raba to R. Nahman: According to R. Jose it is only a sin-offering that cannot be brought by two persons, but a

suspensive guilt-offering can be brought by two persons. Is this, then, not identical with the view of the first Tanna? And should you say they differ as to whether one out of two pieces is required,⁹ [I would reply,] has it not been taught: R. Jose holds that each of them¹⁰ brings a suspensive guilt offering? He replied: What he wishes to let us know is that the first Tanna is R. Jose.

IF A PIECE OF HELEB AND A PIECE OF CONSECRATED [PERMITTED FAT]..., A PIECE OF UNCONSECRATED HELEB AND A PIECE OF CONSECRATED HELEB..., A PIECE OF HELEB AND A PIECE OF HELEB [WHICH WAS AT THE SAME TIME] NOTHAR, etc. Said Raba to Rab Nahman: Let him also bring an unconditional guilt-offering, for the Nothar is at the same time consecrated [food]? —

He replied: [It is a case where] the food was not worth a perutah.¹¹ But do not the preceding instances¹² relate to food worth a Perutah, for it is stated, HE MUST BRING AN UNCONDITIONAL GUILT-OFFERING? — He replied: In that instance since it was not Nothar, it was worth a perutah.¹³ But what [of the Mishnah] ‘One may by one act of eating ...’¹⁴ which speaks of Nothar as one of the trespasses involved, nevertheless it states that he is liable to four sin-offerings and one guilt-offering? — That [Mishnah] refers to a large meal, ours to a scanty meal; alternatively that [Mishnah] relates to the winter season and ours to the summer season.¹⁵

IF ONE PERSON ATE ONE PIECE, etc. Said Raba to Rab Nahman: And does R. Simeon indeed hold that a prohibition can take effect on an existing prohibition;¹⁶ has it not been taught: R. Simeon says, He who eats Nebelah on the Day of Atonement is exempt?¹⁷ —

Said R. Shesheth son of Idi: [Our Mishnah] refers to one who ate the kidney with the

Heleb attached thereto.¹⁸ But even in the case of the kidney with the Heleb attached thereto is it not subject to prohibition relating to things offered [upon the altar]?¹⁹ How, then, can the prohibition regarding Nothar take effect on it? And should you argue that R. Simeon maintains that the prohibition relating to Nothar is a stringent²⁰ one and therefore takes effect on the existing lighter prohibition regarding things offered [upon the altar], [I might retort], behold the prohibition of Nebelah is light and that of the Day of Atonement is stringent, and yet the latter does not take effect on the former! —

One must say that in connection with consecrated things the Divine Law has revealed that one prohibition can take effect on an existing prohibition,

(1) He holds no conditions may be attached to a sacrifice.

(2) V. p. 171, n. 9.

(3) For the first piece he would be liable to a sin-offering, and for the second, which is not Heleb, to a guilt-offering; in the case of doubt he brings a suspensive guilt-offering even according to the Sages, because of the doubt relating to the first piece.

(4) The first is subject to a sin-offering, the second to a sin-offering as well as a guilt-offering by reason of its sacred character.

(5) Provided the two pieces were not eaten in one spell of unawareness, otherwise he would be liable to but one sin-offering, viz., for the eating of Heleb.

(6) The first is subject to a sin-offering, the second to two sin-offerings, for the law of Nothar is more comprehensive than that of Heleb, although it was forbidden before it became Nothar. For Nothar v. Glos. In case of doubt as to which of them he ate, he brings a sin-offering, to which he is at all events liable, and a suspensive guilt-offering by reason of the doubt relating to Nothar.

(7) V. p. 172, n. 5.

(8) Excluded from this rule are the sin-offerings which are not brought as the outcome of a certain sin, such as the one offered by a woman after confinement, v. supra 7b.

(9) V. supra 16b. The first Tanna will hold that if the two pieces were eaten by two persons both will be liable to a suspensive guilt-offering, although when the second one ate his piece the presence of something forbidden was not established; R. Jose

will hold that only the first is liable, because of the two pieces before him one was definitely forbidden, but the second is exempt.

(10) Obviously also the second is liable.

(11) The standard value for the trespass of the law of sacrilege is a Perutah, the smallest coin.

(12) In the third instance of the Mishnah it is stated that if one ate both pieces he is liable to a sin-offering (by reason of the Heleb present) and to a guilt-offering to expiate the sacrilege he committed. The second piece must, accordingly, have been worth a Perutah; why should we not assume the same in the concluding instance?

(13) The meat of the Nothar is usually inferior and cheaper because of its staleness.

(14) V. supra 13b. One of the sin-offerings is brought for the transgression of the law of Nothar, whilst the guilt-offering is to expiate the trespass of sacrilege. The piece of Nothar must of necessity have been worth a Perutah.

(15) I.e., the meat referred to there was either of a bigger quantity or better preserved, by reason of the cold of the winter.

(16) R. Simeon holds in the last instance of the Mishnah that a second sin-offering is to be brought because of the trespass of the law of Nothar. Now, before it became Nothar it was already forbidden as Heleb; how can the second prohibition take effect upon something already prohibited?

(17) The Nebelah (v. Glos.) was forbidden even before the Day of Atonement; he is therefore exempt from the sin of eating on the Day of Atonement, for this prohibition cannot take effect.

(18) That part of the kidney which is not Heleb is at all events subject to Nothar. By eating them together he has made himself liable to the prohibition of Heleb as well as Nothar, the first by reason of the Heleb, the second because of the kidney.

(19) Both the kidney and the Heleb of an offering are burnt upon the altar and are therefore forbidden for use.

(20) Nothar and eating on the Day of Atonement involve the penalty of Kareth, Nebelah and the portions offered on the altar are only subject to a mere prohibition.

K'rithoth 23b

as has been taught: [The expression] Which pertain unto the Lord¹ includes the sacrificial portions [destined for the altar]. Now these portions are subject to the prohibition relating to things offered [upon the altar], moreover the Heleb thereof is subject to a

prohibition involving Kareth, and yet the prohibition regarding uncleanness takes effect on them.

A further proof that this is so:² Behold, Rabbi is of the opinion that one prohibition can take effect on another, provided it is a stringent prohibition being applied to an existing light one, and not a light one to a stringent one, yet in the matter of consecrated things he maintains that even a light prohibition can take effect on a stringent one. For the prohibition of sacrilege is light, being subject to death,³ whereas the prohibition relating to [the eating of] consecrated things is stringent, involving Kareth, yet the prohibition involving death takes effect on the prohibition involving Kareth, as has been taught: Rabbi says, [The text] All fat is the Lord's⁴ includes the sacrificial portions of offerings of a lower degree of holiness destined for the altar as being subject to the law of sacrilege. Now, sacrilege is a prohibition involving death³ and yet it takes effect on the prohibition of Heleb which involves Kareth. This proves that Scripture revealed a special case with regard to consecrated things. But has it not been taught elsewhere: R. Simeon says, Neither the law of piggul⁵ nor that of Nothar applies to things that are offered upon the altar? —

There are two [contradictory] Tannaitic [traditions] in the name of R. Simeon; some there are who hold that in relation to consecrated things a prohibition can take effect on an existing prohibition, but others hold that even in relation to consecrated things a prohibition cannot take effect on an existing prohibition. And for what purpose will they who hold that also in relation to consecrated things one prohibition cannot take effect on another, employ [the text], 'All fat is the Lord's'?⁶ —

They will employ it for the young⁷ of consecrated animals, for they hold that the young of consecrated animals are sacred only

from birth,⁸ so that both [prohibitions]⁹ come into force simultaneously.

CHAPTER VI

MISHNAH. IF A PERSON BROUGHT A SUSPENSIVE GUILT-OFFERING AND LEARNT AFTERWARDS THAT HE DID NOT SIN,¹⁰ IF IT WAS BEFORE THE ANIMAL WAS SLAUGHTERED, IT MAY GO OUT TO PASTURE AMONG THE FLOCK;¹¹ THUS THE VIEW OF R. MEIR. THE SAGES SAY: IT SHALL BE LEFT TO PASTURE UNTIL IT BECOMES BLEMISHED¹² AND THEN SOLD, AND ITS PRICE GOES TO [THE TEMPLE FUND FOR] FREEWILL-OFFERINGS.¹³

R. ELIEZER SAYS: IT SHALL BE OFFERED UP, FOR IF IT DOES NOT EXPIATE THIS SIN, IT WILL EXPIATE ANOTHER SIN.¹⁴ IF HE LEARNS OF IT AFTER IT WAS SLAUGHTERED, THE BLOOD SHALL BE POURED OUT AND THE FLESH IS REMOVED TO THE PLACE OF BURNING.¹⁵ IF THE BLOOD HAD ALREADY BEEN TOSSED, THE FLESH MAY BE EATEN.¹⁶

R. JOSE SAYS: EVEN IF THE BLOOD IS STILL IN THE VESSEL, IT SHOULD BE TOSSED AND THE FLESH THEN EATEN.¹⁷ THE LAW, HOWEVER, IS DIFFERENT WITH AN UNCONDITIONAL GUILT-OFFERING: IF¹⁸ BEFORE THE ANIMAL WAS SLAUGHTERED, IT MAY GO OUT TO PASTURE AMONG THE FLOCK; IF AFTER IT WAS SLAUGHTERED, IT SHALL BE BURIED; IF AFTER THE SPRINKLING OF THE BLOOD, THE FLESH MUST BE REMOVED TO THE PLACE OF BURNING.

THE LAW IS ALSO DIFFERENT REGARDING AN OX TO BE STONED:¹⁹ IF BEFORE IT WAS STONED,²⁰ IT MAY GO OUT TO PASTURE AMONG THE FLOCK; IF AFTER IT WAS STONED, IT IS PERMITTED FOR USE.

THE LAW IS ALSO DIFFERENT REGARDING THE HEIFER WHOSE NECK IS TO BE

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BROKEN:²¹ IF BEFORE ITS NECK WAS BROKEN,²² IT MAY GO OUT TO PASTURE AMONG THE FLOCK; IF AFTER ITS NECK WAS BROKEN, IT SHALL BE BURIED ON THE SPOT,²³ FOR IT WAS FROM THE OUTSET BROUGHT IN A MATTER OF DOUBT, IT HAS ATONED FOR THE DOUBT, AND SO HAS SERVED ITS PURPOSE.

GEMARA. Wherein do they differ? — R. Meir reasons, As he no longer requires the offering he does not dedicate it;²⁴ the [other] Rabbis hold, Because of his troubled conscience²⁵ he resolved to dedicate it. A Tanna [taught]: Whether he learnt that he did sin²⁶ or learnt that he did not sin, R. Meir and the Rabbis differ. In the case where he learnt that he did sin, [the dispute is taught] to present the force of R. Meir's view: Although he is now aware of his sin, since he did not know this when the sacrifice was set aside, it may therefore go out to pasture among the flock. And in the case where he learnt that he did not sin, [the dispute is taught] to present the force of the view of the Rabbis: Although he is now aware that he did not sin, since he did not know this when the sacrifice was set aside, his conscience troubled him and so resolved to dedicate it absolutely.

Said Rab Shesheth: R. Meir concedes to the Rabbis

(1) Lev. VII, 21, which states the law that if an unclean person eats of the flesh of sacrifices, he is liable to Kareth. The expression 'which pertain unto the Lord' is apparently superfluous, and serves to teach us that also the portions destined for the altar are subject to this prohibition.

(2) That in connection with consecrated things one prohibition can take effect on another.

(3) Not the death penalty by human hands but as a heavenly punishment. This penalty is less stringent than Kareth; cf. M.K. 28a.

(4) Lev. III, 16.

(5) V. Glos.

(6) From this text we derived above that the law of sacrilege takes effect upon the prohibition concerning Heleb.

(7) Or rather to the sacrificial portions destined for the altar of the young of consecrated animals. Rashi reads explicitly 'the sacrificial portions of the young ones'.

(8) Lit. on coming into being, i.e. at birth.

(9) Viz., that concerning sacrilege and that relating to the use of things offered upon the altar. These two prohibitions take effect simultaneously, from the moment of birth. There is thus no question of one prohibition applying to the other.

(10) E.g., it is afterwards established that the portion left over was the Heleb and the one he had eaten the permitted fat.

(11) I.e., it loses its sacred character and becomes again a profane animal.

(12) So that it is unfit for the altar. Only then may a consecrated animal be sold to a private person.

(13) I.e., a fund which provided freewill-offerings whenever the altar was empty.

(14) This is consistent with R. Eliezer's view in the following Mishnah that such a guilt-offering may be brought without reference to a specific doubtful sin.

(15) I.e., it shall be burnt outside the Temple precincts, like all disqualified sacrifices.

(16) Since the ceremony of expiation was performed, it is to be treated as a valid offering.

(17) Because the blood was ready for tossing.

(18) I.e., if he discovers that the certain sin for which the sacrifice was brought did not take place after all; v. Gemara.

(19) An ox that killed a person must be stoned and no benefit or use may be derived from it. V. Exod. XXI, 28.

(20) It was found out that the judgment passed upon it was wrong.

(21) Deut. XXI, 1ff.

(22) The murderer was found.

(23) I.e., it is to be treated as if it was valid, for its purpose was to atone for the congregation who may have borne some guilt in the murder, and at the time that the heifer had its neck broken this doubt still existed.

(24) I.e., his dedication of the offering was not absolute, but rather that it should be sacred so long as the doubt existed. Now that the doubt has been solved the animal is again profane.

(25) Lit., 'his heart knocks him'; at the time of dedication he resolved to bring an offering unconditionally.

(26) When a sin-offering is due. Even then R. Meir holds that the suspensive guilt-offering loses its sacred character, and becomes profane.

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K'rithoth 24a

in the case of a person who dedicated two guilt-offerings as a surety¹ and was atoned for by one of them, that the second shall be left to pasture until it becomes blemished and then sold, and its price goes to the fund for freewill-offerings.² What is the reason? —

R. Meir disagrees with the Rabbis only in the case where the offerer had given no proof that his conscience troubled him; in this instance, however, behold only one sacrifice was required of him, for what reason then did he separate two sacrifices? [Obviously] because he thought. 'Should one be lost, I shall be atoned for by the other'. Now since he has proved that his conscience troubled him, we therefore assume that his dedication was absolute.

