

PARASHAT TZAV

The Law of Piggul: The Plain Meaning and the Halakhic Midrash

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I. Introduction

Our parasha records the law of piggul – which Chazal understood as an offering disqualified by improper intention - as follows (Vayikra 7:15-18:(

(16)And the flesh of the sacrifice of his peace offering for thanksgiving shall be eaten the same day that it is offered; he shall not leave any of it until the morning. (17) But if the sacrifice of his offering be a vow, or a voluntary offering, it shall be eaten on the same day that he offers his sacrifice; and on the morrow also the remainder of it shall be eaten. (18) But that which remains of the flesh of the sacrifice on the third day, shall be burnt with fire. (19) And if any of the flesh of the sacrifice of his peace offering be eaten at all on the third day, it shall not be accepted, neither shall it be imputed to him who offers it; it shall be an abomination [piggul], and the person that eats of it shall bear his iniquity.

According to the plain sense of the scriptural text, the Torah's command here is that the sacrifices should be eaten within their designated times – one or two days, and that any meat that remains after the designated time on the third day must be burnt. If a person eats of the flesh of a peace offering on the third day, the sacrifice becomes retroactively disqualified, and the person who eats of it will bear his iniquity, for the meat has become "piggul." This is also the plain meaning of the following passage (Vayikra 19:5-8:(

(5)And if you offer a sacrifice of peace offering to the Lord, you shall offer it so that it may be favorably accepted. (6) It shall be eaten the same day you offer it, and on the morrow; and if anything remain until the third day it shall be burnt in fire. (7) And if it be eaten at all on the third day it is abominable; it shall not be accepted. (8) Therefore everyone that eats it shall bear his iniquity, because he has profaned the hallowed thing of the Lord, and that soul shall be cut off from among his people.

As opposed to what seems to be the simple meaning of the Biblical passages, Chazal understood the law of piggul in an entirely different manner, as is summarized by the Rambam (Hilkhos Pesulei Ha-mukdashin 13:2-3:(

It was learned from oral tradition that the verse in Scripture, "And if any of the flesh of the sacrifice of his peace offering be eaten at all on the third day" (Vayikra 7:18), refers only to where there was an intention at the time of the offering that some of it will be eaten on the third day; and that the same law applied to any sacrifice... if there was an intention that they be performed after their proper time the offering was deemed to be piggul.

In the case of an offering, however, where the intention had not been improper and its blood had been sprinkled upon the altar as required by law, but part of it remained after the proper time for eating it – that part which remained was called "leftover" (notar), and it was forbidden to eat it, but the offering itself had already been accepted and effected atonement.

According to Chazal, the law of piggul is not what follows from the plain sense of the verses. The critical factor is not the time at which the sacrifice is actually eaten, but rather the intention of the offerer at the time of the sacrifice itself. The law of piggul, according to Chazal, deviates from the plain meaning of the text in two directions. On the one hand, Chazal leans towards stringency: if at the time of the offering the person intends to eat of the sacrifice after its designated time, the flesh becomes piggul, even if the person ends up eating the sacrifice within its designated time. On the other hand - and here is the novel idea - Chazal's understanding is more lenient than the simple reading of the text. According to Chazal, if at the time of the offering the person intends to eat of the sacrifice during its designated time, then the sacrifice will be accepted even if he actually eats of it after its designated time; it will not be subject to the law of piggul. Whereas according to the plain sense of the scriptural text, if a person eats of the offering after its designated time, the sacrifice is considered piggul!

The question therefore begs to be asked: Why did Chazal interpret the verses in a manner that deviates from the simple meaning of the text? Moreover, how could they have proposed such an interpretation, which results in leniency, when the plain sense of the passage seems to demand stringency!?

Among the biblical exegetes, it was the Rashbam who noted the gap between the plain sense of the text and the midrash halakha, as he did in various other places as well.[1] The Rashbam writes as follows:

The Rabbis uprooted this verse from its plain meaning and explained it as referring to someone who, while performing [in an appropriate manner] one of the four sacrificial duties – while slaughtering, or bringing the blood [to the altar], or collecting [the blood], or sprinkling [the blood] – thought that he would eat the sacrificial meat on the third day.

But the Rashbam - as is his manner in such cases – does not explain the nature of this phenomenon. Why did the Sages uproot the scriptural text from its plain meaning?

