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Kerisus Daf 22

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May the studying of the Daf Notes be a zechus for their neshamot and may their souls find peace in Gan Eden and be bound up in the Bond of life

**Human Blood and Milk**

There were some who reported the statement of Rav Sheishes with reference to that which has been taught in the following *braisa*: I might have thought that he who drinks human milk transgresses a prohibition, and this might be supported by the following *kal vachomer*: If regarding a nonkosher animal - with regard to *tumah* by contact we are lenient (*for only a human being has the tumah of a niddah and zivah*), but concerning its milk we are stringent that it is forbidden; then regarding those who walk on two legs, where we are stringent regarding *tumah* by contact, how much more so should their milk be forbidden! The verse therefore states: *But this you shall not eat*; this (*the milk of a camel*) is nonkosher; human milk, however, is not nonkosher, but kosher. I might exclude only milk in relation to which the law is not universal (*for it applies only to nonkosher animals*), but not blood, in relation to which the law is universal (*for the blood of all animals is forbidden*);, therefore the verse teaches: *This is prohibited to you*; this (*the blood of a camel*) is nonkosher; the blood of those that walk on two legs, however, is not prohibited, but permitted.

Upon this remarked Rav Sheishes: [*Regarding the milk of humans*] one is not even commanded to abstain from it. (22a)

**Heart Blood**

The *Gemora* cites a *Mishna* taught elsewhere: The heart (*of an animal*) must be torn (*besides salted*) and its blood extracted (*and then it can be eaten*); if he had not torn it (*but*

*rather, he salted and roasted it*), he has nevertheless not transgressed (*and is not liable to kares*).

Rabbi Zeira said in the name of Rav: This holds true only with regard to the heart of a bird, which does not have an olive’s volume in all; the heart of an animal, however, which comprises an olive’s volume, is forbidden and one who eats it incurs the punishment of *kares*.

The *Gemora* asks on this from the *braisa* cited above: The blood of the spleen, blood of the heart, blood of the kidneys or blood of any other organ is subject to a negative commandment; the blood of those that walk on two legs, the blood of *sheratzim* or *remasim* (*creatures that reproduce spontaneously*) are forbidden, but one is not liable for it. [*The braisa clearly states that one is liable to kares for the consumption of heart blood; this contradicts Rav!?*]

The *Gemora* answers: The *braisa* is referring to the blood of the heart itself (*absorbed inside of it; there is no liability to kares on account of such blood, similar to any other organ; there is, however, lashes*); Rav, however, refers to blood that came from elsewhere (*and is now collected in the chambers of the heart; consumption of such blood carries the penalty of kares*).

The *Gemora* asks: But isn’t the blood of the heart itself identical with the blood of an organ (*which is cited in the same clause of the braisa*)?

The *Gemora* answers: And even according to you, isn’t the blood of the kidneys mentioned in addition to the blood of

an organ? You must concede that the specific is stated and then the general rule; then say here too, that the specific is stated and then the general rule.

Rabbi Zeira explains what it means “from elsewhere.” It draws the lifeblood (*into the heart*) when the soul departs. (22a)

### **Bloodletting**

The *Mishna* had stated: [*or of the blood of the bloodletting*] whereby the soul departs, they are liable (*to kares*).

It has been stated: What is the definition of “the blood of the bloodletting whereby the soul is dependent”? **[Rashi explains that when blood is let from an animal, dark black blood trickles out at first and then red blood. In its second stage, the red blood begins to gush forth with force, and when the pressure had ceased, the stream weakens and the blood trickles out again. It then falls close to the body and then stops altogether.]** Rabbi Yochanan says: It is that which gushes out (*the second stage*). Rish Lakish says: From the black drop and onward (*all the blood that emerges after that – starting with the trickling red blood*).

The *Gemora* asks on Rish Lakish from a *braisa*: What is the definition of “the blood of the bloodletting whereby the soul departs”? It is that which gushes forth, to the exclusion of the draining blood, because it trickles out. May we not assume that the first (*red blood*) as well as the last (*red*) blood that trickles out are regarded as draining blood; and this is then a refutation of Rish Lakish?

The *Gemora* answers: No, only the blackened blood is excluded, but the first and the last blood, though it trickles out, are regarded as lifeblood (*and one would be liable to kares on its account*).