Said Rab Judah in the name of Rab: The Rabbis concede to R. Meir in the case of a suspensive guilt-offering [which was brought on the strength of] the evidence of witnesses who were subsequently proved to be 'plotters',³ that it shall go out to pasture among the flock. What is the reason? —

The Rabbis disagree with R. Meir only in the case where the offerer brought the sacrifice of his own accord, when we may assume that his conscience troubled him; but when he brought it on the strength of the evidence of two witnesses, he did not [entirely] rely on the witnesses, thinking that perhaps others might come and prove them 'plotters'.

Raba raised an objection: THE LAW IS ALSO DIFFERENT REGARDING AN OX TO BE STONED: IF BEFORE IT WAS STONED, IT MAY GO OUT TO PASTURE AMONG THE FLOCK. What were the circumstances?⁴ If two witnesses came and said [the ox] killed a person, and two others [then came and] said, it did not kill, why should we accept the latter and not the former? It must therefore be a case of

plotting witnesses, and correspondingly in the matter concerning the suspensive guilt-offering it is also a case of plotting witnesses, and yet [we see that] they differ therein! —

Abaye replied to him: [The case of] the ox to be stoned⁵ may be that the person [alleged to have been] killed came forward on his own feet; correspondingly in the matter concerning the suspensive guilt-offering, the case is that the remaining piece was [eventually] recognised.⁶ But when the suspensive guilt-offering was brought on the strength of the evidence of two witnesses, the law may indeed be different.⁷ [This is also] the subject of a dispute [between the following]. If a suspensive guilt-offering was brought on the strength of the evidence of witnesses and they were subsequently proved to be 'plotters'.

R. Eleazar⁸ says, It is [treated] like the meal-offering of jealousy,⁹ of which it was taught that if the witnesses against the woman were proved to be 'plotters', it [the meal-offering] reverts to its profane character; but R. Johanan holds: It shall be left to pasture until it becomes blemished and then sold, and its price goes to the fund for freewill-offerings. And why does not R. Johanan compare it to the meal-offering of jealousy? —

They are not comparable [one to another]; the meal-offering of jealousy is not offered for atonement but to ascertain her guilt; the suspensive guilt-offering, however, is offered for atonement, and since [we assume] that his conscience troubled him he resolved to dedicate it absolutely.

R. Kerespedai said in the name of R. Johanan: If an ox was condemned to be stoned and the witnesses were proved to be 'plotters', whosoever takes possession of it is its legal owner.¹⁰

Said Raba: R. Johanan's view is plausible in the case where the witnesses testified that his

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beast was abused,¹¹ but if they asserted that he himself abused his beast, since he is certain that he did not abuse it, he certainly does not renounce his ownership of it, but will take pains to find witnesses [to disprove the charge]. But in what respect does [this case] differ from that which Rabbah b. Ithi taught in the name of Resh Lakish: In the case of a beguiled city¹² whose witnesses were proved to be ‘plotters’, whosoever takes hold of the property thereof is its legal owner? —

In the beguiled city there are a multitude of people and each of them thinks, even though I did not sin others might have sinned,¹³ and he therefore renounces the ownership of his property; in our instance, however, the matter rests with him alone; as he knows that he did not abuse the animal he does not renounce his ownership of it, but rather endeavors to find witnesses [to disprove the charge].

Resh Lakish said: If a person offers a gift to his fellow, and the latter says. ‘I do not want it’, whosoever takes hold of it becomes its legal owner.¹⁴ But in what respect does this differ from that which Rabbah b. Aibu said in the name of Rab Shesheth, or as some report R. Abbahu in the name of Rab Shesheth: If the recipient of a gift declared after it had come into his possession. ‘Let this gift be annulled’, or ‘It is to be annulled’, or ‘I do not want it’, his words have effect;¹⁵ if he said, ‘It is annulled’ or ‘It is no gift’, his words are of no effect.

(1) I.e., should the one die or be lost, the other shall be offered instead.

(2) I.e., that the second remains sacred property, because the dedication thereof is assumed to have been absolute.

(3) Zomemim, v. Glos. I.e., two witnesses gave evidence that he did something which was a doubtful sin, whereupon he is obliged to offer a suspensive guilt-offering. As it was not his conscience which prompted him to seek expiation, it is thought that he offered the sacrifice with reservation. The witnesses were then, before the slaughtering of the animal, proved to be ‘plotters’ by reason of their absence

from the scene of the alleged offence; v. Deut. XIX, 18f and Mak. I, 1ff. The law distinguishes between witnesses who are contradicted and witnesses who have been proved to be ‘plotters’. In the former instance the subject matter of the evidence is contradicted by two other witnesses. Neither testimony is then accepted. In the latter instance evidence is brought against the credibility of the first witnesses by proving that at the time when the alleged act was supposed to have taken place the witnesses were seen in a different place. V. Mak. 2ff.

(4) I.e., how was it established that the sentence passed on the ox was wrong?

(5) An example of the charge being unfounded in the case of the ‘ox to be stoned’.

(6) Viz., as being the forbidden fat.

(7) Lit. ‘no’.

(8) Some texts read: Resh Lakish.

(9) V. Num. V, 12ff. The offering is brought on the basis of evidence that she retired with a man after having been forewarned by the husband not to do so. Its purpose is not the expiation of a sin, but rather to prove her fidelity or otherwise.

(10) The ox is regarded as ownerless, for it is assumed that the owner has abandoned all his rights in it, since it is forbidden to derive therefrom any kind of benefit.

(11) I.e. that some person had committed an offence upon the beast. V. Lev. XX, 15. Such an animal belongs to the category of an ‘ox to be stoned’.

(12) v. Deut. XIII, 13-18. The whole city is to be destroyed. It is therefore assumed that every inhabitant has implicitly relinquished the ownership of his property.

(13) I.e., although he was sure that he did not sin the city might still be destroyed because of the other inhabitants. V. Sanh. IIIb.

(14) It is regarded as ownerless, for both the donor and the beneficiary have renounced their rights in the gift.

(15) This dictum has a different version in Git. 32b; cf. Tosaf. a.l. According to our version, the recipient's declaration is valid if it is clothed in terms of the future, for it is then equal to a renunciation of ownership, and invalid if clothed in terms of the present, for his words are then in contradiction to his action, viz., his taking possession of the gift. Rashi here prefers the text of the version as quoted in Git. l.c.

K'rithoth 24b

Does not the ruling ‘his words have effect’ imply that it returns to the original owner?¹ — No, ‘his words have effect’ implies that he,

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too, has not acquired it, but whoever takes hold of it becomes its legal owner.

An objection was raised: If a person says to his partner, 'I have neither right nor claim on this field', or 'I have no concern in it', or 'I entirely dissociate myself from it', his words are of no effect. Now, the expression 'I entirely dissociate myself from it' corresponds to 'I do not want it', and yet we learn here that his words are of no effect! — This case is different; for what he meant was that he dissociates himself from all rights and claims, but not from the real [ownership of the] field.²

An objection was raised: If a [dying] man assigned his possessions, in writing, to another, and there were among them slaves, and the other said, 'I do not want them', if the second master was a priest,³ they may eat of terumah.³ R. Simeon b. Gamaliel says: As soon as that other said, 'I do not want them', the heirs at once become their legal owners.⁴ Now according to R. Simeon b. Gamaliel it is well, for he argues: When a man bestows a gift it is with the understanding that it be accepted; and if it is not accepted, it [automatically] returns to its original owner. But what of the first Tanna?

If [it is right to say⁵ that] whenever a beneficiary says, 'I do not want it', whoever takes hold of the property becomes its legal owner, here since the second master said, 'I do not want them', the slaves should be 'strangers',⁶ and how can 'strangers' eat terumah?⁷ — He holds: If a man renounces the ownership of his slave, the latter is free but still requires a bill of emancipation from his master; and he also maintains that one who awaits a bill of emancipation may still eat of terumah.⁸

R. ELIEZER SAYS: IT SHALL BE OFFERED UP, etc. Why does R. Eliezer state [that IT WILL EXPIATE ANOTHER] SIN? Does not R. Eliezer hold that a suspensive

guilt-offering may be brought [at any time] as a freewill-offering, as we have learnt:⁹ R. Eliezer says. A man may freely offer a suspensive guilt-offering every day? — Replied Rab Ashi: R. Eliezer takes here into consideration what they [the Sages] said to him,¹⁰ as we have learnt:⁹ But they said unto me, Wait until you fall into a state of doubt .¹¹

IF HE LEARNS OF IT AFTER IT WAS SLAUGHTERED, etc. [It is stated here:] THE FLESH IS REMOVED TO THE PLACE OF BURNING, from which it follows that non-consecrated animals that were slaughtered in the [Temple] court are to be burnt, whilst [we read later] in contradiction thereto: THE LAW, HOWEVER, IS DIFFERENT WITH AN UNCONDITIONAL GUILT-OFFERING: IF BEFORE THE ANIMAL WAS SLAUGHTERED, IT MAY GO OUT TO PASTURE AMONG THE FLOCK; IF AFTER IT WAS SLAUGHTERED, IT SHALL BE BURIED.¹² —

Replied R. Eleazar: The contradiction is obvious;¹³ he who taught the one clause cannot have taught the other.¹⁴ Rabbah said: Do you point out a contradiction between the unconditional guilt-offering and the suspensive guilt-offering? As to the unconditional guilt-offering, since it is no longer required we may assume that its owner has not dedicated it; but as to the suspensive guilt-offering, since his conscience troubled him, we may assume that he has dedicated it absolutely.¹⁵ There is, however, a contradiction between two statements relating to the unconditional guilt-offering itself; for here we learn: IT SHALL BE BURIED, whilst the concluding clause reads: THE FLESH IS REMOVED TO THE PLACE OF BURNING! — This is doubtlessly a contradiction; he who taught the one clause cannot have taught the other. Rab Ashi said: Because it has the appearance of a disqualified offering.¹⁶

IF THE BLOOD HAD ALREADY BEEN TOSSED, THE FLESH MAY BE EATEN. Why? Has he not [in the meantime] reached a state of certainty?¹⁷ — Replied Raba: The text says, Though he knew it not, and he shall be forgiven;¹⁸ and this man was in doubt during the ceremony of forgiving.

R. JOSE SAYS, EVEN IF THE BLOOD IS STILL IN THE VESSEL, etc. How can R. Jose maintain that the blood should be tossed? Has he not arrived at a condition of certainty at the time of the ceremony of forgiving? —

Replied Raba: R. Jose follows R. Simeon who holds, Whatever is ready to be tossed is to be regarded as if it had already been tossed. But perhaps R. Simeon maintains his view only with regard to things that are indeed ready to be tossed,¹⁹ whilst this is not ready to be tossed!²⁰ — In the West²¹ they replied: R. Jose holds that the vessels of ministry render fit for offering that which is disqualified from the outset.²²

THE LAW, HOWEVER, IS DIFFERENT WITH AN UNCONDITIONAL GUILT-OFFERING, etc. It was stated: When does the heifer whose neck is to be broken become forbidden [for use]? R. Hammuna says: In its lifetime; Raba says: After the breaking of the neck. Now Raba's opinion is clear, for it is from the time that an act was done to it; but from what specific time according to R. Hammuna? —

(1) I.e., it is not ownerless. This is in contradiction to Resh Lakish.

(2) The term *דין ודברים אין לי* lit., 'I have no lawsuit and words', is now understood to convey the declaration that he does not expect to have to go to court to establish his title to the field, for this is undisputed.

(3) The slave of a priest may also eat of Terumah (v. Glos.). Here the slave may eat Terumah, for the declaration of the beneficiary, his second master, is void.

(4) V. B. B. 138a.

(5) As Resh Lakish maintains.

(6) I.e. non-priests. The slaves are declared ownerless and therefore take possession of themselves, so to speak.

(7) For no non-priest may eat of Terumah.

(8) So long as he does not possess this bill he is still attached to his master. And if his master is a priest he may still eat Terumah.

(9) *Infra* 25a.

(10) *Viz.*, to Baba b. Buta; cf a.l.

(11) R. Eliezer corrected his view in conformity with this reply, according to which it is not advisable to offer a suspensive guilt-offering without some suggestion of sin. It was therefore necessary for R. Eliezer to offer a reason in the Mishnah for his opinion.

(12) The contradiction is that in one clause burial is prescribed, whilst in the other burning.

(13) Or, 'a division must be made'.

(14) I.e., the Mishnah is self-contradictory in combining two views which are at variance with one another. The views, however, are derived from different Schools.

(15) I.e., with a sacrifice for a certain sin we presuppose that it was offered only because the offerer wished to atone for his guilt. When it is found out that he did not commit the sin after all, the offering is proved to be an error and reverts to its profane status. As a profane animal, which was slaughtered in the Temple court, it has to be buried. In the case of doubt, however, the offerer himself had at all times to admit the possibility that he did not sin. By offering the sacrifice whilst he was still in a state of doubt, he manifested that he was particularly anxious to free himself from all uncertainty, and he therefore resolved to offer a sacrifice of atonement unqualifiedly. The offering remains sacred even after the doubt has been solved, and is to be treated like a disqualified offering, which is designated for burning.

(16) I.e., the unconditional guilt-offering is in fact not regarded as sacred, and this is why in the first clause we read that it shall be buried, just as a profane animal slaughtered in the Temple precincts. The reason why the concluding clause states that it is to be burnt if the blood had already been tossed, is that the offering has then the appearance of a valid sacrifice which had gone through many stages of the ceremony and was then rendered unfit for the altar. It is therefore to be treated like a disqualified sacrifice, which is to be burnt. The translation follows Rashi's version. Some edd. read: 'Rab Ashi said: The former clause which states of the suspensive guilt-offering that the flesh is removed to the place of burning offers no difficulty. because it has the appearance of a disqualified offering'.

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(17) The sacrifice is thus rendered unfit, and the flesh should be forbidden for use, for it was brought in a matter of doubt and there is no longer any doubt.

(18) Lev. V, 18. The text conveys that the status during the ceremony of forgiving, i.e. tossing the blood, is decisive. If at that time he was still in doubt, the guilt-offering is valid.

