**PARASHAT HASHAVUA**

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**parashot acharei mot - kedoshim**

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**Dedicated in loving memory of**

**Dr. Saul G. Agus, z”l**

**Whose 5th Yarzheit is Iyar 3**

**Marcelle A. Agus and**

**the Agus /Fox Families**

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**In memory of Moshe Avigdor Perlstein HY"D,
one of the "Lamed-Hey” platoon of Palmach Harel,**

**murdered defending the Etzion bloc, during the War of Independence.
Yehi zikhro barukh.**

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**“He Shall Pour Out the Blood Thereof”:**

**Does this have a Negative Connotation?** [[1]](#footnote-1)

**Rav Gad Eldad**

Chapter 17 of the Book of *Vayikra* contains several passages that refer to blood. These passages are prominently set apart one from the other by identical opening words:

And the Lord spoke to Moshe, saying: Speak to Aharon, and to his sons, and to all the Israelites, and say to them: This is the thing which the Lord has commanded, saying: **What man there be of the house of Israel,** that kills an ox, or lamb, or goat, in the camp, or that kills it outside the camp, and has not brought it to the door of the tent of meeting, to present it as an offering to the Lord before the tabernacle of the Lord, **blood shall be imputed to that man; he has shed blood;** and that man shall be cut off from among his people. To the end that the Israelites may bring their sacrifices, which they sacrifice in the open field, even that they may bring them to the Lord, to the door of the tent of meeting, to the priest, and sacrifice them for sacrifices of peace-offerings to the Lord. **And the priest shall dash the blood against the altar of the Lord at the door of the Tent of Meeting, and make the fat smoke for a sweet savor to the Lord.** And they shall no more sacrifice their sacrifices to the satyrs, after whom they go astray. This shall be a statute forever to them throughout their generations.

And you shall say to them: **What man there be of the house of Israel,** or of the sojourners that sojourn among them, that offers a burnt-offering or sacrifice, and brings it not to the door of the tent of meeting, to sacrifice it to the Lord, even that man shall be cut off from his people.

**And what man there be of the house of Israel,** or of the sojourners that sojourn among them, **that eats any manner of blood,** I will set My face against that soul that eats blood, and will cut him off from among his people. **For the life of the flesh is in the blood; and I have given it to you upon the altar to make atonement for your souls; for it is the blood that makes atonement by reason of the life.** Therefore I said to the Israelites: **No soul of you shall eat blood, neither shall any sojourner that sojourns among you eat blood.**

**And what man there be of the Israelites,** or of the sojourners that sojourn among them, that takes in hunting any beast or fowl that may be eaten, **he shall pour out the blood thereof,** and cover it with dust. **For as to the life of all flesh, the blood thereof is all one with the life thereof; therefore I said to the Israelites: You shall eat the blood of no manner of flesh; for the life of all flesh is the blood thereof;** whoever eats it shall be cut off. And every soul that eats that which dies of itself, or that which is torn of beasts, whether he be home-born or a sojourner, he shall wash his clothes, and bathe himself in water, and be impure until the evening; then shall he be pure. But if he washes them not, or bathes his flesh not, then he shall bear his iniquity. (*Vayikra* 17:1-16)

In the first passage, the Torah requires anyone who slaughters an animal to bring it to the Tent of Meeting, so that the priest may present it as an offering on the Altar. In the wake of the obligation to slaughter the animal in the *Mishkan*, there appears the prohibition to offer any sacrifice outside the Tabernacle.[[2]](#footnote-2)

In the third passage, the Torah warns against eating blood. This is not the first instance of this prohibition,[[3]](#footnote-3) but here a justification is attached. Since the blood is the life of the animal, it is fitting that it should make atonement for the life of a person, when it is offered on the altar, rather than using it for one’s own material pleasure.

In the fourth passage, the Torah commands the covering of the blood of beasts and birds permitted to be eaten that are not offered on the altar. Even though this blood is not intended for atonement, since blood is "the life of all flesh," we are still barred from consuming it. The passage concludes with a surprising reference to the eating of an animal which dies of itself (*neveila*), or of that which is torn apart by beasts (*tereifa*).

**“Blood Shall Be Imputed to that Man; He Has Shed Blood”**

In the *shiurim* mentioned in note 1, the phrase cited in the title of this section(based on Rashi) is understood as an allusion to *Bereishit* 9:6:

**Whoever sheds man's blood (*shofekh dam ha-adam)*,** by man shall his blood be shed; for in the image of God made He man.

