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Mishna

[Kares – One who intentionally violates certain transgressions incurs the punishment of kares – a Heavenly retribution meaning that his soul will be cut off or destroyed. The physical ramifications of this punishment involve a premature death by the Hand of Heaven before the age of fifty and that he will die without children, or that his children will die prematurely as well.]

There are in the Torah thirty-six transgressions which are punishable with kares:

1. One who cohabits with his mother
2. One who cohabits with his father’s wife
3. One who cohabits with his daughter-in-law
4. One who cohabits with a male
5. One who cohabits with an animal
6. A woman who brings an animal upon her
7. One who cohabits with a woman and her daughter
8. One who cohabits with a married woman
9. One who cohabits with his sister
10. One who cohabits with his father’s sister
11. One who cohabits with his mother’s sister
12. One who cohabits with his wife’s sister
13. One who cohabits with his brother’s wife
14. One who cohabits with the wife of his father’s brother
15. One who cohabits with a *niddah* (a menstruant woman)
16. One who blasphemes
17. One who serves idols

18. One who gives his children to *Molech* (a pagan ritual which involved giving one’s child to a certain idol and then passing him through fire)
19. A necromancer (one who communicates with the dead – this is referred to as a *Ba’al Ov*)
20. One who desecrates the *Shabbos*
21. A *tamei* person who eats of sacrificial food
22. One who enters the Temple in a *tamei* state
23. One who eats *cheilev* (forbidden fats)
24. One who eats blood
25. One who eats *nossar* (sacrificial meat that has been leftover beyond the time that the Torah designated for its consumption)
26. One who eats *piggul* (a *korban* whose *avodah* was done with the intention that it would be eaten after its designated time)
27. One who slaughters a consecrated animal outside the Temple
28. One who offers up (to be burned) a consecrated animal outside the Temple
29. One who eats *chametz* (leavened bread) on *Pesach*
30. One who eats on *Yom Kippur*
31. One who works on *Yom Kippur*
32. One who compounds the oil of anointing
33. One who compounds the incense
34. One who smears with the oil of anointing
35. One who fails to bring the *Pesach* sacrifice
36. One who fails to circumcise himself (which this one and the previous one are positive commandments).

For these transgressions, one is liable to *kares* if committed wilfully, and to a *chatas* offering if committed inadvertently,

and if there is a doubt whether he had committed the transgression, he brings an *asham taluy* (a suspensive guilt-offering), except in the case of one who defiled the Temple or its consecrated things, for he then is liable to a sliding-scale sacrifice (one that varies according to his means; one brings an *asham taluy* in a case of doubt only if he would bring a fixed-*chatas* if he was aware of his transgression, and since here that is not the case, he doesn't bring an *asham taluy*); these are the words of Rabbi Meir. The Sages say: Even the blasphemer (is an exception that he doesn't bring a *chatas* or *asham taluy*), for it is written: *one law shall be for you, for the one who acts in error*; this is to exclude the blasphemer who performs no action. [Since his transgression involves speech and not an action, he is not liable to a *chatas*.] (2a)

Why Mention a Number?

The *Gemora* asks: Why has a number been mentioned in the *Mishna*? [If the *Mishna* anyway enumerates all the cases, why bother mentioning a number?]

Rabbi Yochanan answers: It is to teach us that if one committed all these transgressions during one lapse of awareness, he is liable to bring a *korban chatas* for each and every transgression. [The mention of the number indicates that each transgression preserves its identity even if committed in conjunction with other transgressions, and in this case, he would be liable to bring thirty-four *chatas* offerings.]

And furthermore, as to that which we have learned in a *Mishna*: There are forty minus one principal categories of labor that are prohibited on the *Shabbos*; why has a number been mentioned there?

Rabbi Yochanan answers: It is to teach us that if one committed all these transgressions during one lapse of awareness, he is liable to bring a *korban chatas* for each and every transgression.

And furthermore, as to that which we have learned in a *Mishna*: There are four who lack atonement (they must bring a *chatas* before they may partake of sacred things); why has a number been mentioned there?

The *Gemora* answers: It is to exclude the view of Rabbi Eliezer ben Yaakov, who holds that there are five, as it was taught in that *Mishna*: Rabbi Eliezer ben Yaakov says: A convert as well requires atonement (and may not eat of sacred things) until the blood (of the sacrifice) has been sprinkled (on the altar). This is why the number 'four' has been mentioned.

And furthermore, as to that which we have learned in a *Mishna*: In four instances one brings the same sacrifice for an intentional transgression as he would for an unintentional transgression; why has a number been mentioned there?

