Talmudo-Mīmāṃsā: Towards a Science of Sacrifice*

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Abstract

A distinctive kind of theoretical and analytical discourse on ritual sacrifice evolved within the Indian and Jewish traditions, in Mīmāṃsā and in Talmudic literatures, respectively, introducing special modes of analyzing ritual sacrifice, and elaborate methods of conceptualizing the relations between text and practice. Despite the significant role that comparative studies of Vedic/Brahmanical and biblical/Jewish sacrifice played in the development of the modern study of religion, a detailed comparative study of these emic "sciences of sacrifice" has not yet been carried out.

This study examines two pericopes addressing a similar dilemma—the treatment of ritual byproducts—from the Jaimini-Mīmāṃsā-Sūtra and from the Babylonian Talmud, each discussed within its commentarial tradition. The texts reveal a significant degree of convergence (major differences notwithstanding) in terms of dialectic discourse, terminology, thought-structures, hermeneutic assumptions, and more. Factors that may have contributed to this convergence are discussed, as are the broader implications of this comparative experiment.

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Keywords

Mīmāṃsā, Talmud, science, sacrifice, ritual, Indian, Jewish, leftovers, comparative

> Difference makes for comparisons, comparisons give rise to uneasiness, uneasiness to wonderment, wonderment tends to admiration; and finally admiration turns to a yearning for mutual exchange and unity.
> –Thomas Mann, *Die Vertauschten Köpfe*[1]

Introduction

Comparative studies of Indian and Jewish rituals played a distinct role in the development of the scholarly study of religion. A number of formative eighteenth- and nineteenth-century studies, from de la Créquinière to Hubert and Mauss, focused on Indian and Jewish rituals, exhibiting a special interest in ritual sacrifice.[2] Subsequently, it was primarily each on its own terms, rather than in juxtaposition with one another, that these traditions continued to inform the theoretical study of religion (as exemplified in the works of Staal, Heesterman, Douglas, and Halbertal);[3] but the last few decades have witnessed a renewed and growing interest in studying these sacrificial traditions jointly, as in the works of Holdrege, McClymond, and Stroumsa.[4]

These joint studies of Vedic/Brahmanic and biblical/Jewish sacrifice have tended to focus on structures and meanings of ritual practices, using discourses on sacrificial ritual only inasmuch as they were instrumental in reconstructing

[1] Thomas Mann, *The Transposed Heads: A Legend of India* (trans. H.T. Lowe-Porter; New York: Aflred A. Knopf, 1941) 5.

[2] On de la Créquinière's *Conformité des coutumes des Indiens orientaux avec celles des Juifs* (1704) and John Toland's influential English translation, see Carlo Ginsburg, "Provincializing the World: Europeans, Indians, Jews (1704)," *Postcolonial Studies* 14 (2011) 135–50. See the modern reprint, published as John Toland and de la Créquinière, *The Agreement of the Customs of the East-Indians with Those of the Jews (1705)* (with an introduction by Joel Reed; New York: AMS, 1999). See, too, Henri Hubert and Marcel Mauss, *Sacrifice: Its Nature and Function* (trans. W. D. Halls; London: Cohen and West, 1964), originally published as Henri Hubert and Marcel Mauss, "Essai sur la nature et la fonction du sacrifice," *L'Année Sociologique* 2 (1898) 29–138. For a broad discussion of the literature, see Guy Stroumsa, *A New Science: The Discovery of Religion in the Age of Reason* (Cambridge: Harvard University Press, 2010); and idem, *The Idea of Semitic Monotheism* (Oxford: Oxford University Press, 2021), esp. 219–44, "Sacrifice Compared: Israel and India." For an overview of the unique role played by the comparative study of these two textual traditions in the formation of the academic study of sacrifice, see Ivan Strenski, *Theology and the First Theory of Sacrifice* (SHR 98; Leiden: Brill, 2003), esp. 17–27.

[3] Frits Staal, *Rules Without Meaning: Ritual, Mantras, and the Human Sciences* (Toronto Studies in Religion 2; New York: Lang, 1991); Jan Heesterman, *The Broken World of Sacrifice: An Essay in Ancient Indian Ritual* (Chicago: Chicago University Press, 1993); Mary Douglas, *Leviticus as Literature* (Oxford: Oxford University Press, 1999); Moshe Halbertal, *On Sacrifice* (Princeton: Princeton University Press, 2012).

[4] Barbara A. Holdrege, *Veda and Torah: Transcending the Textuality of Scripture* (Delhi: Sri Satguru Publications, 1997); Kathryn McClymond, *Beyond Sacred Violence: A Comparative Study of Sacrifice* (Baltimore: Johns Hopkins University, 2008); Stroumsa, *Idea*, 219–44.

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those structures and meanings. Thus, despite their methodological sophistication and breadth of scholarship, and despite the fact that they refer to rabbinic and Brahmanical literature, these studies do not venture to ask explicitly whether and how a joint study of Indian and Jewish analytic and theoretical discourses *about* sacrifice might inform a comparative study of sacrifice and ritual more generally.

Nevertheless, scholars have noted that highly nuanced emic analytical frameworks, heuristically valuable for the investigation of the relation between sacrificial action and sacrificial text, were developed in Indian as well as Jewish literature already in antiquity. In India, during the few centuries before and after the turn of the era, a special field of knowledge developed that almost exclusively undertook this investigation, which later became famous under the name of Mīmāṃsā. In Jewish contexts, such analytical frameworks are found, admittedly in a less straightforward and less systematic form, within Talmudic literature broadly defined.[5]

Thus, this study builds upon previous comparative studies dedicated to the Vedic/Brahmanical and biblical/Jewish sacrificial traditions. It differs from them in that it focuses neither upon the sacrificial rituals themselves (reconstructable from textual and archaeological sources) nor on the ritual prescriptive and descriptive texts that reflect a first order of conceptualization. Rather, this study focuses on a second order of conceptualization, namely, on the intellectual discourses on patterns, rules, principles, and problem-solving techniques developed for the study of those sacrificial texts that constitute the first order of conceptualization. These discourses, found in Mīmāṃsā and in Talmudic literature, developed rule-based hierarchies that govern the ritual complex as well as abstract categories such as primacy/secondariness and parity/disparity, and sets of epistemic means for deducing information from the earlier corpora. The scholastic texts on sacrifice are thus not a window through which one may desire to observe ritual practice but are themselves the object of comparative inquiry. Though they are at least twice-removed from the rituals themselves, focusing on the later scholastic texts offers a unique perspective inasmuch as these texts, in their attempt to understand the

[5] To the best of our knowledge, the first study to explore the potential of what we term "Talmudo-Mīmāṃsā" is Daniel A. Klein, "Rabbi Ishmael, Meet Jaimini: The Thirteen Middot of Interpretation in Light of Comparative Law," *Ḥakirah* 16 (2013) 91–111. He was followed by Shoshana Razel Gordon-Guedalia, "Sagi Nahor—Enough Light: Dialectic Tension between Luminescent Resonance and Blind Assumption in Comparative Theology," in *How to Do Comparative Theology* (ed. Francis X. Clooney, S.J. and Klaus von Stosch; New York: Fordham University Press, 2018) 229–55. See also Dmitri Shevchenko, "Scriptural Injunctivism: Reading Yehayahu Leibowitz in the Light of Mīmāṃsā Philosophy," *Philosophy East and West* 69 (2019) 785–806; Yigal Bronner and Lawrence McCrea, *First Words, Last Words: New Theories for Reading Old Texts in Sixteenth-century India* (Oxford: Oxford University Press, 2021) 11–30. For a brief allusion to this potential from a different perspective, see Agata Ciabattoni et al., "Mīmāṃsā Deontic Logic: Proof Theory and Applications," in *Automated Reasoning with Analytic Tableaux and Related Methods* (ed. H. de Nivelle; Tableaux 2105; Lecture Notes in Computer Science 9323; New York: Springer, 2005) 323–38, esp. n. 1. See also Timothy Lubin, "The Virtuosic Exegesis of the Brahmavadin and the Rabbi," *Numen* 49 (2002) 427–59 (although the study does not engage with Mīmāṃsā).

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textual-ritual tradition of which they are part, are self-reflective in ways that the earlier texts are not.

Studying these scholarly traditions is therefore doubly informative for any science of ritual: in the ways they resemble any modern theory, and in the ways they consistently depart from the particular explanations and techniques favored by modern theoreticians. The former suggests the existence of a cross-cultural object of scientific study, while the latter may contain some insight into the logic of rituals that might not be apparent to modern theoreticians.

Moreover, if we desire to think not only about rituals but about how to study rituals, and how to analyze and conceptualize them, a comparison of these two scholarly traditions, which are not quite paralleled outside Indian and Jewish literatures, appears to be a sine qua non. Such a comparison offers a rare opportunity to characterize conceptual discourse about ritual, opening the door to a series of more general questions about ritual taxonomies; the relation between hermeneutics and ritual; the fundamentals of legal thought, inasmuch as it is indelibly linked to ritual thought in these traditions; and the contribution of ritual thought to the emergence of systematic scientific reasoning. This study is a modest first step in that direction.

I. Specific Goals of this Study

Scholars of Talmudic literature, while acknowledging the great service of comparative studies with Greco-Roman, Syriac, and Iranian (primarily Sassanian) materials, tend to characterize the Talmud as a work that is sui generis.[6] Similarly, in his overview of the scholastic tradition of Mīmāṃsā, James Benson reflects sentiments widespread among Indologists when he writes, "the subject [of Mīmāṃsā] has no familiar counterpart outside the Indian tradition. This is not to say that it is an intellectual tradition without parallels, but only that it is not clear, or at least not well-known, what those parallels might be."[7]

The first goal of this article is to offer a response to these claims by sketching out, in a preliminary fashion, some general convergences alongside major divergences between Mīmāṃsā and Talmudic literature on ritual sacrifice (section II). Thus, it offers both Mīmāṃsakas and Talmudists a rare opportunity to examine these idiosyncratic discourses from a comparative perspective.

[6] David Kraemer, *A History of the Talmud* (Cambridge: Cambridge University Press, 2019) 14; Barry Scott Wimpfheimer, *The Talmud: A Biography* (Lives of Great Religious Books; Princeton: Princeton University Press, 2018) 14, speaks of the Talmud's "seemingly unique idiosyncratic textual discourse." See also Daniel Boyarin, *Socrates and the Fat Rabbis* (Chicago: Chicago University Press, 2009) 21.

[7] See James Benson's introduction in Mahādeva Vedāntin, *The Mīmāṃsānyāyasaṃgraha: A Compendium of the Principles of Mīmāṃsā* (ed. and trans. James Benson; Ethno-Indology 5; Wiesbaden: Harrassowitz, 2010) 15. See A. McLeod, "Xunzi and Mimamsa on the Source and Ground of Ritual: An Analogical Argument," *Philosophy East and West* 68 (2018) 737–61, pointing to certain general parallels between the Chinese thinker, Xunzi (4th–3rd cent. BCE), and some Mīmāṃsic literature, primarily Kumārila Bhaṭṭa (8th cent. CE).