Based on this, it has been proposed that the Torah wishes to present the killing of living creatures as a certain level of "murder," unless its blood is dashed on the altar. If so, it may be argued that the expression "*veshafakh et damo*" (v. 13) should also be understood in the same sense.

The background to this is the ban on eating meat which was in force before the Flood.[[4]](#footnote-4) Now it turns out that the allowance to eat animal meat that is granted to the human race is restricted by certain conditions. Violation of these conditions pulls the rug out from under man's right to take the life of non-human living creatures. Accordingly, taking the life of a living creature, whether a domesticated animal (*beheima*) or a wild beast (*chaya*) or a bird (*of*), is described as "bloodshed."

**The Obligation to Cover the Blood**

In light of this, an explanation is offered in the above-mentioned *shiurim* of the commandment to cover the blood of beasts and fowl.

We find in *Tanakh* that the earth is assigned a role in the context of the shedding of blood that leads to death:

O earth, cover not you my blood, and let my cry have no resting-place. (*Iyov* 16:18)

Covering blood with earth conceals death in that it hides the "evidence" of life. Accordingly, it may be understood that the Torah wishes to conceal the blood that brings about the murder of the beast or fowl. In the case of a domesticated animal there is a way out by bringing the blood to the altar, which even justifies the killing of the animal for that purpose. However, since beasts and fowl are not brought upon the altar, this way out is not available,[[5]](#footnote-5) and therefore covering the blood is necessary. Hiding the blood is directed at the feeling of shame/ discomfort which should arise in a person from the taking of the life of a living creature merely to satisfy one’s own belly.[[6]](#footnote-6)

**“You Shall pour it out Upon the Earth, as Water”**

However, an examination of parallel passages in The Torah reveals that the expression "*shefikhat dam*," shedding or pouring out blood, does not serve exclusively in a negative context. We find it already in the Book of *Vayikra*:

And the priest shall take of the blood of the sin-offering with his finger… **and the remaining blood thereof shall he pour out** (*damo yishpokh*) at the base of the altar of burnt-offering. (*Vayikra* 4:25)

So too, we find in the Book of *Devarim*:

And you shall offer your burnt-offerings, the flesh and the blood, upon the altar of the Lord your God; **and the blood of your sacrifices shall be poured out** (*ve-dam… yishafekh*) against the altar of the Lord your God, and you shall eat the flesh. (*Devarim* 12:27)

It seems that the phrase describes a flow of blood to a particular place, though in itself it does not indicate a negative characterization of the phenomenon.

Another example of this is the shedding of blood mentioned in relation to the eating of meat to satisfy one's appetite, i.e., non-sacrificial meat, which bears no negative connotation:

When the Lord your God shall enlarge your border… and you shall say: I will eat flesh, because your soul desires to eat flesh, after all the desire of your soul shall you eat flesh. If the place which the Lord your God shall choose to put His name there be too far from you, then you shall slaughter of your herd and of your flock which the Lord has given you, as I have commanded you; and you shall eat within your gates, after all the desire of your soul…

Only be steadfast in not eating the blood; for the blood is the life; and you shall not eat the life with the flesh. You shall not eat it; **you shalt pour it out (*tishpekhenu*) upon the earth as water.** (*Devarim* 12:20-24)

**“Blood Shall Be Imputed to that Man”**

While this conclusion does not contradict the fact that the phrase in our passage is found in a negative context, this does not appear to be due to the use of the phrase "he has shed blood" per se, but rather because of the phrase that precedes it:

And he has not brought it to the door of the tent of meeting, to present it as an offering to the Lord before the tabernacle of the Lord, **blood shall be imputed to that man;** he has shed blood; and that man shall be cut off from among his people.

In fact, it seems that the main point in this section is to warn the people to bring their animals as an offering to God, rather than sacrificing them in the open field. Shedding the blood of an animal in an open field is liable to be understood as a sacrifice to the satyrs, and thus it is considered unnecessary killing; but it is not necessary to argue that the Torah seeks to attribute feelings of guilt to a person for the very consumption of meat.