(19) And will be tossed later.

(20) For in the meantime he has learnt that the doubtful sin was really a permitted act, so that the offering reverts to its profane status.

(21) I.e., Palestine.

(22) The fact that the blood to be tossed is already in the sacred vessel of ministry preserves the sacred character of the offering.

K'rithoth 25a

Said R. Jannai: I had heard a time limit regarding it, but it has escaped my memory. His colleagues, however, suggested:¹ Its conveyance to the 'rough valley'² renders it unfit for use.

Said R. Hammuna: Whence do I derive this [my opinion]? From that which we have learnt:³ If a person slaughtered the heifer of purification⁴ or an ox condemned to be stoned or the heifer whose neck is to be broken, R. Simeon declares him exempt; the Sages declare him guilty. Now, according to me who hold it is forbidden 'in its lifetime', [the meaning] is clear, for the dispute between R. Simeon and the Sages lies in this: R. Simeon holds that ineffective slaughterings⁵ is no slaughtering, while the Sages hold that ineffective slaughtering is regarded as slaughtering; but according to you who hold [it is forbidden] 'after the breaking of the neck', why does R. Simeon exempt him? The slaughtering is indeed effective!⁶

Should you say, however, that R. Simeon considers slaughtering valid in the case of the heifer [whose neck is to be broken],⁷ surely we have learnt: That which is valid with the [red] heifer is invalid with the heifer whose neck is to be broken, and that which is invalid with the [red] heifer is valid with the heifer whose neck is to be broken: With the

[red] heifer slaughtering is valid and the breaking of the neck invalid, and with the heifer [whose neck is to be broken] the breaking of the neck is valid and slaughtering invalid!⁸ —

Thereupon he was silent. After the former had left, he said: Why did I not retort: R. Simeon is nevertheless of the opinion that slaughtering is valid with the heifer [whose neck is to be broken]? R. Hammuna, on the other hand, might then have objected: The Tanna should not have failed to mention the view that slaughtering is valid with the heifer [whose neck is to be broken], when you might have said, it represents R. Simeon's opinion.¹⁰

Raba said: Whence do I derive this [my view]? From that which we have learnt: THE LAW IS ALSO DIFFERENT REGARDING THE HEIFER WHOSE NECK IS TO BE BROKEN: IF BEFORE ITS NECK WAS BROKEN, IT MAY GO OUT TO PASTURE AMONG THE FLOCK.¹¹ Now, if it were forbidden in its lifetime, how could it go out to pasture among the flock; surely it was forbidden while still alive?¹² —

Read: 'If before it was ready for the breaking of the neck...'¹³ Then read the following clause: IF AFTER ITS NECK WAS BROKEN, IT SHALL BE BURIED ON THE SPOT.¹⁴ — Read: 'If after it was ready for the breaking of the neck'. If so, read the concluding clause: FOR IT WAS FROM THE OUTSET BROUGHT IN A MATTER OF DOUBT, IT HAS ATONED FOR THE DOUBT, AND SO HAS SERVED ITS PURPOSE. Now, if [it were forbidden] while still alive, then it has not yet atoned for the doubt!¹⁵ —

[On this point there is] a dispute between Tannaim, as had been taught:¹⁶ Qualifying¹⁷ and atoning¹⁷ sacrifices are mentioned within [the Temple], and qualifying and atoning sacrifices are mentioned without:¹⁸ just as

with the qualifying and atoning sacrifices mentioned within [the Temple], the qualifying sacrifices are in all respects like the atoning sacrifices, so with the qualifying and atoning sacrifices mentioned without, the qualifying sacrifices are to be like the atoning sacrifices in all respects.¹⁹

MISHNAH. R. ELIEZER SAYS: A MAN MAY FREELY OFFER A SUSPENSIVE GUILT-OFFERING ON ANY DAY AND AT ANY TIME HE PLEASES.²⁰ SUCH A SACRIFICE WAS KNOWN AS THE GUILT-OFFERING OF THE PIOUS.

IT IS SAID OF BABA B. BUT A THAT HE USED TO FREELY OFFER A SUSPENSIVE GUILT-OFFERING EVERY DAY, EXCEPT ON THE DAY FOLLOWING THE DAY OF ATONEMENT.²¹ HE DECLARED: BY THIS TEMPLE! HAD THEY ALLOWED ME, I WOULD HAVE OFFERED ONE EVEN THEN, BUT THEY SAID UNTO ME, WAIT UNTIL YOU HAVE COME TO A STATE OF DOUBT.²²

THE SAGES, ON THE OTHER HAND, HOLD THAT ONE MAY NOT BRING A SUSPENSIVE GUILT-OFFERING EXCEPT FOR A [PARTICULAR] SIN. THE WILFUL TRANSGRESSION OF WHICH IS SUBJECT TO KARETH AND THE INADVERTENT TRANSGRESSION OF WHICH IS SUBJECT TO A SIN-OFFERING. THEY THAT ARE LIABLE TO SIN-OFFERINGS OR TO UNCONDITIONAL GUILT-OFFERINGS AND THE DAY OF ATONEMENT HAD INTERVENED, ARE STILL BOUND TO OFFER THEM AFTER THE DAY OF ATONEMENT.²³ THEY THAT ARE LIABLE TO SUSPENSIVE GUILT-OFFERINGS ARE EXEMPT.²⁴

HE WHO HAS COMMITTED²⁵ A DOUBTFUL SIN ON THE DAY OF ATONEMENT, EVEN AT TWILIGHT, IS EXEMPT, BECAUSE THE WHOLE OF THE DAY²⁶ EFFECTS ATONEMENT. A WOMAN WHO IS LIABLE TO A SIN-OFFERING OF A BIRD FOR A DOUBT.²⁷ AND THE DAY OF ATONEMENT

HAD INTERVENED, IS STILL BOUND TO OFFER IT AFTER THE DAY OF ATONEMENT. BECAUSE IT RENDERS HER FIT TO PARTAKE OF SACRIFICIAL FLESH.²⁸ IF A SIN-OFFERING OF A BIRD WAS BROUGHT FOR A MATTER OF DOUBT AND, AFTER THE PINCHING OF ITS NECK,²⁹ IT BECAME KNOWN [THAT THERE WAS NO NEED FOR IT], IT MUST BE BURIED.

GEMARA. What is the reason for R. Eliezer's view? — Were it³⁰ obligatory, why is he to bring a sin-offering when the sin becomes known?³¹ This proves that it is voluntary.³² The [other] Rabbis on the other hand say: Burnt-offerings and peace-offerings may be brought either in fulfillment of a vow or as freewill sacrifices,³³ but sin-offerings and guilt-offerings only as obligatory sacrifices; and the reason why one brings at all a suspensive sin-offering, although the sin is uncertain, is to afford him protection, because the Torah has compassion upon the lives of Israel.³⁴

Said Rab Aha the son of Raba to Rab Ashi: May it not be that the suspensive guilt-offering is analogous to burnt-offerings and peace-offerings; as burnt-offerings and peace-offerings are brought either by free will or by obligation, so may suspensive guilt-offerings be brought either by free will or by obligation? — He replied: Burnt-offerings and peace-offerings are mentioned in Scripture mainly as freewill sacrifices, suspensive guilt-offerings mainly as obligatory sacrifices.³⁵

R. Hiyya³⁶ recited before Raba:

(1) Lit. 'took to say'.

(2) V. Deut. XXI. 4.

(3) Hul. 81b. This Mishnah deals with the prohibition of slaughtering the young with its mother on the same day (Lev. XXII, 28). The three types of animals enumerated in this Mishnah are such as are forbidden for use. Their ritual slaughtering, therefore, does not produce its normal effect, viz., of rendering the flesh permitted to be eaten. It is therefore questionable

whether the slaughtering of such animals is subject to the prohibition of, 'It and its young', since the text there speaks of תְּשַׁחֵט, which denotes slaughtering for the purpose of rendering the flesh fit for food.

(4) I.e., the red heifer, Num. XIX.

(5) I.e., slaughtering which does not render the flesh fit for use. According to R. Hamnuna, the heifer whose neck is to be broken is forbidden when still alive, and its slaughtering is indeed of no avail with regard to rendering the flesh fit for use. R. Simeon holds that such slaughtering does not come within the scope of the prohibition of Lev. XXII, 28, whilst the Sages hold that it does.

(6) Through the slaughtering it becomes unfit as a sacrifice but suitable for ordinary purposes.

(7) I.e., slaughtering may take the place of breaking the neck. The animal thereby becomes forbidden, so that the slaughtering is ineffective.

(8) Hul. 23b.

(9) Sc. Raba

(10) I.e., if this view were tenable it would have been mentioned in the Mishnah.

(11) I.e., it becomes a profane animal, permitted for use.

(12) I.e., how can it revert to its profane status after it had been brought down to the 'rough valley' as the heifer whose neck was to be broken and so unfit for use.

(13) I.e., before it was brought to the 'rough valley', while it was indeed still permitted.

(14) This implied that the preceding clause refers to the time prior to the breaking of the neck, even though the sacrifice was already in the 'rough valley'.

(15) I.e., if the second clause was to be interpreted that the heifer should be buried if the murderer was found after it had been brought to the 'rough valley' even though it was still alive, the argument for this ruling would be meaningless, since the ceremony of atonement, i.e., the breaking of the neck, had not yet taken place.

(16) Some edd. quote this ruling in the name of the School of R. Ishmael.

(17) Qualifying sacrifices are those which are offered to render a person fit or clean for the Temple or the community, such as the guilt-offering of the leper after recovery which is offered in the Temple; atoning sacrifices are those which procure atonement for sin, such as ordinary sin- and guilt-offerings.

(18) A qualifying sacrifice which is offered outside the Temple is that of the bird of the leper which after the ceremony is set free (V. Lev. XIV, 7). An atoning sacrifice performed outside the Temple is the heifer whose neck is to be broken and also the scapegoat (v. ibid. XVI, 21).

(19) In respect of the moment of their prohibition: as the bird of the leper is forbidden for use in its lifetime, so also is the heifer whose neck is to be broken. This Tanna thus holds with R. Hamnuna, whilst our Mishnah has been proved to agree with Raba's view.

(20) He is of the opinion that such a guilt-offering is essentially a voluntary sacrifice, primarily offered for the appeasement of a troubled conscience, not necessarily with reference to a particular sin. The Sages, on the other hand, hold it is an obligatory sacrifice for the expiation of a particular sin.

(21) The Day of Atonement expiated all doubtful sins of the past, and it is unlikely that in this short spell of one day he was guilty anew of any sin.

(22) I.e., until you have reason to assume that you might have committed a doubtful sin.

(23) Definite sins known to the transgressor are not atoned for by the Day of Atonement.

(24) Doubtful sins are forgiven on the Day of Atonement.

(25) Lit. 'there came to his hand'.

(26) Or rather, any moment of the day.

(27) E.g., a woman after confinement who is in doubt whether the birth was normal and so is liable to an offering.

(28) The sacrifice is not expiatory, but serves to render her fit again to partake of holy things, after the period of uncleanness caused by the birth.

(29) The prescribed form of killing a bird-offering.

(30) Viz., the suspensive guilt-offering.

(31) If the suspensive guilt-offering is an expiatory sacrifice, i.e., atoning for the sin that might have been committed, why then is a new sacrifice to be offered when the sin becomes known? Has it not already been atoned for?

(32) I.e., he who is troubled by his conscience, that he might have committed a sin, is enjoined to offer a freewill-offering. The actual sin, however, if such there was, is not expiated.

(33) Heb. Neder or Nedabah. In the latter a particular animal is dedicated, in the former a sacrifice generally is vowed.

(34) Viz., to spare the trespasser punishment.

(35) I.e., burnt-offerings and peace-offerings are chiefly prescribed as thanksgiving, festival and communal sacrifices; the guilt-offering is always the outcome of a sinful action.

(36) Read with Sh. Mek.: Rab Hanina.

K'rithoth 25b

Nebelah¹ is subject to a suspensive guilt-offering. Said the latter to him: **Have we not learnt, THE SAGES HOLD THAT ONE MAY NOT BRING A SUSPENSIVE**

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GUILT-OFFERING EXCEPT FOR A [PARTICULAR] SIN. THE WILFUL TRANSGRESSION OF WHICH IS SUBJECT TO KARETH AND THE INADVERTENT TRANSGRESSION OF WHICH IS SUBJECT TO A SIN-OFFERING? And should you follow R. Eliezer's view, behold he maintains that it may be offered as a freewill sacrifice!² —

Replied the former: Why do you not study [thoroughly]? Many a time I put this question before the Master, namely Rabbah, and he replied: This represents the view of R. Eliezer as [suggested] by ‘those who spoke to him’,³ as we have learnt: BUT THEY SAID UNTO ME, WAIT UNTIL YOU HAVE COME TO A STATE OF DOUBT. Said Raba, What is the reason of ‘those that spoke to him?’ — The text reads. And [doeth] through error [any one of all the things] which [the Lord his God hath commanded] not to be done, and is guilty.⁴

Raba also said: What is the reason of the Rabbis who maintain that one may not bring a suspensive guilt-offering except for a [particular] sin the willful transgression of which is subject to Kareth and the inadvertent transgression of which is subject to a sin-offering? They derive [their ruling] from the sin-offering for heleb⁵ by the analogy based upon the common term mitzwoth:⁶ As in that instance⁷ [it is brought] for a sin that is subject to Kareth in the case of willfulness and to a sin-offering in the case of error, so also in our instance,⁸ [it is brought] for such sins as are subject to Kareth in the case of willfulness and to a sin-offering in the case of error.