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The second goal is to demonstrate these convergences and divergences through the juxtaposition and subsequent "transposition" (a process described below) of two passages, one Talmudic, the other Mīmāṃsic, which share thematic, structural, and discursive properties (section III). Through the selected pericopes, we show that byproducts of the sacrificial process pose serious conceptual problems within both traditions—though not necessarily the same problems—and that from these conceptual challenges the two traditions derived strikingly similar dilemmas, debating whether a sacrificial ritual should be re-performed if byproducts are missing.

Finally, we point in the direction of future explorations of the intellectual space of Talmudo-Mīmāṃsā, asking how the convergences between the two systems might have arisen. We suggest, however tentatively, that both might contribute to an etic theory of ritual, setting into relief analytic concepts and operative categories implicit in both scholastic-ritual traditions, the full extent of which may be better appreciated by the joint analysis of Mīmāṃsic and Talmudic texts.

II. Talmudo-Mīmāṃsā

A. Introducing Mīmāṃsā and Talmud

The system of Mīmāṃsā originated in the second half of the first millennium BCE in South Asia.[8] It arose within the context of the Vedic textual and ritual tradition, reflected in an extensive corpus beginning with the Vedic hymns and a body of literature stemming from reflective engagement with sacrificial rituals. This body of literature extended from reflection upon the sacrificial rituals' mythical and cosmological associations (as in the Brāhmaṇas) to systematic compilations of their structure and specific ways to execute them (as in the Śrauta-Sūtras).[9]

Within this extensive intellectual enterprise, associated with and anchored in sacrificial rituals, a specialized "science," Mīmāṃsā, developed. Its main focus was correlating and aligning ritual actions with the textual corpus that enjoins them, with the further claim that this "science" is knowledge of *dharma*, which is centered in Vedic injunction. Thus, this school of inquiry, encompassing both a "science of sacrifice" and a "science of hermeneutics,"[10] was grounded, on the one hand,

[8] See the introductions in Lawrence J. McCrea, "*Mīmāṃsā*," in *Brill's Encyclopedia of Hinduism* (ed. Knut A. Jacobsen et al.; Brill Online, 2014); Kiyotaka Yoshimizu, "Mīmāṃsā," in *Encyclopedia of Philosophy and Religion* (Hoboken, NJ: Wiley, 2021); Axel Michaels, *Homo Ritualis: Hindu Ritual and Its Significance to Ritual Theory* (Oxford Ritual Studies; Oxford: Oxford University Press, 2016) 293–310.

[9] For a concise overview of Vedic literature, see Jan Gonda, *A History of Indian Literature*, vol. 1/1, *Vedic Literature: Saṃhitās and Brāhmaṇas* (Wiesbaden: Harrassowitz, 1975); for an overview of the Śrauta-Sūtras, see Jan Gonda, *A History of Indian Literature*, vol. 1/2, *The Ritual Sūtras* (Wiesbaden: Harrassowitz, 1977).

[10] S. Sankaranarayanan, "Mīmāṃsā in Ancient India," in *Annals of the Bhandarkar Oriental Research Institute* 62 (1981) 1–15. See also Lars Göhler, *Reflexion und Ritual in der Pūrvamīmāṃsā*

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in the vast preexisting ritual literature, and on the other hand in the contemporary performance of sacrificial rituals.

The earliest textual source of Mīmāṃsā is a collection of short statements (sūtras) attributed to Jaimini (Jaimini-Mīmāṃsā-Sūtras = JMS, ca. 3rd cent. BCE). The statements of JMS are terse and at times somewhat cryptic, as they do not mention the ritual and textual contexts in which they were made.[11] An extensive commentary (*Bhāṣya*) attributed to Śabara (ŚBh, ca. 3rd cent. CE) is the earliest extant comprehensive explanation of JMS, wherein Śabara provides the missing ritual and textual contexts, groups the short statements into thematic sections, and elaborates upon them following specific dialectical patterns.[12] ŚBh presents a well-knit fabric of complex argumentational threads, creating a debate interspersed with the voices of a moderator, who introduces the subject matter and formulates the doubt, followed usually by an opponent (Pūrvapakṣin), who advances the prima facie position, which is then countered by the proponent (Siddhāntin; other voices can be included as well). While the ensuing debate can run into several rounds, it usually culminates in a settled conclusion.[13]

The sacrificial tradition of classical Jewish literature is based on the descriptive and prescriptive Israelite ritual texts in the Pentateuch, primarily in the priestly literature within the books of Exodus, Leviticus, and Numbers (compiled ca. mid-first millennium BCE), and on their further elaboration in postbiblical literature, specifically in the Mishnah and in the *Sifra* (ca. 3rd cent. CE).[14] Two of the Mishnah's six orders, Qodashim (*sancta*) and Teharot (*purities*), as well as numerous other sections (such as tractate Yoma on the Day of Atonement and tractate Pesahim on the paschal ritual) are dedicated to the two interrelated systems of sacrifice and purity, which together form the most elaborate intellectual edifice in ancient Judaism. These mishnaic texts are a topically ordered collection of statements and disputes on ritual minutiae that reflect the beginnings of a systematization of the principles upon which these biblical/Jewish ritual systems are grounded.

(Beiträge zur Indologie 44; Wiesbaden: Harrassowitz, 2011) 89.

[11] For an overview of the literature, see Jean-Marie Verpoorten, *Mīmāṃsā Literature*, vol. 6/5 of *A History of Indian Literature* (Wiesbaden: Harrassowitz, 1987).

[12] Later Mīmāṃsā traditions and modern Mīmāṃsā scholarship both operate with the JMS-ŚBh pair, and our study follows them in this respect.

[13] From an analytical perspective, the voices of the Siddhāntin and of the "moderator" (the editorial voice) should remain distinct, and the author's (Śabara's) own view should not be conflated with that of any of his characters, including the editorial voice. See Yohanan Grinshpon, *The Secret Shankara* (Oxford: Oxford University Press, 2008).

[14] On the biblical and Jewish sacrificial systems and the continuities and discontinuities between them, see Jacob Milgrom, *Leviticus* (AB; 3 vols.; New York: Doubleday, 1991–2000); Naphtali S. Meshel, *The "Grammar" of Sacrifice: A Generativist Study of the Israelite Sacrificial System in the Priestly Writings with A "Grammar" of Σ* (Oxford: Oxford University Press, 2014); Mira Balberg, *Blood for Thought: The Reinvention of Sacrifice in Early Rabbinic Literature* (Berkeley: University of California Press, 2017). The Sifra is in a sense closer to Mīmāṃsā literature inasmuch as it explicitly links the later forms of the rituals to biblical ritual injunctions.

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The Babylonian Talmud (BT, compiled ca. 6th cent. CE, in Sassanian Mesopotamia), though not the earliest extant commentary on the Mishnah,[15] came to be the lens through which the Mishnah was read throughout the Middle Ages. The Babylonian Talmud follows the topical order of the Mishnah, presenting elaborate arguments and counterarguments regarding its particularities and generalities. Accompanied by a host of commentaries and sub-commentaries, BT became the quintessential text of traditional Jewish learning.[16]

For the present study, it is helpful to consider the broad diachronic contours of the Mīmāṃsic and Talmudic scholastic traditions as follows: in both cases, an ancient (Vedic, Pentateuchal) corpus, which is primarily injunctive, underlies a ritual-legal compendium that is rather concise and topically ordered (JMS, ca. 3rd cent. BCE; Mishnah and Tosefta Order Qodashim, ca. 2nd–3rd cent. CE). This later legal-ritual compendium is anchored in and thoroughly permeated by the ancient injunctive corpus, but it often assumes it without citing it explicitly. Consequently, an extensive, discursive and dialectic composition is created as a commentary upon the legal-ritual compendium (ŚBh, ca. 3rd cent. CE, on JMS; BT, ca. 6th cent. CE, on the Mishnah), and among its many achievements and goals it identifies the scriptural grounding of many of that compendium's basic legal-ritual principles. As a result of this process, parts of the concise compendium (JMS, Mishnah)[17] are often intelligible only in light of its commentary (ŚBh, BT), even while the commentary often acts as a lens through which fundamental aspects of the earlier compendium are distorted.[18] In later generations, throughout the Middle Ages and down to modernity, the composition of commentaries and subcommentaries has generated a vast ocean of scholastic literature dedicated to the elucidation of the ancient sacrificial-textual tradition.[19]

[15] The Palestinian Talmud (PT) was compiled ca. 5th cent. CE. The Tosefta (3rd cent. CE) is occasionally structured as a commentary on the Mishnah. See Judith Hauptman, *Rereading the Mishnah: A New Approach to Ancient Jewish Texts* (Tübingen: Mohr Siebeck, 2005).

[16] For an introduction see Eyal Ben-Eliyahu, Yehudah Cohn, and Fergus Millar, *Handbook of Jewish Literature from Late Antiquity, 135–700 CE* (Oxford: Oxford University Press, 2013) 23–27 (Mishnah); 32–38 (Babylonian Talmud). On the dating of the Talmud, see Richard Kalmin, "The Formation and Character of the Babylonian Talmud," in *The Late Roman–Rabbinic Period*, vol. 4 of *The Cambridge History of Judaism* (ed. S. T. Katz; Cambridge: Cambridge University Press, 2006) 840–76.

[17] On the sūtra-like conciseness of Mishnah, see Lubin, "Virtuosic Exegesis," 449 (citing Halivni).

[18] As Clooney has shown, it is often difficult to determine how much new ground is covered by Śabara vis-à-vis JMS. On the one hand, the commentary serves as an indispensable crutch, without which JMS's readers might well be utterly disoriented. On the other hand, it creates a misprism. See Francis X. Clooney, S.J., *Thinking Ritually: Rediscovering the Pūrva Mīmāṃsā of Jaimini* (Publications of the De Nobili Research Library 17; Vienna: De Nobili 1990). This kind of duality is also found in the relation between Mishnah and BT, though to a lesser extent (as Mishnah's style is less shorthand and less enigmatic than JMS's). See Günter Stemberger, *Introduction to the Talmud and Midrash* (2nd ed., Edinburgh: T&T Clark, 1996) 164–69, 191–92.

[19] Medieval and modern subcommentaries on ŚBh and on BT, which are essential for understanding the texts, are cited in the footnotes as necessary.