If so, what we said is true only about the first passage, which contains the phrase "blood shall be imputed." Now we can completely disconnect from it the phrase, "he shall pour out the blood thereof," which is used in reference to beasts and fowl, where the phrase "blood shall be imputed to that man" is missing. This is very understandable, since in any case beasts and fowl are not offered on the altar, and therefore there is no concern that killing them for food will be interpreted as sacrificing them to the satyrs, and so there is no need for such a strong term in their regard. Let us now reconsider the meaning of the phrase "he shall pour out the blood thereof" that is used in relation to them.

**“He Shall Pour Out the Blood Thereof, and Cover it with Dust”**

A doubt arises regarding the reading of this verse, as it can be divided in two different ways:

And what man there be of the Israelites, or of the sojourners that sojourn among them, that takes in hunting any beast or fowl that may be eaten, he shall pour out the blood thereof, and cover it with dust.

According to the cantillation notes, the major division in the verse follows the words "that may be eaten," as it is there that we find the *etnachta* note According to this division, the verse comes to say that in a case in which a member of the people of Israel hunts a beast or fowl that is permitted to be eaten, it falls upon him to pour out its blood and cover it with dust.

However, Rav David Tzvi Hoffmann in his commentary to the verse[[7]](#footnote-7) considers an alternative reading:

And what man there be of the Israelites, or of the sojourners that sojourn among them, that takes in hunting any beast or fowl that may be eaten, and pours out the blood thereof — he shall cover it with dust.

According to this reading, the verse means that in a case in which a member of the people of Israel hunts a wild animal or a bird that is permitted to be eaten, and also pours out its blood, it then falls upon that person to cover the blood with dust. The words, "that may be eaten, and pours out the blood thereof," describe the circumstances that obligate covering the blood. Covering is required in the case of the blood of a beast or fowl that is permitted to be eaten, when in addition, "its blood was poured out," that is, it has been slaughtered in a manner that permits it to be eaten. Only blood that fulfills these two requirements must be covered with dust.

Rav Hoffmann prefers this reading, since it matches the reading of the Oral Law, which requires covering the blood only after kosher slaughter. According to him, the verse uses the phrase "and pours out the blood thereof," because it wishes to include the meat of an animal killed by stabbing (rather than ritual slaughter), which was permitted in the wilderness.

We wish to adopt the division of the verse preferred by Rav Hoffmann, but we will propose a new way of understanding it.

**“That Takes in Hunting Any Beast or Fowl”**

I have not come across a commentator who attaches importance to the words in this section's heading, though it is possible that they change the entire picture. *Beheimot* are domesticated animals that live in close proximity to man, without resistance. In contrast, beasts and fowl live in the wild. If a person wishes to gain control over them, one must exert oneself and chase after them, for by their very nature they will flee from human beings. This is why it is necessary to hunt them.

These creatures are faster than humans, and often humans require auxiliary means to hunt them, e.g., arrows, spears, swords and daggers. These weapons cause the animals injuries, slowing down their escape, this allows the hunter to overtake them. Such injuries naturally cause the shedding of their blood. If the hunter's purpose is to use the animal for the hunter’s own purposes, the hunter will plan the process carefully, so that after it is caught, the captured animal will still be able to function; but if the hunter intends to consume the animal's flesh, the hunt will be aggressively undertaken, by any means necessary. In such a case, the hunter has no interest in preserving the hunted animal's life, and this indeed is the usual way of hunting for the purpose of securing food.

According to the simple reading of the verse, it appears that we are dealing with such a case. A person wishes to hunt a wild animal or a bird in order to eat it, and in the course of the hunt, he sheds the animal's blood. In such a case, the Torah requires that the blood that is spilled in the course of the hunt be covered.

Therefore, the Torah repeats here the prohibition of eating blood. The reason for the prohibition of eating the blood of a domesticated animal is based on its being offered on the altar; but the blood of a wild animal or a bird is not meant to be offered, and one may deliberately spill it for the purpose of obtaining food. One might perhaps have thought that one may even drink it, and therefore the Torah repeats the prohibition:

For as to the life of all flesh, **the blood thereof is all one with the life thereof;** therefore I said to the Israelites: You shall eat the blood of no manner of flesh; for the life of all flesh is the blood thereof; whoever eats it shall be cut off.