Our Rabbis taught: The five guilt-offerings⁹ effect [complete] atonement; the suspensive guilt-offering does not affect complete atonement. How is this to be understood? —

Said Rab Joseph. As follows: The five guilt-offerings effect complete atonement,¹⁰ the

suspensive guilt-offering does not affect complete atonement;¹¹ thus dissenting from R. Eliezer, who holds that Nebelah is subject to a suspensive guilt-offering.¹²

Rabina said: It is to be understood thus: In respect of the five guilt-offerings nothing else can take their place to effect atonement, for when it is known to him he must still bring it;¹³ with reference to the suspensive guilt-offering. however, something else can take its place to effect atonement, for when it is known to him he does not bring it;¹⁴ as we have learnt: THEY THAT ARE LIABLE TO SIN-OFFERINGS OR TO UNCONDITIONAL GUILT-OFFERINGS AND THE DAY OF ATONEMENT HAD INTERVENED, ARE STILL BOUND TO OFFER THEM AFTER THE DAY OF ATONEMENT; THEY THAT ARE LIABLE TO SUSPENSIVE GUILT-OFFERINGS ARE EXEMPT. THEY THAT ARE LIABLE TO SIN-OFFERINGS OR TO UNCONDITIONAL GUILT-OFFERINGS, etc.

It is stated, THEY THAT ARE LIABLE TO SIN-OFFERINGS OR TO UNCONDITIONAL GUILT-OFFERINGS AND THE DAY OF ATONEMENT HAD INTERVENED, ARE STILL BOUND TO OFFER THEM AFTER THE DAY OF ATONEMENT; THEY THAT ARE LIABLE TO SUSPENSIVE GUILT OFFERINGS ARE EXEMPT. Whence do we know this? —

When Rab Dimi arrived,¹⁵ he said in the name of R. Ammi, who reported it in the name of R. Hanina. The verse reads, And he shall make atonement for the holy place, because of the uncleanness of the children of Israel, and because of their transgressions, even all their sins;¹⁶ ‘sins’ are analogous to ‘transgressions’: as ‘transgressions’¹⁷ are not subject to a sacrifice, so also only those ‘sins’ which are not subject to a sacrifice are atoned for [by the Day of Atonement]; ‘sins’,

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however, which are subject to a sacrifice are not atoned for.¹⁸

Said Abaye to him: But this verse refers to the goat that is offered up within,¹⁹ which does not atone for the conscious transgression of a law; the scapegoat, however, which does atone for the conscious transgression of a law, I may say will atone also for sins that are subject to a sacrifice!

Rather said Abaye: It is derived from the following [text]: And he shall confess over him all the iniquities of the children of Israel, and all their transgressions, even all their sins;²⁰ ‘sins’ are analogous to transgressions: as transgressions’ are not subject to a sacrifice, so also only those ‘sins’ which are not subject to a sacrifice are atoned for [by the Day of Atonement]; ‘sins’, however, which are subject to a sacrifice are not atoned for by it. Scripture has thus suggested a limitation [in the text] relating to the ‘scapegoat’, to teach us that it does not atone for sins that are subject to a sacrifice.

Said to him Rab Dimi: Whence do you know that the ‘transgressions’ referred to are those that are not subject to a sacrifice? Perhaps they are those that are subject to a sacrifice; as we have learnt: Four persons offer a sacrifice for willful as for inadvertent transgression!²¹ In confirmation of his [Abaye's] view it was stated: When Rabin arrived,²² he said in the name of R. Jose, who reported it in the name of Resh Lakish: ‘And he shall confess over him all the iniquities of the children of Israel, and all their sins; sins are analogous to ‘transgressions’: as ‘transgressions’ are not subject to a sacrifice, and are atoned for [by the Day of Atonement], so also only those ‘sins’ which are not subject to a sacrifice are atoned for by it; ‘sins’, however, which are subject to a sacrifice are not atoned for by it.

Remarked Abaye: I, too, derived it from this text, but Rab Dimi objected: Whence do we

know that the ‘transgressions’ referred to are those that are not subject to a sacrifice; perhaps they are those that are subject to a sacrifice, as we have learnt: Four persons offer a sacrifice for willful as for inadvertent transgression? —

Replied Rabin to him: The majority of ‘transgressions’ are not subject to a sacrifice.²³ Said the other to him: Does the passage mention ‘majority’? —

Rather, said Abaye: [The proof comes] from the beginning of this same verse: And he shall confess over him all the iniquities of the children of Israel. And it was taught: ‘Iniquities’ denote willful transgressions, and so it is written, His iniquity shall be upon him.²⁴ Now, why did the verse add, ‘and all their transgressions, even all their sins’;²⁵ to establish an analogy to ‘transgressions’: as transgressions’ are not subject to a sacrifice, so also only those ‘sins’ are implied which are not subject to a sacrifice; ‘sins’, however, which are subject to a sacrifice are not atoned for [by the Day of Atonement].

**THEY THAT ARE LIABLE TO
SUSPENSIVE GUILT-OFFERINGS, etc.**
Whence do we learn this?²⁶ —

Said R. Eleazar: The Scriptural text reads, From all your sins [shall ye be clean] before the Lord;²⁷ The Day of Atonement expiates sins that are known to the Lord alone.

Said Rab Tahlifa, the father of Rab Huna, in the name of Raba: Also the preceding instance²⁸ need no longer

(1) V. Glos. Nebelah is subject to a prohibition involving only the penalty of stripes but not Kareth. Its transgression in error is, therefore, not subject to a sin-offering

(2) It is, accordingly, superfluous to state that it may be offered for a prohibition.

(3) The reference is to the reply made by the Rabbis to Baba b. Buta in our Mishnah. According to them, one is not advised to bring a suspensive guilt-offering except with reference to a

specific sin. R. Hiyya lets us know that this sin may be a prohibition which involves stripes and not Kareth.

(4) This text does not literally occur in connection with the suspensive guilt-offering (Lev. V, 17-19). but in IV, 22 with reference to the sin-offering of the prince. It should rather read here: Which (the Lord hath commanded) not to be done, though he know it not, yet he is guilty, of Lev. V, 17 (v. Rabbenu Gershom). This passage suggests that that guilt-offering is offered only for a particular transgression prohibited by the Lord.

(5) The eating of Heleb is the prototype of a sin which involves a sin-offering. For Heleb v. Glos.

(6) 'Commandments'; occurring in Lev. IV, 27 with reference to the sin-offering and in V, 17 with reference to the suspensive guilt-offering; v. also supra 22b.

(7) Sc. the sin-offering.

(8) Sc. the suspensive guilt-offering.

(9) The ordinary guilt-offering is prescribed in five instances: for sacrilege (Lev. V, 15f.) for robbery (ibid. 21f.), for the leper (ibid. XIV, 12), for connection with a designated bondmaid (ibid. XIX, 20f.) and for the Nazirite (Num. VI, 12).

(10) I.e., no other expiation is ever required.

(11) If the sin becomes known after the offering of this guilt-offering, an additional sin-offering is required.

(12) Nebelah is not subject to a sin-offering in the case of certain transgression; the suspensive guilt-offering brought for the doubt is thus its final expiation.

(13) Even though the Day of Atonement had intervened.

(14) I.e., the suspensive guilt-offering is no longer required, for the Day of Atonement atones for uncertain sins, though not for certain sins liable to a sin-offering.

(15) Viz., in Babylon from Palestine. He was the bearer of many a Palestinian tradition.

(16) Lev. XVI, 16, referring to the High Priest's atonement of the people's transgressions effected by the goat of atonement, which was offered upon the inner altar of the Temple on the Day of Atonement. In addition, the scapegoat', i.e., the goat that was removed, or made to 'escape' into the wilderness, symbolizing the removal of the guilt of the community, was also offered on this day.

(17) Heb. פשעים. 'transgressions', denotes willful rebellious action. Such an act of apostasy is too grave to be expiated by a sacrifice. חטאים, 'sins', on the other hand, denotes unintentional deviation from the law.

(18) Viz., by the Day of Atonement. The Mishnah, therefore, states that the sacrifices are still due.

The suspensive guilt-offering is an exception for reasons that will be explained further on.

(19) Viz., within the Temple, upon the inner altar. This sacrifice expiates only unconscious transgressions; v. Shebu. 22.

(20) Ibid. v. 21. referring to the 'scapegoat'.

(21) Supra 9a. The text may allude to these four exceptional instances, thus implying that also transgressions liable to a sacrifice are expiated on the Day of Atonement.

(22) V. p. 192, n. 1.

(23) These four instances are exceptions, and it is therefore unlikely that the text alludes to them.

(24) Num. XV, 31. The beginning of the sentence reads, He hath despised the word of the Lord, suggesting a willful departure from the law of God.

(25) 'Transgressions' is regarded as superfluous as it is included in 'iniquities'. Its mention is to indicate the analogy.

(26) Viz., that the Day of Atonement expiates doubtful sins.

(27) Lev. XVI, 30. 'Before the Lord' is interpreted as a phrase qualifying 'sins' intimating that man is cleansed of all sins of which he is unaware by reason of their doubtfulness.

(28) Viz., that relating to sacrifices for certain sins, which has been expounded in the discussion preceding this paragraph by Abaya and R. Dimi. These expositions are regarded as unsatisfactory by reason of the above objections that were raised against them.

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be expounded in the manner of Rab Dimi and Abaye, but it may be derived from this argument: 'The Day of Atonement expiates sins that are known to the Lord alone;' from which it follows that the Day of Atonement expiates only sins known to the Lord alone, but it does not expiate sins of which the transgressor himself is conscious.

Furthermore said Rab Tahlifa, father of Rab Huna, in the name of Raba: They that are liable to stripes and the Day of Atonement had intervened, are still liable thereto. Is this not obvious? For wherein does it differ from the instance relating to sin-offerings and unconditional guilt-offerings? —

I might have argued: There money only is involved; in this instance, however, since his

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person is involved, I might say that it is not so. He, therefore, teaches us [that the law is the same]. But have we not learnt:² Known as well as unknown [sins], positive as well as negative commandments?³

This is no contradiction; in the one instance the transgressor was warned, in the other he was not warned.⁴ But if this is so,⁵ (Mnemonic: *A woman after confinement; a leper; a Nazirite; a woman suspected of infidelity; the heifer*) a woman after a doubtful confinement, if the Day of Atonement had intervened, should also not [bring her offering],⁶ for the Day of Atonement had effected atonement, since the sin is one known to the Lord alone'! —

Said R. Hoshai: [It reads.] 'Even all their sins'; but not all their uncleanness.⁷ But according to R. Simeon son of Yohai, who holds that a woman in confinement is a sinner,⁸ what can be said? — The sacrifice that she brings is, nevertheless, for the purpose of permitting her to partake of consecrated food, and is not expiatory.⁹

Remarked Rab Ashi: We have also learnt likewise: **A WOMAN WHO IS LIABLE TO A SIN-OFFERING OF A BIRD FOR A DOUBT, AND THE DAY OF ATONEMENT HAD INTERVENED, IS STILL BOUND TO OFFER IT AFTER THE DAY OF ATONEMENT, BECAUSE IT RENDERS HER FIT TO PARTAKE OF SACRIFICIAL FLESH.** Then a doubtful leper, if the Day of Atonement had intervened, should not [bring his offering], for the Day of Atonement had effected atonement, since the sin is one 'known to the Lord alone'! —

Said Rab Oshaia: [It reads:] 'Even all their sins'; but not all their uncleanness. But did not R. Samuel b. Nahmani say in the name of R. Jonathan: For seven sins leprosy afflicts man?¹⁰ — The leper when bringing his offering does so, not for the purpose of expiation,¹¹ but in order to render him fit to

partake of consecrated food. Then a Nazirite in doubt,¹² if the Day of Atonement had intervened, should not bring an offering, for the Day of Atonement had effected atonement, since the sin is one 'known to the Lord alone'! —

Said Rab Oshaia: [It reads:] 'Even all their sins'; but not all their uncleanness. But according to R. Eleazar b. ha-Kappari, who holds that the Nazirite is a sinner,¹³ what can be said? — The Nazirite when bringing his offering does so, not for the purpose of expiation, but in order to enable him to resume his Naziriteship in a state of cleanness.¹⁴ Then a woman suspected of doubtful infidelity,¹⁵ if the Day of Atonement had intervened, should not bring her offering, for the Day of Atonement had effected atonement, since the sin is one 'known to the Lord alone'! —

Said Rab Oshaia: [It reads:] 'Even all their sins'; but not all their uncleanness.¹⁶ Abaye said: The adulterer is aware¹⁷ [of the sin]. Raba said: The woman suspected of infidelity, in bringing [the sacrifice] does so for the purpose of ascertaining her guilt.¹⁸ Then the heifer whose neck is to be broken,¹⁹ if the Day of Atonement had intervened, [should not be offered]! —

Said Abaye: The murderer is aware [of the sin]. Raba said: Scripture reads, And no expiation can be made for the land for the blood that is shed therein, etc.²⁰

R. Papa said: Scripture reads, Forgive Thy people Israel, etc.;²¹ this atonement was applicable even to those who went out from Egypt. Now that you have established that a sin known to the Lord alone is atoned for by the Day of Atonement, then I might say that when one becomes aware [of the sin] after the Day of Atonement he should not need to bring a sin-offering!²² —

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Said R. Ze'ira: You cannot say so, for Scripture states 'knowledge' in connection with the sin-offering [of the individual] and also with that of the prince and of the congregation.²³ But is it not necessary [with each of these]? For if it was only mentioned in connection with the ordinary individual, I should have said that the others could not be derived from the ordinary individual because of this objection: It is so with the ordinary individual, since his offering is invariably female.²⁴ Then let it be stated in connection with the prince alone, and I should derive the others from the case of the prince! —

The case of the individual cannot be derived from that of the prince, for it can be objected to: It is so with the prince, since he is not included in the law regarding the refusal of evidence;²⁵ but can you say so of the individual who is included in this law? Similarly the instance of the congregation cannot be derived from that of the prince, for I might object: It is so with the prince since his offering may at times be female.²⁶ Then let it be stated only in connection with the congregation, and I should derive the case of the individual and of the prince from it! —

I can object: It is so with the congregation since they are liable only when ignorance of the law is followed by action in error.²⁷ From the mention of 'knowledge' in any one case you cannot indeed derive the others, but from its mention in two instances you might derive the third. Let 'knowledge' be omitted in connection with the ordinary individual, and let it be derived from 'knowledge' mentioned in connection with the prince and the congregation! —

I might object: It is so with the prince and the congregation since they are not subject to the law regarding the refusal of evidence;²⁸ but can you say so of the individual who is subject to this law? Let then 'knowledge' be omitted in connection with the congregation and let it be derived from 'knowledge'

mentioned with the individual and the prince! —

I might object: It is so with the individual and the prince since their sacrifice may at times be female;²⁹ but can you say so of the congregation whose sacrifice can never be female? Let, then, 'knowledge' be omitted in connection with the prince and let it be derived from 'knowledge' mentioned in connection with the individual and the congregation! For what argument can be raised in objection thereto?