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In both cases, the scholastic traditions are not identical with the ritual traditions of practitioners. Mīmāṃsakas are, on the one hand, conversant with the ritual world, but they are, in the first place, theoreticians engaged in abstracting and developing theoretical categories and principles. Their expertise is thus distinct from that of the Yājñikas, experts in ritual practice.[20] In rabbinic literature the distinction between the two types of expertise is even starker. Since sacrifice outside the Jerusalem Temple is unacceptable in Jewish law, it essentially ceased with the destruction of the Jerusalem Temple in 70 CE. While some rabbinic traditions may trace back to a period from before this and therefore preserve insights from ritual practitioners, identifying them is difficult.[21] Rabbinic literature was compiled when sacrifice was no longer practiced, sometimes many centuries later.

B. Carving Out the Intellectual Space of Talmudo-Mīmāṃsā

Although the two textual traditions developed in isolation from one another in antiquity and evolved along separate trajectories in subsequent centuries, there are significant affinities between them in terms of contents and style. With a degree of simplification, both traditions can be characterized as containing dialectic, textually stratified theoretical discourses, which attempt to systematize a complex corpus, employing fixed and often nonintuitive hermeneutical tools for textual deduction and conventional scholastic catchphrases that are occasionally identical in their specific function.[22]

Perhaps the most striking similarity between the two traditions is a thematic overlap between the types of problems they address. Similar nonobvious dilemmas are raised and nonintuitive hermeneutic techniques are employed in order to entertain readings that are improbable in terms of the plain sense of the earlier text, as we shall see in the example below.

Significant dissimilarities between the two scholastic traditions are no less noteworthy. Mīmāṃsā is dedicated almost exclusively to sacrifice,[23] whereas the

[20] The *yājñika-mīmāṃsaka* distinction is important for differentiating between actual performance and theorization, but at the same time the categories are not mutually exclusive. See Daya Krishna, "The *Mīmāṃsāka* versus the *Yājñika*: Some Further Problems in the Interpretation of *Śruti*," in *Contrary Thinking: Selected Essays of Daya Krishna* (ed. Nalini Bhushan, Jay L. Garfield, and Daniel Raveh; New York: Oxford University Press, 2011) 228–46.

[21] On the methodological challenges in identifying ancient mishnayot in the Mishnah, see H. J. Blumberg, "Saul Lieberman on the Talmud of Caesarea and Louis Ginzberg on Mishna Tamid," in *The Formation of the Babylonian Talmud* (ed. J. Neusner; Leiden: Brill, 1970) 107–26; Ishay Rosen-Zvi, *The Mishnaic Sotah Ritual: Temple, Gender and Midrash* (trans. Orr Scharf; Leiden: Brill, 2012) 239–54; Hillel Mali, "Descriptions of the Temple in the Mishnah: History, Redaction and Meaning" (PhD diss., Bar-Ilan University, Ramat Gan, Israel, 2018) 6–26 (Hebrew).

[22] For the purpose of future studies in Talmudo-Mīmāṃsā, it is helpful to distinguish between "intuitive," "nonintuitive," and "counterintuitive" readings—while recognizing that the three are points on a continuum. Non- and counterintuitive readings, respectively, are cases where other inference principles supplement common sense's silence, or explicitly contradict its conclusions.

[23] This is not to say that Mīmāṃsā does not draw on other branches of knowledge, such as linguistics, philosophy, and logic, nor that it is entirely silent on matters of *aśauca* (ritual pollution).

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Talmud and its hermeneutics cover a broad variety of domains, including matrimony, torts, and ritual purity, areas that in the Indian tradition would belong to the realm of Dharmaśāstra (which itself might be infused with Mīmāṃsā-like ways of thinking). Moreover, BT contains a significant amount of non-halakic materials as well (including narrative, ethical, and to a lesser extent mythological-cosmological), which lend themselves more easily to comparison with the Upanishads, the Brāhmaṇas, the Purāṇas, and Vedānta (Uttara-Mīmāṃsā) literature.[24]

In terms of attribution vis-à-vis anonymity, ŚBh and BT (and to some extent, early Mīmāṃsā versus early rabbinic works in general) are nearly mirror images. With regard to authorship, ŚBh bears a much stronger stamp of a single author than the late antique rabbinic works, which are collective and anonymous in the sense that the individual positions and arguments are embedded within an anonymous, collective editorial layer.[25] Partially as a result of this situation, JMS and ŚBh reflect a degree of large-scale structural and organizational coherence not found in rabbinic works prior to the High Medieval period (e.g., Maimonides). As becomes a complex anthology, BT tractates often begin in medias res, are replete with digressions and duplicate pericopes, and the structure of each pericope (including the number of disputants participating) may vary greatly.[26]

With regard to appeals to authority, Talmudic and Mīmāṃsic works also operate very differently: the statements and controversies compiled in early rabbinic works are often attributed to named authorities—Tannaim (2nd–3rd cent. CE) and Amoraim (3rd–5th cent. CE).[27] The controversies reflected in ŚBh, on the other hand, are almost exclusively between unnamed and perhaps ahistorical interlocutors—Pūrvapakṣins and their victorious opponents, Siddhāntins.[28]

Finally, while both Mīmāṃsic and Talmudic discourses are characterized by a tension between local exegetical concerns and the formulation of underlying generalized principles, in antiquity Mīmāṃsā shows a greater degree of thorough

[24] See Lubin, "Virtuosic Exegesis."

[25] In this sense, ŚBh may bring to mind Roman juristic compositions, which are single-authored works (even if preserved in compilations) that often introduce alternative positions without attribution. We thank the anonymous reader for this comment. Note, however, that JMS itself does not claim to be authored by Jaimini, who seems rather a minor authority cited in the work; and the Mishnah does not explicitly claim to be authored by Rabbi Judah the Prince.

[26] On the kinds of methods that can be used for identifying the deliberate hands of BT's anonymous editors, see Menahem I. Kahana, *Tiqqun Olam (Repairing the World): Babylonian Talmud Tractate Gittin Chapter 4* (Jerusalem: Magnes, 2020), esp. 14–18 (Hebrew).

[27] There is a debate about the degree to which these attributions are historically reliable. See Marc Bregman, "Pseudepigraphy in Rabbinic Literature," in *Pseudepigraphic Perspectives: The Apocrypha and Pseudepigrapha in Light of the Dead Sea Scrolls* (ed. Esther Chazon, Michael Stone, and Avital Pinnick; STDJ 31; Leiden: Brill, 1999) 27–41.

[28] On named authorities in JMS and ŚBh, see Damodar Vishnu Garge, *Citations in Śabara-Bhāṣya* (Deccan College Dissertation Series 8; Poona: Deccan College Post-Graduate and Research Institute, 1952). Garge (6–7) counts ten or eleven named authorities in JMS, amounting to roughly twenty-five citations.

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systematization and explicit abstraction.[29] Mīmāṃsā's explicit attention to abstract categories is also expressed in terms of its structural organization. Whereas mishnaic tractates tend to be organized around topical principles such as animal sacrifices, grain offerings, and the offering on the Day of Atonement (Tractates Zebahim, Menahot, and Yoma, respectively),[30] the organizing principles of JMS's sections are often abstract categories, such as difference or non-difference between acts, the distinction between primary and subsidiary acts, or the order of their performance (books 2, 3, and 5, respectively).[31]

Recognizing the vast cultural, religious, historical, geographical, and linguistic dissimilarities between the two corpora, this study does not aim to establish a shared historical origin, much less to hypothesize that one scholastic or ritual tradition influenced the formation and development of the other, directly or indirectly.[32] Neither do we suggest that the shared properties described here should be interpreted as evidence of underlying universals. In fact, Mīmāṃsic and Talmudic discourses on sacrifice appear to be exceedingly idiosyncratic when compared with the ritual-

[29] Such generalized principles can certainly be arrived at through a process of abstraction from BT. See Leib Moscovitz, *Talmudic Reasoning: From Casuistics to Conceptualization* (Texts and Studies in Ancient Judaism 89; Tübingen: Mohr Siebeck, 2002).

[30] On the organizing principles governing individual tractates of Mishnah and BT, see D. Zlotnock, *The Iron Pillar of Mishnah: Redaction, Form and Intent* (Jerusalem: Bialik,1988). As Abraham Geiger noted in 1836, the tractates are organized in descending order of length (see "Einiges über Plan und Anordnung der Mischnah," *Wissenschaftliche Zeitschrift für jüdische Theologie* 2 [1836] 474–92). See also Yair Furstenberg, "From Tradition to Controversy: New Modes of Transmission in the Teachings of Early Rabbis," *Tarbiz* 85 (2018) 587–642 (Hebrew).

[31] On the structural principles governing JMS, see *Shabara-Bhāsya* (trans. Ganganatha Jha; 3 vols.; Baroda: Oriental Institute, 1933–1936) 1:168. The differences between the two traditions in this regard are not special to the Talmud and to Mīmāṃsā. Rather, they exemplify large-scale differences between ancient Indian and ancient Jewish intellectual traditions.

[32] Interaction between Brahmanical and Talmudic scholars in the Sassanian empire is not out of the question: consider the figure of R. Judah the Hindu, b BB 74b; and the mention of "Jews, Shamans (=Buddhists), Bramans, Christians," and other non-Zoroastrians in a single breath in an inscription of the Zoroastrian priest Kartīr (Kirdīr, second half of 3rd century), on which see Prods Oktor Skjærvø, "KARTIR," *Encyclopædia Iranica*, XV/6: 608–28, available online at http://www.iranicaonline.org/articles/kartir, §§11–12 (we thank Yishai Kiel for this reference). However, such contact—even if possible across linguistic boundaries—would have little explanatory power for the phenomena discussed in this article, as it would have occurred after Talmudic and Mīmāṃsic schools of thought were already well developed. Many of the points of convergence discussed here, though exemplified from BT, apply equally to earlier sources such as the Sifra, deriving from Roman Palestine rather than from Sassanian Mesopotamia. See Uri Gabbay and Shai Secunda, *Encounters by the Rivers of Babylon: Scholarly Conversations between Jews, Iranians, and Babylonians in Antiquity* (TSAJ 160; Tübingen: Mohr Siebeck, 2014). On the possibility of the influence of Sanskrit linguistic thought on late antique Hebrew sources, see David Dean Shulman, "Is There an Indian Connection to Sefer Yeṣirah?" *Aleph* 2 (2002) 191–99.