**The Obligation to Cover the Blood**

According to the simple meaning of the verses, the obligation to cover the blood of a beast or fowl derives from the prohibition to eat the blood:

And what man there be of the Israelites, or of the sojourners that sojourn among them, that takes in hunting any beast or fowl that may be eaten, and pours out the blood thereof — he shall cover it with dust. For as to the life of all flesh, the blood thereof is all one with the life thereof; therefore I said to the Israelites: You shall eat the blood of no manner of flesh; for the life of all flesh is the blood thereof; who eats it shall be cut off.

This assertion is reinforced by another piece of information. In the previous section, which focuses on the prohibition of eating the blood of domesticated animals, the Torah cites what has been stated earlier:

Therefore I said to the Israelites: **No soul of you shall eat blood,** neither shall any sojourner that sojourns among you eat blood.

Whereas there the prohibition relates to the soul that eats the blood, in the passage before us the formulation of the prohibition focuses on the blood, which the Torah warns must not be eaten:

For as to the life of all flesh, the blood thereof is all one with the life thereof; therefore I said to the Israelites: **You shall eat the blood of no manner of flesh;** for the life of all flesh is the blood thereof; whoever eats it shall be cut off.

The Torah seems to be choosing its wording according to the context. Since the blood must be covered in order to prevent its being eaten, the prohibition focuses on the blood. However, since the prohibition to eat the blood of a domesticated animal stems from the fact that the blood is meant to be consumed on the Altar, the Torah warns that a person ought not dare to compare one’s own consumption to the consumption of the Altar.[[8]](#footnote-8)

Following this line of reasoning, we can explain why there is no obligation to cover the blood of non-consecrated domesticated animals. Since the slaughter is planned in advance, the slaughterer should plan the slaughter in such a way that the blood will be spilled out of reach. However, in the case of beasts and fowl which must be hunted, their blood is spilled in the place in which they are caught. Since the blood is forbidden to be eaten, the Torah commands that it be buried/ covered with dust.

The following question may be raised: why are wild beasts not offered on the Altar? The formulation of the verse may allude to an answer. In order to bring an offering on the Altar, the animal must undergo ritual slaughter, which can only be carried out on a stationary animal taken from the barn or pen. The conventional way to acquire a beast involves hunting, which means shedding its blood, and perhaps turning it into a *tereifa*, and therefore the Torah "passes" on its sacrifice. A hunt need not necessarily end with the killing of the animal, but the fact that a hunt that is likely to kill the beast or fowl is needed suffices to remove it from the Altar.[[9]](#footnote-9)

**From Where do we Derive that a Beast and Fowl Require Ritual Slaughter by Torah Law?**

A question hovers over all that we have said. The obligation to cover the blood with dust applies only after ritual slaughter that permits the animal for consumption. In light of this, it is clear that the Torah relates to a beast or fowl that has already been hunted, and afterwards undergoes ritual slaughter, and it is this slaughter that generates the obligation to cover the blood. We, however, have been arguing that the Torah is describing the process of their being hunted!

However, it is precisely this argument that proves that our explanation is valid. The Gemara in *Chullin* 27b cites a disagreement about whether or not fowl require ritual slaughter by Torah law. The position that birds need not be ritually slaughtered by Torah law is explained as follows:

Rav Yehuda said in the name of Rabbi Yitzchak ben Pinchas: Birds do not require ritual slaughter by the law of the Torah, for it is written: **"And he shall pour out** the blood thereof," that is to say, **the mere pouring out of the blood is sufficient [to render the bird fit].**

But if so, should not the same be said of beasts too?

No, for beasts have been compared [by biblical analogy] with consecrated animals that have become unfit [for sacrifice].

The plain meaning of the verse tends to the understanding that the beast or fowl is killed through the shedding of its blood, in the manner of a hunt. The Gemara itself is aware of the fact that this conclusion must be valid even with respect to the beast. In order to justify the *halakha* that "a beast requires ritual slaughter," the Gemara enlists halakhic Midrash. Even the opinion that fowl require ritual slaughter by Torah law relies on the derivation methods of the Oral Law.[[10]](#footnote-10)

In this way, Rav Yosef Bekhor Shor tries to explain the juxtaposition of the concluding verse that deals with a *neveila* or *tereifa*:

And every soul that eats that which dies of itself [*neveila*], or that which is torn of beasts [*tereifa*], whether he be home-born or a sojourner, he shall wash his clothes, and bathe himself in water, and be impure until the evening; then shall he be pure.