If the fact that the sacrifice is offered only where ignorance of the law [is followed by action in error],³⁰ the individual proves [the opposite]; and if that the sacrifice is at all times a female, the congregation prove [the opposite],³¹ for they never offer a female and are nevertheless liable only when aware of the sin. Wherefore, then, was, 'knowledge' mentioned in connection with the prince? As it is not required for its own purpose, since it may be derived from that of the individual and the congregation, apply it to the case where the transgressor becomes aware [of his sin] after the Day of Atonement,³² to the effect that he must bring a sin-offering.

Abaye said: If 'knowledge' were omitted in the text relating to the prince I should not have derived it from the cases of the individual and the congregation. For I might object: It is so with the individual and the congregation since they cannot change their status; can you say so

(1) His obligation, which is ruled to be unaffected by the Day of Atonement, binds him only to the extra expenditure of a sacrifice. In our instance, however, bodily chastisement is involved.

(2) With reference to the transgressions expiated by the Day of Atonement.

(3) Shebu. 2b. A negative commandment usually involves the penalty of stripes, yet it is stated that the Day of Atonement atones for it, thus in contradiction to Rab Tahlifa's ruling.

(4) That Mishnah of Shebu. refers to a case where no stripes are administered, because there was no

legal warning. When, however, this penalty is due, the Day of Atonement does not affect its remission.

(5) I.e., if Rab Tahlifa was right.

(6) In contradiction to our Mishnah.

(7) The sin-offering of the woman after confinement is, he holds, brought by reason of her uncleanness and not of her sin; whilst Rab Tahlifa's ruling implies only the expiation of doubtful sins by the Day of Atonement.

(8) V. Nid. 31a. While in travail she swears not to unite again with her husband, and breaks this oath.

(9) The labor pains have expiated the sin.

(10) 'Ar. 16a. Leprosy is thus the result of sin, and the sacrifice is therefore expiatory. The text adds as a mnemonic: G.G.G. Sh. Sh. L.Z., which are the initial letters of the Hebrew words for the seven sins, viz., Immorality, arrogance, robbery, bloodshed, false oath, slander, and meanness.'

(11) The sin has been expiated by the pain suffered in the illness.

(12) I.e., a Nazirite who is in doubt whether his Naziriteship has been interrupted through uncleanness. V. Num. VI, 9f.

(13) Ta'an. 11a. His vow of abstention is regarded as a sin.

(14) The sin, however, is expiated by the disgrace to which he submits himself in not having his hair cut (Rashi).

(15) Num. V, 12ff. Every case of a woman suspected of infidelity is obviously one of doubt, and that is what is referred to in this question (Rashi).

(16) Infidelity is expressed in the Bible as uncleanness; v. ibid. v. 13.

(17) The sin is thus not one known to the Lord alone, and is therefore not atoned for by the Day of Atonement.

(18) And not as an expiation; cf. Num. V, 19ff.

(19) Deut. XXI, 1ff.

(20) Num. XXXV, 33; this passage implies that there is no other means to achieve expiation except by the execution of the murderer; or, if the murderer is unknown, through the offering of the heifer.

(21) Deut. XXI, 8. The continuation is: 'Whom Thou has redeemed'. This is taken to indicate that even those who came out of Egypt would be liable to bring a heifer, although many a Day of Atonement had intervened in the meantime, because the Day of Atonement does not expiate a case of unidentified murder.

(22) For the sin is already atoned for.

(23) The text uses the term, 'If (the sin) be known' on three occasions: Lev. IV, 28 relating to an ordinary individual who commits a sin liable to a sin-offering; ibid. v. 23 referring to the prince;

and ibid. v. 14 with reference to the congregation. This expression, the threefold repetition of which is unnecessary for the context, as will be explained later, is taken to intimate that whenever the sin becomes known a sin-offering is required even though the Day of Atonement has intervened.

(24) V. ibid. v. 28. A female animal offering is of lesser importance, and the sin of the ordinary individual might be regarded as of lesser severity. I might therefore have thought that only this individual brings a sin-offering when aware of the sin; the others, however, are liable even in the case of doubt. Therefore the restrictive term 'if be known' is used also with the others.

(25) Lit., 'the hearing of the voice', i.e., the summons to give evidence, which was disregarded. v. Lev. V, 1. Such refusal to give evidence incurs a guilt-offering, but only in the case of an ordinary individual. A prince, on the other hand, cannot give evidence; cf. Sanh. 18a.

(26) In the case of idolatry both prince and commoner are liable to a female sin-offering.

(27) I.e., when the religious authorities wrongfully permitted an act which is forbidden by law, and which the congregation thereupon committed in error.

(28) Regarding the prince (v. p. 197. n. 4). As to the congregation. its liability lies only in active transgression. not in acts of omission.

(29) V. p. 197. n. 5.

(30) I.e., should you argue that the fact, that the sacrifice is offered after an erroneous judgment, is decisive for the ruling that no sin-offering is brought except where there is awareness of sin, I should reply, the individual disproves this, for his transgression is not the outcome of an erroneous decision and he is nevertheless subject to the same ruling concerning awareness of sin.

(31) I.e., should you argue that the fact, that the sacrifice is at all times a female, is decisive for our ruling and that therefore the prince, who at times offers a male, is not subject thereto, I should reply that the case of the congregation disproves this, which is always liable to a male offering and yet is subject to our ruling.

(32) The expression 'if be known' then conveys that whenever the sin be known, even after the passing of the Day of Atonement, a sin-offering is due.

K'rithoth 26b

of the prince whose status is liable to change?¹

KRISOS - 2a-28b

Abaye, therefore, said: [The law² is rather inferred] from the following: Since the common term 'Mitzwoth' has established between them a textual analogy,³ thus rendering them analogous one to the other, why then was 'knowledge' mentioned thrice [i.e.] in connection with the commoner, the prince and the congregation? As it is not required for their own cases, for they can be inferred from each other, by reason of the analogy based upon the common term 'Mitzwoth', apply it to the case where the transgressor becomes aware [of his sin] after the Day of Atonement 'to the effect that he must bring a sin-offering. But why not argue thus: Granted that when the transgressor becomes aware of his sin after the Day of Atonement he must still bring a sin-offering, because the Day of Atonement does not apply to this specific sin;⁴ but in the case of the suspensive guilt-offering, since the offering is brought for the specific sin, he thereby receives atonement, so that when he becomes aware of his sin, after he had offered the suspensive guilt-offering, he need not bring a sin-offering! —

Raba replied: Scripture reads, 'If [the sin] be known to him'; at all events.⁵ Now that it is established that when he becomes aware of the sin he must still bring a sin-offering, what purpose did the suspensive guilt-offering serve? —

Answered R. Zera, [It had the effect] that if he died, he died without sin. Raba demurred: But if he died, death purged him!⁶ Raba, therefore, answered: [It had the effect] of guarding him from chastisement.⁷

IF A SIN-OFFERING OF A BIRD WAS BROUGHT FOR A MATTER OF DOUBT, etc. said Rab: It nevertheless effected atonement.⁸ If so, why must it be buried? — Because it was not guarded.⁹ When was it not guarded? If at the beginning,¹⁰ was it not alive?¹¹ If at the end,¹² does he¹³ not guard it?
—

The Mishnah speaks rather of the case where the woman became aware that she did not give birth.¹⁴ And by law, therefore, it should be permitted for use; but why must it be buried? It is a Rabbinical enactment.¹⁵ Rab's remark, however, was stated in connection with the following: If a woman brought a sin-offering of a bird by reason of a doubt, and prior to the pinching of its neck she learnt that the birth was a certainty, she shall offer it for a certainty, for that which she offers in the case of doubt is of the same kind as that which she offers in the case of certainty.¹⁶ But if she learnt after the pinching of the neck that the birth was normal, then Rab says: The blood is sprinkled and drained out, atonement is effected, and [the bird] is permitted to be eaten. R. Johanan says: It is forbidden to be eaten as a precautionary measure lest it be said that a sin-offering of a bird in a matter of doubt may be eaten.

Levi taught in support of Rab: In the case of a sin-offering of a bird brought by reason of a doubt, if it is learnt after the pinching of the neck that the birth was normal, the blood is sprinkled and drained out, atonement is effected, and it is permitted to be eaten.

It was taught [in a Baraitha] in support of R. Johanan: In the case of a sin-offering of a bird brought by reason of a doubt, if it is learnt prior to the pinching of the neck that the birth did not take place, the bird reverts to its profane status or it may be sold to a fellowwoman;¹⁷ if it is learnt prior to the pinching of the neck that the birth was certain, it is offered as a certain sacrifice, for that which she offers in the case of doubt is of the same kind as that which she offers in the case of certainty; if it is learnt after the pinching of the neck that the birth did take place, the offering is forbidden even for all use,¹⁸ for it was offered from the outset for a doubt, it has atoned for the doubt, and so has served its purpose.¹⁹

MISHNAH. IF A MAN SET APART TWO SELA'S²⁰ FOR A GUILT-OFFERING AND BROUGHT THEREWITH TWO RAMS FOR A GUILT-OFFERING, IF ONE WAS OF THE VALUE OF TWO SELA'S,²¹ IT MAY BE OFFERED FOR HIS GUILT-OFFERING, AND THE OTHER MUST BE LEFT TO PASTURE²² UNTIL IT BECOMES BLEMISHED WHEN IT IS SOLD AND ITS PRICE GOES TO THE FUND FOR FREEWILL-OFFERINGS. IF HE HAD BOUGHT WITH THE MONEY TWO RAMS FOR ORDINARY USE,²³ ONE WORTH TWO SELA'S AND THE OTHER WORTH TEN ZUZ,²⁴ THAT WHICH IS WORTH TWO SELA'S SHALL BE OFFERED FOR HIS GUILT-OFFERING²⁵ AND THE OTHER FOR HIS TRESPASS.²⁶ [IF HE HAD BOUGHT WITH THE MONEY] ONE [RAM] FOR A GUILT-OFFERING AND THE OTHER FOR ORDINARY USE,²⁷ IF THAT FOR THE GUILT-OFFERING WAS WORTH TWO SELA'S IT SHALL BE OFFERED FOR HIS GUILT-OFFERING²⁸ AND THE OTHER FOR HIS TRESPASS,²⁹ AND WITH IT HE SHALL BRING A SELA' AND ITS FIFTH.³⁰

GEMARA. What means HIS TRESPASS³¹ which is stated in the first clause: AND THE OTHER FOR HIS TRESPASS? Shall I say it means the ram for the [Sacrilege] guilt-offering? But can it be said that the fifth is brought together with the ram [for the guilt-offering]? Bold it is written: And he shall make restitution for that which he hath done amiss in the holy thing, and shall add the fifth part thereto;³² whence we see that it is brought together with [the restitution of] his misappropriation!

Moreover, the last clause states: [IF HE HAD BOUGHT WITH THE MONEY] ONE [RAM] FOR A GUILT-OFFERING, AND THE OTHER FOR ORDINARY USE, IF THAT FOR THE GUILT-OFFERING WAS WORTH TWO SELA'S, IT SHALL BE OFFERED FOR HIS GUILT-OFFERING, AND THE OTHER FOR HIS TRESPASS, AND WITH IT HE SHALL BRING A

SELA' AND ITS FIFTH. From this too we see that the fifth is brought together with [the restitution of] his misappropriation! —

Rather, HIS TRESPASS means the value he had benefited from the Sanctuary, which is the amount of the two Sela's he had originally set apart for a guilt-offering, and with which he bought two rams for ordinary use. So that the one which is worth two Sela's he brings as the ram for his guilt-offering, and the other which is worth ten Zuz he gives as restitution for what he had benefitted from the Sanctuary, which exactly equals the amount of his misappropriation plus one fifth. And HIS TRESPASS means his misappropriation.

Now how did you interpret HIS TRESPASS stated in the first clause? His misappropriation? Then read the last clause: [IF HE HAD BOUGHT WITH THE MONEY] ONE [RAM] FOR A GUILT-OFFERING, AND THE OTHER FOR ORDINARY USE, IF THAT FOR THE GUILT-OFFERING WAS WORTH TWO SELA'S IT SHALL BE OFFERED FOR HIS GUILT-OFFERING, AND THE OTHER FOR HIS TRESPASS, AND WITH IT HE SHALL BRING A SELA'S AND ITS FIFTH; whence we see that HIS TRESPASS means the ram for the [Sacrilege] guilt-offering. Accordingly in the first clause HIS TRESPASS means his misappropriation,

(1) Viz., the prince may be deposed and reverted to the status of a commoner.

(2) Viz., that a sin-offering is brought when the transgressor becomes aware of the sin after the Day of Atonement.

(3) The term 'Mitzwoth', ('commandment') occurs in connection with the congregation, Lev. IV, 13, the prince, v. 22, and the commoner, v. 27. This analogy includes that they all follow the same ruling also with regard to the Day of Atonement.

(4) The Day of Atonement atones for sins in general.

(5) I.e., whenever the sin becomes a certainty a sin-offering is due.

(6) For death expiates all sins with but few exceptions.

