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Mishna

One who ate (*an olive’s volume*) of the blood of “slaughter” (*the blood that flows out at the slaughtering of animals in the manner prescribed by the Torah as shechitah*) of a domesticated animal, nondomesticated animal or from fowl, either nonkosher or kosher, or of the blood of “piercing,” or of the blood of “tearing out of the pipes” (*the blood that emerges when the trachea and the esophagus are torn out*), or of the blood of the bloodletting whereby the soul departs, they are liable (*to kares*). However, one who eats of the blood of the spleen, blood of the heart, blood of the eggs (*either the blood found in the testicles of a male animal, or the blood found in the eggs of a hen; when the hen sits on an egg it generates heat – causing it to bleed*), blood of grasshoppers or of the blood of “draining” (*the blood that comes out from the animal after the lifeblood*), they are not liable (*to kares*). Rabbi Yehudah said: The “draining blood” is subject to *kares*. (20b)

Blood of all Types

The *Gemora* cites a *braisa*: *You shall not eat any blood*. I might infer that even the blood of those that walk on two legs (*humans*), the blood of eggs, the blood of grasshoppers and the blood of fish were included; therefore the Torah states: *from fowl or from animals*. Just as fowl and animals are unique - in that they are subject both to light *tumah* (*food tumah - that if they come into contact with a tumah source, they become tamei, and they can transmit tumah to other foods; they do not, however, transmit tumah to people and utensils*) and severe *tumah* (*an animal that dies without*

shechitah is tamei with tumas neveilah - it can transmit tumah through carrying (even without physical contact), to a person or utensils, and a bird can transmit tumah to the clothes of a person who swallows it), and are (*at times*) forbidden (*before shechitah*) and permitted (*after shechitah*), and are a type of meat, so too all are included that are subject both to light *tumah* and severe *tumah*. I must therefore exclude the blood of those that walk on two legs, for they are subject to severe *tumah* (*for a human corpse transmits tumah through carrying*) but not to light *tumah* (*for it never becomes or transmits food tumah*). I must also exclude the blood of *sheratzim* (*the Torah enumerates eight creeping creatures whose carcasses transmit tumah through contact*), for they are not subject to severe *tumah* (*for they cannot transmit tumah to a person so his clothes become tamei*). I must also exclude the blood of eggs, for they are not a type of meat, and the blood of fish and of grasshoppers (*are also excluded*), for they are always permitted (*which will be explained below*).

The *braisa* continues: *From fowl or from animals*. If ‘*fowl*’ alone was mentioned, I might have said that just as fowl is not subject to *kilayim* (*the prohibition of wearing a material of a mixture of wool and linen; and bird feathers are not included*), so should be included only those animals that are not subject to *kilayim* (*which would exclude sheep*); therefore ‘*from animals*’ is added. If ‘*from animals*’ alone was mentioned, I might have said that just as animals are not subject to the prohibition concerning the mother and its young (*taking the mother while she is on her young*), so should be included only those fowl that are not subject to the prohibition concerning the mother and its young (*which*

would exclude all kosher birds); therefore 'from fowl or from animals' was stated.

The *Gemora* asks: But why not argue as follows: 'Any blood' is a generalization, 'fowl and animals' is a specification; and whenever a generalization is followed by a specification, the scope of the generalization is limited to that which is specified; consequently fowl and animals are included (*in the liability of kares*) but nothing else!?

The *Gemora* answers: 'Whoever eats any blood' 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.

The *Gemora* asks: The first generality and the second are incomparable! The first generalization - 'any blood' - teaches us a mere prohibition, while the second generalization - 'whoever eats any blood' - comprises the penalty of *kares*!?

The *Gemora* answers: The *Tanna* of this *braisa* is the *Tanna* of Rabbi Yishmael's school who taught that we can derive a generalization-specification derivation in this manner.

The master has said: Here we have a generalization-specification-generalization, which include such things as are similar to the particulars specified; just as the specifications (*fowl and animals*) are unique - in that they are subject both to light *tumah* and severe *tumah*, and are (*at times*) forbidden (*before shechitah*) and permitted (*after shechitah*), and are a type of meat, so too all are included that are subject both to light *tumah* and severe *tumah*, etc.

Rav Adda bar Avin explains that 'all are' includes the blood of a *koy* (*an animal whose classification is uncertain - either its an animal or a chayah*).

The *Gemora* asks: What is his opinion (*regarding the classification of the koy*)? If he holds that the *koy* is a doubtful

creature (*if it is a species of beheimah, or is it a species of chayah*); do we need a special verse to forbid the blood of an animal about which there is a doubt? [*Surely not! For whether it's a beheimah, or whether it's a chayah, its blood is forbidden!?*]

The *Gemora* answers: He holds that the *koy* is an independent creature (*not a product of mixed breeding*).