The *Gemora* answers: It is to exclude the view of Rabbi Shimon, for it has been taught in a *braisa*: Rabbi Shimon said: In the case of a false oath concerning a deposit, an intentional transgression is not subject to a sacrifice. This is why the number 'four' has been mentioned there. [A false oath of deposit – when someone swears that he doesn't owe money, is one of the four instances mentioned in that *Mishna* that he is liable to bring an offering – even if he knowingly swore falsely. R' Shimon disagrees. According to him, there are only three such instances.]

And furthermore, as to that which we have learned in a *Mishna*: There are five instances where one sacrifice is brought for several transgressions; why has a number been mentioned?

The *Gemora* answers: It is because it wishes to state the latter part of that *Mishna*: And a *nazir* who became tamei several times (brings one set of offerings). **[One of the laws of a *nazir* is that he is forbidden from contaminating himself with corpse *tumah*. If he does, he must undergo a purification process before beginning his *nezirus* period]**

anew. This consists of the following: He is sprinkled from the waters of the *parah adumah* on the third and seventh day, and then he immerses in a *mikvah*. He brings a set of offerings on the eighth day, and then he may begin his *nezirus* again. This *Mishna* states that it is possible that he brings one set of offerings for several different occasions of *tumah*. Our *Gemora* wonders as to the precise scenario for this to be a novelty, and for the law to be accurate.] Now, this is rendered possible only if he became *tamei* on the seventh day (of the *taharah* process from the first *tumah*), and then again on the seventh day (of the *taharah* process from the second *tumah*), and it is in accordance with the view of Rabbi Yosi the son of Rabbi Yehudah, who maintains that the *nezirus* of *taharah* (his new counting of *nezirus*) begins to operate from the seventh day. [He begins counting his period of *nezirus* from the seventh day, even though he doesn't bring the offerings until the eighth day. Accordingly, if he became *tamei* again - on the seventh day, it is therefore regarded as being independent of that which preceded it. It is therefore a novelty that he is liable for only one set of offerings for the different *tumah* occasions.] For according to Rebbe, who holds that the *nezirus* of *taharah* (his new counting of *nezirus*) does not become operative before the eighth day (when he brings the offerings), how is this rendered possible? If he became *tamei* on the seventh day (of the *taharah* process from the first *tumah*), and then again on the seventh day (of the *taharah* process from the second *tumah*), this is one protracted period of *tumah* (for he could not yet begin his new *nezirus* count); and if he became *tamei* on the eighth day (of the *taharah* process from the first *tumah*), and then again on the eighth day (of the *taharah* process from the second *tumah*), since he had passed the time when the offerings became due, he should be liable to a separate offering for each *tumah*! It is thus proven that the *Mishna* is in accordance with Rabbi Yosi the son of Rabbi Yehudah.

The *Gemora* asks: where is the dispute between Rebbe and Rabbi Yosi the son of Rabbi Yehudah?

The *Gemora* cites a *braisa*: And he shall sanctify his head on that day (he shall start the count again); this refers to the day of the bringing of the sacrifices (the eighth day); these are the words of Rebbe. Rabbi Yosi the son of Rabbi Yehudah says: To the day of the cutting of his hair (which is the seventh day). [They are arguing as to which day of his purification process he begins to count his *nezirus* anew.]

And furthermore, as to that which we have learned in a *Mishna*: Five (categories of people) must bring a sliding-scale offering; why has a number been mentioned there?

The *Gemora* answers: It is because it says in the latter part of a *Mishna*: The same applies to the *Nasi* (king). [Just as the bull for communal error (when *Beis Din* issued an erroneous ruling and most of the people transgressed because of this mistake) is not brought when it involved a sin which would not require the bringing of a fixed-*chatas*, but rather, a sliding-scale offering, so too a *Nasi* is exempted altogether from any sacrifice in all cases where an ordinary person would have to bring a sliding-scale offering, and not a fixed-*chatas*. This is the opinion of R' Yosi HaGelili.] The *Mishna* therefore mentions the number 'five' to exclude the view of Rabbi Eliezer, who holds that a *Nasi* brings a he-goat as an offering. [R' Eliezer maintains that a *Nasi* who contaminates the Temple or its holies does not bring a sliding-scale offering (like a commoner would), but rather, he brings a he-goat offering. Accordingly, our *Mishna* cannot categorically state that there are five categories of people (one of them being he who contaminated the Temple or its holies) who bring a sliding-scale offering, for the *Nasi* – regarding this specific sin, would bring a he-goat. There are other *Tannaim* who disagree as well, but they hold that the *Nasi* is exempt from bringing an offering altogether.]

And furthermore, as to that which we have learned in a *Mishna*: There are four main categories of damages; why has a number been mentioned there?



The *Gemora* answers: It is to exclude the view of Rabbi Oshaya, who holds that there are thirteen such categories.

The *Gemora* asks: But then why did Rabbi Oshaya mention a number?

The *Gemora* answers: It is to exclude the view of Rabbi Chiya, who holds that there are twenty-four such categories.