The Vilna Gaon also noted the gap between the plain sense of the verses and the midrash, in his commentary Aderet Eliyahu (beginning of Parashat Mishpatim:(

The Halakha, however, uproots [the plain meaning of] the biblical text. And so too in the majority of this parasha, and similarly in several [other] parshiyot of the Torah. This attests to the greatness of our Oral Law, that it is part of the tradition handed down to Moshe at Sinai, that it changes like the material of a (wax) seal.... And as they write: "How stupid are those people who stand before a Torah scroll, etc., and the Sages came, etc." And so too in the case of piggul, and in most of the Torah. It is therefore necessary that one know the plain sense of the Torah so that one know the seal.

The Vilna Gaon, however, also did not explain this phenomenon.[2] We shall try to propose an explanation in what follows.

II. "By Tradition" or "What It Deems Right"

We must first consider the dispute between the Rambam and the Rashbam regarding piggul. In general, the Rambam (Hilkhos Mamrim 1:2) divides the Torah's laws into two categories[3:]

" (1Whether the direction given by them is with regard to matters that they learned by tradition – matters that form the contents of the Oral Law".

" (2Or with regard to rulings deduced by any of the hermeneutical rules by which the Torah is interpreted and which seem right in their eyes.

Whereas the first category relates to matters which are passed down by tradition and are not subject to change or controversy, the Rambam relates to the second category as follows (ibid. 2:5:(

If the great Sanhedrin, by employing one of the hermeneutical principles, deduced a ruling which in its judgment was in consonance with the Law and rendered a decision to that effect, and a later [great] court finds a reason for setting aside the ruling, it may do so and act in accordance with what it deems right.

In other words, laws that are deduced through one of the hermeneutical principles, that were not received through tradition, are liable to change from generation to generation, according to the discretion of the court presiding in each generation. The Rambam does not explain the considerations that may bring the court to interpret Scripture in a different manner. He merely writes that the "later great court finds a reason for setting aside the ruling." It is, however, reasonable to assume that we are not dealing here solely with exegetical considerations, but with additional factors as well, as the Rambam himself notes there (halakha 4), that the court may issue an emergency ruling (that is not limited to any specific time framework!) to change even a law falling into the first category, for educational reasons:

However, the court, even if it be inferior (to the former) is authorized to dispense for a time even with these measures. For these decrees are not to be invested with greater stringency than the commands of the Torah itself, which any court has the right to suspend as an emergency measure. Thus the court may inflict flagellation and other punishments, even in cases where such penalties are not warranted by the law if, in its opinion, religion will thereby be strengthened and safeguarded and the people will be restrained from disregarding the words of the Torah. It must not, however, establish the measure to which it resorts as a law binding upon succeeding generations, declaring, "This is the law".

So too, if, in order to bring back the multitudes to religion and save them from general religious laxity, the court deems it necessary to set aside temporarily a positive or a negative command, it may do so, taking into account the need of the hour. Even as a physician will amputate the hand or the foot of a patient in order to save his life, so the court may advocate, when an emergency arises, the temporary disregard of some of the commandments, that the commandments as a whole may be preserved. This is in keeping with what the early sages said: "Desecrate on his account one Sabbath that he be able to observe many Sabbaths" (Yoma 85b(

Let us return now to the law of piggul. It seems that the Rambam and the Rashbam disagree as to which of the aforementioned categories piggul falls into. According to the Rambam, the law of piggul is known "by tradition," and thus it falls into the first category, the matters learned by tradition going back to Moshe. According to the Rashbam, however, that the Sages uprooted the plain meaning of the biblical text, it would seem that

piggul falls into the second category. Interpreting the verses in the way that the Sages did stems from the court's authority to decide "in accordance with what it deems right." [4]

We can now examine the question, what considerations brought the court, according to the Rashbam, to interpret the law of piggul as it did.

III. "An Ordinance Enacted In Accordance with the Needs of the Generation"

Shadal (Rabbi Shmuel David Luzzato) [5] directly answers our question in his commentary to the Torah on our parasha. After interpreting the verse according to its plain sense, Shadal adds:

But this is truly a great stringency, that one who ate of the flesh of his offering during its designated time will bear his iniquity as if he ate an abomination, that because what remained was not burned afterwards, he should be as one who ate of it on the third day.... The Sages were, therefore, forced to remove the text from its simple meaning, and explain that the offering does not become disqualified when it is eaten on the third day, but only if at the time of its offering the owner's intention was to eat it on the third day.