The *Gemora* asks: We have now learned about its blood (*that it's forbidden*); from where do we know that its *cheilev* is forbidden?

The *Gemora* answers: From the verse: *any cheilev*.

The *Gemora* asks: From where do we know that its *neveilah* (*when it was not slaughtered properly*) is forbidden)?

The *Gemora* answers: From the verse: *any neveilah*.

The *Gemora* asks: From where do we know that its *gid hanasheh* (*the sciatic nerve of the animal*) is forbidden?

The *Gemora* answers: The Torah defines it as "the spoon-shaped flesh of the thigh," and this too, has a "spoon-shaped flesh of the thigh."

The *Gemora* asks: From where do we know that its *neveilah* transmits *tumah*, and that it requires slaughtering?

The *Gemora* answers: This stands to reason, since the Torah has included it as *beheimah* in respect of all other laws, it is also like *beheimah* in regard to *tumah* and slaughtering.

The master had said: I must therefore exclude the blood of those that walk on two legs, for they are subject to severe *tumah* (*for a human corpse transmits tumah through carrying*) but not to light *tumah* (*for it never becomes or transmits food tumah*).

The *Gemora* notes a *Mishna* that contradicts this: The flesh which one cut from a living person requires both intention (*to make it a food*) and preparation (*to be moistened by a liquid which renders it susceptible to tumah*). And upon this the question was raised: Why does it require intention? Let the cutting express his intention (*that it is for food*)? And Rish Lakish replied that the *Mishna* refers to a case where he cut it for the use of a dog, and such a purpose is not a proper intention (*for only consumption by a human renders something into a food*).

The *Gemora* asks: Is this indeed so? Surely we have learned in a *Mishna* that they laid down this general rule concerning *tumah*: Everything that is designated as food for man may become *tamei* until it becomes unfit to be food for dogs! [Evidently, if it's still fit for a dog, it is still susceptible to *tumah*!]

The *Gemora* answers: This ruling relates to the removal of its status as being susceptible to *tumah*, for since it was at one time fit for humans, its status does not leave it unless it has become unfit for a dog; here, however, relates to the state in which it can receive *tumah*; we can therefore say that if it is fit for humans it is fit for a dog, but if it is unfit for humans it is unfit for a dog.

The *Gemora* concludes its challenge to the original *braisa*: In any event, it states regarding flesh of a human, intention is required – but intention is necessary only for light *tumah*!?! [We see that the flesh of humans is capable of light *tumah*, contrary to the conclusion above, where we said that a human corpse cannot become food *tumah*!?!]

The *Gemora* answers: This (*the Mishna's ruling regarding intention*) is so while the person is alive, but after death there is indeed only severe *tumah*.

The *Gemora* asks: But then, the corresponding statement relating to animals (*that it transmits both light and severe tumah*) must, accordingly, also refer to the time after death.

Now, if the flesh is meant, it surely conveys severe *tumah*, and if the blood is meant, it too conveys severe *tumah*, as we have learned in a *Mishna*: The blood of *neveilah* – Beis Shammai declares *tahor*, but Beis Hillel declares it *tahor*.

The *Gemora* answers: It refers to an instance similar to that which we have learnt in a *Mishna*: The carcass of a nonkosher animal anywhere (*even in a marketplace will not be eaten – even by non-Jews, for they find its meat repulsive*) and the carcass of a kosher bird in the villages (*where it is not so likely to be eaten, due to the fact that there are few people there*) require intention (*to make it a food*) but does not need preparation (*to be moistened by a liquid which renders it susceptible to tumah*). [This is on account of the rule that anything which is destined to become *tamei* with severe *tumah* does not require preparation in order to become susceptible to *tumah*.] [The carcass of a kosher animal anywhere and the carcass of a kosher bird and the *cheilev* of kosher animals in the marketplaces do not require intention or preparation.] And Rav remarked to Rabbi Chiya: Why is an intention required to qualify it for light *tumah*, is it not already *tamei* (*as a severe tumah of neveilah*)? Rabbi Chiya replied: It is a case where there was less than an olive's volume of *neveilah* (*which cannot transmit tumah by itself*) joined to another edible, which was less than an egg's volume (*which cannot transmit tumah by itself*), but together they made up an egg's volume (*so the intention to make the morsel of neveilah into a food is essential, and thus capable of combining with the other food for the egg's volume*).