The *Gemora* asks: But then, why has Rabbi Chiya mentioned a number?

The *Gemora* answers: It is to exclude an informer and one who renders a sacrifice *piggul*. [These two are exempt from paying because it is damage done through mere speech, and the damage is not discernible.] (2b)

Separate Offerings

The master (*R' Yochanan*) had stated: If one committed all these transgressions during one lapse of awareness, he is liable to bring a *korban chatas* for each and every transgression.

The *Gemora* asks: It is understandable that you would not rule that he is exempted altogether (*from offering a chatas unless he sinned with all the forbidden relations*), for it is written: *For whoever committed any of these abominations, the persons doing so shall be cut off* (so if each of the prohibitions carry the punishment of *kares*, they obviously are subject to a *chatas* when done unintentionally); but why not say that if he commits one of these transgressions he is liable to one sacrifice, and if he transgresses them all in one lapse of awareness he is still liable only to one offering?

Rabbi Yochanan replied: It is for this reason that the punishment of *kares* has been specially mentioned in connection with (*one who commits incest with*) 'his sister,' to intimate that each of them requires a separate *chatas*.

Rav Bibi bar Abaye asked: Why not say that in the case of 'his sister,' which the Torah has singled out, a separate offering is required, but as to the other transgressions, there should be but one sacrifice for all of them, since they have been committed under one lapse of awareness?

The *Gemora* counters: But as to Rav Bibi bar Abaye, does he not accept the principle which has been taught in the following *braisa*: Something that was included in the general rule, and departed from that rule to teach something new, did not depart to teach only about itself, but rather to teach about the entire general rule. The *Gemora* cites an example where this principle is applied. It is written: *A person who eats flesh from the shelamim offering while his tumah is upon him, that soul shall be cut off from its people. Shelamim* did not have to be mentioned separately, since they are included in the general rule of sacred offerings; why then are they mentioned separately? It is to teach us that only sacrifices brought to the altar are included in this rule, however animals dedicated to the Temple repairs are excluded, and they are not subject to the *kares* penalty if eaten in a state of *tumah*.

The *Gemora* answers that Rav Bibi could say as follows: From this very *braisa* one can prove the contrary, for did you not say that dedications for the Temple repair were to be excluded? Likewise, you can argue here in a similar manner, and say that just as 'his sister' is distinguished in that it is a relation which can never be permitted in the lifetime of the man who renders her forbidden, so too must the others be such relatives that they cannot be permitted in the lifetime of those who render them forbidden; this excludes the married woman, who can be permitted during the lifetime of he (*the husband*) who renders her forbidden (*for if he divorces her, she is permitted*)!

Rabbi Yonah says, and others say that it was Rav Huna the son of Rav Yehoshua: It is written: *Whoever commits any of these abominations will be cut off*. We compare all forbidden relations with a *hekesh* (*a Midrashic juxtaposition, where we*



can derive from there even when there exists distinctions) to 'his sister': Just as in the case of 'his sister,' one is liable on her account to a separate offering, so also in all other cases one is liable to a separate offering for each transgression (and since it is derived through a hekesh, we cannot ask on the analogy).

The Gemora asks: But according to Rabbi Yitzchak, who holds that all sins of illicit relations punishable by *kares* were included in the general rule, and the Torah stated *kares* specifically regarding one's sister in order to teach that they are only punished with *kares* and not with lashes – where then does he derive that separate offerings have to be brought for each transgression?

The Gemora answers: He derives it from the verse: *And you shall not approach a woman while she is a niddah state of tumah*; a separate offering is brought for each woman (for the word 'woman' is extra).

The Gemora notes that the Rabbis indeed also derive like that, and the reason *kares* is singled out by 'his sister' is because of the following: Separate sacrifices must be brought for one who cohabits with 'his sister,' 'his father's sister' and 'his mother's sister' (in the same lapse of awareness).

The Gemora asks: But is a verse actually necessary to separate these prohibitions? Are these not cases of different designations (for they are three distinct prohibitions in the Torah), and they are committed with three different bodies (so why would I think that he should only be liable for one)?

The Gemora answers: Rather, say that it teaches us that three separate sacrifices are required in the case of one who cohabits with 'his sister,' who is at the same time 'his father's sister' and 'his mother's sister.' [And this is possible in the case of a sinner the son of a sinner. If someone's father cohabited with his own mother who bore him two daughters (who are actually his sisters). The father then went and

cohabited with one of the sisters (his own daughter) who bore him this son. The son then went and cohabited with the other sister. She is his own sister, his father's sister, and his mother's sister.]

The Gemora asks: And how will Rabbi Yitzchak derive this?