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textual traditions from contiguous geographic areas from the Mediterranean basin to Iran,[33] including the copious Zoroastrian literature on ritual.[34]

The convergences between these two distant scholastic traditions are best demonstrated by considering a control group consisting of works that are historically adjacent to rabbinic discourse on sacrifice: Philo (Alexandria, early 1st cent. CE), the New Testament (e.g., the Epistle to the Hebrews, second half of 1st cent. CE), Flavius Josephus (Jerusalem and Rome, late 1st cent. CE), Porphyry (Tyre, 3rd cent.), Iamblichus (Syria, 3rd–4th cent. CE), and, in a different way, Zoroastrian texts (such as the Vidēvdād, on ritual pollution, 6th cent. CE). Despite their robust and at times highly specialized discourses on ritual, these texts tend toward the symbolic (in the Jewish-Hellenistic texts), the theurgical (in Iamblichus), and the exegetical-commentarial (in the Zoroastrian texts); and they do not display an interest in the same kinds of hypothetical questions and syntactic hairsplitting exemplified below from the Mīmāṃsic and Talmudic texts, nor do they share similar conceptions of what types of arguments qualify as acceptable retorts.[35] These late antique texts belong to milieux that are, compared to JMS and ŚBh, much closer to those that produced classical rabbinic literature, due to their geographic overlap and due to the linguistic (Greek, Latin, Aramaic, Persian) points of contact between

[33] Talmudic scholarship has long been engaged in comparisons with the Greco-Roman world and with the Islamic world (A. Geiger, G. Libson). The last few decades have seen a growing interest in comparanda in Syriac and Iranian materials (J. Hermann, Y. Elman, S. Rosenthal, S. Secunda, Y. Kiel). Greek and Zoroastrian sources have been most prominent in the discussion of connections on the level of hermeneutic and scholastic discourse; see Shai Secunda, *The Iranian Talmud: Reading the Bavli in Its Sasanian Context* (Philadelphia: University of Pennsylvania Press, 2014). For summaries of the literature on Hellenistic and Mesopotamian influences on Talmudic scholasticism, see Yakir Paz, *From Scribes to Scholars: Rabbinic Biblical Exegesis in Light of the Homeric Commentaries* (Culture, Religion and Politics in the Greco-Roman World 6; Tübingen: Mohr Siebeck, 2022) 10–18, and Uri Gabbay, *The Exegetical Terminology of Akkadian Commentaries* (CHANE 82; Leiden: Brill, 2016) 289–304, as well as the bibliographies cited in these works.

[34] The Iranian contexts are important for studying ancient Jewish sacrifice due to the various historical points of contact between the two cultures. See, for example, Y. Elman, "Talmud and Middle Persian Culture," *EncJud* 19:488–91; Yishai Kiel, "Zoroastrian and Hindu Connections in the Priestly Strata of the Pentateuch: The Case of Numbers 31:19–24," *VT* 63 (2013) 577–604.

[35] See the allegorical interpretation of sacrificial procedures in Philo, *De Specialibus Legibus* 1.168–194, and the cosmological interpretation of aspects related to the Priestly sanctuary service in Josephus, *Antiquities* 3.180–186 (Flavius Josephus, *Judean Antiquities 1–4* [trans. Louis Feldman; Leiden: Brill, 2000]). Alternatively, consider the theurgic approaches cited in Iamblichus, *De Mysteriis (On the Mysteries)* (trans. and ed. Emma C. Clarke, John M. Dillon, and Jackson P. Hershbell; WGRW 4; Atlanta: SBL Press, 2003), book 5, esp. 226–27. On the dialogic nature of Philo, Porphyry, and Iamblichus, and their use of problems and solutions or questions and answers, see Crystal Addey, "Debating Oracles: Porphyry's *Letter to Anebo* and Iamblichus' *De Mysteriis*," in *Divination and Theurgy in Neoplatonism: Oracles of the Gods* (New York: Routledge, 2016) 127–69. On exegetical and commentarial principles shared by Zoroastrian and early Jewish literatures, see Shai Secunda, "Talmudic Text and Iranian Context: On the Development of Two Talmudic Narratives," *AJSR* 33 (2009) 45–69, esp. 58–60, specifically regarding exegetical attention to redundant terms; for a likening of Zoroastrian and targumic translation-exegetical traditions, see Dan Shapira, "Studies in Zoroastrian Exegesis" (PhD diss., Hebrew University of Jerusalem, 1998) (Hebrew).

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them. The affinity between rabbinic literature and Philo, Josephus, and Hebrews is particularly significant inasmuch as they all share a common biblical (including Levitical) textual heritage.[36] Yet, despite their geographical proximity and shared background, rabbinic discourse on sacrifice evidences a much greater affinity to Mīmāṃsā in terms of the thematic, discursive, and conceptual similarities discussed below than it does to the sections on sacrifice in these neighboring works.

The existence of such convergences despite the absence of any significant historical point of contact leads to the ineluctable question: if the similarities do not allow for cladistic, diffusionist or universalistic explanations, how are they to be accounted for? We will address this question in section IV, after first examining the texts themselves.

III. JMS 4.1.27 and BT 52b

A. Blood and Dung in JMS 4.1.27

JMS 4.1.27 is part of a series of pericopes (*adhikaraṇa*s) beginning in 4.1.22, that contain test cases for determining what components within a sacrificial ritual are its "instigator" (*prayojaka*, *prayoktṛ*), i.e., its "prompter" or raison d'être,[37] which causes it to be carried out in the first place. The prima facie view, which serves as a baseline position for several debates in the subsequent sūtras, states that "when [several things are] brought about by the same [act, they] should all equally be regarded [as instigators of that act]."[38] As ŚBh expounds, the case alluded to in JMS 4.1.27[39] is part of the Agniṣṭoma, pertaining to the elaborate soma-sacrifice.[40] Within this ritual, portions of a sacrificial animal (*paśu*),[41] including cuts from the animal's heart and tongue, are offered to the deities Agni and Soma (hence the animal is called *agnī-ṣomīya*).[42] The Vedic instructions pertaining to the *agnī-ṣomīya*, which

[36] In a very different way, Mīmāṃsā literature and Sassanian Zoroastrian commentaries share a distant shared textual background (e.g., parallel mantras preserved in Vedic and in Avestan), related to a shared ritual background (e.g., *sōma*/*haoma* rituals). Dialectic discourse on ritual, including hair-splitting textual argumentation, is found at least in a nascent form in Pahlavi texts (above, n. 33); but further research is required before conclusions can be reached about broader similarities between Indic, Iranian, and Talmudic (especially Babylonian) textual-ritual traditions. Within such an investigation, one must take into account textual and historical proximities between Persian sources and Judaic sources, on the one hand, and Persian and Indic sources, on the other.

[37] Yoshimizu ("Mīmāṃsā," 9) suggests "causative agent."

[38] Jha's wording (*Shabara-Bhāsya* [trans. Jha], 1.730), slightly emended.

[39] The sūtra comprises an *adhikaraṇa* of its own, "The adhikaraṇa of the 'non-instigation' of dung and blood in the case of a sacrificial animal."

[40] For a detailed description, see Alfred Hillebrandt, *Ritual-Litteratur, vedische Opfer und Zauber* (Strassburg: Trübner, 1897) 124–34.

[41] The type of animal is not mentioned in 4.1.27, but see JMS 6.8.30–31 (*chāgasyaivāgnīṣomīya-paśutā 'dhikaraṇam*), according to which the animal in question is a he-goat. See also Hillebrandt, *Ritual-Litteratur*, 125.

[42] Cf. Aṣṭādhyāyī 4.2.32 and 6.3.27. See *Aṣṭādhyāyī of Pāṇini* (Roman transliteration and English trans. Sumitra Mangesh Katre; Texas Linguistics Series; Austin: University of Texas Press, 1987).

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include an injunction to remove its dung and blood, are the basis of the following discussion, which aims to determine what instigates the ritual—only the offering of the heart and tongue, or perhaps also the removal of the dung and blood.

For ease of reference, the various components of the text are reproduced here in different fonts,[43] and the Siddhāntin's and Pūrvapakṣin's voices are introduced by [S] and [P], respectively.[44]

> [Sūtra]: **paśāv anālambhāl lohitaśakṛtor akarmatvam.**
>
> [Bhāṣya]: ***asti jyotiṣṭome paśur agnīṣomīyaḥ. tatra śrūyate:*** hṛdayasyāgre 'vadyaty atha jihvāyā ***ity evam ādi.***[45] ***tathā,*** lohitaṃ nirasyati, śakṛt saṃpravidhyati, sthavimato barhir aṃlktā[46] 'pāsyatī***ti.***[47] ***tatra saṃdehaḥ, kiṃ hṛdayādibhir avadānair ijyā paśoḥ prayoktrī, uta śakṛtsaṃpravyādho lohitanirasanaṃ ca tad api prayojakam iti. kiṃ prāptam?***
>
> [P]: **ekaniṣpatteḥ sarvaṃ samaṃ syād** *ubhayaṃ prayojakam* ***iti.***
>
> [S]: evaṃ prāpte brūmaḥ, paśau[48] śakṛllohitayor aprayojakatvam, na hi tadarthaḥ paśor ālambhaḥ, śakṛt saṃpravidhyati lohitam apāsyatīty ucyate, na paśor anyasya veti, paśur agnīṣomīyo vākyena, yo dīkṣito yad agnīṣomīyaṃ paśum ālabhata iti. śakṛllohite paśoḥ prakaraṇena bhavetām, prakaraṇaṃ ca vākyena bādhyate.
>
> [P]: *nanv ete śakṛllohite pratipādyete, tena yāgārthasya paśor nānyasyeti niścayaḥ.*
>
> [S]: evaṃ cet, aprayojake śakṛllohita ***iti.***
>
> ***kiṃ bhavati prayojanam? sāmye sati śakṛllohitābhāve 'nyaḥ paśur ālambhanīyaḥ, śakṛllohitayor aprayojakatve lopaḥ.***

[43] These are: 1) Saṃhitā verses cited in the discussion; 2) **Jaimini-Mīmāṃsā-Sūtra**; 3) Siddhāntin; 4) *Pūrvapakṣin*; 5) ***Editor/Moderator's voice.*** Śabara is the author of components 3–5.

[44] The text presented here is based on the *The Aphorisms of the Mimamsa by Jaimini with the Commentary of Śavara-Svámin* (ed. Paṇḍita Maheśachandra Nyáyaratna; Asiatic Society of Bengal; Bibliotheca Indica n.s., 44, 85, vol. 1, Adhyáyas 1–6; Calcutta: Ganesha Press, 1873) 453. We have made minor emendations, since this edition often uses "va" for "ba." Variants that bear on the discussion are noted in the footnotes.

[45] Tait.S. 6.3.10.4. See *Taittirīya Saṃhitā with the Padapāṭha and the Commentaries of Bhaṭṭa Bhāskaramiśra and Sāyaṇācārya*, vol. 4, pt. 1 (ed. T. N. Dharmadhikari; New Delhi: Adarsha Sanskrit Shodha Samstha, 2006) 228.