KRISOS - 2a-28b

- (7) During all that period that he was in doubt.
 (8) Rab interprets this case of the Mishnah that the woman learnt afterwards that the birth was normal. He maintains that she is not liable to a fresh sacrifice.
 (9) By reason of its doubtfulness, the sacrifice might not have been guarded properly from contact with unclean persons or objects.
 (10) I.e., before the killing of the bird.
 (11) And a living animal cannot contract uncleanness.
 (12) After it was killed.
 (13) Viz., the priest.
 (14) The certainty was in the negative direction. She is exempt entirely from a sacrifice, and the offering she dedicated should by law revert to its secular status and be permitted for use.
 (15) The Rabbis have ordered its destruction as a precautionary measure lest it be said that sin-offerings in a matter of doubt may be freely used.
 (16) Supra 22b.
 (17) I.e., any woman after confinement who would require such an offering.
 (18) By reason of its doubtful status, it may neither be eaten nor made use of. On the one hand it may be a non-consecrated animal slaughtered in a manner contrary to law and thus forbidden for eating as Nebelah; on the other hand, it may be consecrated flesh that may not be eaten, and as such is forbidden to be put to any use.
 (19) I.e., it does not definitely revert to its original non-consecrated character.
 (20) This is the price of a guilt-offering as prescribed in Lev. V, 15. The Sela', identical with the Biblical shekel, equals four Zuz.
 (21) I.e., he bought it at a reduced price; v. Gemara.
 (22) It was bought with money set apart for a guilt-offering, hence it cannot be used for ordinary purposes even though it is no longer needed for a guilt-offering.
 (23) He has thus committed sacrilege by misappropriating consecrated money to the value of two Sela's and must now bring a guilt-offering on this account and make restitution.
 (24) I.e. two Sela's and one half.
 (25) Incurred by his present misappropriation of consecrated money.
 (26) The animal that is worth ten Zuz is to be given as restitution, which exactly equals the amount misappropriated plus a fifth, cf. Lev. V, 16. It must be pointed out that the additional fifth is calculated as one quarter of the original value, so that what is added is a fifth of the repayment.
 (27) The misappropriation therefore was of the value of one Sela' only.
 (28) Which he was liable to bring at the outset and for which he had originally set apart the money.

- (29) I.e. the guilt-offering which he has incurred by the present misappropriation.
 (30) As restitution.
 (31) The Heb. word מעילה may mean the guilt-offering that must be brought for the misappropriation of consecrated property as well as the act of misappropriation itself.
 (32) Lev. V, 16.

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while in the last clause HIS TRESPASS means the ram for his [Sacrilege] guilt-offering!¹ —

In the first clause where the ram which he bought² is exactly equal to the principal and its fifth, the Tanna implies by HIS TRESPASS his misappropriation; in the last clause, however, where the ram which he bought is not equal to the principal and its fifth, the Tanna implies by HIS TRESPASS the ram for his [Sacrilege] guilt-offering, but he must bring with it a Sela' and its fifth [as restitution].

R. Menashia b. Gadda raised the question: Can a man obtain atonement with an accumulation of fifths?³ If you will say [that it is held] that a man can obtain atonement with the increase of consecrated property,⁴ but surely that is because he troubled himself with it,⁵ whereas here, since he took no trouble with it, he cannot obtain atonement therewith. Or, perhaps, even if you will say that [it is held that] a man cannot obtain atonement with the increase of consecrated property, but surely that is because he did not set it apart,⁶ whereas here in the case of the accumulation of fifths, since he did set it apart,⁷ I might say that he can obtain atonement therewith? For the question was raised [in general]: Can a man obtain atonement with the increase of consecrated property or not?

Come and hear: [We have learnt:] IF A MAN SET APART TWO SELA'S FOR A GUILT-OFFERING AND BOUGHT THEREWITH TWO RAMS FOR A GUILT-OFFERING,

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IF ONE WAS OF THE VALUE OF TWO SELA'S IT MAY BE OFFERED FOR HIS GUILT-OFFERING, AND THE OTHER MUST BE LEFT TO PASTURE UNTIL IT BECOMES BLEMISHED WHEN IT IS SOLD AND ITS PRICE GOES TO THE FUND FOR FREEWILL-OFFERINGS. Surely the case is, is it not, that he bought its for four [Zuz]⁹ and improved it so that it is now worth eight [Zuz]? We thus see that a man can obtain atonement with the increase of consecrated property!¹⁰ — No, here we are dealing with the case where the shepherd sold it to him at a reduced price.¹¹

Come and hear: If a man bought a ram for one Sela' and he fattened it so that it is now worth two Sela's, it is valid [for a guilt-offering]. Does not this prove that a man can obtain atonement with the increase of consecrated property? — No, it is different where he fattened it, for it actually cost him eight [Zuz].¹²

Come and hear: If a man bought a ram for one Sela' and it is now worth two [Sela's], it is valid [for a guilt-offering]. — Here, too, he fattened it. If so, is not this identical with the previous case? — In the first case he bought it for four [Zuz] and improved it with four [Zuz] more, so that [in fact] it cost him [in all] eight [Zuz]; in the second case he bought the ram for four [Zuz] and improved it with three [Zuz] more and now it is worth eight [Zuz]. If so, read the last clause: But he must pay one Sela' [to the Sanctuary]. [Why so?] Has it not cost him seven [Zuz]?¹³ — What he must pay is what is wanting to make up the [second] Sela'. Now if you say that a man cannot obtain atonement with the increase of consecrated property, then even if he pays [one Zuz] to makeup the Sela', what then? Surely we require a ram costing two Sela's, and it is not so here! —

Rather, the Tanna holds that a man can obtain atonement with the increase of consecrated property. If so, he should not

have to make up the Sela'? — This is the reason that he has to make up the Sela'; it is a precautionary measure lest people say that a ram worth less than two Sela's can make atonement. What is the decision? —

Come and hear: If at the time [the ram] was set apart it was worth one Sela', but at the time of atonement it was worth two Sela's, he has fulfilled his obligation.¹⁴ R. Eleazar raised the question: Can a man obtain atonement with the increase of consecrated property or not?¹⁵ Thereupon R. Johanan exclaimed: How many years is it that this one has been¹⁶ in our midst and has not heard this law from me? It would seem then that R. Johanan actually gave a ruling on this? —

Indeed yes, and he stated it in connection with the following which we learnt: The young of a thank-offering, or the substitutes [of a thank-offering], or if a man set aside [an animal for] his thank-offering and it was lost, and he then set aside another in its stead, [and later the original animal was found] — these do not require the loaves.¹⁷ And R. Hananiah sent¹⁸ this ruling in the name of R. Johanan: They taught so¹⁹ only after atonement had been effected,²⁰ but before atonement had been effected it would require the loaves.²¹ Thus we see that R. Johanan holds that a man can obtain atonement with the increase of consecrated property.

R. Eleazar raised the question: Can living animals be rejected or not?²² Thereupon R. Johanan exclaimed: How many years is it that this one has been in our midst and has not heard this law from me? It would seem then that R. Johanan actually gave a ruling on this? —

Indeed yes. for R. Johanan said: In the case of an animal belonging to two partners, if one dedicated his half²³ and later bought up the other's half and also dedicated it, the animal is holy but cannot be offered [as a sacrifice];²⁴ moreover it can make [another

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animal holy as its] substitute, and the substitute is like itself. We learn from this three rulings: we learn that living animals can be rejected; and we learn that what is consecrated only for its value can cause rejection; and we also learn that the law of rejection applies also to what is consecrated only for its value.²⁵

R. Eleazar raised the question: What is the law if in the whole world lambs became cheap?²⁶ Do we say that we require your choice vows,²⁷ which is the case here; or do we require [two] silver shekels,²⁸ which is not the case here? Thereupon R. Johanan exclaimed: Many years have we spent²⁹ in the Beth Hamidrash but we have not heard this law! 'We have not?' Behold R. Johanan said in the name of R. Simeon b. Yohai: Why did not the Torah fix a value for [the animal-offerings brought by] those lacking atonement?³⁰ Because it might happen that lambs would become cheap [in the whole world] and these would never be rendered fit to partake of consecrated food!³¹ —

Say: We have not taught this law. But was not R. Hiyya b. Abba³² in the habit of revising all his studies every month before him [R. Johanan]?³³ —

Say, rather: This law was not sought from us in the Beth Hamidrash. The [above] text [stated]: 'R. Johanan said in the name of R. Simeon b. Yohai: Why did not the Torah fix a value for [the animal-offerings brought by] those lacking atonement? Because it might happen that lambs would become cheap [throughout the world] and these would never be rendered fit to partake of consecrated food.' Abaye demurred: In that case the sin-offering for [eating] forbidden fat³⁴ should have a fixed value, since it is brought for atonement and not to render one fit to eat consecrated food!

Raba also demurred: In that case the guilt-offering of the Nazirite should have a fixed

value since it is brought for no apparent reason!³⁵ For R. Johanan said in the name of R. Simeon b. Yohai: The only offering that is brought for no reason is the guilt-offering of the Nazirite! — This is indeed a difficulty.

(1) It is indeed strange that the Tanna in one Mishnah should employ the same term for the two conceptions.

(2) All printed texts have here רובן 'their majority' which makes no sense. The commentators unanimously emend to דברו 'which he bought', which has been adopted here.

(3) E.g. a man wrongfully made profane use of two Sela's which had been dedicated for an offering. He thereupon paid to the Sanctuary the two Sela's plus one fifth (as prescribed), in all a sum of ten Zuz. Then again he made profane use of the two Sela's, indeed he did so four times, and on each occasion he returned the two Sela's plus one fifth (i.e. two Zuz). The extra fifths now mount up to two Sela's (eight Zuz) which is the price of a guilt-offering for sacrilege. The question that is raised is, can these two Sela's, the accumulation of the fifths of the four occasions, be used for one of the four guilt-offerings for sacrilege that he has incurred? V., however, Sh. Mek.

(4) If e.g. a man bought a ram for a guilt-offering for one Sela' and improved it and fattened it, or in the meantime the price of rams had gone up, and it is now worth two Sela's and therefore eligible now for a guilt-offering.

(5) He expended time and money on improving the animal.

(6) He did not actually set aside any more money beyond the original Sela'.

(7) After each misappropriation he set apart an extra two Zuz.

(8) Each ram.

(9) I.e. one Sela'.

(10) Since one of the rams may be offered for a guilt-offering.

(11) The reduction was a personal favor to the purchaser, hence it is not considered as increase in consecrated property'.

(12) Four Zuz the cost of purchase and four Zuz the cost of fattening.

(13) At most he should have to pay to the Sanctuary one Zuz.

(14) This clearly proves that a man can obtain atonement with the increase of consecrated property. The precise wording of this Baraitha precludes the possibility that the increase was due to fattening. V. Sh. Mek. It must be observed that R. Gershom reads in the Baraitha: 'he has not fulfilled his obligation', and the proof is therefore

the reverse, that a man cannot obtain atonement with the increase of consecrated property.

(15) R. Eleazar apparently had not heard of the last Baraita quoted.

(16) Lit. 'has grown up'. (5) The substitute of an offering is holy like the offering itself; v. Lev. XXVII, 33.

(17) Which must accompany the thank-offering; v. Lev. VII, 12, 13. V. Men. 79b.

(18) From Palestine to Babylon.

(19) 'That the young of a thank-offering does not require the loaves'. These words appearing incur. edd. are obviously a gloss. V. Sh. Mek.

(20) With the offering of the mother animal.

(21) And the young may be offered as the thank-offering in fulfillment of his obligation. This is an obvious case of increase in consecrated property, and it is taught that one may use 'the increase' in fulfillment of one's obligation.

(22) If an animal consecrated for an offering was for some cause rendered ineligible for offering, and later the disqualifying cause was removed, can it now be offered or is it permanently rejected?

(23) At this stage it is ineligible for a sacrifice since only half of it is holy. The animal is consecrated only as to its money value, i.e. it must be sold and half the proceeds to be used for a sacrifice.

(24) Its original rejection is permanent even though now the whole animal is consecrated.

(25) This and the preceding ruling amount to the same thing (Rashi). There are several variants of the text here, v. Sh. Mek., and the parallel passages in Kid. 7a and b, Zeb. 12a, and Tem. 26a and b. V. infra 28a top.

(26) So that no lambs cost as much as two shekels.

(27) Deut. XII, 11. By bringing a choice animal one has surely fulfilled one's obligation, especially as no animal can be bought for two shekels.

(28) Lev. V, 15.

(29) Lit. 'grown up'.

(30) A Zab, a Zabah (v. Glos.), a woman after childbirth, and a leper, even after the completion of their period of uncleanness are still debarred from partaking of consecrated food until their prescribed offerings were brought.

(31) It follows from this that where the Torah did fix the price of the offering that condition is indispensable in all circumstances.

(32) Cur. edd. R. Zera b. Adda; but cf. Ber. 38b. and Hul. 86b.

(33) Then surely R. Johanan must have taught his pupil this ruling.

(34) A typical example of a sin involving a sin-offering.

(35) Lit. 'in vain'. The Nazirite whose period of consecration was profaned by uncleanness was obliged, before resuming his period afresh, to

bring two doves, one for a sin-offering and the other for a burnt-offering, as well as a lamb for a guilt-offering. Now his sin-offering atoned for his involuntary defilement, his burnt-offering for his sinful thoughts, whereas the sprinkling with water of purification on the third and the seventh days of his uncleanness rendered him fit to partake of consecrated food. The guilt-offering, however, seems entirely superfluous and no reason can be adduced for its offering. V. however Ned. 10a.

K'rithoth 27b

MISHNAH. IF A MAN SET APART HIS SIN-OFFERING AND THEN DIED. HIS SON MAY NOT OFFER IT AFTER HIM.¹ A MAN MAY NOT OFFER [WHAT WAS SET APART] FOR ONE SIN IN RESPECT OF ANOTHER SIN; MOREOVER. EVEN IF HE HAD SET APART [THE SIN-OFFERING] FOR FORBIDDEN FAT THAT HE HAD EATEN YESTERDAY, HE MAY NOT OFFER IT FOR FORBIDDEN FAT THAT HE HAS EATEN TO-DAY, FOR IT IS WRITTEN, HIS OFFERING ... FOR HIS SIN;² THE OFFERING MUST BE FOR THAT PARTICULAR SIN [FOR WHICH IT WAS SET APART].

GEMARA. Whence do we know this? — For our Rabbis taught:³ His offering⁴ [implies that] he fulfils his obligation with his own offering but not with that of his father. I might think that this means that he does not fulfill [his obligation] in respect of a serious offences with his father's offering which had been set apart for a light offences⁶ or vice versa, but he does fulfill [his obligation] in respect of a light offence with [what his father had set apart also for] a light offence, or his obligation in respect of a serious offence with [what his father had set apart also for] a serious offence.