The *Gemora* asks from another *braisa*: What is regarded as lifeblood? It is that which gushes forth, to the exclusion of

the first and last blood, which trickles out. This is indeed a refutation of Rish Lakish!?

The *Gemora* answers that it is a matter of a *Tannaic* dispute, as it has been taught in a *braisa*: What is regarded as lifeblood? It is that which gushes forth; these are the words of Rabbi Eliezer. Rabbi Shimon said: From the black drop and onward.

A *Tanna* of Rabbi Yishmael’s academy taught: The verse, ‘And the blood of the slain it drinks’ excludes the gushing blood from rendering plants susceptible to *tumah* (*for only the blood that emerges after death is regarded as a liquid to render something susceptible to tumah*).

Rabbi Yirmiyah inquired of Rabbi Zeira: What is the law if one let blood from an animal and received it in two vessels (*and then someone drank the blood from both cups*)? Now, for the blood which is in the first vessel, according to all views one is liable (*for the blood which gushes forth is definitely lifeblood*); but what of that in the second? Is one liable for it or not?

He replied: In that lies the dispute between Rabbi Yochanan and Rish Lakish, as has been stated: If one let blood from an animal and received it in two vessels, Rish Lakish says: He is liable to two *chatas* offerings (*one for each cup, for according to him, as soon as the red blood begins to trickle until the very end, it is lifeblood, and one is liable for it*), and Rabbi Yochanan says: He is liable to one *chatas* offering only (*for the first cup, for that one contains the blood which gushed forth, and according to him, only that is regarded as lifeblood*).

The *Mishna* had stated: Rabbi Yehudah said: The “draining blood” is subject to *kares*.

Rabbi Elozar said: Rabbi Yehudah agrees with respect to atonement that it does not provide atonement, because it is written: *For it is the blood that provides atonement through the soul*. This implies that blood through which life departs is

called blood; blood through which life does not depart is not called blood.

Rav Nachman bar Yitzchak said: We have also learned in confirmation of that from a *braisa*, for it has been taught: [It would have sufficient had the Torah stated:] Blood; why does the Torah say: Any blood? It is because the Torah states: For it is the blood that provides atonement through the soul. From this we only learn regarding the blood of consecrated animals (that one who consumes it is liable to *kares*), whereby the soul departs and which provides atonement; from where do we know about blood of nonconsecrated animals and draining blood (that they too are forbidden, and are subject to *kares*)? It is because it says: Any blood. And it is established that an anonymous tradition in the Sifra (where this *braisa* is) represents the view of Rabbi Yehudah. (22a)

### Mishna

For a doubtful misappropriation of sacred property (*me'ilah*; such as a case where there were two pieces of meat before him, one was *kodashim* and one was *chullin*, and he ate one but he does not know which one he ate), Rabbi Akiva declares one liable to an *asham taluy*, while the Sages declare him exempt (for if it was done deliberately, he would not be subject to *kares*, and committed inadvertently, he would not be liable for a *chatas*; an *asham taluy* - in a case of doubt, is therefore not brought). Rabbi Akiva, however, admits that he need not pay the *me'ilah* payment until he becomes aware (of his sin), and then he must bring with it a definite *asham* offering. Rabbi Tarfon said: Why should he bring two *asham* offerings? Let him rather pay the *me'ilah* payment together with the additional fifth, offer an *asham* of the value of two *sela'im* (which is the amount prescribed for an *asham* for *me'ilah*), and stipulate as follows: If I did commit *me'ilah*, here is my payment and this my *asham*; and if the *me'ilah* was doubtful (which the *Gemora* will explain to mean that it was permanently doubtful), let the money be a donation and the offering an *asham taluy*. This may be done because that which is offered for a known *me'ilah* trespass is of the same

kind as that offered for a doubtful one. Rabbi Akiva said: His words seem plausible in the case of a minor *me'ilah* trespass, but if his doubt related to the misappropriation of a hundred *manehs*, would it not be more advantageous for him to bring an *asham* for two *sela'im* rather than pay the payment of a hundred *maneh* (which is considerable more, for there are twenty-five *sela'im* in one *maneh*) for an uncertainty? Rabbi Akiva indeed agrees with Rabbi Tarfon in the case of a minor *me'ilah* trespass. (22a)

### Asham Taluy by Me'ilah

The *Gemora* cites a *braisa*: And if a person (sins and they are unaware, they bring an *asham* out of doubt; the next verse discusses the *korban* brought for one who trespasses *hekdes*); this (the 'vav') teaches us that one is liable to an *asham* out of doubt on account of a doubtful trespass; these are the words of Rabbi Akiva. However, the Rabbis exempt him. Surely then they disagree regarding this: one master holds that we learn the subject above from that below, while the other master holds that we do not learn it!?