Rav questioned this: But if so, preparation should also be required, for the School of Rabbi Yishmael taught the following *braisa*: *upon any edible seeds that will be planted*. This teaches us that preparation is needed only for things like seeds, which will never have severe *tumah* (*to contaminate people or utensils*), so everything that will at no time convey severe *tumah* requires preparation!

Rabbi Chiya replied: This holds true in cases where the food does not have joined to them less than an olive's volume of

neveilah; in our instance, however, the food has joined to it less than an olive's volume of *neveilah*, and since it would require no preparation if it (*the neveilah*) was made up to a full olive's volume (*by joining with another morsel of neveilah less than an olive's volume; it now requires no preparation either*).

An exception, however, is the flesh of a human corpse, for even though it is joined (*to food to make up the requisite egg's volume*) it does not convey food *tumah*, for his view (*that this should be regarded as food*) is negated by the general opinion of other people. [*Since humans never transmit the light tumah of food tumah, its blood is excluded from the kares liability.*]

Rav Chananya said: You may also say that there was a whole olive's volume (*of neveilah*), but in this case it was entirely covered with dough. [*The dough itself was less than an egg's volume, but together with the olive's volume of neveilah, it combined to an egg's volume. This quantity can now convey food tumah. Since it is covered it cannot transmit severe tumah. This is another case where a carcass of an animal transmits light tumah but not severe tumah.*]

The *Gemora* asks: If so, it should also require preparation!?

The *Gemora* answers: This holds true only with regard to other foods, which transmit *tumah* neither through contact nor through carrying; in this instance, however, granted that it does not transmit *tumah* through contact, because it is covered with dough, it may nevertheless transmit *tumah* through carrying, for it is after all being carried.

An exception, however, is the flesh of a human corpse, for even though it is covered with dough, it will transmit severe *tumah*, for its *tumah* breaks through upwards and breaks through downwards. [*Even though the piece of the human corpse is covered up, it still transmits tumah to whatever is above or below it. The fact that it is wrapped in dough is therefore no hindrance in the transmission of its tumah. Since*

humans never transmit the light tumah of food tumah, its blood is excluded from the kares liability.]

The master had said: I must also exclude the blood of fish and of grasshoppers (*are also excluded*), for they are always permitted.

The *Gemora* asks: What is the meaning of 'always permitted'? It cannot mean that their *cheilev* is permitted, for behold, the *cheilev* of a nondomesticated animal is permitted, and yet its blood is forbidden! It cannot mean that the prohibition of the *gid hanasheh* is not applicable to them, for behold, the fowl is not subject to the law of *gid hanasheh*, and yet its blood is forbidden!?

The *Gemora* answers: 'Always permitted' means rather that they do not require slaughtering.

The master had said: If 'fowl' alone was mentioned, I might have said that just as fowl is not subject to *kilayim*, so should be included only those animals that are not subject to *kilayim* (*which would exclude sheep*); therefore 'from animals' is added.

The *Gemora* asks: Which kind of *kilayim* is meant? It cannot mean that relating to breeding diverse kinds or to plowing with diverse kinds, for have we not learned in a *Mishna* that nondomesticated animals and fowl are subject to similar laws!?

Rather, said Abaye: It refers to its wool (*feathers*) which are not subject to the law of *kilayim*.

Rav Yehudah said in the name of Rav: For an olive's volume of the blood of *sheratzim*, one incurs the punishment of lashes.

The *Gemora* asks from the following *braisa*: 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 *Gemora* answers: One is not liable for it means that one is not liable for *kares*, but only to a prohibition (and there will be lashes for the consumption of the blood of *sheratzim*).

The *Gemora* disagrees with this explanation for two reasons:

1. It should be listed together with those listed in the first clause; 2. The Tanna in the *braisa* expressly excludes it even from a prohibition, as we have learned: I must exclude the blood of *sheratzim* (from the Scriptural verse stating the blood prohibition) for they are not subject to severe *tumah*!

Rabbi Zeira replied: This is what Rav meant: If the warning received related to *sheratzim*, he incurs lashes (for the blood of a *sheretz* is like a *sheretz*); if the warning related to blood, he is exempt from lashes (for there is no Scriptural prohibition against the consumption of blood of a *sheretz*).

Rav said: The blood of fish collected in a vessel is forbidden (when gathered in a vessel it might be mistaken for the blood of animals; it is therefore forbidden for appearance sake).

The *Gemora* asks from a *braisa*: The blood of fish and grasshoppers are permitted, and may deliberately be eaten!?

The *Gemora* answers: This is when it is not collected (but dried on the fish); whereas Rav speaks of collected blood.