Therefore Scripture states, [once again,] His offering, [to show that] he fulfils [his obligation] with his own offering [only] but not with that of his father. Again I might think that he does not fulfill [his obligation] in respect of either a light or serious offence with the animal which his father had set

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apart also for an offence of a similar degree of gravity, since [it is established that] a man cannot make use of his [Nazirite] father's animal for his own Nazirite offerings,⁷ but he does fulfill [his obligation] with money which his father had set apart, and even transfer what was assigned for a light offence to a serious offence, and vice versa, since [it is established that] a man may make use of his [Nazirite] father's money for his own Nazirite offerings, provided that it was unspecified money and not ear-marked.⁸

Therefore Scripture states [a third time], His offering, [to show that] he fulfils [his obligation] with his own offering [only] but not with that of his father. I might further think that he does not fulfill [his obligation] even with money which his father had set apart, albeit for an offence of equal gravity, but he does fulfill [his obligation] with an offering which he himself had set apart, even transferring what was set apart for a serious offence to a light offence, or vice versa.

Scripture therefore states, 'His offering ... for his sin', [to show that] the offering must be for the particular sin [for which the animal was set apart]. I might further think that he does not fulfill [his obligation] with an animal which he had set apart for himself, albeit for an offence of equal gravity, since [we know that] if he set apart an animal as an offering for his eating forbidden fat and brought it as an offering for his eating blood, or vice versa, he has thereby not been guilty of misappropriation⁹ and he has not received atonement therewith, but he does fulfill [his obligation] with money which he had set apart for himself, whether or not there is a change in the gravity of the offence, since [we know that] if he set apart for himself money for [an offering for his eating] forbidden fat and used it for [an offering for his eating] blood, or vice versa, he has thereby become guilty of misappropriation and he receives atonement therewith.

Therefore Scripture states, His offering ... for his sin, [to show that] the offering must be for the particular sin [for which the money was assigned]. What is meant by 'he has thereby not been guilty of misappropriation and he has not received atonement therewith'? —

Rab Samuel b. Shimi explained it before Rab Papa: It means, since he cannot possibly thereby become guilty of misappropriation,¹⁰ consequently he cannot receive atonement therewith; and this being so, he obviously cannot use it¹¹ [the animal] for something else. In the case of money, however, [which was set apart for one purpose,] since if he used it for something else he has thereby become guilty of misappropriation,¹² and must bring a guilt-offering for his misappropriation. I might think that he may bring [another offering] even at the outset;¹³ we are therefore informed [that he may not do so].¹⁴

MISHNAH. ONE MAY BRING WITH [MONEY] DEDICATED TO BUY A LAMB [FOR A SIN-OFFERING] A GOAT, OR WITH [WHAT WAS] DEDICATED TO BUY A GOAT [ONE MAY BRING] A LAMB; OR WITH [WHAT WAS] DEDICATED TO BUY A LAMB OR A GOAT [ONE MAY BRING] TURTLE-DOVES OR YOUNG PIGEONS;¹⁵ OR WITH [WHAT WAS] DEDICATED TO BUY TURTLE-DOVES OR YOUNG PIGEONS [ONE MAY BRING] THE TENTH OF AN EPHAH.¹⁶ HOW IS THIS?

THUS IF A MAN SET APART [MONEY] FOR A LAMB OR A GOAT AND HE BECAME POOR, HE MAY BRING A BIRD-OFFERING;¹⁷ IF HE BECAME STILL POORER HE MAY BRING THE TENTH OF AN EPHAH. IF A MAN SET APART [MONEY] FOR THE TENTH OF AN EPHAH AND HE BECAME RICH, HE MUST BRING A BIRD-OFFERING;¹⁸

IF HE BECAME STILL RICHER HE MUST BRING A LAMB OR A GOAT. IF¹⁹ A MAN SET APART A LAMB OR A GOAT AND THEY SUFFERED A BLEMISH,²⁰ HE MAY IF HE SO

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WISHES²¹ BRING WITH THEIR PRICE A BIRD-OFFERING; BUT IF HE SET APART A BIRD-OFFERING AND IT SUFFERED A BLEMISH,²² HE MAY NOT BRING WITH ITS PRICE THE TENTH OF AN EPHAH. SINCE A BIRD-OFFERING CANNOT BE REDEEMED.²³

GEMARA. Whence do we know this? — For our Rabbis taught: Wherefore does Scripture state: ‘From his sin-offering’. ‘From his sin-offering’, and ‘To his sin-offering’?²⁴ Whence do you know to say that one may bring with [money] dedicated to buy a lamb [for a sin-offering] a goat, or with [what was] dedicated to buy a goat [one may bring] a lamb; or with [what was] dedicated to buy a lamb or a goat [one may bring] turtle-doves or young pigeons; or with [what was] dedicated to buy turtle-doves or young pigeons [one may bring] the tenth of an Ephah? How is this?

Thus if a man set apart [money] for a lamb or a goat and he became poor, he may bring with it a bird-offering; if he became still poorer he may bring the tenth of an Ephah. If a man set apart [money] for the tenth of an Ephah and he became rich, he must bring a bird-offering; if he became still richer he must bring a lamb or a goat. If a man set apart a lamb or a goat and they suffered a blemish, he may if he so wishes bring with their price a bird-offering; but if he set apart a bird-offering and it suffered a blemish he may not bring with its price the tenth of an Ephah, since a bird-offering cannot be redeemed.

Therefore Scripture states, ‘From his sin-offering’, and ‘To his sin-offering’. And it is necessary for Scripture to state ‘from his sin-offering’ in connection with a lamb or a goat as well as in connection with a bird-offering. For if the expression had only been stated in connection with [money] set apart for a lamb or a goat, then I might have said that if he set apart [money] for a lamb or a goat and he became poor, [part] of that money may be

applied²⁵ to a bird-offering, and he brings a bird-offering, since a lamb and a bird-offering are both blood offerings, but as for the tenth of an Ephah, since it is not a blood offering, I might have said, had not the expression ‘from his sin-offering’ been stated in connection with the bird-offering, that if he set apart money for a pair of birds²⁶ and he became poor, he may not bring with it the tenth of an Ephah, for it is not a blood offering, but he must bring the tenth of an Ephah from his house, whilst that money which he had set apart shall fall to the fund for freewill-offerings.

Therefore Scripture also stated ‘from his sin-offering’ in connection with the bird-offering to teach you that with [the money] dedicated to buy a bird-offering he may also bring the tenth of an Ephah. And why is the expression ‘to his sin-offering’ stated in connection with the tenth of an ephah?²⁷ To teach you that if a man set apart money for the tenth of an Ephah and before he brought the offering he became rich he must add [more money] to it and bring a bird-offering, and if he became still richer he must add [further money] to it and bring a lamb or a goat. And why is the expression ‘to his sin-offering’ stated in connection with the tenth of an Ephah [and not in connection with the bird-offering]? If the expression ‘to his sin-offering’ were stated in connection with the bird-offering, I might have said that only if he had set apart money for a pair of birds and he became rich may he add [more money] to it and bring a lamb or a goat, since they are both blood offerings; but if he set apart money for the tenth of an Ephah and he became rich, then if he did not become very rich he must bring [from his house] a bird-offering, and if he became very rich he must bring [from his house] a lamb or a goat, whilst that money which he had [originally] set apart shall fall to the fund for freewill-offerings.

Therefore Scripture stated the expressions ‘from his sin-offering’ in connection with [the

offering brought by a man] when rich and also in connection with [the offering brought by a man] when poor, and the expression 'to his sin-offering' in connection with [the offering brought by a man] when very poor to teach you [the expositions] as we have stated above.²⁸

R. Eleazar said in the name of R. Oshaia: If a rich man who defiled the Sanctuary²⁹ had set apart a pair of birds

(1) If the son was liable to bring a sin-offering he may not make use of his deceased father's animal, for it is an established law (Tem. IV, 1) that if the owner of a sin-offering died the animal must be left to die. The son can certainly not offer this sin-offering on behalf of his father, for atonement cannot be effected after death.

(2) Lev. IV, 28.

(3) V. Naz. 27b. where the entire passage is taught.

(4) This expression is used three times in Lev. IV, once with reference to the sacrifice brought by a prince who sinned in error (v. 23); the second time with reference to the goat (v. 28) and the third time with reference to the lamb (v. 32) brought by one of the common people who sinned in error.

(5) E.g. the sin-offering brought for inadvertently profaning the Sabbath. This offence is regarded 'serious' in that the willful commission thereof involves the death penalty.

(6) E.g. the sin-offering brought for inadvertently eating forbidden fat. This offence is regarded 'light' in that the willful commission thereof involves the penalty of Kareth (v. Glos.) only, but not death.

(7) Lit. 'he may not shave his Naziriteship with the animal which his father (also a Nazirite) had set apart'. The reference is to the sacrifice incumbent upon the Nazirite at the end of the period of his consecration, when he must shave his head at the Sanctuary. V. Num. VI, 13-18.

(8) The money was not specified by the father for the particular offering, either for his sin-offering or his burnt-offering. V. Nazir 30a.

(9) V. infra, next paragraph and notes.

(10) The proposed change of using an animal assigned for a sin-offering, say, in respect of an offence relating to forbidden fat for an offence relating to blood is ineffectual (v. our Mishnah), and the animal remains in its former assignation. Moreover, an animal intended for the altar cannot be transferred from its sacred to a profane status, so that under no circumstances can the animal become his again, consequently no guilt of misappropriation is applicable.

(11) Lit. 'he cannot change it'.

(12) For any proposed change in the use of money set aside for a particular offering renders the money non-holy, even though the money is intended for another consecrated purpose; consequently the guilt of misappropriation is applicable, involving a guilt-offering.

(13) I.e. that he is permitted to make such a change even in the first instance.

(14) Because Scripture says, for his sin; thus no change is allowed in the first instance.

(15) I.e. if he became poor and could not afford the animal-offering. This is explained anon in the Mishnah.

(16) The prescribed quantity of fine flour for a meal-offering.

(17) The surplus of the money would become non-holy and remains for his own use.

(18) By adding to the money he had originally set apart.

(19) This sentence is not found in the cur. edd. but it is found in the separate Mishnah collections. Moreover Rashi comments on it, thus indicating that he had the passage before him in his text. V. Sh. M., and marg. gloss.

(20) For a consecrated animal may be redeemed only after it had suffered a blemish.

(21) I.e. if he became poor. V. Gemara.

(22) Not the ordinary kind of blemish which disqualifies an animal-offering, for that does not disqualify a bird, but a major blemish such as the loss of a limb.

(23) The law concerning the redemption of blemished consecrated animals is stated in connection with animal-offerings but not with birds.

(24) Lev. V, 6, 10, 13. This is the literal translation of these expressions; E.V. render: 'as concerning his sin' 'as concerning his sin' and 'as touching his sin' respectively. These expressions are found in connection with the sin-offering brought for certain transgressions which varies according to the financial circumstances of the sinner: if he is rich he must bring a female lamb or a female goat for his sin-offering, if poor he must bring either two turtle-doves or two young pigeons, and if he is very poor he must bring the tenth part of an Ephah as a meal-offering. It should be observed that in the first two texts the preposition מן 'from' is used, indicating that from a larger sum of money assigned for the sin-offering some is taken for the offering and the remainder is non-holy, while in the last text the preposition על 'to' is used, signifying that in certain circumstances money must be added to the sum originally assigned.

(25) The word used in the text is unusual and would seem to mean 'they shall be redeemed',

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thus implying that the entire money becomes non-holy except for the value of the bird-offering.

(26) Lit. 'his nest'. The bird offering prescribed in the Torah always consists of two birds, a pair of turtle-doves or a pair of young pigeons, one for a sin-offering and the other for a burnt-offering.

(27) Emended text by Sh. Mek.

(28) The text of this entire passage is diffuse and hangs together loosely. The corrections of Sh. Mek. and Bah have been adopted generally.

(29) I.e. he entered the Sanctuary or ate consecrated flesh whilst in a state of uncleanness. He is bound to bring a sin-offering for atonement; the offering, however, varies according to the financial circumstances of the sinner; v. Lev. V, 2ff.

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instead of his lamb [that he was due to bring] and he became poor, since the offering was rejected it remains rejected.¹

Said Rab Huna the son of R. Joshua: From this we learn three things;² we learn that living animals can be rejected, that what is consecrated only for its money value can cause rejection,³ and that what was rejected [be it even] at the very outset remains rejected permanently.⁴

R. 'Ukba b. Hanna raised an objection: If a man set apart before the Passovers⁵ a female lamb⁶ for his Passover-offering, it must be left to pasture until it suffers a blemish when it must be sold and with the price thereof he may bring a Passover-offering. If it gave birth to a male, it⁷ must be left to pasture until it suffers a blemish when it is sold and with the price thereof he may bring a Passover-offering. R. Simeon says: It itself may be brought as a Passover-offering. We thus learn [from the opinion of R. Simeon] that living animals are not rejected! —

R. Oshaia replied:⁸ I stated [my view] in accordance with the opinion of the Rabbis, for it is [only] R. Simeon who holds that living animals are not rejected.⁹ For it was taught: If one of the two [goats] died he may bring another without [further] casting of

lots;¹⁰ this is the opinion of R. Simeon. We thus see that he holds that living animals are not rejected, neither is the casting of lots indispensable.

Rab Hisda said: Bird-offerings are designated¹¹ only at the time of purchase by the owner or at the time of offering by the priest.¹²

Said Rab Shimi b. Ashi: What is the reason for Rab Hisda's view? Because it is written, And she shall take two turtle-doves¹³, etc. and also, And the priest shall offer¹⁴, etc. thereby indicating [that the designation is made] either at the time of purchase by the owner or at the time of offering by the priest.

An objection was raised: [And Aaron shall present the goat upon which the lot fell for the Lord,] and make it a sin-offering;¹⁵ this implies, that the lot makes it a sin-offering but designation does not make it a sin-offering.¹⁶ For [without this text] I would have argued [the reverse] by a fortiori reasoning thus: if in a case where the lot does not sanctify¹⁷ designation does, then surely where the lot sanctifies designation does so all the more! Therefore Scripture stated, 'And make it a sin-offering', to intimate that the lot [only] makes it a sin offering but designation does not make it a sin-offering. Now [in the argument] designation was equated with the lot; and as the lot is [effective] not [necessarily] at the time of purchase or at the time of offering,¹⁸ so designation is [effective] not [necessarily] at the time of purchase or at the time of offering!¹⁹

Rabbah answered: This was the argument: if in a case where the lot does not sanctify even [when cast] at the time of purchase or at the time of offering, designation does sanctify [if made] either at the time of purchase or at the time of offering,²⁰ then surely where the lot sanctifies outside the time of purchase or the time of offering, designation sanctifies all the

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more either at the time of purchase or at the time of offering! Therefore Scripture stated, 'And make it a sin-offering', to intimate that the lot [only] makes it a sin-offering but designation does not make it a sin-offering.