Rav Pappa said: All agree that we do learn in such a manner, for otherwise, we would not know that cattle (by an *olah* and a *chatas*) are slaughtered in the north side of the altar (for it is written: And he shall slaughter it (a sheep or a goat) on the side of the Altar, on the north. How do we know that this applies by cattle as well? It is written: And if his offering will be from the flock; the 'vav' – 'and' continues the preceding section, so that the *halachah* above may be derived from that below); but the following (*gezeirah shavah*) is the Rabbis' reason: It is written *mitzvos* here (by the *asham* out of doubt), and *mitzvos* is employed in connection with the *chatas* of forbidden fat. Just as there, the transgression referred to is one whose deliberate infringement entails *kares* and its unwitting violation entails a *chatas*, so here too (by the *asham* out of doubt), it is brought only by those sins whose deliberate infringement entails *kares*, while its unwitting violation entails a *chatas*. This excludes *me'ilah*, for a deliberate infringement does not entail *kares*, as it was

taught in a *braisa*: One who intentionally committed *me'ilah*, Rebbe says: He is subject to death (*at the hands of Heaven*), whereas the Sages say that he has violated a Scriptural prohibition. [*Neither of them say that he is liable to kares.*]

The *Gemora* explains Rabbi Akiva's reason: Just as there (*by the forbidden fats*) it (*the korban*) is fixed (*and it does not depend on the sinner's financial situation*), so here (*by the asham out of doubt*) it is fixed; this would exclude the *chatas* for the defilement of the Temple and its sacred objects, which is a variable sacrifice.

The Rabbis, however, maintain that there is no such thing as a semi *gezeirah shavah* (*it must be similar in all respects*).

The *Gemora* asks: But doesn't Rabbi Akiva as well admit that there is no such thing as a semi *gezeirah shavah*?

The *Gemora* concedes the point, and explains their dispute as follows: Rabbi Akiva holds: *And if a person (sins and they are unaware, they bring an asham out of doubt; the next verse discusses the korban brought for one who trespasses hekdesh)*; the 'vav' continues the preceding section (*and teaches us that one is liable to an asham out of doubt on account of a doubtful trespass; it is this hekesh that limits the gezeirah shavah from the chatas of the forbidden fats*). And according to the Rabbis -

that (*the hekesh is used to teach us that*) the subject below (*by the asham out of doubt*) is learned from the one above it (*the asham for me'ilah*), that the *asham* (*out of doubt*) must be a value of at least two silver *shekels*.

Rabbi Akiva holds that there cannot be a semi *hekesh* (*and me'ilah must be included in the laws of the asham taluy*).

The *Gemora* asks: Are we, then, to conclude that the Rabbis hold that a *hekesh* can be applied partially? Is it not definitely established that a *hekesh* cannot be applied partially?

The *Gemora* answers: All agree that a *hekesh* cannot be applied partially, but here the Rabbis maintain that the *gezeirah shavah* founded upon the common term '*mitzvos*' (*written by an ordinary chatas*) supersedes the *hekesh* (*and teaches us that an asham taluy is brought only when it is a kares-bearing sin, and the hekesh merely teaches us that it must value two shekalim*).

Rabbi Akiva derives this from the verse: *And this is the law of the asham*, which intimates that there is one law for all *asham* offerings, teaching us that the *asham taluy* must value at least two *shekalim*.