The Gemora answers: He will derive it from the latter part of the verse: *He has uncovered his sister's nakedness.*

The Gemora notes that the Rabbis use the latter part of the verse to teach that one is liable for cohabiting with 'his sister,' who is his father's daughter and his mother's daughter, and to teach you that punishment is not imposed as a result of a logical inference (such as a *kal vachomer*; for if he will incur the penalty of *kares* for the act of incest with his half-sister, he most certainly will incur the penalty of *kares* for incest with his full-sister) (2b – 3a)

DAILY MASHAL

Kares: severed from what?

Our tractate opens with the number of those punished with *kares* and the halachos stemming therefrom. Most of the Torah's punishments were given over to the *beis din*: lashes, stoning, burning, beheading, strangling and monetary fines. A few prohibitions are different, where the Torah mentions that the transgressor entails a penalty of death from Heaven or *kares*.

Three sorts of *kares*: *Kares* stems from the word meaning severance: "That soul will be surely severed (*hikares tikares*)" (Bemidbar 15:31). Ramban explains (Vayikra 18:29) that *kares* is devastation, that the transgressor loses part or all of his existence but the extent of the loss depends on the sinner and the severity of the sin, as hinted by three verses concerning *kares*. A *tzadik* who was overcome by his inclination and committed a sin punished with *kares*, will die before his time but will have a portion in the world of souls for he was a *tzadik*, and he will have a portion in the World

to Come after the Resurrection. Of such we are told: "...and that person (איש) will be severed" (Vayikra 17:4) – only the person but not his soul. He who committed many sins has his soul severed from the world of souls; such people are not severed bodily and sometimes they will live to an old age – "...and that **soul** will be severed": only the soul, without the person. The utterly evil are punished with *kares* in this world **and** in the World to Come and of them we are told: "...for he despised Hashem's word and denied His commandment; that soul will be **surely** severed; he bears his sin" (Bemidbar 15:31) and they interpreted: *hikares* – in this world, *tikares* – in the World to Come, meaning that he will die young...that his soul will not live at the Resurrection and has no portion in the World to Come.

Repentance dispels the bad decree: We emphasize that repentance does much to atone for sins and earn the World to Come, as Rambam states (*Hilchos Teshuvah* 3:14): "Of what are we talking, that each of these has no portion in the World to Come? If he dies without repenting but if he repents and dies as a penitent, he earns the World to Come, as nothing stands in the way of repentance; even if he denied Hashem all his life long but repented at last, he has a portion in the World to Come, as we are told: 'Peace, peace to the far and the near, said Hashem, and I will heal him'" (see Tosfos, Kesubos 30b, s.v. *Din*, and *Tiferes Yisrael*, Sanhedrin, end of Ch. 9, who summarized the whole issue).

Kares as suicide: To get an idea of the extreme severity of *kares*, we can cite the fabulous *chidush* of *Minchas Chinuch* (mitzvah 239), who states that aside from a person's obligation to warn another from sinning because of the mitzvah of reprimanding, he must warn him because he has the mitzvah of "You must not stand by on your companion's blood" (Vayikra 19:16), that if someone sees another drowning, he must save him, and "all the more so if he can save him from sinning, which is the loss of his soul and body, he must bring him to repent and save him." Moreover, HaGaon Rav Y. Perla zt"l discusses (in his *Beur* to Rav Saadyah Gaon's *Sefer HaMitzvos*, 'aseh 28) whether

someone who commits a sin punished with *kares* is like a person committing suicide!

Desecrating Shabbos to save someone from *kares*: HaGaon Rabbi Moshe Feinstein zt"l (Responsa *Igros Moshe*, O.C., I, 116, 'anaf 1) explains Tosfos, that if a person committed a sin punished with *kares* and regretted it, it is permitted to desecrate Shabbos to save him from that sin as this is saving a life in every sense! For example, if a person sinned and intentionally put dough in an oven on Shabbos to bake it: before the dough is baked, he doesn't transgress a prohibition of the Torah as the *melachah* was not accomplished. If he repents, another person may desecrate the Shabbos to remove the dough from the oven so that the perpetrator won't be punished with death and he may even transgress a prohibition of the Torah to save him from the sin (removing bread from an oven is a Rabbinical prohibition; see *Dibros Moshe*, Shabbos, §3, and *Mishnas Pikuach Nefesh*, 60).

Tractate Kerisos

The Chafetz Chayim zt"l wrote at the beginning of his *Likutei Halachos* on our tractate: "*Yesod Veshoresh Ha'Avodah (Sha'ar Hakolel)* cites the Ari z"l that one who transgressed a prohibition punished with *kares* should stay awake a whole night and learn Torah, especially concerning his sin. This custom is especially common during the Yamim Noraim and those who do so make it a habit to stand throughout the night and learn tractate Kerisos."

The Chafetz Chayim emphasizes knowing the tractate thoroughly, which bears sanctity, purification and a *segulah* for rectifying sins.