[46] The reading *aṃlktā* in the Calcutta edition is a misprint. The reading *barhiraṅktvā* (having anointed the grass) is found in the edition of Kāśīnātha Vāsudevaśāstrī Abhyaṅkara, Gaṇeśaśāstrī Jośī et al. (ĀSS, 79; 6 vols.; Poona, 1976–1984) with JMS, Śābarabhāṣya, Kumārila's Tantravārtika and Ṭuptīkā, Vaidyanātha's Prabhā and Murāri II. Miśra's Aṅgatvanirukti. The form *barhiralaṅktā* (perhaps a case of *forma mixta*, *aṅktvā/alaṅkṛtvā*) is found in *Mīmāṃsādarśana* (ed. Ratna Gopāla Bhaṭṭa; vol. 1, chs.1–6; Kāśī Saṃskṛta granthamālā 42; Benares, 1910).

[47] Tait.S. 6.3.9.2 ([ed. Dharmadhikari], 221).

[48] The Ānandāśrama edition omits *paśau*, which is slightly awkward from a grammatical point of view, but not impossible. Since it also omits the entire following phrase, *śakṛllohitayor aprayojakatvam, na hi tadarthaḥ paśor ālambhaḥ*, it appears that omission due to homoioarcton was at play here (*śakṛllohitayor . . . śakṛt saṃpravidhyati*).

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[Sūtra]: **In (the case of) animal (sacrifice)—(the treatment of) blood and dung is not (considered ritual) action—since the sacrificial killing[49] is not (for that purpose).**

[Bhāṣya]: ***In the Jyotiṣṭoma ritual there is the agnīṣomīya animal. It is said there*** he takes from the heart first, then from the tongue[50] ***etc. and then*** he pours out the blood, removes the dung, wipes it with the broad side of the barhi-grass and disposes of it**.**[51] ***Regarding this there is a doubt: is the raison d'être of the animal sacrifice the offering of the heart, etc., or is the removal of the dung and the pouring-out of the blood also a raison d'être? What is the conclusion?***

[P]: *(Since)* **in case of simultaneous coming-into-being, all are to be considered equally** (JMS 4.1.22)*, both are raisons d'être.*

[S]: This having been claimed, we argue: in (the case of) an animal, (there is) non-instigation of dung and blood, for it is not the case that the animal's killing is for that purpose! (Proof:) it is said he removes the dung, he pours away the blood, not 'of (this) animal' or 'of a different one'. That the animal (sacrificed) is the agnīṣomīya offering (is deduced) by means of syntactical connection (*vākyena*)—". . . the one who is initiated; in that he sacrifices the agnīṣomīya (animal) . . ." (TS 6.1.11.6).[52] That the dung and the blood are to be (this) animal's (is deduced) by means of context (*prakaraṇena*); context is overpowered by syntactical connection.

[49] *Taking* is a euphemism for killing (*ālambhana* is used in the sense of *viśasana*). See Paṭṭābhirāma Śāstrī, *Mīmāṁsānayamañjarī: Part Two with Pariśiṣṭa* (Sampūrṇānanda Granthamālā vol. 13; Varanasi: Sampurnanand Sanskrit University, 1992) 12.

[50] Keith translates: "First he makes a portion of the heart, then of the tongue." See Arthur Berriedale Keith, *The Veda of the Black Yajus School Entitled Taittiriya Sanhita,* part 2, *Kāṇdas IV–VII* (vol. 2; Cambridge: Harvard University Press, 1914) 525.

[51] Benson marks these Vedic injunctions as "untraced" and notes that his translation is based on Sāyaṇa on TS 1.3.9.2—the number in Benson's edition appears to be a typographical error for 6.3.9.2). See *Mīmāṃsānyāyasaṃgraha* (ed. Benson), 136 n. 28 (Sanskrit section), 469 (English). Jha cites their sources as 6.3.10.4 and 6.3.9.2 (respectively). While 6.3.10.4 does mention cutting of the heart and tongue, and the intestines are mentioned as one of the eleven organs, there is no mention there of dung, blood, or wiping away. Our sincere thanks go to Meera Sridhara for tracing also the first half, in Vaikhānasa Śrauta-sūtra 10.17.11 (*śakṛtsaṃpravidhyati lohitaṃ ca nirasyati*). See Julius Schwab, *Das altindische Thieropfer. Mit Benützung handschriftlicher Quellen* (Erlangen: Deichert, 1886) 131 n. 92; and *Vaikhānasa-Śrautasūtram* (ed. W. Caland; Bibliotheca Indica 265; Calcutta: Royal Asiatic Society of Bengal, 1941) 116, ll. 9–10. Following the joint mention of the heart and tongue (*hṛdaya-jihvā*) in v. 5 (l. 3), the injunction in v. 11 is to pierce the heart with a spit, and then remove the dung and pour out the blood into the *ūvadhya-goha*, a special disposal-pit (*hṛdayam upatṛdya pratapaty-ūvadhyagohe śakṛt saṃpravidhyati lohitaṃ ca nirasyati*).

[52] Jha, correctly noting that the quotation is from TS 6.1.11.6, translates: "On being initiated he kills the animal to be offered to *Agni-Soma*." See *Shabara-Bhāsya* (trans. Jha), 2.737. In Weber's edition of TS, a full stop is placed after *yo dīkṣito* and a new sentence begins with *yad agnīṣomīyam*. See *Die Taittirīya-Saṃhitā*, pt. 2 (ed. Albrecht Weber; Leipzig: Brockhaus, 1872) 153. Keith follows this reading, translating, "now *the consecrated person* has for long been holding himself ready for the sacrifice. *In that he offers an animal to Agni and Soma,* that is a buying-off of himself; therefore of it he should not eat; for as it were it is a buying-off of a man." See Keith, *The Veda of the Black Yajus School,* 500 (italics added to indicate the quoted phrases).

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[P]: *But now, it is undeniable* (*iti niścaya*) *that these blood and dung are disposed of, and hence (that they are) of the animal to be sacrificed, not of a different one*.

[S]: In that case, the dung and the blood are (certainly) not what instigates the offering.

What is the ramification of this distinction? If they are on a par (= equally instigators), then if dung and blood are lacking,[53] ***a different animal is to be killed; but if blood and dung are not instigators, it is skipped.***

The sūtra, which assumes outright that an animal is *not* killed for the sake of disposing its blood and dung, is fleshed out by Śabara as a response, as it were, to a theoretical dilemma: is the instigator of the sacrifice only the offering of the animal's heart and tongue, or is it perhaps the case that the removal of the animal's blood and dung, too, are its instigators?[54]

At first, the imaginary interlocutors engage in a hermeneutic debate. The Pūrvapakṣin, adhering to the general rule voiced in 4.1.22, argues that since the injunction to offer the heart and tongue and the injunction to remove the blood and dung both appear in the Vedic text as necessitated by one and the same sacrificial rite, and since there are no clear grounds for drawing a distinction between these two pairs of acts (in terms of their status as instigators),[55] there ought to be a parity among them (*sarvaṃ samaṃ syāt*, as in 4.1.22): both the heart-and-tongue apportionment and the blood-and-dung removal are raisons d'être for killing the animal.

However, the Siddhāntin responds, rather commonsensically, that the animal is not killed for the sake of treating its blood and its dung. In fact, he suggests that the Vedic phrasing *does* supply grounds for drawing a distinction between the two pairs of acts: the fact that the animal is killed to serve as an *agnīṣomīya* offering is derived from the very syntax of the Vedic statement ". . . the one who is initiated; in that he sacrifices the *agnīṣomīya* (animal). . . ."[56] But the Vedic injunction ("he removes the dung, he pours away the blood") does not explicitly state whether it

[53] The reason for their absence is unstated and perhaps irrelevant. In a parallel pericope on curds and whey, and in a very similar context (ŚBh 4.1.24), the substance is spoken of as being lost (*naṣṭe vājine*, 1.451 l. 4 in the Bibliotheca Indica edition). *Mīmāṃsānyāyasaṃgraha* 4.1.12 on our *adhikaraṇa*, too, glosses *abhāve* with *nāśe*. See *Mīmāṃsānyāyasaṃgraha* (ed. Benson), 136 (English), 469–70 (Sanskrit).

[54] Śabara frames the concept of *karmatva* (the property of being *karma*, "work") in terms of instigation (*prayojakatva*) by rewording JMS's *lohitaśakṛtor akarmatvam* (blood and dung's non-*karmatva*) as *śakṛllohitayor aprayojakatvam*. Thus, the question of whether an act is considered "work" would seem to be related to whether it is perceived as the ritual's instigator. While the cross-cultural pairs *karmatva*/*'avodâ* (lit., "work") and *prayojakatva*/*ikkuv* (the quality of being a sine qua non) are not identical, the relations within each pair and between the pairs call for a separate study.

[55] This component—the ostensible lack of a criterion for drawing a distinction between the two—is critical for understanding the back-and-forth in our pericope. This is stated explicitly at the outset of the series of *adhikaraṇa*s (4.1.22): *yadi vinigamanāyāṃ hetur bhavet, agamyamāne viṣeśe* (Jha: "if there were some grounds for making a distinction between the two; but there is no ground for making a distinction . . .").

[56] See above, n. 52.

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is this particular animal's, or some other animal's (*na paśor anyasya vā*)—which information can only be derived from considering the broader context of the entire passage.[57] Since syntactic connection (*vākya*) is a more immediate—and hence epistemologically a more powerful—form of textual deduction than is context (*prakaraṇa*),[58] he claims that there *are* grounds—syntactic grounds—for drawing a distinction between the two pairs of acts. The former are instigators, the latter are not.[59]

A quibble (in shorthand) follows. If Ganganatha Jha's sensitive reading is to be accepted, then the undertones of the ensuing back-and-forth are as follows. The Pūrvapakṣin quite reasonably insists (*nanv ete . . . pratipādyete*) that the blood and dung are undeniably the *agnīṣomīya* animal's and not another animal's, since the Vedic text itself designates these two as disposables (as the verbs *nirasyati* and *sampravidhyati* suggest)—implying that they are residual byproducts from the same animal that is under discussion. However, by insisting on this, the Pūrvapakṣin appears to have fallen into a trap set by the Siddhāntin, who now retorts that if so (*evaṃ cet*)—i.e., if the blood and dung are merely disposable byproducts—then it is all the more evident that they cannot be what prompted the sacrifice in the first place.[60]

The commentary on this sūtra culminates in a summary that draws the practical ramifications from the opponents' debate.[61] If, as the prima facie view would have it, the disposal of the blood and dung is no less a raison d'être of the sacrificial

[57] For a comparable rhetorical move with similar logic and structure, see, for example, ŚBh 4.1.25 (relying on Tait.S. 6.1.1.7). According to this reading, the Siddhāntin only makes this suggestion temporarily—perhaps in order to trap the Pūrvapakṣin into stating that they are disposables—though all participants in the conversation are aware of the plain sense of the Vedic injunctions, namely, that the dung and blood in question derive from the same *agnīṣomīya* goat from which the heart and tongue derive.

[58] See JMS 3.3.14 (with elaborate examples in ŚBh *ad locum*), and a concise explanation in Clooney, *Thinking Ritually*, 120–21; Göhler *Reflexion*, 95–100.