The Rabbis, however, maintain that although it is written: *And this is the law of the asham*, there is still need for the phrase: *and if a person*, in order for the 'vav' to continue the preceding section and that the subject below (*by the asham taluy*) is learned from the one above it (*the asham for me'ilah - that the asham taluy must be a value of at least two silver shekels*), for it would be derived from the verse: *And this is the law of the asham*, I would have thought that the law of *asham* offerings being the same applies only to definite *asham* offerings, for since the *asham taluy* is brought for the eating of doubtful *cheilev*, I might have argued that a doubtful transgression should not be more stringent than a definite transgression; for I might have said that just as the certainty of sin requires a *chatas* worth even a *danka* (*one-sixth of a dinar, and in truth, even that amount is not necessary*), so too for the doubt – an *asham* of a *danka* is sufficient. It is for this reason that the Torah wrote: *and if a person*, in order for the 'vav' to continue the preceding section.

The *Gemora* notes that according to those who do not maintain that 'law' can be so interpreted, he derives it from a *gezeirah shavah*, using the word *be'erkicha* - 'according to the proper value.' (22b)





## INSIGHTS TO THE DAF

### **Instructions for an ill person who needs to drink blood**

As we know, the halachos of eating and drinking in the Torah depend on their measure. To observe the mitzvah of eating matzah, a kezayis must be eaten. A nazir, forbidden to drink wine, is punished with lashes only if he drinks a revi'is.

A kezayis of blood or a revi'is of blood? Everyone knows that the measure for foods is a kezayis and the measure for drinks is a revi'is. But when we learn our Gemara, it seems that the opposite is true. The Gemara cites a beraisa which explains that he who eats a bird's heart from which the blood was not removed is not punished with lashes for eating blood, though the blood is forbidden, "as it doesn't contain a kezayis". A kezayis? But blood is a liquid and its amount is a revi'is and not a kezayis.

Rambam's rulings are even more problematic. In one place he ruled (Hilchos Maachalos Asuros): "He who eats a kezayis of it is punished with lashes, as we are told: 'And all blood you shall not eat'" but a few chapters later he rules (6:4): "One who drinks a revi'is...or if he drank blood slowly, if he drank within the time for drinking a revi'is, they join together." A revi'is or a kezayis?

For liquid blood, a revi'is; for congealed blood, a kezayis: The author of 'Aroch Laner zt"l considered this issue for a long time after a halachic question was brought to him about a dangerously ill person ordered by doctors to drink animal's blood every day. As this prohibition involves a punishment of kareis, he was asked to instruct the person as to the amount of blood he should drink at a time to diminish from the amount punishable by kareis. The 'Aroch Laner corresponded with many of the leaders of his generation about the issue, as we can see from the six lengthy simanim in his Binyan Tziyon (49-54) and many talmidei chachamim tended to say that the amount of the prohibition depends on the form of the blood: if it's liquid, it's regarded as a fluid,

whose amount is a revi'is, and if it's congealed, it's regarded as a food, whose amount is a kezayis.

The amount of blood – like a food; the time it takes to eat it – like a liquid: However, the author of 'Aroch Laner refuses to accept this distinction because if it is true, we can assume that Rambam would have mentioned it explicitly and not leave such obvious contradictory statements unexplained. Therefore he explains that the amount of blood differs from other fluids because its prohibition is always written in the Torah using the term of eating – "...not to eat the blood" (Devarim 12:23) and therefore the measure for both liquid and congealed blood is a kezayis. In his opinion, Rambam means to distinguish between the amount of blood and the amount of time in which he who drinks a kezayis is punished, because the drops of blood that someone drank at great intervals do not combine to make a shi'ur. Therefore Rambam states that though the amount of blood is a kezayis, as we are told "...not to eat the blood", but the amount of time uniting the drinking of blood is the time it takes to drink a revi'is and not the time it takes to eat a peras, the shi'ur in practice concerning solid food, because, after all, blood is a liquid (other Acharonim agree; see Sefer HaMaftaiach, 6:1).

### DAILY MASHAL

#### **From There There's Proof!**

HaGaon Rabbi Yechezkel Abramski zt"l was wont to say: "See the greatness of the author of *Noda' BiYehudah*. In his Responsa we also find answers to repudiations of previous responsa of his. It is common that he answers that apparently that's a great question on his statements but, in truth, from there there's proof that his first statements are correct! (*Peninei Rabeinu Yechezkel*)

#### **Missing the Goal**

*Chet* ("sin") comes from the phrase "to miss (*lehachti*) the target" (see Shofetim 20:16). A soul who sins – that is, strayed from the spiritual target set for him to aim for (*Meorah shel Torah, Vayikra*).