The *Gemora* asks: Then the clause (of the same *braisa*) 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 in a *braisa*: If blood was found on a loaf of bread, it may be scraped away and the loaf may be eaten; blood that was found between the teeth may be sucked and swallowed without hesitation? [Evidently, human blood, when it is not collected in a vessel, is not forbidden – even on

a Rabbinical level. This contradicts the *braisa* as per our interpretation!?!]

The *Gemora* answers (a different answer than before): In the instance of that *braisa*, the blood contained (fish) scales (and that is why it is permitted); Rav, on the other hand, who rules that it is forbidden, refers to a case where there were no (fish) scales.

Rav Sheishes said: In the case of blood from those that walk on two legs, one is not even commanded to abstain from it.

The *Gemora* asks from the *braisa*: 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 *Gemora* answers: The ruling of the *braisa* that it is forbidden refers to the case where it had been separated from the person, whereas in the instance of Rav it had not been separated; as it has been in the following *braisa*: If blood was found on a loaf of bread, it may be scraped away and the loaf may be eaten; blood that was found between the teeth may be sucked and swallowed without hesitation. (20b – 22a)

INSIGHTS TO THE DAF

Does the Torah allow eating human flesh?

Our Gemara deals extensively with “those who go on two legs” – i.e., people – and mentions many times that though the Torah forbids eating the blood of animals and birds, “the blood of those who go on two legs is permitted” (but Chazal forbade human blood once it leaves the body).

Permitted: Ramban (Vayikra 11:3, Kesubos 60a) learnt our Gemara and reached an exciting conclusion: He who eats

human flesh transgresses no prohibition!!! A well-known Talmudic rule determines that “what comes out from the impure is impure” (Bechoros 5b) - anything that comes out from an animal forbidden to be eaten is also forbidden. For example, if a camel gave birth to a lamb, it “comes out from the impure” and though it looks exactly like any other lamb, it is forbidden for eating. Therefore, if the Torah forbade eating human flesh, how could it be that it permitted to eat its blood? We thus see that the Torah never forbade eating human flesh (regarding a dead person, all agree that there is an *issur hanaah*).

Forbidden: Rambam strongly disagrees (*Hilchos Maachalos Asuros* 2:3). "Man... is not included in animals... and therefore he who eats human flesh does not transgress a negative mitzvah ...and is not punished with lashes... but it is forbidden by a positive mitzvah." The Torah revealed that eating human flesh is forbidden when it counts the types permitted to be eaten – only those are permitted for eating and not any other species. But Ramban’s proof still stands: If Rambam’s statement is true, that it’s forbidden to eat human flesh, why is human blood permitted? After all, what comes out from the impure is impure. *Magid Mishneh* explains (ibid) that according to Rambam, the rule of “what comes from the impure is impure” is valid for a prohibition based on a *lo sa’aseh* - negative command, but not for a prohibition based on an *aseih* - positive command.

The progression of a prohibition since Adam till our era: The Malbim wondered where the positive mitzvah is that forbids eating human flesh (see ibid, where he discusses Rambam's words) and gives a masterly reply: When Adam was created, he was only permitted to eat the fruit of Gan Eden – only vegetarian food. He was not allowed to eat any animal – including, of course, humans. This prohibition was a “positive” prohibition (*isur aseh*) as he was **not** told “Don’t eat such and such” but “Eat such and such” and from the positive commandment we hear the negative, that other things are forbidden to eat. This is an *isur aseh*. Ten

generations later, Noach left the ark and Hashem permitted him to eat any creature he wanted: “Any creature (*remess*) that lives will be for you for food” (Bereishis 9:3). This permission does not include human flesh as *remess* is “a general name for the animals of the field and domestic animals and all fowl and fish” (Ibn Ezra, ibid). It thus turns out that the prohibition on eating human flesh remained since Adam’s era. Afterwards the Torah was given to the Jews and some of the animals permitted to Noach were forbidden for us to eat (see ibid, that according to this, he explained our Gemara, which excludes human milk and blood from *issur* by interpreting a verse, but not human flesh). The prohibition to eat human flesh thus remained since Adam’s era.

Chewing the skin of fingers: *Ben Ish Chai* states (ibid) that there is also a prohibition on eating human skin and therefore one should avoid chewing the skin for fear that small pieces of skin would remain in the mouth and unwittingly be eaten, aside from another suspicion that a piece of flesh would be torn off with the skin.

DAILY MASHAL

The Reason for the Prohibition to eat Blood

The Torah forbade eating blood. In his commentary on the Torah, Ramban states (Vayikra 7:11) that the animal’s soul is found in its blood. He who eats blood of an animal becomes united with its soul. “He joins with the animal’s blood and is united; his heart will be full of coarseness and vulgarity; he will come close to the nature of the animal soul in the food.”