[59] If the Vedic text in reference is similar to the text of Vaikhānasa Śrautasūtra (above, n. 51), then one must concede that the Siddhāntin does not directly demonstrate that the injunction regarding the heart and tongue is based on syntactic connection (in contrast to the injunction regarding the blood and dung, which is based on considerations of broader context). The reasoning is not entirely clear to us, but perhaps all interlocutors are expected to grant that the reference to killing an animal for Agni and Soma unambiguously implies that an *offering* is made—which offering must include the heart and tongue. See *Mīmāṃsānyāyasaṃgraha* 10.7.1–2, *Mīmāṃsānyāyasaṃgraha* (ed. Benson), 276 (Sanskrit), 713 (English).

[60] The use of *evam cet* here seems to be followed by an implicit *bāḍham*, in the sense of "certainly" or "all the more so" (*pace* Jha). *Mīmāṃsānyāyasaṃgraha* 4.1.12 presents the entire argument of the *adhikaraṇa* somewhat differently: the position that the removal of the blood and dung is an act of disposal (*pratipattitva*) is held only by the Siddhāntin, who claims that the blood and dung are "litter which is consequentially produced," a position not endorsed by the Pūrvapakṣin. The Siddhāntin's position is justified on morphosyntactic grounds, rather than presented as a clash between syntax and broader context, in which syntax trumps context. See *Mīmāṃsānyāyasaṃgraha* (ed. Benson), 136 (Sanskrit) 469–70 (English).

[61] The summary is introduced by an editorial voice, i.e., neither by the Siddhāntin nor by the Pūrvapakṣin (somewhat as the later *stammaitic* voice in BT would present a *nafka minah*).

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ritual than the offering of the heart and tongue, then absent blood and dung a whole new animal must be brought, and the entire ritual must begin anew only to ensure that the requisite blood and dung removal is carried out properly. But if the blood and dung are not instigators and merely byproducts generated in the process of obtaining the *materia sacra* (as the ultimately victorious interlocutor opines), then, in the event they are lacking, the ritually inconsequential act of removing them is simply skipped (*lopaḥ*).

B. Blood Applications in BT Zeb. 52b

In the fifth chapter of BT Zebahim ("Animal Sacrifices"), a pericope (b. Zeb. 52b *infra*) discusses the blood-applications on the Day of Atonement. The pericope harks back to the mishnaic expositions in Tractates Yoma and Zebahim, and ultimately back to the biblical injunctions in Lev 16. On this day, the high priest is to sprinkle parts of the sanctuary with the blood of a bull and of a goat offered as *ḥatta't* ("purification-" or "sin-") offerings, and then decant the leftovers—a detail not explicit in Lev 16 but perhaps inferable from Lev 4:7, 18, etc.—at the base of the bronze altar in the sanctuary's courtyard.[62] For ease of reference, italics, bold, and underlining are used to distinguish between various strata[63] in the text and in the translation.[64]

תנו רבנן: "וכלה מכפר את הקדש ואת אהל מועד ואת המזבח—**אם כיפר [כ]לה ואם לא כיפר לא כילה." דברי ר' עקיבה.**

אמ' לו ר' יהודה: "מפני מה לא נאמ' 'אם כילה כיפר—שאם חיסר אחת מן המתנות לא עשה כלום'?"

מאי ביניהו? איתמר: ר' יוחנן ור' יהושע בן לוי. חד אמ' *שיירין מעכבין איכא ביניהו*. וחד' אמ' *משמעות דורשין איכא ביניהו*. תסתיים דר' יהושע בן לוי דאמ' *שיירין מעכבין*, דאמ' ר' יהושע בן לוי: *לדברי האומ' שיירין מעכבין מביא פר אחד*[65] *ומתחיל כתחלה בפנים*.[66]

Our sages taught: **"(Scripture reads:)** and having finished purging the adytum and the tent of meeting and the altar" (Lev 16:20)—**if he has purged,**

[62] On the form and function of the biblical blood rituals, see Jacob Milgrom, "Israel's Sanctuary: The Priestly 'Picture of Dorian Gray,'" *RB* 83 (1976) 390–99; Naphtali S. Meshel, "The Form and Function of a Biblical Blood Ritual," *VT* 63 (2013) 276–89; Balberg, *Blood for Thought*.

[63] Since there are many named authorities, we do not graphically distinguish between the individual voices. The fonts represent: 1) biblical verses cited in the debate; 2) **Tannaitic voices**; 3) *amoraic statements*; and 4) editorial statements. This simple stratification is not designed to reflect the complicated stratification of the Talmudic texts (for example, with regard to the difference between various stammaitic and Amoraic strata), but rather to offer a sense of the multilayered polyphonic nature of the text.

[64] The text is based on MS New York, Columbia University, X 893–T 141 (5941 in Sussman Catalog, a mid-16th-cent. Yemenite manuscript). Variants relevant for our discussion are discussed in the footnotes. Parallels are found in t Kippurim 3, 8; Sifra Aharei Mot 4, 1 (Weiss 81b); y Yoma 5, 6 (= 43a, Academy 586–87); b Zeb 40a; b Yoma 60b.

[65] Thus all mss. except Vatican 120–21, which reads אחר (the meaning is the same).

[66] Thus Vat 120–21; Vat 118–19 ומתחיל בתחלת בפנים; AIU 147 and other mss, ומתחיל בתחלה בפנים.

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> **then he has completed, and if he has not purged, he has not completed." This is the opinion of Rabbi Akiba.**
>
> **Rabbi Judah said to him: "why shall we not rather say,[67] 'if he has completed, then he has purged,[68] such that if he omitted one of the (blood-)applications, he has accomplished nothing'?"**
>
> What is the [practical] distinction between them? It is said: R. Johanan and R. Joshua ben Levi (disagree). One said *they (= R. Akiba and R. Judah) differ as to whether the (pouring out of the) residue is indispensable.* And the other said *they differ (merely) on the mode of interpretation (but not regarding the legal ramifications).*[69] Let it be proven that it was R. Joshua ben Levi who said *(they differed as to whether the pouring out of) the residue is indispensable*. For R. Joshua ben Levi said: *According to the view that the leftovers are indispensable, he (the priest) must bring another bull and begin anew inside (the sanctuary)*.[70]

The pericope opens with the exposition of a hermeneutic dilemma. Leviticus 16:20 states that "having finished purging (*wəkillâ mikkappēr*) the Holy of Holies, the Tent of Meeting, and the altar" with the blood of a bull and of a he-goat, the high priest should proceed to perform the "scapegoat" ritual (vv. 21–22). Grammatically, the words "and having finished purging" constitute a verb and its complement in Biblical Hebrew. But through a syntactic twist, when read within the rabbinic hermeneutic framework, they are creatively understood as if they comprised a protasis and an apodosis: according to R. Akiba, "if he has purged, then he has completed," or conversely, "if he has completed, then he has purged" according to R. Judah.[71]

[67] Note that the use of the phrase "why don't we say" is rather unusual (*nō'mar* is an active 1c.pl., not a medio-passive 3m.sg.; see Rashi *ad locum*) but not without parallel (see b RH 32b). In the Sifra the phrase is with *ne'ĕmar* (3m.sg, N-Stem, and without *lō'*) introducing, as customary, the biblical source upon which the halakah is based. In t Kippurim 3.8, the phrase *'im killâ kipper* is, as in BT, an expression of the halakic principle, not, as in the Sifra, a pseudo-quote.

[68] Mss Vatican 120–121, Munich 95, AIU H 147 A and the printed editions add "if he does not finish, he has not purged," rendering explicit what is implicit in the shorter version (Vat. ebr. 118–19).

[69] See Rashi *ad locum* (*pace* Rabbenu Hananel on Yoma 20b), who writes: "one says the meaning of the verse is this, the other says its meaning is that, but according to all, leftover blood (application) is not a *sine qua non*." See Moshe Assis, *Concordance of Amoraic Terms, Expressions and Phrases in the Yerushalmi* (New York: Jewish Theological Seminary, 2010) 1093 and n. 1728 (Hebrew).

[70] The pericope does not terminate here. It continues to inquire whether it is conceivable that R. Yohanan (in contrast to R. Joshua) did *not* hold that there is a controversy between R. Akiba and R. Judah on the question of whether the application of leftover blood is a sine qua non. The Talmud is skeptical about the possibility that an amora would *not* hold that there exists a Tannaitic view according to which leftover blood applications are a sine qua non ("does R. Yohanan not have this *sevara*?!") On the history of this controversy, see Saul Lieberman, *Tosefta Ki-fshutah* (vol. 4; New York: Jewish Theological Seminary, 1992) 787–88 (Hebrew).

[71] The syntactic difference entails a difference in the semantics of the two verbs, *kipper* and *killâ*. For R. Akiba, *kipper* refers to the physical act of blood-sprinkling, *killâ* to the completion of the atonement; whereas for R. Judah, *kipper* refers to the completion of the atonement, whereas *killâ* refers to the complete physical depletion of the blood. For the syntactic and morphological ingenuity involved in these rabbinic readings, see below, n. 74. The parallel in y Yoma 5.6 (43a,

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The implications of this grammatical dispute between the two second-century Tannaim is then debated by two third-century Amoraim, R. Yohanan and R. Joshua ben Levi. One holds that R. Akiba and R. Judah were merely following two different exegetical paths toward the same conclusion.[72] The other holds that their debate has concrete legal implications: R. Akiba, who takes the phrase "and having finished purging" to indicate that "if he has purged, then he has completed," maintains that once the high priest has performed "purging" (a process that does not include decanting the leftovers upon the base of the altar), the ritual can be considered complete. Conversely, Rabbi Judah, who takes the same phrase to imply that "if he has completed, then he has purged," opines that it is not until the leftover blood is decanted upon the base of the altar that purgation can be considered effective.

The section translated here concludes with an attempt to identify which of the two Amoraim held that R. Akiba and R. Judah disagree on legal matters, namely, on whether or not failure to decant leftover blood renders the ritual invalid. R. Joshua ben Levi is recorded to have stated: "according to the view that the leftovers are indispensable, he (the priest) must bring a new bull and begin anew inside (the sanctuary)." Since he said "*according to* the view," this reveals his opinion that there was a Tannaitic controversy on this matter. Therefore, it must have been R. Joshua ben Levi who opined that the controversy between R. Akiba and R. Judah was about whether the decanting of leftover blood is a sine qua non.[73]

While the Tannaitic debate is articulated in exegetical terms, and while exegetical forces may have actually been at play here,[74] the sages appear to be split on a fundamental question about the "grammar" of ritual, the ramifications of which are spelled out by some of the Amoraim. If decanting the leftover blood is perceived as mere waste-disposal—the elimination of ritually insignificant ritual

586–87) presents the relation between the protasis and the apodosis differently. Although this version is partially paralleled in the printed editions of the Tosefta (but in none of the surviving manuscripts), it is "almost certainly corrupt" (for the reasons, see Lieberman, *Tosefta Kifshutah* 4:787–88), and is not followed here.