Bekhor Shor explains:

"And every soul that eats that which dies of itself" — to what is the verse referring? If to the carcass of a domesticated animal, surely it was already stated: "And he that eats of the carcass of it shall wash his clothes" (*Vayikra* 11:40)…

Rather the verse refers to the carcass of a pure bird, which does not impart impurity through contact or carrying, but only when it is swallowed…

Therefore the Torah is more stringent about the carcass of a pure bird than about that of an impure bird, for since it is permitted to be eaten, it may lead to sin, **for the slaughter of a bird is not explicitly stated [in the Torah], and people might think that a carcass is permitted.**

Since we were dealing with a living creature that does not require slaughter, the gap between it and a *neveila* or a *tereifa* becomes narrower, and it is precisely here that the Torah must emphasize the difference between them.

(Translated by David Strauss)

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1. Two other *shiurim* dealing with the issues raised in this *shiur* can be found on the Virtual Beit Midrash website for *Parashat Acharei Mot*: Rav Elchanan Samet, "’*Dam Shafakh’…”* Professor Yoni Grossman, "*Dam Ve-retzach Ba'alei Chayim*." They both rely on the words of the Ramban, *Vayikra* 17:11-12, s.v. *“Ki nefesh ha-basar ba-dam hu*." In this *shiur,* we will try to suggest a different approach. [↑](#footnote-ref-1)
2. It is evident from the identical wording that this section is an addendum to the previous section. The first section opens with: "**And say to them:** This is the thing which the Lord has commanded, saying: What man there be of the house of Israel, that kills…" and the second section opens with: "**And you shall say to them:** What man there be of the house of Israel, or of the sojourners that sojourn among them, that offers a burnt-offering or sacrifice." [↑](#footnote-ref-2)
3. The prohibition is already mentioned in *Vayikra* 3:17, and again in *Vayikra* 7:26-27. [↑](#footnote-ref-3)
4. See the Ramban on v. 11, Seforno on v. 4. [↑](#footnote-ref-4)
5. Birds are indeed offered on the altar, but Professor Grossman resolves this difficulty by noting that they are killed not by way of ritual slaughter with a knife, but by pinching their necks. The blood, however, is still drained on the side of the altar, and the matter requires further study. [↑](#footnote-ref-5)
6. Rav Kook adopts this approach in his *Chazon Ha-tzimchonut Ve-hashalom.* In his opinion, this explanation does not require covering the blood in the case of flesh eaten to satisfy one's appetite, i.e., non-sacrificial flesh. It is human nature to allow oneself to kill a domesticated animal for one’s own needs, because one feeds it. This being the case, the feeling of shame for killing a domesticated animal requires a higher level of spirituality. Therefore, imposing this duty on humanity at its current level would upsets the delicate balance in humanity’s contemporary concepts of morality. [↑](#footnote-ref-6)
7. Part I, ed. Mosad Ha-Rav Kook (1953), p. 327. [↑](#footnote-ref-7)
8. It is interesting to note that the previous appearances of the prohibition of blood are found in the context of the peace-offering (*Vayikra* 3:17; 7:26-27), which is consumed by both the Altar and by man. It is possible that it is precisely in this context that it is necessary to emphasize the gap between man's eating and the eating of the Altar, so that a person not come to eat the animal's blood. [↑](#footnote-ref-8)
9. Of course, doves and pigeons are offered on the altar, but in any case we must say that this is an exceptional phenomenon; if not, the Torah should have joined the prohibition of the blood of birds to that of domesticated animals, with the same explanation: that their blood is offered on the Altar. What is more, only doves and pigeons, rather than all kosher birds, are fit for the altar, and therefore their status must be regarded as an exception. On the other hand, sending the bird off in the case of the offering of a leper illustrates the fact that we are dealing with a free creature that lives in nature. [↑](#footnote-ref-9)
10. This is the opinion of Rabbi Yehuda Ha-nasi, who derives this from the general command regarding slaughter in *Devarim* (*Chullin* 28a):

For it has been taught: Rabbi [Yehuda Ha-nasi] says. The verse: “Then you shall slaughter… as I have commanded you” (*Devarim* 12:22), teaches us that Moshe was instructed concerning the gullet and the windpipe; concerning the greater part of one of these [that must be cut] in the case of a bird, and the greater part of each in the case of cattle. [↑](#footnote-ref-10)