An objection was raised: If a poor man who defiled the Sanctuary had set apart money for his bird-offering, and he became rich,²¹ and afterwards²² said: 'This [money] shall be for my sin-offering and this for my burnt-offering', he may add to the money assigned for his [bird] sin-offering and bring therewith his obligation,²³ but he may not add to the money assigned for his [bird] burnt-offering and bring therewith his obligation.²⁴ Now here [the designation was made] neither at the time of purchase nor at the time of offering,²⁵ and yet it states that he may bring his obligation from the money assigned for his sin-offering but not from that assigned for his burnt-offering.²⁶ —

Thereupon Rab Shesheth said: And do you think that the Baraitha is in order? [It surely is not,] for it says, 'And he became rich and afterwards said', whereas R. Eleazar said in the name of R. Oshaia that if a rich man who defiled the Sanctuary brought a poor man's offering he has not fulfilled his obligation!²⁷ But you must rather say that he had already designated it when he was still poor;²⁸ then here,²⁹ too, [we will say that] he had already designated it when he set apart [the money]³⁰. But according to R. Hagga who said in the name of R. Oshaia³¹ that he thereby fulfilled his obligation,³² what can be said?³³ — Read [in the Baraitha]: And afterwards he bought and said.³⁴

An objection was raised: If a poor leper brought the offerings of a rich leper he has fulfilled his obligation; if a rich leper brought the offerings of a poor leper he has not fulfilled his obligation. Is not this a refutation of R. Hagga's ruling in the name of R. Oshaia?³⁵ — He can reply: It is different in the case of a leper, for the Divine Law

imposed there a limitation by the word 'this'.³⁶ If so, then even a poor leper who brought the offerings of a rich leper should not thereby fulfill his obligation? — How could this be? Surely this case was included by the expression 'the law'!³⁷ And so it was taught: The expression 'the law' includes the case of a poor leper who brought a rich leper's offering that he has thereby fulfilled his obligation. I might think, however, that even where a rich leper brought a poor leper's offering he has also fulfilled his obligation; therefore Scripture added: 'this'. Let us then infer from it!³⁸ —

Scripture states, And if he be poor and his means suffice not:³⁹ signifying that only 'he', the leper, when rich does not fulfill his obligation with a poor man's offering, but a rich man who defiled the Sanctuary and who brought a poor man's offering has thereby fulfilled his obligation.

MISHNAH. R. SIMEON SAYS: LAMBS COME BEFORE GOATS IN ALL PLACES.⁴⁰ YOU MIGHT THINK THAT IT IS BECAUSE THEY ARE CHOICER,⁴¹ THEREFORE SCRIPTURE STATED, AND IF HE BRING A LAMB AS HIS OFFERING,⁴² TO TEACH THAT BOTH ARE EQUAL. TURTLE-DOVES COME BEFORE YOUNG PIGEONS IN ALL PLACES. YOU MIGHT THINK THAT IT IS BECAUSE THEY ARE CHOICER. THEREFORE SCRIPTURE STATED, A YOUNG PIGEON OR A TURTLE-DOVE FOR A SIN-OFFERING,⁴³ TO TEACH THAT BOTH ARE EQUAL. THE FATHER COMES BEFORE THE MOTHER IN ALL PLACES. YOU MIGHT THINK THAT IT IS BECAUSE THE HONOUR DUE TO THE FATHER EXCEEDS THE HONOUR DUE TO THE MOTHER, THEREFORE SCRIPTURE STATED, YE SHALL FEAR EVERY MAN HIS MOTHER AND HIS FATHER,⁴⁴ TO TEACH THAT BOTH ARE EQUAL.⁴⁵

BUT THE SAGES HAVE SAID: THE FATHER COMES BEFORE THE MOTHER IN ALL PLACES, BECAUSE BOTH A MAN AND HIS

MOTHER ARE BOUND TO HONOUR THE FATHER. AND SO IT IS ALSO WITH THE STUDY OF THE LAW; IF THE SON HAS BEEN WORTHY [TO SIT] BEFORE THE TEACHER, THE TEACHER COMES BEFORE THE FATHER IN ALL PLACES,⁴⁶ BECAUSE BOTH A MAN AND HIS FATHER ARE BOUND TO HONOUR THE TEACHER.

GEMARA. Our Rabbis taught:⁴⁷ Four cries did the Temple Court cry out. The first cry: Cause the sons of Eli, Hophni and Phinehas, to depart hence for they defiled the Temple.⁴⁸ The second cry: Open. O ye gates, and let Johanan the son of Nidbai, the disciple of Pinkai, enter and fill his stomach with the Divine sacrifices. It was said of the son of Nidbai that he used to eat four seah⁴⁹ of young birds

(1) Being a rich man the offering of a pair of birds which he set apart was ineligible for sacrifice, and once the offering had become ineligible it remains so for all times, even though in this case the man's circumstances deteriorated and he is now by law entitled to bring a bird-offering.

(2) V. supra 27a.

(3) The bird-offering which had been set apart by this man could not have been intended for the altar, since he was rich at the time, so that it was consecrated only for the value it would fetch — it would have to be sold and with the money realized the proper sacrifice would be offered. These actual birds, however, can under no circumstances be utilized for an offering even though now, by reason of the change in his circumstances, he is permitted to bring a bird-offering.

(4) And how much more so if its rejection followed its previous state of fitness!

(5) This is unnecessarily stated (Rashi). It is omitted in MS. M.

(6) This is contrary to law, for the Passover-offering must be a male, v. Ex. XII. 5.

(7) The young.

(8) In cur. edd. 'The school of R. Oshaia would say'.

(9) In cur. edd. there is added: 'neither is the casting of lots indispensable'. This has no bearing on the argument and is deleted by Sh. Mek.; it is omitted in MS. M.

(10) On the Day of Atonement two goats were brought and lots were cast over them, one as an offering to the Lord and the other as the Scapegoat; v. Lev. XVI, 8. If one of the goats died

after the decision of the lots, another goat may be brought to replace it, according to R. Simeon, neither is there any need for a second ceremony of casting lots. Now the surviving goat was temporarily rejected by reason of the death of the other, yet it becomes now eligible for offering, thus proving that living animals are not permanently rejected.

(11) Which shall be a sin-offering and which a burnt-offering.

(12) Wherever the Torah prescribes a bird-offering, e.g. in the case of a woman after childbirth, two turtle-doves or two young pigeons must be brought, one to be a sin-offering and the other a burnt-offering. The allocation of the birds for the particular offering, we are here told, may be made at two periods only, either when the owner purchases them or when the priest is about to offer them. The designation of the birds at these two periods is final and cannot be altered; if made at any other time the designation is not decisive and it may be altered.

(13) Lev. XII, 8. The verse continues: or two young pigeons: the one for a burnt-offering and the other for a sin-offering. This indicates that the woman after confinement designates the birds for the particular kind of offering at the time when she takes, i.e. purchases, them.

(14) Ibid. XV, 30. In this verse the designation is left to the priest at the time when he prepares the birds for sacrifice.

(15) Ibid. XVI, 9, with reference to sacrifices of the Day of Atonement.

(16) If the High Priest, therefore, did not cast lots over the two goats but merely named them for their specific purposes, one for the Lord and the other as the Scapegoat, they are not thereby finally determined but may be interchanged.

(17) In the case where a pair of birds is prescribed, the casting of lots to determine which shall be the sin-offering and which the burnt-offering is not decisive, and they may be interchanged, for the casting of lots is prescribed as a rite only for the two goats of the Day of Atonement.

(18) For the casting of the lots over the goats may be done at any time on the Day of Atonement but not necessarily at these two specified periods.

(19) Thus contradicting Rab Hisda's statement.

(20) In accordance with Rab Hisda's dictum.

(21) He is now bound to bring an animal for a sin-offering, so that his subsequent designation of the money for the respective bird-offerings was in error and unnecessary.

(22) This word is deleted by Sh. Mek.; it is also omitted in MS. M.

(23) I.e. his animal sin-offering.

(24) For the designation, though unnecessary, was effective, and whatsoever is allocated for a burnt-offering may never be used for a sin-offering.

(25) The designation was made some time after he had set apart the money.

(26) Thus proving that the designation is effective even when made at other times contrary to Rab Hisda.

(27) Since he does not fulfill his obligation with the poor man's offering of birds then surely his designation was of no effect, consequently he should be permitted to use the entire money as he pleases.

(28) I.e. the designation was made before he became rich when he was still subject to a poor man's offering and therefore the designation is effective. The Baraitha must be corrected accordingly.

(29) I.e. the interpretation of the Baraitha according to Rab Hisda.

(30) According to Rab Hisda the Baraitha required a further correction to imply that the designation was made not only before this man became rich but actually at the very moment when the money was set apart. This period is equivalent to the time of purchase, and therefore the designation is effective in accordance with Rab Hisda's ruling.

(31) Sh. Mek. emends: R. Josiah. So in the parallel passage in Yoma 41a.

(32) In the case where a rich man who had defiled the Sanctuary brought a poor man's offering.

(33) Accordingly the original text of the Baraitha is correct and does not require any emendation; how then will Rab Hisda reconcile this Baraitha with his view?

(34) The word 'bought' must be inserted. In this way the designation was made at the time of purchase, and it is therefore effective, in accordance with Rab Hisda's view.

(35) Who ruled that in the case where a rich man who had defiled the Sanctuary and brought a poor man's offering he has fulfilled his obligation.

(36) Lev. XIV, 2: This shall be the law of the leper. The word 'this' suggests strict adherence to the offerings prescribed.

(37) Ibid. The expression 'the law' indicates that ultimately there is one law for all lepers. Lit. 'the verse reverted him (to the general law)'.

(38) That a rich man who defiled the Sanctuary cannot obtain atonement by a poor man's offering, just as a rich leper cannot discharge his obligation with the offering of a poor leper.

(39) Ibid. 21.

(40) Throughout Scripture where a choice of animals is given for an offering Scripture always mentions lambs before goats.

(41) And should therefore be given preference in setting aside an animal for offering.

(42) Lev. IV, 32. This offering is stated as an alternative to the goat prescribed earlier in this chapter, in v. 28. In this passage the goat is stated before the lamb, and it serves to signify that both are equal in regard to sacrifices.

(43) Ibid. XII, 6.

(44) Lev. XIX, 3.

(45) The reward for honoring the mother is as great as for honoring the father (R. Gershom).

(46) V. B.M. 33a.

(47) V. Pes. 57a. where this same passage is taught with much textual variation.

(48) V. I Sam. II, 17, 22.

(49) V. Glos. Rashi in Pes. l.c. explains this as a compliment to his hospitality that many were invited to share his table, hence the excessive amount of food consumed.

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as a dessert for his meal. It was said that as long as he lived never was there nothar¹ in the Temple. The third cry: Lift up your heads, O ye gates, and let Elishama the son of Pikai,² the disciple of Phinehas,³ enter and serve in the [office of the] High Priesthood. The fourth cry: Open, O ye gates, and cause Issachar of Kefar Barkai to depart hence, for he honors himself and treats with contempt the Divine sacrifices. What used he to do? He used to wrap silk over his hands and thus perform the service.⁴ What was his fate?⁵

Once king Jannai and his queen were sitting [at a meal]. The king said, 'Goat's flesh is best', but the queen said, 'Lamb is best'. They said, 'Let us ask Issachar of Kefar Barkai, who is the High Priest and offers sacrifices daily; so he ought to know'.⁶ They [called him and] asked him; whereupon he replied. 'If goat's flesh were best let it be offered for the daily sacrifice'.⁷ As he spoke he waved his hand [in contempt]. Then said the king, 'Since he waved his hand [in contempt of our royal persons] let his right hand be cut off'. He, however, gave a bribe and they cut off his left hand. When the king heard this he said, 'Cut off his right hand too'. Rab Joseph said: Blessed be the

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Merciful One who paid out to Issachar of Kefar Barkai his due [in this world]!

Rab Ashi said: He had not studied the Mishnah, for we have learnt: LAMBS COME BEFORE GOATS IN ALL PLACES. YOU MIGHT THINK THAT IT IS BECAUSE THEY ARE CHOICER, THEREFORE SCRIPTURE STATED, AND IF HE BRING A LAMB AS HIS SIN-OFFERING, TO TEACH THAT BOTH ARE EQUAL.

Rabina said: He had not studied even Scripture, for it is written, If [he brings] a lamb ... And if [his offering be] a goat.⁹ R. Eleazar said in the name of R. Hanina:¹⁰ The disciples of the Sages increase peace in the world, as it is said, And all thy children shall be taught of the Lord; and great shall be the peace of thy children¹¹. Read not 'thy children' [Banayik], but 'thy builders'¹² [bonayik].

(1) V. Glos.

(2) In Pes. l.c. the name is given as: Ishmael the son of Phabi.

(3) In his zeal for God, cf. Num. XXV, 11.

(4) The service must be performed with the bare hand, and any covering on the hand disqualifies the service. His action showed contempt for the Divine sacrifices.

(5) Lit. 'what came to him?'

(6) This follows the text of Sh. Mek. and MS. M.

(7) Whereas the daily sacrifices were lambs only; v. Num. XXVIII, 3.

(8) Issachar of Kefar Barkai.

(9) Lev. III, 7, 12. These verses indicate that neither is preferable, and one may offer whichever one pleases. On the whole passage see Pes. (Sonc. ed) pp. 285-6 and notes.

(10) This passage is also found at the conclusion of three other tractates viz. Berakoth, Yebamoth, and Nazir.

(11) Isai. LIV. 13.

(12) Scholars are the true builders of the world and by their dissemination of knowledge and enlightenment they preserve the peace of the world.