According to Shadal, the Sages uprooted the biblical text from its plain meaning because of the difficulty regarding the law of piggul according to the plain sense of Scripture. For Shadal understands that according to the simple reading, one who eats of the flesh of the offering even during its designated time, will bear his iniquity if at the end the offering turns into a piggul by being eaten beyond its designated time. Shadal is aware of the complexity of his interpretation, and therefore adds an interesting comment:

After several years during which I wondered, about our Rabbis of blessed memory, why (as in the words of the Rashbam) they uprooted Scripture from its plain sense, today (Purim, 1847) I merited to understand why they did this. And so too in all places where the Rabbis deviated from the simple meaning of Scripture, when it is not the opinion of a single authority, but rather the undisputed consensus, it is not a mistake, but rather an ordinance which they enacted in accordance with the needs of the generations. Unlike the Reformers, their enactments were made with profound wisdom, fear of God, and love of man, not for their own benefit or glory, and not to find favor in the eyes of men.

Shadal's fundamental idea fits in well with the approach cited above, according to which, regarding matters that do not involve interpretations that were passed down by tradition, each court can interpret Scripture in accordance with its best judgment. In my humble opinion, however, the argument put forward by Shadal seems rather forced, for the Torah does not state, as argued by Shadal, that one who eats of his offering during its designated time will bear his iniquity if in the end the offering will also be eaten after its designated time. All that the Torah says is that if the offering is eaten after its designated time, it will not be imputed to him who offers it, and that he who eats from it from that point forward will bear his iniquity. We must, therefore, continue to search for the reason that Chazal uprooted the law of piggul from its plain meaning.

IV. The Difference Between Action and Thought

The difference between the description of the sacrificial offerings in our parasha and the structure of the mishnayot in Massekhet Zevachim may perhaps explain the phenomenon.

Parashat Tzav describes the ways in which the sacrifices were offered – where they were slaughtered, how they were eaten, and various other details relating to the sacrifices. Chazal expand upon these laws, though they appear in Massekhet Zevachim beginning only in the fifth chapter, the chapter known as "What is the place for the Sacrifices," which we recite every morning among the morning blessings, as an expression of "And our lips shall compensate for the bulls" (see, for example, Sefer ha-Eshkol, Hilkhot Pesukei de-Zimra: "And chapter Eizehu Mekoman, which contains the order of all the sacrifices, they enacted in order that one should every day bring the sacrificial order to mind, as we say: '[for] Torah scholars who study the laws of the [Temple] service, we regard as if the Temple was built in their days.'") The uniqueness and centrality of this chapter gives rise to the question: Why doesn't Massekhet Zevachim open with this chapter?

An examination of the first four chapters of the tractate intensifies the question. Such an examination demonstrates that all the mishnayot in these chapters deal with one general topic – the intentions of the one who offers a sacrifice. Thus, for example, the first chapter deals with the intention "for the sake of the offering:"

Mishna 1: All sacrifices which have been slaughtered not for their own sake are valid, but they are not accredited to the owner in fulfillment of [his] obligation, except for the paschal offering and a sin offering...

Mishna 2: Yossi ben Choni says: If [any other sacrifices] were slaughtered for the sake of a paschal offering or of a sin offering, they are invalid...

Mishna 3: If a paschal offering were slaughtered on the morning of the fourteenth [of Nissan] but not for its own sake...

Mishna 4: If a paschal offering or a sin offering were slaughtered not for their own sake, or if [the blood] were received, conveyed, or sprinkled not for its own sake, or for its own sake and [then] for the sake of another [offering...]

Chapters 2-4 deal at length with the intention of eating the offering outside of its designated place or its designated time. The Mishna that closes the first four chapters of the tractate summarizes what is required of him who offers a sacrifice:

Six matters must be born in mind when a sacrifice is slaughtered: the category of the sacrifice, the category of the offerer, the name [of God], the category of the [altar] fires, the category of the odor, and the category of the sweet savor, and [a seventh matter] in the case of a sin-offering or a guilt offering the nature of the guilt.

Let us note that the entire discussion of the intentions of the offerer does not appear at all in Scripture, according to its plain sense. What then is the nature of this difference?

It seems that this difference reflects a significant transition with regard to the sacrifices, from action to thought. Whereas the Torah emphasizes the practical aspects of the offering of a sacrifice, Chazal place their emphasis on the question of the intentions of the one offering the sacrifice.