[72] This *amoraic* interpretation of the Tannaitic debate, namely, that there was actually no legal dispute between R. Akiba and R. Judah (both agreeing that only blood applications upon the horns are sine qua non), is admittedly the less plausible of the two. See Lieberman, *Tosefta Kifshutah*, 4:787–88.

[73] The ensuing text (not translated here) demonstrates that one cannot deduce from the wording which of these two *amoraim* held which view. Nevertheless, all disputants in this text agree that there was a Tannaitic controversy about whether or not the application of leftover blood is a sine qua non (see Rashi *ad locum*).

[74] In the counterintuitive parsing of *wəkillâ mikkappēr* as a protasis-apodosis structure, the local exegetical forces at play are not self-evident. Perhaps R. Akiba reads the particle *m-* in *m-kpr* instrumentally (completion is obtained *from* purgation), whereas R. Judah reads the graphically unvocalized sequence מכפר (*mkpr*) as if it were a participle (*wəkillâ—məkappēr/mikkappēr*, see GKC §159.2, §55.9, and Deut 21:8). Broader hermeneutic questions on the relation between first and last textual components could also be at play here. See Yigal Bronner and Lawrence McCrea, *First Words, Last Words: New Theories for Reading Old Texts in Sixteenth-Century India* (Oxford: Oxford University Press, 2021). The unique usage of וכלה in a sacrificial context may have also played a part in R. Judah's position.

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byproducts—then in the event that, for whatever reason, there happens to be no residue to decant at the foot of the altar,[75] this "non-cultic" act is simply skipped.[76] If, however, the decanting of leftover blood is perceived as an integral part of the ritual of purgation for carrying out the sacrificial rite, then absent residual blood, a whole new animal must be brought, and the entire ritual must begin anew, only to ensure that this time around the requisite blood-disposal is carried out properly.[77]

IV. Discussion

A. An Experiment in Transposition

Focusing on the criteria enumerated in section 2, it appears that both pericopes exemplify theoretical discourse on ritual sacrifice that is characterized by (synchronic and diachronic) multivocality, with the various strata showing through the lines of the text, as reproduced here (in different fonts). Both reflect discursive and dialectic systematizations of a complex textual tradition, and even share similar conventional shorthand scholastic catchphrases.[78] Both also employ nonintuitive hermeneutic moves, relying on morphological and syntactic sensitivity (more than on symbolism, folk etymology, and other techniques found elsewhere in both Indian and Jewish traditions).[79] Moreover, they display an interest in the same kinds of

[75] The illustration of the scenario in Rashi *ad locum* (*ledivre ha-omer*) is נשפך הדם ("the [leftover] blood was spilt"); but the Talmudic formulation itself reveals that the spectrum of scenarios is much broader, including situations where there were no leftovers to begin with, since it is couched in terms of whether the leftovers of blood are a sine qua non (מעכבין) or not; and see Rashi himself on Yoma 60b (incipit שיריים מעכבי) and R. Joseph David Sinzheim, *Yad David* (2nd ed.; Jerusalem: Makhon Yerushalayim, c2005) 95 (ד"ה שירים מעכבים איכא בינייהו). See above, n. 53.

[76] The term "non-cultic" is Milgrom's (*Leviticus* 1:238: "in P "שפך" is 'noncultic'"). The roots of this dilemma are found already in the Priestly literature in the Pentateuch. See, for example, the shift from √*špk* (Exod 29:12 and passim), expressing elimination of excess blood, to √*yṣq* (Lev 8:15) expressing directionally oriented application of liquid; see Meshel, *Grammar*, 149. For the relation between Exod 29 and Lev 8, see Milgrom, *Leviticus* 1:545–49. Note, too, that the formulation in Lev 8:15b may reflect an understanding that the decanting fulfills a separate function—a detail not found in Exod 29:12. See also P. E. Dion, "Early Evidence for the Ritual Significance of the 'Base of the Altar': Around Deut 12:27 LXX," *JBL* 106 (1987) 487–90.

[77] As Rashi *ad locum* succinctly states, it is not sufficient to slaughter a new bull and decant some of its blood upon the base of the altar. To ensure that what is being decanted is in fact literally a leftover, enough of the ritual leading up to this residue-decanting needs to be carried out.

[78] In our brief pericopes (and in many others), the concluding *ikka beinayhu* (Aramaic for "there is between them") and *kim prayojanam* (Sanskrit for "what is the motive [for discussing the point in question]"), fulfill identical purposes, introducing a "minimal pair" of practical ramifications (*nafka minah*). If Jha's translation ("all the more so, according to your own opinion") is correct, then the technique employed is equivalent to Talmudic *mi-ṭunach* (lit., "from your own weight") argumentation. On a different level, related to contents rather than to general scholastic conventions, *lopaḥ* is comparable to *lo' 'ikkev* and the dichotomy *karma/akarma* is a conceptually close to *'avodah/einah 'avodah* (both literally denote "work/not work"). See above, n. 54.

[79] See Lubin, "Virtuosic Exegesis."

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hypothetical questions and shared conceptions of what types of arguments qualify as acceptable retorts.

In addition to these general convergences, JMS 4.1.27 and the pericope in BT 52b share a common nonintuitive hypothesis that serves as a driving force for both pericopes, namely, that the absence of the byproducts of a ritual process might conceivably invalidate the entire process and require its re-performance. Though this may not be a commonsense hypothesis, ruling out the nonintuitive offhand runs the risk of reducing ritual to the capacities of the reasoning mind. To sense the degree to which this shared hypothesis is nonintuitive, consider the following (admittedly imperfect) analogy to a modern birthday party ritual. If one imagines a birthday party that leaves no byproducts such as wrapping paper and leftover cake, a dilemma would arise. According to one view, the ritual removal of byproducts can be skipped, but according to another view, such an omission would invalidate the entire party. The guests would need to be re-invited, gifts presented and unwrapped, and a new cake baked, sliced, and served, only to ensure that the second time around some byproducts remain so that they can be disposed of properly.

Couching the convergence in philological rather than logical terms, one may resort to an experiment in "transposition," in which we excise a section of each text and append it to the other. In this case, the culmination of each of the two excerpts can be removed and attached to the end of the other text. Only a bare minimum of editorial intervention is required: since BT speaks of a *bull* (not a goat), and since JMS mentions also *dung* (not just blood), the word *par* (bull) needs to be emended to *śāʿîr* (he-goat) and *śakṛllohita-* (dung and blood) to *lohita-* (blood).

As a result of this transposition, each of the two texts would remain perfectly intelligible, logically intact, and fundamentally unchanged. To the question "*kiṃ bhavati prayojanam*?" ("what is the practical ramification?" [= *nafka minah*]), Śabara's moderator would respond with the statement, לדברי האומר שירין מעכבין, יביא שעיר אחר ויתחיל כתחלה בפנים ("according to the view that considers the disposal of byproducts indispensable"—which is the Pūrvapakṣin's view—then, if there is no blood to be disposed of, "he brings a different goat and begins all over again"). Conversely, the Talmudic pericope would prove that it was R. Joshua who held that there was a debate about whether or not the treatment of leftover blood is a sine qua non, since he would have been accorded with saying, "*sāmye sati lohitābhāve 'nyaḥ paśur ālambhanīyaḥ, lohite 'prayojakatve lopaḥ*" ("If they are on a par [= equally instigators], then if dung and blood are lacking, a different animal is to be killed, but if blood and dung are not instigators, it is skipped").

Note that in this process, the last nine words in ŚBh on JMS 4.1.27 are transposed with the last ten of the Talmudic pericope. As a result of this *Kopfvertauschung*, each of the two "heads" suits its new "body" so seamlessly that, had it not been for the intermingling of Sanskrit and Aramaic/Hebrew, the products of this transposition might not have been recognized by readers from each tradition as hybrids. Such a correspondence calls for an explanation.

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B. Caveats and Potentials

The "transposition" carried out here is admittedly an unsolicited modern intrusion into the two ancient scholastic traditions, which themselves intruded on the older ritual texts with inconvenient questions. Thus, in demonstrating that the two pericopes remain intact after the experiment, we do not wish to imply that a conversation between members of the two traditions would have been very likely in antiquity, nor that the two pericopes are fundamentally identical.[80]

In many ways, the experiment in transposition highlights the distance between the two traditions, underlining some of the fundamental dissimilarities enumerated above (section 2), such as the anonymity versus historicity of the interlocutors, and the stamp of authorship. Moreover, the fact that both pericopes happen to deal with the disposal of a common substance—blood—should not obscure the fact that there is a major dissimilarity between their attitudes toward blood. In the ancient Israelite sacrificial system, blood is arguably the most sacred of all *materia sacra*, and often a major reason for killing an animal in the first place.[81] By contrast, blood (*lohita*) very rarely figures in the Vedic sacrificial tradition as oblatory material (*havis*).[82]

Most importantly, the emic models underlying the surface similarities between the two pericopes differ in important ways. While both pericopes point to an identical dilemma—should the ritual be performed anew just because there happens to be no blood to be disposed of—the dilemma arises from different concerns. In JMS 4.1.27, it has to do with the status of blood qua potential member of an abstract category of instigators, while in BT 52b, it has to do with the status of *leftover* blood qua residual *materia sacra*.

This divergence reveals a double problem with byproducts of the ritual procedure, which are not mutually exclusive but are analytically distinct. In JMS 4.1.27, the main problem with byproducts is that they tend to occupy an ambiguous place within the fabric of ritual. They are inevitably present within the ritual arena and yet ostensibly useless. As such, their treatment participates in Mīmāṃsā's systematic analysis of which ritual elements are primary and which nonprimary. In BT 52b, the problem motivating the discussion of the byproducts is their sacrality: *materia sacra* is perceived as charged with a ritual potential that must be exhausted in the ritual process. Therefore, byproducts threaten to become potent and even dangerous residues, which must be offered or eliminated.

Nevertheless, it is precisely the analytical distinction between the two problems potentially posed by ritual byproducts, a distinction that comes to light more clearly

[80] For example, an actual misunderstanding between the Pūrvapakṣin and the Siddhāntin is unlikely (though the author may cleverly create one). Dilemmas such as R. Yohanan and R. Joshua ben Levi's debate regarding what the Tannaitic dispute was all about, or BT's editors' doubt about which amora held which claim, are not characteristic of ŚBh.

[81] See Milgrom, "Israel's Sanctuary."

[82] See Charles Malamoud, "Remarks on the Brahmanic Concept of the 'Remainder,'" in *Cooking the World: Ritual and Thought in Ancient India* (trans. David Gordon White; Delhi: Oxford University Press, 1996) 37 and n. 49.

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through the juxtaposition of the two pericopes than through the analysis of each on its own terms, that points to the potential explanatory power of the experiment in transposition for the study of these two ritual-textual traditions, and perhaps other traditions as well. With this distinction in mind, it will be possible to return in the future to each of the textual traditions individually and examine how the dilemma, in both of its forms, might inform each.[83]

C. Accounting for the Data

The primary thrust of this study has been to take a first step toward establishing common grounds for discussion between two distinct emic "sciences of sacrifice." Nevertheless, since each of the scholastic traditions discussed here emerged and evolved within specific historical and social contexts, some account must be given of the various factors that may have contributed to the convergence exemplified in this study. It appears that several distinct factors may account for the similarities we have discussed thus far.

First, both the ancient Vedic and the ancient Israelite traditions, in conversation with which Mīmāṃsā and the Talmud emerged, were characterized by an intense engagement in sacrificial ritual, in the sense that sacrifice played an important role both in action and in thought. Second, both Jewish and Indian intellectual elites in the first few centuries BCE and CE, who inherited the ancient sacrificial ritual texts from the Vedic and biblical traditions, were engaged in a form of scholasticism that was preoccupied with the development of hermeneutic techniques extending well beyond simple lexical equivalences, including counterintuitive textual maneuvers. Third, faced with a significant gap between an authoritative ritual text and ritual practice that did not align with that text, both systems found it necessary to bridge the gap. In the Talmudic context, this situation was determined to a great extent by the fact that sacrifices were no longer permissible after the destruction of the Jerusalem Temple in 70 CE, though gaps between ritual text and ritual practice existed also before the destruction. In the context of Mīmāṃsā, where there was no comparable abrupt cessation of sacrificial praxis, the gap is primarily between Vedic/Śruti texts and their alignment with ritual practice. Nevertheless, since the Mīmāṃsakas, the ritual theoreticians, are in many cases distinct from the *yājñika*s, the experts in ritual practice,[84] it appears that here, too, systematization and theorization of sacrificial ritual gained impetus at a time when the discussion of sacrifices was to some extent theoretical.

[83] We aim to revisit this question at length. On the ambivalence toward byproducts and leftovers in Vedic sacrificial traditions, see Malamoud, *Cooking*, 7–22. Interestingly, as Malamoud discerns the problem in the Vedic tradition, it is closer to the one described here as informing the pericope in BT 52b, but Malamoud hardly discusses the Mīmāṃsā tradition. For the treatment of this dilemma in rabbinic tradition, see Hillel Mali, "Ritual Leftovers and the Tannaitic Perception of Holiness," *Tarbiz* 88 (2022) 339–79.

[84] Krishna, "Mīmāṃsāka."

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Finally, a fourth factor, partially intertwined with the first three, is worthy of consideration. Both traditions reflect a lack of appeal to divine intentions as a determining factor in problem-solving: such desires or intentions are left out of the interpretive frame, which must be pressed hard to yield the truth within the text (and thus, within the practice). Thus, according to the theology that is operative in both traditions, sacrifice is not understood and valorized directly in terms of communication with the divine, but rather seems internalized: the text has an infinite surplus of meanings that god-ward language does not anticipate.[85]

Conclusions

This article reveals an unexpected affinity between two vastly different corpora, deriving from the Talmudic and the Mīmāṃsic traditions, in terms of dialectic discourse, terminology, ritual concepts, thought structures, hermeneutic assumptions, and a tendency toward formalization and abstract categorization—in a way that is, as far we know, unique in the ancient world. This affinity allows Talmudists and Mīmāṃsakas, for the first time, to study the discourse *about* sacrifice from a comparative perspective.[86]

One of the many horizons that such a comparative project opens—and the one pursued in this preliminary study—pertains to the development of a nascent "fundamental science" of ritual. A "fundamental science" of ritual must address questions such as: Faced with a continuum of ritual activity, how can we know where one act ends and the next begins? What determines whether one ritual is "like" another (within a single cultural context, or even cross-culturally)? What is the hierarchic relation between action and material: is *materia sacra* merely a means for carrying out ritual action; or is the sacrificial process merely a means for harnessing the ritual potential of the material, which must be exhausted "to the dregs"? What does it mean for a ritual to fail or to succeed? And finally—as in the example treated here—where does one draw the line between ritual and nonritual material and action?

Significant sections of Mīmāṃsic and Talmudic literature are dedicated to precisely these questions, both explicitly and implicitly. Thus, scholarly discussion on these fundamental aspects of ritual can be nuanced by incorporating the insights of these emic perspectives, stripped, through the comparative lens, of incidental considerations that derive from local exegetical concerns rather than from an underlying ritual "grammar." The abstract principles and categories developed and refined through a joint study of these two emic "sciences" will assist in developing and testing operative categories for a more general study of ritual, allowing one to

[85] We thank Francis X. Clooney, S. J., for this formulation.

[86] Since the characteristics of the Talmudic sacrificial discourse are shared by many other (nonsacrificial) sections of the Talmud as well, Talmudo-Mīmāṃsā supplies Talmudists with a unique opportunity to examine Talmudic discourse writ large, which is usually perceived as idiosyncratic (above, n. 6), from a comparative perspective.

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analyze rituals from additional cultural domains, including many that lack (second- or even first-order conceptualization) reflective texts on ritual.

This study addressed one fundamental question in such a "science of ritual," namely, the status of ritual byproducts. The treatment of byproducts, leftovers, and residues is, ironically, a cardinal aspect of sacrificial discourse. This theme, which was already the focus of attention in many Vedic and biblical (first-order) ritual texts,[87] became the locus of intense sophisticated analysis in (second-order) Mīmāṃsic and rabbinic texts.[88] Perhaps this is so because leftovers, byproducts, residues, and other nonprimary components reveal an instability inherent in ritual sacrifice: offering *materia sacra* inevitably generates byproducts, which occupy an ambiguous place within the ritual domain—they are not offerable and yet they are sacred and cannot be disposed of in any which way. Their treatment thus serves as a litmus test for distinguishing between degrees of ritualization; in fact, it is a way of asking a most basic question: What is ritual and what is not?[89]

Additionally, examining this aspect of discourse on ritual points to a potential ramification of Talmudo-Mīmāṃsā. Both traditions are involved in correlating rituals and texts in ways that lead them to highlight elements that lie in the shadows, as it were— byproducts of the ritual process whose ritual potential is questionable, and textual residues such as superfluous morphemes and apparent pleonasms whose hermeneutic potential must be exhausted. Certain scholarly attitudes toward ostensibly superfluous elements within sacred texts are thus, in a sense, a mirror image of ritual attitudes toward *materia sacra* derived from sacrificial victims.

[87] See Malamoud, *Cooking*; and Barbora Sojková, "Ritual Remnant (*ucchiṣṭa*) in Vedic Ritual" (MA thesis, Faculty of Philosophy, Charles University, Prague, 2016). Concern about leftovers of various forms (נותר, נותרת, הנשאר בדם, לא תותירו, etc.) is not only ubiquitous in various strata of the Priestly Pentateuchal literature (e.g., Lev 7:17–18; 19:7, and passim); it is a rare example of a concern shared by all of the other biblical law codes as well (Exod 23:18; 34:25; Deut 16:4; Ezek 43:21); see Naphtali S. Meshel, "Alter-Altars," *Journal of Biblical Literature* 143 (2024) 395–416.

[88] We have focused on one example from the fundamental Mīmāṃsā text, *Jaimini-Mīmāṃsā-Sūtra*, together with the commentary of Śabara, and on part of a pericope from tractate Zebahim of the Babylonian Talmud. A full-fledged discussion of the theoretical problems posed by ritual byproducts would have to take into account a host of additional passages. On the side of Mīmāṃsā these would include, at least initially, several other *adhikaraṇa*s within the series of test cases from sections 4.1 and 4.2 of JMS, such as the *adhikaraṇa* dedicated to the *sviṣṭakṛt* remnant-offering, and section 3.5 in its entirety, which is dedicated to ritual remainders. The path toward that direction of inquiry has been paved in Francis X. Clooney, S.J., "Difficult Remainders: Seeking Comparative Theology's Really Difficult Other," in *How to Do Comparative Theology* (ed. Francis X. Clooney, S.J., and Klaus von Stosch; New York: Fordham University Press, 2018). From the Talmudic side, these would include a host of pericopes pertaining to *šᵉyārîm (šîrayim)*, *nôtār*, and other byproducts of animal sacrifices, as well as grain-offerings and wine libations (see Mali, "Ritual Leftovers").

[89] On the continuum between "ritual" and "non-ritual" activities, suggesting a spectrum of "ritualization" rather than a strict Durkheimian dichotomy between sacred and profane action, see Catherine Bell, *Ritual Theory, Ritual Practice* (Oxford: Oxford University Press, 1991) 70–72, harking back to Goody and Rappaport. The emic perspectives analyzed here envision sophisticated models that allow for several discrete degrees of ritualization.

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Above ("Discussion," part A), we likened the textual experiment carried out in this study to a *Kopfvertauschung*, a "transposition of heads," whereby switching the final arguments of two pericopes—one Mīmāṃsic and the other Talmudic—left the line of reasoning fundamentally intact in both. We have now also considered some of the factors that may have contributed to the similarity between the two distant intellectual traditions—rendering such an unlikely experiment feasible—and the horizons that such an endeavor may open up. Head-replacement can be a violent and risky business, even when rooted in a commendable fascination with differences and an admirable "yearning for mutual exchange."[90] If performed in haste, the results can be unpredictable, judging from precedents ranging from the formation of the elephant-headed Gaṇeśa in Purāṇic lore[91] to R. Judah the Hindu's testimony on the sea monster redivivus in a Talmudic tall tale.[92] Nevertheless, a tradition extending back to the Ṛgveda suggests that, if performed with due caution, as in the case of the Aśvins, Dadhyañc, and the horse's head, it can lead to the obtainment of precious knowledge about the secrets of sacrifice.[93]

[90] For the "Verlangen nach Austausch," see Thomas Mann, *Die Vertauschten Köpfe: Eine indische Legende* (Stockholm: Bermann-Fischer, 1944 [[1]1940]) 11–12, in H. T. Lowe-Porter's translation.

[91] For the various versions of the myth, including Pārvatī's creation of Gaṇeśa, his beheading by Śiva in a fit of anger, and the scramble to replace his missing head with that of the first creature to be found, see Robert L. Brown, *Ganesh: Studies of an Asian God* (New York: SUNY, 1991) 1–5.

[92] b Bava Batra 74b.

[93] See Ṛgveda 1.116.12, 1.117.22; Śatapatha-Brāhmaṇa 13.1.1.1–26; Bṛhadāraṇyaka Upaniṣad 2.5.

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