It stands to reason that this difference stems from the well-known problem that accompanies the sacrificial service, the one that many of the prophets warned about, i.e.,

focusing on the sacrificial order without the requisite spiritual accouterment. Let us note, for example, the well-known words of the prophet Mikha (6:6-8) on this topic:

(6)With what shall I come before the Lord, and bow myself before the high God? Shall I come before him with burnt offerings, with calves of a year old? (7) Will the Lord be pleased with thousands of rams, or with ten thousands of rivers of oil? Shall I give my firstborn for my transgression, the fruit of my body for the sin of my soul? (8) He has told you, O man, what is good; and what does the Lord require of you, but to do justly and to love true loyalty, and to walk humbly with your God.[6]

It seems then that Chazal's inclination in their interpretation of the verses regarding piggul fits in well with this idea. In this way, Chazal tried to emphasize the value of the intentions of the one offering the sacrifices, which are more important than his actual actions. What turns an offering into a piggul is not what a person does, but what he thinks about at the time of the offering. We have already seen what the Rambam says regarding the High Court's authority to change a law even in the case of explicit regulations that are not based on interpretations of the verses, "in order to bring back the multitudes to religion and save them from general religious laxity." It would appear that here too a consideration of this sort stood before Chazal and brought them to interpret the verses as they did, in order to internalize the importance of the intentions that accompany sacrifices. This message is reinforced by a study of Massekhet Zevachim: such study quickly brings home the idea that greater emphasis should be placed on a person's intentions than on his actions.

)Translated by David Strauss(

[1]See for example, Rashbam's introduction to Parashat Mishpatim: "Let those who love wisdom know and understand that my purpose, as I explained in Bereishit (1:1 and 37:2) is not to offer halakhic interpretations, wherein aggadot and halakhot are derived from superfluties in the Scriptural language, even though such interpretations are the most essential ones. Some of these explanations can be found in the work of my mother's father, Rashi. But my purpose is to explain the plain meaning of Scripture. I will explain the laws and rules [of the Torah] in a manner that conforms to the [natural] way of the world. Nevertheless, it is the halakhic level of interpretation that is the most essential one, as the Rabbis said (Sota 16a): 'Halakha uproots [the plain meaning of] the biblical text.'" And indeed in tens of places in Parashat Mishpatim and elsewhere in the Torah, Rashbam interprets the verses according to their plain sense, even when his interpretations contradict the midrashei halakha.

[2]Last year, Parashat Ki Tetze, we discussed another instance of a gap between the plain meaning of the biblical text and the midrash halakha – with respect to lashes. See <http://www.etzion.org.il/vbm/archive/9-parsha/53ki-teze.rtf>.

[3]The third category is not relevant to our discussion: "Or with regard to measures devised by them to serve as a fence about the law – measures designed to meet the needs of the times, comprising decrees, ordinances, and customs." For further discussion of this matter, see Rambam's introduction to the Mishna, where the Rambam divides the first category into two – "interpretations received from Moshe" and laws defined as "halakhot to Moshe from Sinai," that have no foundation in Scripture.

[4]This idea is also implied by the way in which the law of piggul is learned in the midrash halakha. Torat Kohanim (Dibbura de-Tzav 8) learns this law in three ways: 1)

"Rabbi Akiva said: 'And if any of the flesh of the sacrifice of his peace offering be eaten at all on the third day, it shall not be accepted' – if he ate of it on the third day, it shall be disqualified! But it is impossible to say this – after it was qualified, can it become disqualified?" In other words, Rabbi Akiva rejects the possibility that everything depends on the eating, because that would create a situation in which the sacrifice would be fit, and eating it on the first two days would be permitted, but then if he eats it on the third day, it would become disqualified retroactively. This argument, however, is rejected: "Just as we find regarding a zav and a zava and a shomeret yom keneged yom that they have a presumption of ritual purity, but when they experience an issue, they break [the presumption], so too a sacrifice that has a presumption of allowance, if he ate of it on the third day, it becomes disqualified!" (In Zevachim 29a, the suggested derivation is proposed by Rabbi Eliezer and rejected by Rabbi Akiva.) 2) "Therefore the verse states: 'To him who offers it' – at the time of offering it becomes disqualified, but it does not become disqualified on the third day." 3) "Others say: 'It shall not be imputed [yechashev]' – through thought [machashava] it becomes disqualified, but it does not become disqualified on the third day." It is reasonable to assume that the last two derivations, which are accepted, do not stem from an exegetical analysis of the verse, for the plain meaning of the expression "neither shall it be imputed to him who offers it; it shall be an abomination," is that if the sacrifice is eaten from after its designated time, it will not be imputed to the one who brought it.

[5] Rabbi Shmuel David Luzzato (Italy, 1800-1865), biblical commentator, who for many years headed the rabbinical seminary in Padua.

[6] See also Shmuel I 15:22-23; Yeshayahu 1:10-17; Yirmiyahu 7:21-23; Hoshea 6:7; Amos 5:21-25; Tehillim 51:18-19.